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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. ENGEL).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC.
April 24, 2007.

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

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. DAVIS) for 2 minutes.

ARMY SPECIALIST JOEY CANTRELL

Mr. DAVIS of Kentucky. Thank you, Mr. Speaker.

One of the most solemn duties that we can have in the House of Representatives is to recognize the sacrifice, devotion and service of those who protect this Nation.

Mr. Speaker, today I rise to honor the memory of Army Specialist Joey Cantrell, a soldier from Westwood, Kentucky, who recently lost his life fighting in Taji, Iraq, serving with the Army's Second Battalion, Eighth Cavalry Regiment.

Specialist Cantrell graduated from Fairview High School in 2002 and was a celebrated athlete both on the football field and around the track. His football coach and mentor, Fairview school superintendent Bill Musick, told a local paper, ''You always noticed Joey Cantrell because of how he presented himself. He was a sharp kid.'' Joey overcame adversity, achieved academic excellence, was a leader and a tough competitor in athletics, and won the friendship of many. When it came to serving, his coach shared with me that Joey felt it was a call to go into the military.

Recently, I had the opportunity to visit with his mother Sondra Adkins. His family and friends remembered his warm smile, thoughtful nature and his ability to excel at everything he did. Joey Cantrell will be deeply missed by all who knew him. His mother shared that Joey believed in what he was doing and gave his life doing what he wanted to do.

Today, as we honor Joey's memory, our Nation grieves with his mother and his family. We are deeply indebted to Joey and thankful for his service. Soldiers like Joey Cantrell make me proud to be an American.

ON THE PASSING OF CONGRESSWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair recognizes the gentleman from Maryland, the distinguished majority leader, Mr. HOYER.

Mr. HOYER. Thank you, Mr. Speaker.

It is with deep sadness that I rise today to note the passing of our colleague and friend, Congresswoman Juanita Millender-McDonald, a dedicated public servant who worked tirelessly on behalf of her constituents in California's 37th Congressional District and a devoted representative who cared deeply for those she served.

Congresswoman Millender-McDonald was someone who never allowed the conventions of her surroundings to define the role she would play. Because she understood that education would unlock her budding potential as a community leader, Juanita achieved something extraordinary by earning a bachelor's degree from Redlands University at the age of 40, and a master's degree from California State University at the age of 47.

Because she recognized her duty to give back just a little of what she had learned, Juanita made our children's future her life's work by teaching math and English in the Los Angeles Unified School District.

Because she could not sit idly by when she had much to offer, Juanita turned to public service in 1990, becoming the first African American woman to serve on the Carson city council, the first African American woman to chair two committees in the California State assembly, and the first African American woman to chair a full committee in the U.S. Congress.

And because she never let go of her abiding faith in the fact that our tomorrows can be better than our todays, Juanita will be remembered, remembered as a leader who inspired action, drove progress and labored diligently to improve the lives of people throughout our Nation.

Mr. Speaker, the advocates of equal rights for women and minorities have lost a powerful voice in the U.S. Congress, one that always sought to bring people together by elevating the bonds that unite us as Americans and as human beings. Children and the working poor have lost a compassionate

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ally. Men and women seeking to participate in their own governance have lost a steadfast guardian of voting rights who fought to expand the reach of democracy, not only in spirit but in practice as well. And defenders of human rights have lost a champion of their cause who never missed an opportunity to remind the free world of its obligation to help alleviate suffering and restore fundamental human dignity to those who have gone without it for far too long, such as those suffering in Darfur. Juanita Millender-McDonald personified what it means to serve others before serving self.

Mr. Speaker, I want Juanita's husband, James, and her children and grandchildren to know that the thoughts and prayers of a grateful Nation are with them as they mourn their loss. We join them in their mourning but we also join them in their joy of a life well-lived.

CHAIRWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentlewoman from New York (Ms. CLARKE) is recognized during morning hour debates for 2 minutes.

Ms. CLARKE. Mr. Speaker, I just wanted to take a moment today to express my heartfelt condolences to the family, friends and constituents of Congresswoman Juanita Millender-McDonald and pay tribute to her legacy of leadership and her profound impact on this institution, the people she served and indeed our Nation.

Chairwoman McDonald was a trailblazer who paved the way for me and many others to be elected and to serve in the Congress. I am ever mindful of the legacy of integrity and excellence that she has imparted to each and every one of us. I embrace it and can truly say that she has touched my life. Though we were colleagues in this body for a short while, we had many moments of interactions that were truly empowering. She never missed a moment to be encouraging and complimentary.

Just a week ago or so before the chairwoman took her leave from the Congress, we encountered one another in this very Chamber. She inquired of me about how I was doing. My response to her was, ''I'm just trying to keep up with you, Madam Chair.'' She smiled her beautiful and elegant smile and said to me, ''You're doing it, girl.''

It has truly been a blessing for me as a freshman to have been acknowledged and encouraged by this truly remarkable, elegant and extraordinary role model. The legacy of Congresswoman Juanita Millender-McDonald will never be forgotten. It has been imparted to all of us and it will certainly always reside with me.

God bless you, sister. Thank you for all you have given to each and every one of us. Well done.

CHAIRWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentlewoman from California (Ms. WATERS) is recognized during morning hour debates for 5 minutes.

Ms. WATERS. Mr. Speaker and Members, I come to the floor today to join with my colleagues in recognition of a public servant who served in this august body, who served in the California State legislature, who served the city of Compton as a city councilwoman, who served as head of the NAACP in the city of Compton, who was a community activist, a legislator and not only a committed servant but a woman who was determined to make sure that she did everything possible to bring about justice and equality, not only for our people but for all people.

I have known Juanita Millender-McDonald for over 35 years. I knew her before she was the president of the Compton chapter of the NAACP. She contacted me when she became the president and we worked on some projects together. We went on to work on many projects together. When my son ran for the California State legislature, she was involved with his campaign. When her son made an attempt to get back into professional football, my husband who was a professional football player, having played for the Cleveland Browns, helped to connect him with some recruiters in order to get him into professional football. And so we have interacted on a professional level, on a personal level and in so many ways for such a long period of time.

We have been involved in some of the same kind of issues over the years. I can recall, it was not so many years ago when it was revealed that perhaps our government had known about drugs that were being transported from Nicaragua into south central Los Angeles, and, of course, that revelation kicked off a firestorm in this country. Juanita McDonald invited the head of the CIA to come to south central Los Angeles to speak to the people and tell them what he knew about the Contras and about the Sandinistas and our involvement with the drug trade, this government. Did this government turn a blind eye while drugs were being transported across our borders?

It was an unusual event. Never had the head of the CIA been to a community to speak with the people, and people were everywhere. The FBI, the CIA, everybody was standing on roofs all over the place. It was a spectacular event. But that was her style.

Juanita McDonald and I not only worked on that issue in different ways. We have been involved in trying to save Martin Luther King Hospital for a number of years now. This has been a tough, tough battle. This hospital was born out of the ashes of the insurrection of 1965 in south Los Angeles. This is an institution that is so very much needed but is such at risk at this point. This institution has been threatened by the Federal Government to withdraw all of its Federal funds and we have fought day in and day out, month in and month out, year in and year out to maintain the funding from the Federal Government so that that hospital could stay there for people who need it so desperately.

Juanita McDonald has organized many meetings. She has interacted not only with CMS and the Federal Government but all of the county officials. Time after time we have sat before the board of supervisors, imploring them to do everything that they could to straighten out the problems at Martin Luther King Hospital, to work harder, to make sure there was the management and the supervision.

Juanita McDonald cared about health issues. Not only was she involved with trying to save Martin Luther King Hospital, she organized an AIDS walk that took place every year. She and her women's group organized and each year they went to one of the stadiums in the south Los Angeles area and they held their walk. It got a lot of attention, but this was her way of saying to the community, not only do I care about AIDS, I'm willing to put some quality time and attention on this issue. I want you to get tested. I want you to get involved in learning how you can protect yourself from being infected with HIV/AIDS. And so it is just a small example of the care and commitment that she has demonstrated over the years, whether we talk about health care or education or voting rights that she was so very much involved in before she took her leave of absence.

She cared about justice. She cared that this democracy would truly act in ways that supported the proposition that everybody has the right to a decent quality of life. Everybody must be protected by the Constitution of the United States of America. Everybody must enjoy the benefits of living in this great country. And she reached beyond with care for the mother continent of Africa. She was involved in those issues, also.

And so I stand here today to say, Juanita McDonald has taken her place in history and she did it her way. Sometimes we did it different ways, but she knew what she was doing and why she was doing it the way that she did. Her husband can be proud. Her children can be proud. And we can all be proud that we had the blessing and the opportunity to live and work with a woman of substance, a woman who cared, a woman who gave of herself and a woman who left us with dignity, a woman who never complained, a woman who never said, I feel bad, I have pain, I can't do it today. She worked right up until she took a leave of absence just a few days ago.

I am proud to stand here and say that I knew her, that I worked with her, that I have appreciated everything

that she has contributed to our great society.

CHAIRWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Texas (Mr. AL GREEN) is recognized during morning hour debates for 1 minute.

Mr. AL GREEN of Texas. Mr. Speaker, first allow me to please say amen to the words of the Honorable MAXINE WATERS.

Mr. Speaker, I rise to celebrate the superlative life of a superb woman, the Honorable Juanita Millender-McDonald. Indeed, she was a devoted wife, a loving mother, a superior scholar, a preeminent educator, and a powerful legislator.

Notwithstanding all of this, Mr. Speaker, she had a positive air and a special flair. She was a pillar of probity. Her integrity was beyond reproach. She was a repository of respect. Her mere presence commanded respect. She was the queen of self-esteem. She was comely, courtly and stately with a positive personality.

We were truly blessed to have her among us, she will surely be missed by us, and I thank God for her.

CHAIRWOMAN JUANITA MILLENDER-McDONALD

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

Mr. DAVIS of Alabama. I thank the Chair for recognizing me.

Members of the House, we tend to use the term ''friend'' very liberally in this institution. We often apply it to anyone with whom we have had more than a casual or passing conversation. Juanita Millender-McDonald was someone that I genuinely viewed as a friend, not in the way the Members of the House use that term but in the way that ordinary people who are watching this on television use it.

There were a lot of days when we sat on this floor and we talked together. There were a lot of days when we sat on this floor and we exchanged confidences. There were a lot of days when we sat on this floor and I spoke to her of my aspirations and my goals and she spoke to me of hers. There were times when I spoke of my family and she spoke of her abiding, continuing faith in her family.

Many people do not realize because she did not speak of it a great deal, but Juanita was from Birmingham, Alabama, and it is a tragedy that a black woman born in 1937 or 1938 felt that she had to leave the State of Alabama to reach her full promise. Juanita did. And it was my State's loss. She went to the State of California, and so many of my colleagues have told the story of her wonderful ascension and her wonderful career there. But she always retained memories of growing up in the South. She always retained memories of growing up in a segregated environment. And her family, much of it remains there.

Another thing that was not widely known, Juanita's brother, Shelley Millender, was a longtime radio talk show host in the city of Birmingham and I have had a long-time attachment to him. When I ran for this job for the first time, there were very few people who would welcome me onto their programs or into their forums. The very first one to do so was Shelley Millender. He did it constantly and I have always appreciated that.

Juanita's nephew, Shelley, Jr., has become a friend of mine and I always enjoyed telling her how proud she should be of him and how well he conducts himself in the city of Birmingham.

So, Mr. Speaker, what I want to say today, Juanita Millender-McDonald was a phenomenally elegant, restrained and dignified woman. She richly deserved the title Madam Chairwoman that she was just beginning to wear so well, and I will remember my last conversation with her sitting just off this floor. It was not uncommon for us to gather and talk about what was going on as we left the floor. I remember her telling me during that conversation how much she looked forward to her work on the House Administration Committee. I remember her telling me how much she looked forward to several hearings that were upcoming. She never had the chance to do that which she talked about that day. But I will always remember her confidence, her courage, and her decency. And as she and her family watch and as they prepare for God to take her back to her home in heaven, know that the time she spent here was well served and the legacy that she left honors her native State of Alabama, my State, and the State she adopted and served so ably, California.

REMEMBERING JUANITA MILLENDER-McDONALD

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

Mr. JACKSON of Illinois. Mr. Speaker, I want to send condolences to the family of my colleague, Chairwoman Juanita Millender-McDonald, and let them know that they are in my heart and in my prayers. I also want to send condolences to the people of the 37th Congressional District of California who placed their faith and trust in the strong, dedicated and elegant Juanita Millender-McDonald.

You have heard from some of my colleagues about the many firsts that Juanita achieved here in the Congress of the United States, including serving as the first African American woman to chair a full committee in the United States House of Representatives. But I just want to take a moment to reflect upon an aspect of her strength that was not readily apparent but clearly on display long before she came to Congress. While some of us have focused on the life that she lived, I want to talk about the Juanita Millender-McDonald who did not believe in self-pity but believed in using what she had to make a difference.

While many of my colleagues will come to this mike and talk about the life that she lived and her service to a grateful Nation, Juanita Millender-McDonald taught us something about character in her transition. No self-pity. Not a single Member of Congress knew that Juanita was ailing and that her ailment was terminal. Juanita did not want to walk around the House of Representatives and have Members of Congress feeling pity for her or feeling sad for her or making special speeches or concessions to her. She wanted all of us to recognize that we live our lives as if life is certain and death is uncertain, when in reality it is death that is certain and life that is uncertain. And, therefore, each of us is under an obligation to do the very best that we can with the time that God has given us on this Earth and in this world.

The Bible talks about serving this present age. ''O may all my powers be engaged to do my Master's will.'' Clearly the type of ailment that ailed our colleague and our close and dear friend, Juanita Millender-McDonald, was not the kind of ailment that strikes one suddenly. She knew about it for quite some time and chose not to share it with Members of Congress. That is a statement about her dignity. It is a statement about her commitment to public service. It is a statement about character. And it is a statement about her strength under extraordinarily life-threatening odds.

Juanita Millender-McDonald was married, she raised five children, and then went to college to launch an impressive and inspiring career at an age when many people start slowing down. She combined higher education with her native Alabama wisdom and she set out to show women and men in life and in death that no matter where you came from, you can go where you want to go. She was a living example of the power of not only keeping your eyes on the prize but putting in the old-fashioned elbow grease to earn it.

No self-pity. She didn't want people looking down on her or feeling bad about her or seeing her physical ailments. No self-pity. She possessed the necessary tough-mindedness combined with the tenderheartedness that Dr. Martin Luther King, Jr. talked about. She understood, and Dr. King wrote, ''There is little hope for us until we become tough-minded enough to break loose from the shackles of prejudice, half-truths and downright ignorance. The shape of the world today does not

permit us the luxury of soft-mindedness. A nation or civilization that continues to produce soft-minded men and women purchases its own spiritual death on an installment plan.''

I am proud to have had the opportunity to serve with Juanita Millender-McDonald, and once again I send my condolences to those who loved her. The House and the Nation have lost a dedicated public servant and someone who in life and death has taught us the meaning of character.

CHAIRWOMAN JUANITA MILLENDER-McDONALD

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

Mr. LEWIS of Georgia. Mr. Speaker, we are here today to honor one of our colleagues, Representative Juanita McDonald of the 37th District of California.

Representative McDonald was an extraordinary woman. She was born in Birmingham, Alabama at a time of racial violence and overt displays of the most open and systematic forms of racism. But she did not let that hold her down or hold her back. She went to college in California, she became a teacher in the Los Angeles school system, and throughout her career she used education as an instrument for change.

She was a great teacher, and she used the power of knowledge and her commitment to human understanding to break down institutional barriers and to reach across the aisle.

I think that is why she made so many strides as a Member of Congress. She knew gaining mutual understanding was the only way to build coalitions and lay all differences aside.

That's why her creativity and skillful leadership became legendary. She was the first Democrat to chair the Congressional Caucus For Women's Issues and she used that power to build a coalition between the women of the Supreme Court and the women of Congress. She knew the differences in their roles as public servants didn't matter. She believed all women in government shared a common bond.

She took concerned women of Congress to meet delegates to the United Nations to unify the global struggle against the exploitation of women and girls.

She developed the first National Teen Dating Violence Week as a platform for all women to speak out against a common problem—violence against teen girls. And she was the first Member to bring the head of the CIA to the city of Watts to address longstanding, widespread allegations of drug dumping in that community.

And, of course, she was the first African American to chair a full committee, the Committee on House Administration. This committee oversees some of the great educational institutions of our Nation—the Library of Congress, the Smithsonian Institution, the Government Printing Office, and the Capitol Fine Arts Board.

We can only dream about what this great teacher would have done in this capacity. I know she would have used the power of knowledge and education as an instrument of change.

But beyond that, Juanita McDonald was an elegant lady. She may have moved to California, but she never lost her southern charm. She was always a lady—as tough as steel but as sweet as honey. She was more than a colleague. She was our sister, our friend. Juanita was a sharp dresser, and sometimes she would dress to kill. She was beautiful on the outside and on the inside. She had a sweet, sweet spirit, and she will be deeply missed.

Sometimes when she would see me, she would call me Mr. Civil Rights. And sometimes when she would see Sanford Bishop, David Scott and me together, she would say, ''What are you Georgia boys doing? What are you up to?''

And when she was planning programs in her district, she would stop by to see members of the Georgia delegation and tell us she needed a box of peanuts. And we would all ante up and make those peanuts available to her.

It is so unreal. It is so unbelievable that we will not see her on the floor of this Chamber again. Life is short, too short. We are here today, and we're gone tomorrow, but her spirit and her memory will live on in all of us.

With the passing of Congresswoman McDonald, it seems the world is a little darker. It seems that a light has gone out. Maybe here in this Chamber and on this Earth a light has gone out. But in another part of the universe Juanita is shining brighter than ever before.

CHAIRWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from New York (Mr. MEEKS) is recognized during morning hour debates for 2 minutes.

Mr. MEEKS of New York. Thank you, Mr. Speaker.

I had to come to the floor today in remembrance of a phenomenal woman, Juanita Millender-McDonald. My heart is pained and it is unbelievable that we will not see this great woman, at least not on this planet, again. She was a woman that anytime that you saw her, she stood with such dignity and grace. She was a woman who was honest. I can recall when I would go to her and ask her opinion on various issues. She wouldn't tell me what I wanted to hear. She would tell me what I needed to hear. She would tell me what was indeed right. Being the father of three daughters, I can't help but say, Thank you, Juanita. Thank you for being the pioneer that you were. Thank you for blazing a trail, a trail that's so wide for women, all women, like my three young daughters, so that they can walk now on that path, so that they now can have opportunities that were denied others because you have fought the fight.

In the church that I come from, the question is, have you helped someone, and the song says, ''If you've helped someone, then your living shall not be in vain.''

In the life story of Juanita Millender-McDonald, she has indeed helped a whole lot of somebodies and she has made life better for a lot of children yet unborn. She has made history. And in the camera of history and in the camera of life of Juanita Millender-McDonald, it will be recorded that she was a soldier in this thing we call life, and she was a leader for all human beings but in particular to make sure that women, that their tomorrow is better than their yesterday or today.

Juanita, we will miss you, and we know that as you see the good Lord, He's saying, ''Well done, Juanita. Job well done.''

THE STATE OF INTELLIGENCE'S UNION

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

Mr. STEARNS. Mr. Speaker, it is 6 years after 9/11, and reform of the intelligence community continues to be a primary concern for all of us. At the swearing-in ceremony of Director Mike McConnell, President Bush outlined three main categories for improvement: the need to strengthen individual agencies, increase information sharing action and improve the quality of intelligence produced. I wish to discuss this morning what this means.

The intelligence community has established new hiring and employment reforms to strengthen the workforce. Under the direction of the Director of National Intelligence (DNI), there is now a comprehensive intelligence community plan that focuses on hiring a more diverse workforce to address the critical need for variety in languages, backgrounds, and skills. He has also appointed a chief of equal employment opportunity and diversity, and has agreed to a set of wide-ranging recommendations that the diversity senior advisory panel made in their report: ''Diversity: A National Security Imperative for the Intelligence Community.''

The Director of National Intelligence is also establishing ''joint duty'' as a requirement for promotion to senior positions. This is imperative in transforming the culture to increase integration and a collaborative nature among agencies. It will also reduce ''stovepipe'' mentalities which hampered collection efforts pre-9/11. These are important reforms, Mr. Speaker, and good initiatives that have been undertaken to address the human resources challenges facing the intelligence community. I look forward to

seeing the outcome of these reforms, and hope to see even more innovative programs to strengthen our human intelligence capabilities.

One of the critical lapses identified after September 11, particularly by the 9/11 Commission report, was the poor information sharing among agencies and departments. Recently there have been some improvements in this area. The National CounterTerrorism Center, NCTC, recently published a report entitled ''NCTC and Information Sharing: Five Years Since 9/11, a Progress Report.'' The NCTC reports that today, following many reforms, analysts have access to dozens of networks and information systems that they were previously denied. This access is across intelligence, law enforcement, military, and homeland security communities. This enormous increase of the amount of information, while ultimately beneficial, also raised the concern of becoming overwhelmed by the flood of this new information. Therefore, the NCTC is continuously exploring new technologies to help analysts manage these volumes of terrorism-related data.

The NCTC also reports that they host communitywide video teleconferences three times a day to ensure awareness of ongoing operations and emerging threats. Participants in these video teleconferences can correct misunderstandings, compare notes, and share best practice ideas to enhance the capabilities of all involved. Mr. Speaker, this is a vital component to the ability to detect and respond effectively in real time to emerging terrorism threats.

They have also created an online counterterrorism library allowing non-intelligence community agencies easier access to counterterrorism information. This library today hosts over 6,000 users, 6 million documents, and has over 60 departments and agencies that contribute information to its files.

Finally, the ODNI has reformed overseas collection efforts among agencies, focusing collection efforts on the stated needs and goals of the policymakers receiving the intelligence products. In a March 4 press release from the public affairs of the Office of Director of National Intelligence, ''The intelligence community has strengthened the quality of intelligence provided to policymakers through initiatives like the mission managers concept. Among the most experienced in the intelligence community, mission managers have highly developed analytical and collection management skills and they focus on the topics of highest interest to our policymakers. This strategy allows the intelligence community to identify collection gaps and address resources to cover those gaps, ensuring analysts have the required information to support policy decisionmakers.'' They have also streamlined production of National Intelligence Council (NIC) products, increasing output and minimizing delays in production time. They have included both more effective explanation behind judgments and the inclusion of alternative views of analysts, to incorporate a wide range of opinions and combat the dangers arising from ''group think.''

I look forward to monitoring the progress of these important first steps. However, it is vital that we maintain our momentum. As Director McConnell stated in his swearing-in speech, ''Taking advantage of these advances in technology, today's threats move at increasing speeds. The time needed to develop a terrorist plot, communicated around the globe, and put it into motion has been drastically reduced. The time line is no longer a calendar, it is a watch.''

THE REAL FILTHY SECRET BEHIND THE COAL ADS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from West Virginia (Mr. RAHALL) is recognized during morning hour debates for 4 minutes.

CHAIRWOMAN JUANITA MILLENDER-MCDONALD

Mr. RAHALL. Mr. Speaker, I join with my colleagues in the words of mourning and celebration of the life of our late colleague, Juanita Millender-McDonald. She was a leader on many issues as we have heard stated already. And foremost among those in my opinion was her leadership and her vision as the first African American female chairman of a major committee here on Capitol Hill. She had a plan for how this City on a Hill would operate in a more smooth and efficient manner. And while she may not be with us to see that vision carried out, it is my hope that we will carry it out in memory of her. So to her husband and to her children and to her grandchildren, I hope that her memories will serve as a source of inner strength, inspiration, courage and love for the rest of their lives.

Mr. Speaker, on another subject, if I might, over the last few weeks, a series of anti-coal advertisements sponsored by a group called the Clean Sky Coalition have been running in prominent publications, such as the Wall Street Journal, the Washington Post, and other publications that we in this body come to rely upon each day and view each day. These ads feature photos of people whose faces are smeared with coal dust and the headline reads, ''Face It, Coal Is Filthy.'' Indeed, there have been bumper sticker handouts on the streets of Washington, DC, stating that same phrase.

But the real filthy secret here is that the people depicted in these ads are not our Nation's coal miners but they are Hollywood models, and the ads are not being financed by environmental groups as one might be led to believe by the title of Clean Sky Coalition but, rather, these ads are primarily being financed by elements of the natural gas industry, including Chesapeake Energy Corporation headquartered in Oklahoma City. These ads are despicable and so is this so-called Clean Sky Coalition. The sponsors are not being truthful and they would have you to believe that it is merely environmental groups leading this campaign. The filthy secret is that this ad campaign is about market share. It's about profits. It's about one segment of the energy industry trying to bamboozle the general public and policymakers to sell more of its product.

And the filthy secret is that these ads completely ignore the tremendous progress being made to burn coal cleanly and ignore the national security interests of this country. The only truth here is that these ads are an insult, an absolute insult to the hardworking men and women who go beneath this Nation's bowels each and every day to produce the energy that provides for this Nation's electricity.

CHAIRWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Louisiana (Mr. JEFFERSON) is recognized during morning hour debates for 2½ minutes.

Mr. JEFFERSON. I thank the Chair.

A 17th century poet John Donne speaks to death thusly: ''Death be not proud,'' he says, ''though some have called you mighty and dreadful, for thou art not so. And those thou thinkest thy doth overthrow die not, poor death. A short sleep past, we wake eternally and death shall be no more.''

This is the confidence in her Christian faith with which our sister, Juanita Millender-McDonald, lived and with which she passed from this earth. This is what she meant when she told her family that she was going home. This is what we saw and at which we marveled as we observed her peace on display in the final hours that she worked amongst us, giving not a hint of distress or brokenheartedness or loss of confidence. Her grace and elegance in her final months and years when she knew well her earthly fate is a lesson in how to live and how to leave this life for those of us who still live on this side.

Chairwoman Juanita Millender-McDonald was serious about her work. I had the pleasure of finding this out firsthand when I was Chair of the Congressional Black Caucus Foundation and Juanita was chair of the CBCF's annual legislative weekend. She helped to organize this event, which drew over 40,000 African American leaders to Washington, with great attention to detail, taxing all of us—sometimes we thought then too much—to meet our responsibilities and on time. But the result was a magnificent event heralded by all of us as one of our very best. This House got only a glimpse of her profound organizational skills as she had the chance to serve us only a

short time in her post as Chair of the Committee on House Administration. It would have been wonderful for we who work here and for our Nation if we had been privileged to see more.

As it is now, we welcome our sister to her rest in the bosom of her Lord and we pray for comfort and peace for James, her husband, and their five children and grandchildren, and we thank her for her friendship and commitment to the House, to her constituents, and to her country. She served us proudly and well, and she will be well remembered.

RECESS

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

Accordingly (at 11 o'clock and 15 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

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

In the end it is faith that proves victorious. Days come and go. Wars and famine cry out for justice, charity and peace. It is faith which helps us all respond to every call. It is faith that strengthens Your people for the struggle and, in the end, brings promise beyond the sacrifice.

Lord God, as faith inspired the apostles and martyrs and all who have gone before us, let living faith now find expression in us through acts of love that will excite hope, especially in the hearts of the poor and the fragile.

Help the Members of Congress and all Americans make decisions today that will build a justice that will not fail tomorrow. With faith, enable them to set aside goods of the present moment in the hope of attaining eternal good. With faith, it is possible to hope to change the present for the future.

We pray for the Honorable Juanita Millender-McDonald and all Your servants who have served You and Your people in public service. With faith, they can leave this place and find in You eternal reward. The free children of God are always on the move, both now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. POE led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. RES. 175

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Juanita Millender-McDonald, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the late Representative.

The message also announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1681. An act to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

The message also announced that pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, the Chair, on behalf of the President pro tempore, appoints the following Senators to the United States Holocaust Memorial Council for the One Hundred and Tenth Congress:

The Senator from Utah (Mr. HATCH).

The Senator from Minnesota (Mr. COLEMAN).

The message also announced that pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105–275, further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 20, 2004), the Chair, on behalf of the Republican Leader, announces the appointment of the following Senators to serve as members of the Senate National Security Working Group for the One Hundred and Tenth Congress:

The Senator from Mississippi (Mr. COCHRAN), Co-Chairman.

The Senator from Arizona (Mr. KYL), Administrative Co-Chairman.

The Senator from Kentucky (Mr. MCCONNELL), Co-Chairman.

The Senator from Mississippi (Mr. LOTT), Co-Chairman.

DEMOCRATS' IRAQ SUPPLEMENTAL BILL DENIES PRESIDENT AN OPEN COMMITMENT AND BLANK CHECK

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

Mr. BUTTERFIELD. Madam Speaker, this week Congress will vote on an emergency war spending conference report that fully funds the war and our troops, and yet the President is still threatening a veto. The President's problem with the bill is Congress' strong message that we are not going to allow the war to go on indefinitely.

In years past, the President has dealt with Republican-controlled Congresses, which simply rubber-stamped his requests, despite countless mistakes in Iraq. Last November, the American people demanded a change.

Last month the Congress acted and brought a serious change to our policy in Iraq. We demanded that the Iraqi Government meet the political and economic benchmarks that the President himself outlined earlier this year and set timelines for withdrawal if those benchmarks are not met.

Defense Secretary Gates himself, last week, said that the timelines we passed here in Congress and the pressure that our legislation exerts on the Iraqi Government is having a positive impact. Our legislation is already impacting the events in Iraq. The President should allow this to continue by reconsidering his threat to veto the legislation.

THE IRAQ SUPPLEMENTAL

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

Mr. GINGREY. Madam Speaker, I rise today on behalf of our troops who are still waiting for critical funding needed to fight the war on terror. I want to make sure the American people understand what is happening with legislation that provides money for our soldiers.

Instead of passing a clean bill the President could sign into law, the Democrats chose to pass a political statement that ties troop funding to arbitrary withdrawal deadlines, and it's loaded with earmarks. The Democrats have even dragged their feet on their own legislation, taking a 2-week recess without funding our troops and spending another week in Washington bickering over a bill that they know that the President will veto.

Why are we playing politics with money for our soldiers? Our troops can't win this war with political rhetoric. They need money, they need supplies, and they have been waiting over

70 days since the President made the request. I call on this House to pass a clean bill, get it to the President's desk, so we can give our war fighters the tools that they need to achieve victory.

SCHIP

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

Mr. CARNEY. Madam Speaker, I rise today in support of the SCHIP, the State Children's Health Insurance Program.

My home State of Pennsylvania is a model for this widely successful program. Our distinguished former Governor, the late Robert P. Casey, knew how important it was for Pennsylvania's children to have access to quality, affordable health care.

By meeting the health care needs of our children, we are better preparing them to be healthy adults. Numerous studies have shown that children with health insurance perform better in school and have higher attendance rates. Every child deserves a chance to grow up healthy and strong.

As the proud father of five, I know personally how important it is to have access to doctors, pharmacists and hospitals that your family can trust. Unfortunately, not all families have this security. Children without insurance are sometimes forced to delay treatment or put off preventive care entirely.

Our working families deserve better quality health care for their children. This is not a partisan issue. Rather, providing our children with health care should be a top priority for this Congress. Since its enactment in 1997, SCHIP has been enormously successful in reducing the number of uninsured children across the country.

HEALTH CARE SOLUTIONS WITH CREATIVE FEDERALISM

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

Mr. PRICE of Georgia. Madam Speaker, this week is ''Cover the Uninsured Week,'' highlighting the fact that the health and well-being of our Nation's future is at stake.

Over 45 million Americans will be without health insurance at some point during this year. It's past time that Washington helps find real solutions to this very real problem. With colleagues on both sides of the aisle, and in the House and Senate, we have introduced legislation that will begin to take a meaningful approach to bringing down the cost of health care and help cover all Americans.

The Health Partnership through Creative Federalism Act, H.R. 506, empowers individual States and regions to develop unique solutions to fit the needs of their citizens. We are fighting to put the needs of patients first.

Unlike many other proposals, our reform rejects a one-size-fits-all model. The inflexibility of such an antiquated approach has continually proven ineffective in addressing individual health care needs. Working together, we can find a way to provide health care coverage for all Americans, so that American families will have a brighter and healthier future.

AMERICANS WITHOUT HEALTH INSURANCE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to address my concerns for the 5.4 million Texans who are without health insurance. Nearly 25 percent of Texans are uninsured. That's the highest rate in the entire country. The irony is that Dallas and other cities have great health care networks.

The problem is that of access to care. In Dallas, there are many examples of health care excellence, including Parkland Memorial Hospital, Baylor University Medical Center, Methodist Medical Center, UT Southwestern Medical School, the Dallas Veterans Administration Medical Center, and others.

However, the price of insurance is robbing Texans of access to the appropriate medical care. Emergency rooms are overcrowded. Only half of Texas children are covered by employment-based insurance.

We must fix the problem of the uninsured. Affordable, accessible health care coverage should be available to every American. Health care should not be a cash cow for the insurance companies.

THE WAR IN IRAQ

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

Mr. PENCE. Madam Speaker, as President Bush said yesterday, this is a tough time in Iraq.

This week our Congress will hear from our commander in Baghdad, General David Petraeus, here on Capitol Hill. I suspect we will hear what I heard from General Petraeus on the streets of Baghdad just 3 weeks ago. That is, despite a wave of recent insurgent bombing, this war is not lost.

In fact, because of the President's surge and the brave conduct of our forces and the Iraqi forces, we are making modest progress in Iraq. In Baghdad, despite recent bombings, sectarian violence is down. Baghdad is not safe, but it is safer because of the presence of more than two dozen U.S. and Iraqi joint operating centers, and now more than 20 Sunni sheiks across the Al Anbar Province have united together to oppose the insurgency and al Qaeda.

I truly believe that we are making progress because of the President's surge. This war is not lost. The American people know in their hearts that victory is our only option.

Let's give General Petraeus a willing ear, the time and the resources and the authority to secure a victory for freedom in Iraq, for ourselves and our posterity.

EQUAL PAY DAY

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

Mrs. MALONEY of New York. Madam Speaker, today we observe Equal Pay Day, the day that indicates just how far into each year a woman must work to earn as much as a man earned in the previous year.

Women are more highly educated and productive than ever, yet these gains have not yet translated into equal pay across the board. A Government Accountability Office study that JOHN DINGELL and I sponsored showed that when occupation, marital status, job tenure, industry and race are accounted for, women still earn eighty cents for every dollar men earn.

This wage gap extends across all income levels and occupations, and it's even wider for minority women. There is no excuse for this gap between men and women. Both men and women must feed their families and pay their rent. Let's pass the Paycheck Fairness Act and close the gender wage gap for good.

VICTIMS SHOULD BE SEEN AND HEARD

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

Mr. POE. Madam Speaker, to support National Crime Victims Week, the Washington Post printed an opinion piece submitted by a criminal defense lawyer that belittled victims of crime, implying that victims are what is wrong with the criminal justice system and our society.

It seems the op-ed writer does not believe the criminal justice system should pay any attention to victims. To him, crime victims should not be seen and not heard. However, the same Constitution that protects defendants also protects victims of crime.

Justice is viewed as a scale, a balance. As a former judge, I always balanced the rights of defendants with the rights of society to be safe and the rights of crime victims. A court of law is to seek justice, justice for defendants and justice for victims.

Sometimes defendants don't want justice, especially the guilty ones. They think it's Burger King, where they can have it their way. But justice is not having it your way. It's doing the right thing for the right reason. The right thing is for victims to be heard and present in our courts of law, and then let the courts weigh the rights of the defendants and victims to achieve justice so that we can have liberty and justice for all.

And that's just the way it is.

IRAQ TIMETABLE AND FUNDING

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

Mr. MCNERNEY. Madam Speaker, this Congress remains committed to forging a new direction in Iraq. Overwhelmingly, the American people support our plan to establish important benchmarks and a responsible timetable to redeploy the troops.

Yet, the President has threatened to veto our legislation, even though it ensures our troops have everything they need, and for our veterans when they return home. However, just last week, Defense Secretary Robert Gates said, and I quote: The debate in Congress has been helpful in demonstrating to the Iraqis that American patience is limited.

Mr. Gates went on to say that the strong feelings expressed in the Congress about the timetable probably has had a positive impact on communicating to the Iraqis that this is not an open-ended commitment. To ensure that the Iraqis step up and take control of their own country, we must continue to demonstrate that the American people will not stand for an open-ended commitment of American resources or personnel.

□ 1215

INTERNATIONAL SOLID WASTE IMPORTATION AND MANAGEMENT ACT

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

Mr. WALBERG. Madam Speaker, since 1992, Michigan has not been able to control the millions of tons of trash entering our State from Canada, and the problem continues. Every day, over 400 trucks from Canada dump trash into our State. These trucks come barreling across the border without inspection and examination, raising a viable national security threat.

At this time, our State government has almost no say in whether or not Michigan should accept the over 4 million tons of trash and hazardous waste from Canada every year. Michigan instituted laws banning Canadian trash in 1988, but the Supreme Court struck down these laws a mere 4 years later and ruled that Congress has not granted such authority to our State.

For too long, Michigan has had its hands tied by the Federal Government, and it is time to let the decisions about the integrity and the safety of our land be made by those who inhabit the land. As a proud cosponsor of H.R. 518, I urge my colleagues to support the International Solid Waste Importation and Management Act and empower Michigan to make certain the beauty and safety of our land remains intact for generations of Michiganders to enjoy in the future.

HOUSE DEMOCRATS LOOK TO COVER SOME OF OUR NATION'S UNINSURED BY EXPANDING SCHIP PROGRAM

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

Ms. HOOLEY. Madam Speaker, last month the Democratic Congress showed the commitment to expanding health care coverage to millions of children who are currently uninsured. In our budget for the upcoming fiscal year, we included a $50 billion funding increase for the SCHIP program so that we can provide health to millions of additional children.

After SCHIP was created 10 years ago, the number of uninsured children began to fall every year. But last year, for the first time since 1998, the number of uninsured actually went up.

As we recognize Cover the Uninsured Week, it is important to highlight the growing number of families without access to affordable health insurance and the need for this Congress to strengthen SCHIP now. For 6 long years, this problem of the growing number of uninsured has been ignored. This new Democratic Congress will not ignore the problem. We are committed to expanding health insurance to millions of children who need insurance, and our budget gives us the opportunity to achieve this worthy goal this year.

REJECT THE IRAQ EMERGENCY FUNDING BILL

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

Mr. NEUGEBAUER. Madam Speaker, this week the House will once again take up an Iraq emergency funding bill which is seriously flawed and should be rejected.

Having 535 politicians attempt to micromanage the war on terror from atop Capitol Hill is a recipe for disaster. This Congress should not be telegraphing our war strategy to the enemy and setting arbitrary timetables for withdrawal, nor should we be tying the hands of our Commander in Chief and military leaders on the ground.

Iraq has become a central battlefield on the war on terror, not because we say so, but because the terrorists themselves have declared Iraq to be the central front for their global jihad. Therefore, it is vital that we win the war and achieve success in Iraq. To do so, this Congress must reject efforts to micromanage the war and give the Iraqi new strategy opportunity to succeed.

HONORING MR. DAVID HALBERSTAM

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

Mr. COHEN. Madam Speaker, yesterday a great American died, David Halberstam. We had a mutual friend, and through that I got to know Mr. Halberstam. He chronicled and wrote and reported the events of the last half of the 20th century. He saw truth, he spoke truth, and he wrote truth; and he gained his first fame at the age of 30 when he received a Pulitzer Prize for reporting about a quagmire known as Vietnam, a misdirection of American energies in foreign policies that led us to lose over 30,000 lives and many casualties in a great blunder under American foreign policy. We have a similar situation today in Iraq, another mistaken folly, and lives are being lost.

Madam Speaker, I would hope that we could speak truth to power, and that power would know that the Congress is giving the President a bill to support the troops, to bring the troops home and support them by seeing that they are not put in harm's way, and that the President will support the bill that the Congress gives him.

We have lost a great leader in Mr. Halberstam, and may the truth and knowledge that he brought to this country be imbued in this House and in executive leadership where another politician along with the 535 here serve.

PASS A CLEAN BILL

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

Mrs. BLACKBURN. Madam Speaker, the liberal leadership of this Congress put the lives of our soldiers in the field in a very difficult, very difficult position. When they passed the supplemental bill earlier this month, they loaded it up with pork. Actually, the bill sounds more like a shopping list. There is money for spinach and for fish and for peanut storage. A lot of pork, and it is something that does not do a service to our military.

But what the leadership did was to make an offer that couldn't be refused to a lot of Members. They claim to support the military, but in the bill what they are doing is tying the hands of the military by inserting a timetable for withdrawal and taking the power away from the commanders in the field. Majority Senate leader HARRY REID didn't help when he considered that the war was lost. That is the message that he is sending to our troops and to the terrorists alike, that everybody ought to give up.

American citizens need to ask themselves, is defeat an option? What would happen if we were to leave?

What we need to do is let the soldiers do their jobs, us do ours, pass a clean bill, and send it to the President.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings

today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

PRESERVATION APPROVAL PROCESS IMPROVEMENT ACT OF 2007

Ms. BEAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1675) to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1675

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Preservation Approval Process Improvement Act of 2007''.

SEC. 2. SUSPENSION OF ELECTRONIC FILING REQUIREMENT.

The Secretary of Housing and Urban Development shall—

(1) suspend mandatory processing of Previous Participation Certificates (form HUD–2530) under the Department of Housing and Urban Development's Automated Partners Performance System (APPS) and permit paper filings of such certificates until such time that the Secretary—

(A) revises the December 2006 draft proposed regulations under subpart H of part 200 of title 24, Code of Federal Regulations, to eliminate the unnecessary burdens and disincentives for program participants; and

(B) submits such revised draft proposed regulations to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate for review by such Committees; and

(2) suspend immediately all filing requirements under the Previous Participation Certificate process with respect to limited liability corporate investors who own or expect to own an interest in entities which are allowed or are expected to be allowed low-income housing tax credits under section 42 of the Internal Revenue Code of 1986.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Ms. BEAN) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Ms. BEAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Ms. BEAN. Madam Speaker, I yield myself such time as I may consume.

The Preservation Approval Process Improvement Act of 2007, introduced by myself and Representative GILLMOR, was recently reported out of the Committee on Financial Services without objection, and I am pleased it is being given consideration on the House floor today. In addition to expressing my appreciation to Chairman FRANK, Ranking Member BACHUS, and Housing Subcommittee Chairwoman WATERS, I would especially like to thank my colleague from Ohio (Mr. GILLMOR) in moving this bill forward and his efforts to address the regulatory barriers impacting the investment in affordable housing.

I am also very appreciative of the expert assistance provided by the House Financial Services Committee staff, including Jeff Riley and Cindy Chetti, who have been working on this issue for more than 1½ years.

H.R. 1675 will reduce burdens caused by HUD's unnecessarily complex regulation of its previous participation reporting requirements, known as the 2530 process.

Written many years ago when small mom-and-pop companies were investing in affordable housing, HUD's regulations governing the 2530 process are no longer in sync with the type of real estate transactions being conducted today. As a result, when applied to the more typical investor of today, these regulations impose huge administrative and regulatory hurdles. The application of these cumbersome regulations was made worse last summer when HUD automated the 2530 process using an electronic system known as APPS. In addition to being difficult to navigate, the APPS system experiences technical difficulties almost daily and has led to a number of security breaches involving personal data.

As a result, H.R. 1675 will suspend the requirement that 2530 filings be done through HUD's electronic APPS system. Participants may choose to continue to use APPS, but HUD must permit other participants to submit 2530 paper filings. The suspension of HUD's requirement that all filings be done through APPS will continue until HUD revises the 2530 rules to eliminate unnecessary burdens and disincentives for all participants. The revised regulations are to be submitted to the Committee on Financial Services as well as to the Senate Banking Committee for review.

Further, the bill requires the HUD Secretary to immediately suspend all filing requirements under the previous participation process for limited liability corporate investors owning an interest in entities that receive low-income housing tax credits. Limited liability corporate investors have no operational control over properties and pose no risk to the Department. The investors are simply providing much needed capital to build affordable housing for low-income Americans, and such investment should not be inadvertently discouraged by outdated, burdensome regulations.

I submit for printing in the RECORD a letter addressed to Chairman FRANK and Representative BACHUS from nearly 30 organizations endorsing this legislation, including the National Association of Realtors, National Multi-Housing Council, the National Association of State and Local Equity Funds, and many more.

It is time for us to bring a commonsense approach to affordable housing. In passing this bill we will be taking an important step toward encouraging investment in such housing options and reducing unnecessary regulatory roadblocks.

MARCH 27, 2007.

Hon. BARNEY FRANK,
Chairman, House Committee on Financial Services, Washington, DC.

Hon. SPENCER BACHUS,
Ranking Member, House Committee on Financial Services, Washington, DC.

DEAR SIRS: We are writing to express our support for H.R. 1675, the Preservation Approval Process Improvement Act of 2007, introduced by Congresswoman BEAN and Congressman GILLMOR on March 26, 2007. This legislation is very important to ensuring continued investment in safe, affordable rental housing.

The Preservation Approval Process Improvement Act will reduce unnecessary and onerous HUD filing requirements for purposes of participating in HUD programs. The current requirements, under the HUD 2530 filing process, are discouraging investment in affordable housing.

HUD's current 2530 Previous Participation Review process is intended as a risk assessment tool, but has, in fact, been a barrier to housing development and preservation. The current regulations and the accompanying electronic system that processes 2530 submissions do not take into account the complexities of today's real estate transactions. The reporting requirements are unduly burdensome and offer no additional benefit to HUD.

Presently, investors who represent more than half of the investment in the Low-Income Housing Tax Credit program have elected not to invest in HUD multifamily properties if such investment would subject them to the 2530 filing requirements. Investors have reduced their share of investments to below 25 percent in any property, or fund of properties, so as to not trigger the unduly burdensome requirements.

With the assistance of many members of the House Committee on Financial Services, we have been working with HUD for more than a year to try to resolve this issue. The Preservation Approval Process Improvement Act is a significant step toward reducing filing burdens and requires immediate useful action from HUD, whose previous response has been contrary to the goals of encouraging investment in affordable rental housing.

Our organizations strongly support this legislation to reduce filing burdens for, and encourage investment in, affordable rental housing. Please contact Francine E. Friedman, Affordable Housing Tax Credit Coalition, 202–955–1536, or Denise B. Muha, National Leased Housing Association, 202–785–8888, with any questions or concerns.

Affordable Housing Tax Credit Coalition
American Association of Homes and Services for the Aging
Bank of America
Barker Management Incorporated
Boston Capital Corporation
California Council for Affordable Housing
California Housing Partnership Corporation
CharterMac Capital LLC
Council for Rural Housing and Development
G.G. MacDonald Companies

Housing Advisory Group
Institute for Responsible Housing Preservation
Institute of Real Estate Management
The John Stewart Company
Local Initiatives Support Corporation
Mortgage Bankers Association
National Apartment Association
National Association of Affordable Housing Lenders
National Association of Home Builders
National Association of Realtors
National Association of State and Local Equity Funds
National Housing Conference
National Housing Trust/Enterprise Preservation Corporation
National Leased Housing Association
National Multi Housing Council
PNC MultiFamily Capital
The Related Companies of California
Stewards of Affordable Housing for the Future
Texas Affiliation of Affordable Housing Providers

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 1675, the Preservation Approval Process Improvement Act of 2007, introduced by Representative MELISSA BEAN, Financial Institution Subcommittee Ranking Member PAUL GILLMOR, and Full Committee Chairman BARNEY FRANK.

1675 addresses problems with HUD's processing of previous participation certificate or HUD's form 2530 under HUD's automated partners performances system.

Specifically, this legislation suspends the electronic filing requirement for the previous participation certificates and the filing requirements of these certificates for certain low-income housing investors. Form 2530 has been used for many years to ascertain the prior record of participants in certain HUD programs. This enabled HUD to refuse to do business with participants who have not previously carried out their obligations. However, passive investor disclosure requirements have created problems for private individuals and groups who wish to participate in the construction and preservation of affordable housing through the low-income housing tax credit program.

The 2530 process is designed to review principals, including any limited partner, with a 25 percent or greater interest in property. These rules were developed long before low-income housing tax credit programs were actually created. Low-income housing tax credit deals with the typical investors or institutions, that is, publicly traded and regulated national and multi-national financial institutions, including government sponsored enterprises whose reputation is well established.

Under the 2530 process, officers, directors, and stockholders with 10 percent or greater holdings are required to submit their names, Social Security numbers, as well as their individual and prior record with HUD. Industry groups have objected to these disclosure requirements as they are passive investor partners and are not involved in the construction, maintenance, and operation of the property. They claim that these reporting requirements are costly, time intensive, and deter investment in affordable housing. Investors developers, syndicators, and others have contacted HUD to ask that passive investors be exempted from filing with HUD.

In December 2005, former Chairman Oxley requested that HUD extend the opportunity for paper filing, and asked HUD to explain why passive investors should be required to file. HUD allowed the paper filing until June 30, 2006. In December 2006, after repeated inquiries from the Financial Services Committee and requests from interested parties to provide relief, HUD sent the committee a proposal that, according to the industry, made filing more burdensome in many respects.

On December 21, 2006, noting that HUD's applications for 2530 filing requirements have become broad and overreaching and, in some cases, unnecessarily delayed or even prevented HUD transactions that were beneficial to people in need of housing, Chairman FRANK, Ranking Member BACHUS, Chairman WATERS, and Chairman Oxley asked HUD to discuss the matter further with interested parties before taking any action on the proposed rule. Since then, however, HUD has not taken any overt action to amend the proposal.

H.R. 1675, the Preservation Approval Process Improvement Act of 2007, requires that HUD take action to alleviate the concerns mentioned above in order to encourage private sector participation in affordable housing programs.

HUD's current 2530 previous participation review process is intended as a risk assessment tool, but in many ways has been a barrier with housing preservation because the current regulations in the accompanying electronic system that process 2530 submissions do not reflect the complexity of today's real estate transactions. The reporting requirements are unduly burdensome and offer no additional benefit to HUD.

To this end, H.R. 1675 requires that HUD suspend mandatory previous participation filings through the APPS computer program, and that it allow paper filing until HUD submits to Congress a revised draft that would eliminate unnecessary filing burdens.

In addition, this legislation eliminates the requirement to file a 2530 form for passive investors who expect to own entities that are allowed or expected to be allowed in low-income housing tax credits.

Madam Speaker, I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

□ 1230

Ms. BEAN. I have no further requests for time, and I reserve the balance of our time.

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

Ms. BEAN. Madam Speaker, I would just say this is a bill where we had strong bipartisan support, and while technology didn't work in the case of the APPS system, bipartisanship did.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. BEAN) that the House suspend the rules and pass the bill, H.R. 1675.

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

A motion to reconsider was laid on the table.

NATIVE AMERICAN HOME OWNERSHIP OPPORTUNITY ACT OF 2007

Mr. BOREN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1676) to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1676

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Home Ownership Opportunity Act of 2007''.

SEC. 2. LOAN GUARANTEES FOR NATIVE AMERICAN HOUSING.

Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended as follows:

(1) OUTSTANDING AGGREGATE LIMITATION.—In paragraph (5)(C), by striking ''fiscal years 1997 through 2007'' and inserting ''fiscal years 2008 through 2012''.

(2) AUTHORIZATION OF APPROPRIATIONS.—In paragraph (7), by striking ''fiscal years 1997 through 2007'' and inserting ''fiscal years 2008 through 2012''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. BOREN) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

GENERAL LEAVE

Mr. BOREN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

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

Madam Speaker, I rise today in support of H.R. 1676, the Native American Home Ownership Opportunity Act of 2007, reauthorizing the section 184 Indian Loan Program.

Madam Speaker, I thank Chairman FRANK and Subcommittee Chairwoman

WATERS for their hard work in making this legislation a priority and recognizing the importance of the section 184 program.

This program offers home ownership, property rehabilitation, new construction and refinance opportunities for Native Americans. The primary purpose of the section 184 program is a 100 percent loan guarantee program for Native American families seeking home ownership who are members of participating tribes; 196 federally recognized tribes participate in this program, including 24 tribes from my home State of Oklahoma. Therefore, this program works by increasing home ownership in Indian country and improving the quality of life in Indian communities. Without argument, this program increased Native American home ownership in Oklahoma and throughout Indian country across the Nation.

Section 184 is administered by the Department of Housing and Urban Development's Office of Native American Programs, created in 1992 to address the lack of private mortgage capital in Indian country, and authorizing HUD to guarantee loans made by private lenders to Native Americans.

The section 184 program guarantees single-family residential loans for Native American borrowers, and provides for a 100 percent guarantee of the outstanding principal and interest and payment of other necessary and allowable expenses. The flexible underwriting, low down payment, higher loan limits, loan guarantee fee, and absence of income limits make this the most affordable loan program available to tribal areas.

Madam Speaker, I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in support of H.R. 1676, the Native American Home Ownership Opportunity Act of 2007, introduced by Congressman BOREN and Congressman RENZI.

This important legislation authorizes section 184 of the Housing and Community Development Act of 1992, which established a loan guarantee program for Native American families, Indian Housing Authorities and federally recognized Native American tribes.

Under current law this program is authorized through 2007. This bill will reauthorize the program through 2012.

Congress established this program to provide access to private mortgage financing for Native American families, Indian Housing Authorities and federally recognized Native American tribes that could not otherwise acquire housing financing because of the unique legal status of Native American lands.

This loan guarantee under this program is used to construct, acquire, refinance or rehabilitate single-family housing located on trust land or land located in an Indian or an Alaska native area.

Section 184 of the program guarantees single family, one- to four-family units, residential loans for homes located in these Indian and Alaska native areas where land may be tribal trust, allotted individual trust or fee simple. HUD offers 100 percent guarantee on the outstanding principal and interest and payment of necessary and allowable expenses.

The flexible underwriting, low down payment, higher loan limits, low guarantee fee and the absence of income limits make this the most affordable loan program available in tribal areas.

In 2007, about $6 million was appropriated for the loan guarantee program. Consequently, CBO has estimated that H.R. 1675 will cost about $30 million over the 2008–2012 period if appropriators continue the funding at the level similar to previous years. Enacting this bill does not affect direct spending or revenues.

Madam Speaker, this legislation was approved by the Committee on Financial Services by voice vote, and I urge the passage of this legislation.

Madam Speaker, I reserve the balance of my time.

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

Mr. NEUGEBAUER. Madam Speaker, it is my honor at this time to yield 3 minutes to the gentleman from Arizona (Mr. RENZI), who is one of the authors of this legislation and someone who has worked tirelessly for Native American issues all across the country and particularly in his home State of Arizona.

Mr. RENZI. Madam Speaker, the Native American Home Ownership Opportunity Act of 2007 is an important piece of legislation that reauthorizes this vital section 184 Native American housing program which is operated by the Department of Housing and Urban Development.

Back in 2004, the House Financial Services Subcommittee on Housing, chaired by former Congressman Bob Ney, held the first congressional hearing on Native American housing in the history of the United States Congress on tribal lands in Tuba City, Arizona, out west on Navajo country. And many of the folks from both sides of the aisle got together and went out there and visited the Grand Canyon and got a chance to see the Navajo Nation, the pink stones and the sands, and they got to visit the country and truly see the beauty and the conditions, but also the largest land mass of poverty in America, the size of West Virginia. And Bob Ney helped make that happen. And that hearing was important because it brought light to the challenges that face Native Americans when trying to achieve home ownership.

Native Americans, as a group, have the single lowest home ownership rate in America, less than 25 percent. And the problem is especially acute on the Navajo Nation.

So this section 184 program provides 100 percent guarantees to the outstanding principal and interest for single-family residential homes. And to date, over 4,200 loans have been guaranteed by this program. Now everybody is out there talking about subprime lending and the default and the foreclosures. Only 30 loans in this Native American program have ever been defaulted on, less than 1 percent. This low rate greatly shows the efficiency of section 184, and the program has received the highest rating of America's Office of Management and Budget, even though it doesn't need it. This year it is expected that the program will enable private lenders to finance about 1,600 new mortgages.

So I want to thank Congressman BOREN of Oklahoma, Chairman FRANK, who has been absolutely bipartisan and forward-thinking in pushing housing issues, particularly on Native American, Chairman WATERS and the subcommittee, Chairman BIGGERT, and I want to thank Bob Ney for his advocacy for the poor around America and for Native American housing. If my colleagues don't think this is good, they don't know what is good.

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

Mr. NEUGEBAUER. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

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

I want to thank also my friends, Congressmen NEUGEBAUER from Texas and RENZI from Arizona for their work on this legislation and for their bipartisan effort here.

According to HUD, 4,200 loans have been guaranteed since the inception of the program, totaling $517 million. As lenders have become more comfortable with making loans secured by land in Indian country, interest in this program has only increased. My home State of Oklahoma represents 34 percent of the total loans guaranteed through section 184, thereby increasing the number of my constituents who have access to home ownership.

Again, I want to thank Chairman FRANK and Subcommittee Chairwoman WATERS for recognizing the importance of the section 184 program in Indian country.

Mr. BACA. Madam Speaker, I rise today to voice my strong support for H.R. 1676, the Native American Homeownership Opportunity Act of 2007. This important legislation reauthorizes the Section 184 Indian Loan Program, which offers home ownership, property rehabilitation, new construction, and refinance opportunities for Native Americans.

I want to thank my friend, Mr. BOREN, for sponsoring this bill and championing this cause which is of great significance to so many Native families in this country.

Section 184 advances the opportunity for Native Americans seeking homeownership and addresses the issue of lack of mortgage lending for homes in Indian Country.

The Section 184 program guarantees single-family residential loans for Native American borrowers, thereby increasing the homeownership for Native Americans.

While many Native Americans struggle to own a home and provide for their families, H.R. 1676 eases that burden. The program provides a 100 percent guarantee of the outstanding principal and interest and payment of other necessary and allowable expenses.

Section 184 allows for many Native Americans to become first-time homeowners. According to HUD, since the start of the program roughly 4,200 loans have been guaranteed.

Almost 200 tribes participate in the Section 184 program nationwide, 31 of which are from my home State of California.

In the Inland Empire alone, the Saboba Band of Luiseno Indians, the Cabazon Band of Cahulla Mission Indians and the Morongo Band of Mission Indians have been able to provide homeownership for many families through this program.

H.R. 1676 will help close the homeownership gap and increase for Native Americans in my area and all across the country. Let's help all Americans achieve the dream of owning a home.

I urge my colleagues to support this important bill.

Mr. BOREN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. BOREN) that the House suspend the rules and pass the bill, H.R. 1676.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE THAT CONGRESS SHOULD INCREASE PUBLIC AWARENESS OF CHILD ABUSE AND NEGLECT

Mr. MCDERMOTT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 299) expressing the sense of the House of Representatives that Congress should increase public awareness of child abuse and neglect and should continue to work with the States to reduce the incidence of child abuse and neglect through such programs as the Child Welfare Services and Promoting Safe and Stable Families programs.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 299

Whereas child abuse and neglect continue to pose a serious threat to our Nation's children;

Whereas according to the most recent annual estimates, 3,600,000 children were the subject of child abuse and neglect investigations in 2005, an increase of 462,000 children from 2001;

Whereas more than 899,000 children were found to be the victims of abuse and neglect in 2005;

Whereas as of the end of 2005, approximately 513,000 children were unable to live safely with their families and instead were living in foster homes and institutions;

Whereas an estimated 1,460 children died because of abuse and neglect in 2005;

Whereas more than 75 percent of the children who died because of abuse and neglect in 2005 were under the age of 4;

Whereas studies have found that abused and neglected children tend to be at least 25 percent more likely than the general population of children to experience problems such as delinquency, teen pregnancy, low academic achievement, drug use, and mental illness;

Whereas a National Institute of Justice study indicated abuse or neglect during childhood increased the likelihood of arrest as a juvenile by 59 percent and adult criminal behavior by 28 percent;

Whereas studies have found that abusive parents often were themselves the victims of child abuse;

Whereas it is estimated that approximately ⅓ of abused and neglected children will eventually victimize their own children;

Whereas child abuse and neglect can have long-term economic and societal costs through the increased use of the juvenile and adult criminal justice systems, the increased health care costs resulting from mental illness, substance abuse, and domestic violence, and the loss of economic productivity due to unemployment and underemployment; and

Whereas it is appropriate to designate the month of April, 2007 as National Child Abuse Prevention Month: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that Congress should increase public awareness of child abuse and neglect and should continue to work with the States to reduce the incidence of child abuse and neglect through such programs as the Child Welfare Services and Promoting Safe and Stable Families programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. MCDERMOTT. Madam Speaker, I yield myself as much time as I may consume.

Not every child in America is raised in a safe and loving home. More often than we realize, children become the victims of abuse and neglect from the very people they should be able to trust the most, their parents.

Today the Income Security and Family Support Committee that I chair is united behind this resolution to designate April as National Child Abuse Prevention Month. Democratic Representatives JOHN LEWIS, PETE STARK, MICHAEL MCNULTY, KENDRICK MEEK and Republican Representative JERRY WELLER, the subcommittee's ranking member, WALLY HERGER and JON PORTER are cosponsors of the resolution.

Our goal in designating April as National Child Abuse Prevention Month is to increase public awareness of the serious threats that child maltreatment imposes on children, and to encourage Americans to break the cycle of violence.

2005 is the most recent year for which data is available from the Department of Health and Human Services. Nine hundred thousand children were victims of substantiated cases of abuse and neglect. Nearly 1,500 children, mostly under the age of 4, died as a result. Another half a million children could not live safely with their parents and were removed from the home.

Child abuse and neglect has a devastating impact on the life of a child that goes beyond the immediate physical and emotional pain that is inflicted on them. Children who suffer from maltreatment are at greater risk of developmental delays and behavioral problems that could last a lifetime. Child maltreatment can delay or disrupt the normal cognitive development process which, in turn, impacts academic achievement.

□ 1245

Children who are the victims of abuse and neglect tend to have lower math scores and English grades, and they repeat grades more frequently than other children. We know that poor academic skills can lead to a child's dropping out of school, continuing a cycle of negative consequences that can last a lifetime.

A history of child abuse and neglect can also disrupt the development of skills that children use to interact with others, such as problem-solving and communication. These skills are critical in stopping the development of other serious behavior problems even among seriously troubled youth. Moreover, victims of child abuse and neglect tend to have greater levels of depression compared to other children. These children are also more likely to suffer from mental illness, experience problems with drugs, and are more likely to become teen-age parents.

Not every child who has suffered from abuse and neglect will experience poor outcomes. Many maltreated children will persevere against the odds and find the ability to cope and even to thrive. They could develop and maintain the personal characteristics that will make them more resilient than others. Of course, this resilience can depend on a child's finding a safe and loving home to live in and access to support systems, educational resources, and health care.

These amazing kids deserve to be recognized and celebrated for their remarkable ability to persevere over the most difficult of circumstances and for setting an example for other children.

In recognition of the fact that too many of our Nation's children will become the victims of violence at the hands of their parents and many others are at risk of such abuse, Congress has expressed the commitment over the last several decades to stop child abuse and neglect. In 1935 Congress established the Child Welfare Services program to provide Federal funding for a variety of services for States to use to protect children who are at risk of abuse and neglect and who assist those who have been victimized.

In 1993, Congress took another step to protect children when it created the Promoting Safe and Stable Families program. This program is the largest source of Federal funding designed to

stop child abuse and neglect before it starts and to support vulnerable families who are at risk of falling into crisis.

Last fall we reauthorized promoting Safe and Stable Families on a bipartisan basis, and we made a number of key improvements. For instance, new funding will allow us to respond to the growing methamphetamine problem that threatens the safety of many of our children in communities across America. We provided States with additional resources to attract, train, and retain caseworkers. We required States to have caseworkers visit children in foster care once a month to make sure they are getting the proper care. And we increased funding that is available to the Native American community as well.

These are only modest steps that will strengthen our ability to prevent the incidence of child abuse and support vulnerable families. Certainly more can be done, but these programs express the commitment of Congress to protect abused and neglected children.

In recognition of Child Abuse Prevention Month, I urge my colleagues to join me in increasing public awareness of the threat to innocent children and to promote public policies designed to prevent child abuse and safeguard our most vulnerable children.

Madam Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. WELLER of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

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

There was no objection.

Mr. WELLER of Illinois. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 299. This resolution reflects bipartisan support for increasing public awareness of child abuse and neglect, which is a necessary first step to better protect children.

Yesterday, the House passed a resolution honoring foster parents, who play a major role in ensuring hundreds of thousands of children are protected from abuse and neglect each year. Today's resolution before us highlights the too large number of children who are abused and neglected each year and the many negative consequences of that abuse for children, families, and our Nation. The numbers are bracing. Almost 900,000 children in the United States were victims of abuse and neglect in 2005, the most recent figures.

Several government programs overseen by the subcommittee on which Chairman MCDERMOTT and I serve assist foster and adoptive families with children's needs or help reunify children with their own parents when that is safe and appropriate. But the very first step to ensure children are out of harm's way involves alert relatives, neighbors, friends, teachers, community organizations, and so many others in every neighborhood across this country. These are people who care, people who want to help, and people who take the time to step in to help make sure our children are safe and sound.

Consider some of those working hard right now to help children in the congressional district I represent in Illinois. Earlier this year I sat down with my local community support agencies to listen to their successes and their many challenges in helping to prevent child abuse and neglect. These agencies offer a wide variety of services to families, from Head Start, food programs, and affordable housing to social services and foster care when needed to ensure children are safe.

In the district I represent, Will County Catholic Charities protects over 300 children in foster care. The Guardian Angel Home and Groundwork in Joliet, Illinois, help abused women and children affected by domestic violence by providing services such as temporary housing, counseling, and legal assistance. Many others provide similar services in other parts of the district I represent, as well as in every congressional district in America.

We should never take these people and their agencies that deliver such good services for granted. Just last week, Catholic Charities in Chicago announced they are shutting down their foster care program after 90 years of service. Their absence will leave a void others will have to fill to ensure that more than 900 Illinois children they now care for are protected from harm. This will be a major challenge. Catholic Charities and the Guardian Angel Home are just two of the many organizations across the Nation that help children and families lead safe and productive lives. Many caseworkers and others who serve families directly have committed their lives to this critical service. They deserve our continued support.

Congress recently made improvements to key programs designed to protect children, including by providing additional resources for direct services and also caseworkers. Last year in the Child and Family Services Improvement Act, Congress increased accountability by requiring States to conduct more frequent caseworker visits to children in foster care. We also targeted over $145 million over the next 5 years for preventing and treating parental substance abuse, which is a key cause of child abuse and neglect. This legislation was fully paid for and was totally bipartisan. And for that I want to congratulate former Subcommittee Chairman WALLY HERGER of California, who worked with our current chairman, JIM MCDERMOTT of Washington State, to accomplish this goal.

I expect to introduce legislation shortly that would provide caseworkers with more resources to better serve children. Currently, when private organizations provide training to their caseworkers, they are eligible for fewer Federal funds to support those costs than are paid for to support the training of government-employed caseworkers. Same training, same job, but different payments, simply because one worker is employed by a private agency and another by a government agency. That is arbitrary and unfair, and we should fix it. I hope the same spirit of bipartisanship evident here today and that which created our work last year will help us get this legislation passed this year, in 2007.

There certainly is much more work to do. Many experts have long been concerned that current programs focus too many resources on helping families after children have been abused and neglected. That is simply too late, especially when the right resources might help prevent abuse or neglect from occurring.

As this resolution expresses, Congress should continue to work with the States to reduce child abuse and neglect. Thoughtful efforts are under way in States like Florida and elsewhere to test ways to better prevent abuse and neglect from happening instead of addressing it after the fact. We are eager to see these results and stand ready to incorporate any positive measures in reforms yet to come. In the meantime, this resolution focuses public attention on child abuse and on the resources available today to prevent child abuse.

I urge my colleagues to support this resolution and to work together in a bipartisan way with the Ways and Means Committee to develop further measures to protect children from abuse and neglect.

Mr. STARK. Madam Speaker, I rise today in strong support of increasing public awareness of child abuse and neglect. Nearly 900,000 children were found to be victims of abuse and neglect in 2005. This is unacceptable. Congress must take bold action to protect our Nation's children.

Abused and neglected children face a trauma that does not end when the abuse stops. They must also contend with numerous future problems stemming from their abuse and neglect, including mental illness, poor academic achievement, and criminal behavior. In addition, abuse and neglect often starts or continues a cycle of abuse where a third of victimized children go on to become abusers themselves.

Congress has taken steps to prevent and ameliorate child abuse and neglect through programs such as the Promoting Safe and Stable Families program, Child Welfare Services, and the Community Based Child Abuse Prevention program. These are all good programs, but Congress and the President have consistently under funded them. For example, in fiscal year 2006, the Community Based Child Abuse Prevention program was under funded by $38 million. Congress must fully fund these programs at their authorized levels. The fraudulent war in Iraq and tax cuts for the rich has placed us in a difficult fiscal situation. Even so, we must fund the services that protect our most vulnerable children.

By increasing public awareness of child abuse and neglect, we also have an opportunity to implement new policies that address the health and safety of our children. There are 8 million uninsured children in this country. Continuing to deny health care to all children is simply another form of child neglect. We should work to provide health coverage to every child.

I hope that the resolution before us will help to galvanize this body to push for policies that protect and nurture children. The thousands of abused children and the millions of uninsured children deserve our attention and commitment.

Mr. WELLER of Illinois. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 299.

The question was taken.

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

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

The yeas and nays were ordered.

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

INTERNATIONAL SOLID WASTE IMPORTATION AND MANAGEMENT ACT OF 2007

Mr. WYNN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 518) to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 518

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''International Solid Waste Importation and Management Act of 2007''.

SEC. 2. INTERNATIONAL TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding after section 4010 the following new section:

''SEC. 4011. INTERNATIONAL TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

''(a) STATE AUTHORITY TO ADDRESS IMPORTATION AND MANAGEMENT OF MUNICIPAL SOLID WASTE.—

''(1) IN GENERAL.—Until the date on which all final regulations issued by the Administrator to implement and enforce the Agreement (including notice and consent provisions of the Agreement) become effective, a State may enact a law or laws or issue regulations or orders imposing limitations on the receipt and disposal of foreign municipal solid waste within the State. Laws, regulations, and orders enacted or issued before that date may continue in effect according to their terms after that date.

''(2) EFFECT ON INTERSTATE AND FOREIGN COMMERCE.—No State action taken as authorized by this section shall be considered to impose an undue burden on interstate and foreign commerce or to otherwise impair, restrain, or discriminate against interstate and foreign commerce.

''(3) TRADE AND TREATY OBLIGATIONS.—Nothing in this section affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.

''(b) AUTHORITY OF ADMINISTRATOR.—

''(1) IN GENERAL.—Beginning immediately after the date of enactment of this section, the Administrator shall—

''(A) perform the functions of the Designated Authority of the United States described in the Agreement with respect to the importation and exportation of municipal solid waste under the Agreement; and

''(B) implement and enforce the notice and consent and other provisions of the Agreement.

''(2) REGULATIONS.—Not later than 24 months after the date of enactment of this section, the Administrator shall issue final regulations with respect to the Administrator's responsibilities under paragraph (1).

''(3) CONSENT TO IMPORTATION.—In considering whether to consent to the importation under article 3(c) of the Agreement, the Administrator shall—

''(A) give substantial weight to the views of the State or States into which the municipal solid waste is to be imported, and consider the views of the local government with jurisdiction over the location where the waste is to be disposed;

''(B) consider the impact of the importation on—

''(i) continued public support for and adherence to State and local recycling programs;

''(ii) landfill capacity as provided in comprehensive waste management plans;

''(iii) air emissions from increased vehicular traffic; and

''(iv) road deterioration from increased vehicular traffic; and

''(C) consider the impact of the importation on homeland security, public health, and the environment.

''(4) ACTIONS IN VIOLATION OF THE AGREEMENT.—No person shall import, transport, or export municipal solid waste for final disposal or for incineration in violation of the Agreement.

''(c) COMPLIANCE ORDERS.—(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of this section, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

''(2) Any order issued pursuant to this subsection shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of noncompliance for each violation. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

''(d) PUBLIC HEARING.—Any order issued under this section shall become final unless, not later than 30 days after the order is served, the person or persons named therein request a public hearing. Upon such request, the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

''(e) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order.

''(f) DEFINITIONS.—For purposes of this section:

''(1) AGREEMENT.—The term 'Agreement' means—

''(A) the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, signed at Ottawa on October 28, 1986 (TIAS 11099) and amended on November 25, 1992; and

''(B) any regulations promulgated and orders issued to implement and enforce that Agreement.

''(2) FOREIGN MUNICIPAL SOLID WASTE.—The term 'foreign municipal solid waste' means municipal solid waste generated outside of the United States.

''(3) MUNICIPAL SOLID WASTE.—

''(A) WASTE INCLUDED.—Except as provided in subparagraph (B), the term 'municipal solid waste' means—

''(i) all waste materials discarded for disposal by households, including single and multifamily residences, and hotels and motels; and

''(ii) all waste materials discarded for disposal that were generated by commercial, institutional, municipal, and industrial sources, to the extent such materials—

''(I) are essentially the same as materials described in clause (i); and

''(II) were collected and disposed of with other municipal solid waste described in clause (i) or subclause (I) of this clause as part of normal municipal solid waste collection services, except that this subclause does not apply to hazardous materials other than hazardous materials that, pursuant to regulations issued under section 3001(d), are not subject to regulation under subtitle C.

Examples of municipal solid waste include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, and household hazardous waste. Such term shall include debris resulting from construction, remodeling, repair, or demolition of structures.

''(B) WASTE NOT INCLUDED.—The term 'municipal solid waste' does not include any of the following:

''(i) Any solid waste identified or listed as a hazardous waste under section 3001, except for household hazardous waste.

''(ii) Any solid waste, including contaminated soil and debris, resulting from—

''(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604 or 9606);

''(II) a response action taken under a State law with authorities comparable to the authorities of such section 104 or 106; or

''(III) a corrective action taken under this Act.

''(iii) Recyclable materials that have been separated, at the source of the waste, from

waste otherwise destined for disposal or that have been managed separately from waste destined for disposal.

''(iv) Scrap rubber to be used as a fuel source.

''(v) Materials and products returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible reuse.

''(vi) Any solid waste that is—

''(I) generated by an industrial facility; and

''(II) transported for the purpose of treatment, storage, or disposal to a facility or unit thereof that is owned or operated by the generator of the waste, located on property owned by the generator or a company with which the generator is affiliated, or the capacity of which is contractually dedicated exclusively to a specific generator, so long as the disposal area complies with local and State land use and zoning regulations applicable to the disposal site.

''(vii) Any medical waste that is segregated from or not mixed with solid waste.

''(viii) Sewage sludge and residuals from any sewage treatment plant.

''(ix) Combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing (including pollution control) operations not essentially the same as waste normally generated by households.

''(x) Solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following new item:

''Sec. 4011. International transportation and disposal of municipal solid waste.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. WYNN) and the gentleman from Michigan (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. WYNN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material into the RECORD on the pending bill.

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

There was no objection.

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

Madam Speaker, I rise in strong support of H.R. 518, the International Solid Waste Importation and Management Act of 2007.

This legislation is a culmination of efforts that began with the introduction of the international waste bill in the 104th Congress and has been introduced by our committee chairman, Mr. DINGELL; and sponsored by all the members of the Michigan delegation, including Mr. ROGERS, Mr. STUPAK, Mr. UPTON, Mr. EHLERS, Mr. MCCOTTER, Mr. LEVIN, Mr. CONYERS, Mr. KILDEE, Mrs. MILLER, Ms. KILPATRICK, Mr. CAMP, Mr. KNOLLENBERG, Mr. HOEKSTRA, and Mr. WALBERG. I want to thank and congratulate all these Members for their tireless efforts to move this legislation to the floor.

In March this legislation was reported out of the subcommittee which I chair, the Subcommittee on the Environment and Hazardous Materials, and out of the full Committee on Energy and Commerce.

□ 1300

This legislation, which has a long history of bipartisan support, is long overdue in providing States and localities control over the amount of international municipal solid waste that they are forced to accept.

The extent of this problem is exemplified by the millions of tons of solid waste that is trucked into this country at the rate of approximately 350 truckloads per day. The volume of the international solid waste that comes into this country on a daily basis places an undue burden on the States' and localities' landfill capacities, as well as their roads and infrastructure, solely at the expense of the States and localities.

This legislation seeks to address these concerns by providing the States with the authority to place limits on the amounts of international municipal solid waste that they will accept. It will give the States and the EPA clear authority to safely manage solid waste disposal and to control waste volumes in the best interests of the States and the Nation as a whole.

In addition, H.R. 518 provides the necessary legal authority for the United States, through the Environmental Protection Agency, to fully implement the 1986 Trans-Boundary Movement of Hazardous Wastes and Other Wastes Agreement between the United States and Canada. These are simple steps that will provide the legislative authority to the Federal and State governments, and are also consistent with the powers enumerated in the United States Constitution and our international trade obligations and agreement. I urge my colleagues to support the passage of this very important and bipartisan bill.

Madam Speaker, I would reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Speaker, I yield myself such time as I may consume.

I first want to thank JOHN DINGELL, a friend and colleague and chairman of the Energy and Commerce Committee, for working with us on putting together what I think is a great product, and really the first opportunity we are going to have in Michigan, I think the first really good opportunity to say ''no'' to Canadian trash. And for that, sir, I thank you. And Mr. WYNN, sir, thank you as well for working with us and standing tall, which is really an important issue. Michigan gets hit hardest, and your care and concern for those of us in the north is greatly appreciated.

Right now, the current law allows trash to move across international borders and States can do nothing to regulate this waste, as Congress has not given them the authority to do so. Canada has for years taken advantage of this situation by turning Michigan into the dumping ground for Ontario's trash. This bill, the fourth of its kind, really, since 2000, gives States the authority to regulate Canadian waste and directs the EPA to implement the existing U.S.-Canada Trans-Boundary Agreement. More importantly, it gives Michigan the authority to regulate trash coming from Ontario, no matter how the EPA chooses to implement that trans-boundary agreement.

In 2006 alone, over 3.6 million tons of Canadian trash was dumped in our great State of Michigan. As we lose landfill space, shipments of Canadian waste continue to increase every year, and this year was no exception, Madam Speaker.

While my colleagues and I have been trying to pass this law, the problem has only gotten worse. Since 2001, when I introduced the first bill to fight Canadian trash, over 17 million tons of garbage have been driven across the border and dumped into our back yards.

Since our first attempts to fix this problem, annual garbage loads from Canada have tripled. Of all the trash Canada sends to the United States, 90 percent of it ends up in Michigan. Six years ago, just 10 percent of the waste disposed in Michigan landfills came from Canada; today, that has doubled to 20 percent. Over 400 garbage trucks over a single day rumble through our neighborhoods and deposit and unload their waste in Michigan landfills.

Without the ability to regulate this out-of-control surge in Canadian waste, Michigan communities can only sit back and watch the trash pile up. And what have we been getting and why is this a concern? We have had human blood dripping from trash trucks; stopped the whole bridge crossing for almost 6 hours on one occasion as the local police tried to determine the cause of it. It turned out it was hazardous medical waste. Thank God it wasn't a body. But we didn't know, and there is no good way to search those trucks to find out. We had to find out because human blood was dripping from the back of a garbage truck.

We have found drugs in those garbage trucks. We have found, in the dumps that receive Canadian trash, that PCP levels have increased. It is a true and real environmental and security problem, not just for Michigan, but for the United States, that we don't get a handle and say to our good friends to the north, this is an unneighborly thing to do, let's work this out.

When we anticipated years ago in Michigan that we would cite landfills, which is a very difficult thing to do, we had 20 years' worth of capacity; pretty hard thing to do. You go in through neighborhoods, and we cited these landfills. And we did the right thing for the right environmental reasons. And because of Canada, we believe that our

landfill capacity, because we were diligent and were trying to protect our environment in the future, may have been cut in half because of Canada's inability to deal with their own household municipal garbage problem.

The best part of this is that in Canada they actually allow its provinces to restrict intraprovince waste. So if you think about this, Saskatchewan could say ''no'' to Ontario's trash, while Michigan is compelled by law to take it. That is a problem. And again, I argue, it is unneighborly, and we should be able to fix this problem.

It is important to note that this bill would not impact State shipments of trash, commercial waste streams; it is only that household municipal waste, that trash that is at the end of the revenue stream where you dig a big hole and you throw it in, that is the only trash that this bill narrowly focused on. 518 is a balanced, narrow NAFTA-compliant bill that gives Michigan and other States the authority they need to be good stewards of their land.

Ladies and gentlemen, and Madam Speaker, Michigan needs your help. My colleagues and I urge the support of this important bill.

I again want to thank Chairman DINGELL and Chairman WYNN for their help and assistance in what really is not only an environmental issue, but a national security issue as well.

Madam Speaker, I reserve the balance of my time.

Mr. WYNN. It gives me great pleasure at this time to yield 5 minutes to the distinguished gentleman from Michigan (Mr. DINGELL), the chairman of the Energy and Commerce Committee.

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

Mr. DINGELL. Madam Speaker, I rise in strong support of H.R. 518, the International Solid Waste Management Act of 2007. This legislation is of the greatest importance to our people in Michigan, and it has been sponsored with great enthusiasm by all members of the Michigan delegation in a completely bipartisan fashion.

Mr. ROGERS, Mr. STUPAK, Mr. UPTON, Mr. EHLERS, Mr. MCCOTTER, Mr. LEVIN, Mr. CONYERS, Mr. KILDEE, Mrs. MILLER, Ms. KILPATRICK, Mr. CAMP, Mr. KNOLLENBERG, Mr. HOEKSTRA and Mr. WALBERG have all been important supporters of this bill. And I want to pay particular tribute to my colleague from Michigan (Mr. ROGERS) for his leadership.

I also want to thank the distinguished Chairman of the Subcommittee on Environment and Hazardous Materials for his leadership and for his help and for the way that he has taken care of us in Michigan in making it possible for this legislation to be on the floor at this particular time.

The gentleman from Maryland is an extremely effective and able leader, and we are not only grateful to him, but also to our dear friend, Mr. GILLMOR, who moved it for us in the last Congress.

The legislation is identical to the bill that passed the House of Representatives without opposition last September. In this Congress it was reported out both by the Subcommittee on Environment and Hazardous Materials and the full Committee on Energy and Commerce by voice vote, without dissent.

I would point out that it requires the EPA to enforce the notice-and-consent provisions in the bilateral U.S.-Canadian agreement, an agreement which was signed by the United States and Canada in 1986 to govern trans-boundary movement of hazardous waste, and amended in 1992 to include municipal solid waste.

I note now that the administration should comply with the notice-and-consent provisions which require both parties to use best efforts, absent regulation. Unfortunately, the needed efforts by the Administration have not been forthcoming. Although legislation was promised to be delivered ''soon'', by the Administration it has yet to appear.

Michigan's ability to manage the importation of solid waste is crucial to the comprehensive and environmentally sound waste management that the State of Michigan wants to have. Since 1996 when Michigan first began collecting the data, we have seen a 350 percent rise in the amount of Canadian waste disposed in Michigan, going from 2.7 million cubic yards to 12.1 cubic yards.

As mentioned by Mr. ROGERS, better than 400 trucks haul this waste across the bridges every day from Canada into Michigan. Not only is this waste an obnoxious substance, but it is a hazard to travelers and to our roads. It is also an environmental risk, a security risk, and a hazard to the health and security and safety of our people.

This legislation would ensure that the U.S.-Canadian Agreement is properly implemented and properly enforced. The bill provides criteria to ensure that the views of State and local governments are properly taken into account in implementing the bilateral agreement and the bill adds the necessary enforcement authority so that this can be dealt with fully, completely, and properly.

The legislation would also give not just Michigan, but all of the States, more authority to regulate foreign waste until the Environmental Protection Agency's rules and regulations go into effect. This is extremely important, as all of my colleagues in Michigan and elsewhere know.

I want to say that I am pleased that the House is moving forward. I commend my colleagues in the Michigan delegation for the extraordinary cooperation, leadership and energy with which they have addressed this problem. And I want to again thank and express my deep gratitude to the Chairman of the Subcommittee, my good friend from Maryland (Mr. WYNN) for the fine leadership which he has shown in this matter.

Mr. ROGERS of Michigan. Madam Speaker, I will now yield 2½ minutes to the distinguished lady from Michigan, the former Secretary of State there, a distinguished Member in this body, CANDICE MILLER.

Mrs. MILLER of Michigan. Thank you. I certainly appreciate the gentleman yielding time to me.

Madam Speaker, my home State of Michigan shares a very long liquid border with the nation of Canada. We have a very strong and we have a positive relationship with our neighbors to the north; but one issue that has festered in recent years is the fact that Canada has made Michigan a dumping ground for their trash. In fact, all of the municipal waste from the city of Toronto, 100 percent of it all, is carried across the border and dumped in our home State of Michigan. I do not find this to be very neighborly. In fact, if you come to the Blue Water Bridge in St. Clair County, which is in my district, you can literally see, sometimes as far as the eye can see, these trucks lined up to enter into our country just brimming with Canadian trash. They are obviously congesting our roads, they are clogging this very vital border crossing, they are tearing up our highways, and they are threatening the safety of our drivers.

Pine Tree Acres, which is one of the largest landfills in Michigan, is in my district, it's in Lenox Township, and every day you can drive down and see a mountain of trash that is growing higher and higher because of all of the influx of Canadian trash that is being dumped there. And most Michigan communities plan very prudently to meet the solid waste needs of our citizens. We all took a lot of pride in planning for that. But now with the influx of all of this foreign trash, the Canadian trash, landfills across the State are overflowing and they are reaching their capacity years sooner than was ever anticipated by the local municipalities.

Much of this trash presents enormous health and safety hazards to our communities as well, and to our residents. Some of the trucks have even been found to be ferrying illegal drugs into our communities. And just to give one example of the kind of dangerous trash that is being imported, just last year a Canadian truck spilled human waste, which I think Mr. ROGERS referred to as well, all the way along a highway in our State, and this is simply unacceptable. In fact, I find it rather ironic that Canada has a reputation of being environmentally conscious because it seems they are employing something of a double standard here. They find it perfectly acceptable to use Michigan as their own personal garbage can for their waste, but God forbid that they would pollute their own environment and endanger their own citizens with this trash.

Madam Speaker, the people of Michigan have had enough, but presently they have no ability to stop the flow of foreign trash, and this legislation does give them that ability. So I would urge all of my colleagues to stand with the people of Michigan and every community in our Nation, to give them the ability to protect our environment and to control the flow of foreign trash into our landfills by supporting this very important legislation.

Again, I appreciate our colleagues' responsible action on this.

Mr. ROGERS of Michigan. Madam Speaker, I would yield 3 minutes to the distinguished gentleman, who has worked tirelessly on this effort in the past and has helped us craft this piece of legislation, Mr. GILLMOR of Ohio.

□ 1315

Mr. GILLMOR. Madam Speaker, I very much appreciate the gentleman yielding, and I am pleased to rise in support of this bill.

I introduced a similar bill in the last Congress with the cosponsorship of my friends Mr. DINGELL and Mr. ROGERS and much of the rest of the Michigan delegation. We were successful in getting it passed last year, but the Senate did not act. I am proud to join as a cosponsor with those gentlemen in this effort this year, and I hope we get better luck in the Senate in this session.

This is a commonsense bill. It gives authority to the States to regulate foreign waste which is being dumped in our landfills. The process of planning, developing and maintaining landfills is often contentious and often very expensive. Our communities should not be forced to sit back and watch as their resources are overwhelmed with trash from outside the United States.

International waste, as has been mentioned, has become a tremendous burden for my neighbors to the north in the State of Michigan. And while much of the foreign waste coming into the United States ultimately ends up in Michigan, this is an issue for all Americans. Our landfills are an important resource, and I believe there will come a day when Michigan's landfills have a sign outside that reads ''Landfill full. Continue to Ohio.'' It is that domino effect that makes international waste a national problem.

The current law rewards the environmentally irresponsible, those who won't make the investment and face the issue of creating landfill space. It punishes the environmentally responsible, like Michigan, who have gone to the effort to make landfill space available. That situation has to change. This legislation will do it, and I am pleased to support it.

Mr. KNOLLENBERG. Madam Speaker, today I rise to express my strong support for passage of H.R. 518, the International Solid Waste Importation and Management Act of 2007. Like every membr of the Michigan congressional delegation, I am a cosponsor of this bill.

For many years, Canada has shipped significant amounts of solid waste into the United States, with a large percentage of it going to Michigan. It is estimated that more than four hundred trucks bring this waste into Michigan from Ontario each day. That means nearly 150,000 truckloads full of Canadian solid waste is deposited in the great State of Michigan each year.

One of Michigan's greatest assets is the acres upon acres of beautiful land in its natural state. Michiganders are defined in part by our Great Lakes, and the health of our environment is one of our top priorities. It is imperative that we preserve our State's natural beauty, from the wilderness on Isle Royale and the Porcupine Mountains in the Upper Peninsula, all the way down to the lakes and streams in the bottom of our beloved mitten.

By allowing such an immense amount of Canadian trash into our landfills we are falling short of our responsibilities as stewards of our State's health. Canadian trash represents a threat to the health of our environment and the health of our citizens.

States must have the authority to address this matter as they see fit. H.R. 518 is necessary in order to provide Michigan with the power to address this issue, as the U.S. Supreme Court and other Federal courts have consistently ruled that States cannot restrict out-of-state trash without action by Congress.

Passage of H.R. 518 will finally allow States to regulate the importation of international waste in ways that best suit the needs of their citizens. I thank Mr. DINGELL for introducing this important legislation and urge my colleagues to support passage of H.R. 518.

Mr. KILDEE. Madam Speaker, I am an original cosponsor of H.R. 518, the International Solid Waste Importation and Management Act of 2007, and am proud to join Chairman JOHN DINGELL, the Dean of the House of Representatives, my bi-partisan colleagues from Michigan and others in strong support of its passage.

This legislation would require the U.S. to implement the ''notice and consent'' provisions of the 1992 bilateral U.S.-Canadian Agreement on municipal solid waste, and adds the necessary statutory enforcement authority. It also provides criteria to ensure that the views of the affected State and local governments are properly taken into account.

The importation of foreign trash is of great concern to the residents of Michigan's Fifth Congressional District, and citizens across the State vocally oppose the importation of foreign trash.

Nationally, more than 4 million tons of waste—about 400 truckloads per day—is transported from Canada to the U.S. each year, with three-quarters of it coming to Michigan. In Michigan alone, Canadian trash deposits have increased more than five-fold from 1999 to 2006—from about 710,000 tons to 3.67 million tons.

The growing amount of foreign trash coming into Michigan is polluting our environment, clogging our roadways, increasing the health and safety risks in our State, and poses a growing a homeland security threat. In 2006, the Department of Homeland Security Office of the Inspector General released a report finding that U.S. Customs does not have an effective method to screen and inspect the hundreds of truckloads of municipal solid waste that enter the U.S. daily through the Detroit and Port Huron ports of entry. In addition, multiple incidents have occurred on Michigan roadways where Canadian trash trucks have spilled waste on our roads.

Congress has had numerous opportunities to address this problem, either through legislation or the implementation of a bilateral agreement between the U.S. and Canada from 1992, which would allow Michigan to manage foreign waste being disposed of within its borders.

Madam Speaker, the time has come for Congress to take action to address this serious matter. H.R. 518 has broad, bipartisan support reinforced by its clear passage through the House Energy and Commerce Committee earlier this year without objection.

Once again, Madam Speaker, I strongly support H.R. 518, and urge my colleagues to pass this important legislation.

Mr. BROWN of South Carolina. Madam Speaker, I rise today to speak on H.R. 518, introduced by Chairman JOHN DINGELL from Michigan.

Madam Speaker, H.R. 518 is going to be considered under ''suspension of the rules'' which is usually reserved for non-controversial bills, but it has come to my attention that there are some strong objections both from the Canadian Embassy here in Washington D.C. as well as from the Administration, specifically the Department of State and from the United States Trade Representative.

I feel it is my duty as one of the Co-Chairs of the Congressional Friends of Canada Caucus to submit for the RECORD letters from the Canadian Ambassador to the United States, Michael Wilson, as well as letters from the Administration to Speaker NANCY PELOSI and to Republican Leader JOHN BOEHNER that express concern over H.R. 518.

CANADIAN EMBASSY,
Washington, DC, April 12, 2007.

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

DEAR MADAM SPEAKER: I am writing regarding H.R. 518, ''International Solid Waste Importation and Management Act of 2007'', approved by the Energy and Commerce Committee on March 22, 2007. I would like to share with you Canada's views on this legislation.

Canada and the United States have a longstanding partnership in managing the two-way flow of hazardous and municipal solid wastes. Managing hazardous and municipal solid wastes has two components: the commercial relationship, and environmental management.

On the first, the trade in waste is governed by our respective rights and obligations pursuant to the World Trade Organization (WTO) Agreements and the North American Free Trade Agreement (NAFTA). HR 518 will grant to states the authority to discriminate between types of waste based solely on national origin, without any environmental or sound waste management considerations. The State of Michigan has already passed Legislation that would prohibit landfill operators from accepting solid waste from foreign sources. Canada views this legislation as inconsistent with the United States' WTO and NAFTA obligations. HR 518 would authorize Michigan's legislation, which would place the United States in contravention of its international trade obligations.

Furthermore, in 1986, both countries signed the Canada-U.S. Agreement on the Transboundary Movement of Hazardous Wastes, which resulted in effective measures in both countries to ensure that hazardous wastes would be moved to the nearest safe disposal site, without regard to borders. In

1992, Canada and the United States took environmentally sound waste management one step further when they agreed to amend the agreement to include municipal solid waste.

Canada is working toward implementation of the 1992 amendment. We hope that the U.S. will take similar steps in the near future. An Environment Canada-U.S. E.P.A. pilot program in 2005, based on the Agreement, clearly demonstrated that it is possible for our two countries to work together co-operatively to ensure that municipal solid waste is shipped in an environmentally sound manner.

H.R. 518 is a departure from the principle that the sound environmental management of waste should not be impeded because of borders. Canada believes we should follow that principle for municipal solid waste, just like for hazardous waste (of which the U.S. is a net exporter to Canada).

Canada agrees that shipping municipal solid waste to Michigan is not a sustainable solution. Ontario has committed to eliminate by the end of 2010 the shipment to Michigan of all municipally managed wastes. Ontario is on target to meet this short timeline, having already taken the steps necessary to clear the first two hurdles, being 20 percent reductions for the end of each of 2007 and 2008. To that end, about 50 million tonnes of new landfill capacity has been approved by the province of Ontario over the past two years.

We therefore strongly believe that this issue can be managed without resorting to legislation.

I urge you to give serious consideration to these issues and thank you for the opportunity to share Canada's views on this matter.

Yours sincerely,

MICHAEL WILSON,
Ambassador.

APRIL 23, 2007.

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

DEAR MADAM SPEAKER: This letter is to express the Administration's concern with H.R. 518, the International Solid Waste Importation and Management Act of 2007. H.R. 518 would authorize states to restrict the receipt and disposal of municipal solid waste generated outside the United States.

The Administration is concerned that enactment of H.R. 518 would have the unintended result of increasing the disposal of hazardous waste in the United States and lead to an unnecessary trade dispute. According to the Environmental Protection Agency, approximately 230 U.S. companies in over 32 states shipped hazardous waste to Canada in 2004 alone. If states use the authority in H.R. 518 to restrict foreign waste imports, this could provoke reciprocal actions by Canada or other trading partners against U.S. waste exports.

In addition, because H.R. 518 would authorize states to enact laws or regulations that exclusively restrict the disposal of foreign-generated waste or limit the amount of foreign waste shipped to the United States, it could raise concerns by our trading partners regarding U.S. compliance with international rules prohibiting trade discrimination. In fact, the Government of Canada has already questioned whether H.R. 518, as well as the state laws and regulations it could lead to, would be compatible with U.S. obligations under the North American Free Trade Agreement and WTO agreements.

Moreover, H.R. 518 could result in a patchwork of individual and possibly conflicting state and federal laws and regulations on the receipt and disposal of foreign municipal waste that could make it more difficult to manage cross-border waste flows in an environmentally sound and economically efficient manner.

Finally, there are other ways to address concerns about imports of foreign waste. For example, the U.S.-Canada Agreement Concerning the Transboundary Movement of Hazardous Waste has been a successful mechanism for managing the flow of hazardous waste between our countries and illustrates how issues relating to this type of trade can be handled in a manner that does not raise concerns for our trading partners.

We appreciate your attention to these concerns. The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the President's program

Sincerely,

JUSTIN MCCARTHY,
Assistant U.S. Trade Representative for Congressional Affiars.

JEFFREY T. BERGNER,
Assistant Secretary of State for Legislative Affairs.

APRIL 23, 2007.

Hon. JOHN A. BOEHNER,
House of Representatives,
Washington, DC.

DEAR MR. BOEHNER: This letter is to express the Administration's concern with H.R. 518, the International Solid Waste Importation and Management Act of 2007. H.R. 518 would authorize states to restrict the receipt and disposal of municipal solid waste generated outside the United States.

The Administration is concerned that enactment of H.R. 518 would have the unintended result of increasing the disposal of hazardous waste in the United States and lead to an unnecessary trade dispute. According to the Environmental Protection Agency, approximately 230 U.S. companies in over 32 states shipped hazardous waste to Canada in 2004 alone. If states use the authority in H.R. 518 to restrict foreign waste imports, this could provoke reciprocal actions by Canada or other trading partners against U.S. waste exports.

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Moreover, H.R. 518 could result in a patchwork of individual and possibly conflicting state and federal laws and regulations on the receipt and disposal of foreign municipal waste that could make it more difficult to manage cross-border waste flows in an environmentally sound and economically efficient manner.

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We appreciate your attention to these concerns. The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the President's program.

Sincerely,

JUSTIN MCCARTHY,
Assistant U.S. Trade Representative for Congressional Affairs.

JEFFREY T. BERGNER,
Assistant Secretary of State for Legislative Affairs.

Mr. LEVIN. Madam Speaker, as a cosponsor of H.R. 518, I rise in strong support of this measure. The issue of waste coming into Michigan from Ontario is one of great concern to the people I represent, and I appreciate Representative DINGELL's tireless efforts to move this legislation.

Like the bill approved by the House last year, the International Solid Waste Importation and Management Act directs the Environmental Protection Agency to implement and enforce the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada. The Administrator is required to issue final regulations within 24 months after the date of enactment.

The legislation further requires the Administrator of EPA, when considering whether to consent to a shipment of foreign municipal solid waste to give substantial weight to the views of the recipient State or States, and also consider the impact of the shipment on local recycling programs, landfill capacity, road deterioration, homeland security, public health and the environment, among other factors.

As I mentioned, the bill before the House is nearly identical to the legislation that the House approved last September. Unfortunately, the former leadership of the Senate failed to take up the bill last year, despite bipartisan pleas from Michigan's House delegation urging prompt action. Now that the Senate is under new management, I hope we can at last address this longstanding problem and get a bill to the President's desk for signature.

Our Nation has no closer friend in the world than Canada, but the current trash arrangement in which hundreds of trash trucks cross the border each day on their way to Michigan landfills is simply untenable. The legislation before the House builds on the agreement that Michigan's two Senators negotiated with the government of Ontario last year to reduce municipal waste shipments from Canada over the next four years.

I urge all my colleagues to join me in supporting the legislation before the House.

Mr. CAMP. Madam Speaker, I am pleased to be an original cosponsor of the bill before us today, the International Solid Waste Importation and Management Act, H.R. 518. Last year, the House of Representatives unanimously approved this bill. While the Senate failed to take action on this important legislation, I urge my colleges in the House to send it to the other body again.

This is an issue that transcends political partisanship. With the support of the entire Michigan delegation, and other Members representing Maryland and Virginia, H.R. 518 sends a strong signal to foreign countries, particularly Canada, that States should no longer be viewed as dumping grounds. The volume of foreign waste from Canada into Michigan continues unabated. Since 2002 Canadian

shipments of waste to Michigan have increased 83 percent. Not only do these shipments crowd our landfills, but they also pose environmental, public health, and even national security risks. It is long past that time States are lawfully able to regulate the amount of municipal solid waste coming across the border and into their communities. H.R. 518 gives States the legal authority to regulate this waste until the Federal Government implements a 21-year-old bilateral agreement between the U.S. and Canada on this subject.

H.R. 518 does not violate trade agreements. The House has done its due diligence in crafting this legislation to avoid any potential trade issues. Simply put, H.R. 518 provides the legislative authority for the United States to implement the 1986 bilateral agreement this country signed with Canada.

More specifically, the legislation authorizes and directs the Administrator of the U.S. Environmental Protection Agency to implement and enforce the 1986 Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada. The Administrator is required to issue final regulations within 24 months after the date of enactment. Under the 1986 agreement shipments of hazardous waste require notification to the importing country and that country's consent before waste may be shipped. The agreement was amended in 1992 to establish similar requirements for municipal solid waste. H.R. 518 provides the legislative authority for the agreement to be implemented and ensure both governments provide proper notice and shipment information before dump trucks cross the U.S. northern border.

Stopping trash coming into Michigan from Canada must be done through statute—not handshakes. H.R. 518 accomplishes this goal. This bill represents the first real opportunity in a long time to ensure States know in advance what is coming into their communities and where it is going.

The Michigan delegation in the House of Representatives has done a terrific job of helping bring H.R. 518 to the floor for a vote. I encourage all of my colleagues to support it. I am hopeful the Senate will soon consider the measure.

Mr. CONYERS. Madam Speaker, I rise in strong support of H.R. 518, the International Solid Waste Importation and Management Act of 2007. H.R. 518 adds a new section to the Solid Waste Disposal Act requiring the Environmental Protection Agency to implement and enforce the "notice and consent" provisions of a bilateral U.S.-Canadian Agreement signed in 1986 to govern the transboundary movement of hazardous waste. This agreement was amended in 1992 to include municipal solid waste, but neither administration since then has made any effort to implement the bilateral agreement. Enforcement legislation promised "soon" by the present administration almost 4 years ago has yet to arrive. H.R. 518 provides criteria to ensure that the views of the affected State and local governments are properly taken into account, and it adds the necessary statutory enforcement authority.

According to the most recent information for fiscal year 2006, the largest source of waste imported into Michigan continues to be from Canada, with total reported imports to landfills of more than 12 million cubic yards. That is a 23 percent increase from fiscal year 2003. Even more disturbing is that the amount of Canadian waste being disposed of in Michigan has risen by 335 percent since 1996, when Michigan began collecting data.

Riverview and other downriver communities in my district have had to cope with hundreds of trucks full of Canadian trash rumbling down their streets on a daily basis for years. These trucks pass through our communities en route from the Ambassador Bridge to traffic dumps to the west. You can imagine the traffic congestion, environmental, and quality-of-life problems these truckloads of trash have created.

Local activists like Mr. George Read of Trenton and State Representative Kathleen Law have been working tirelessly alongside our congressional delegation to put an end to this never-ending flow of trash, and I am very pleased that the House today is taking a step toward that goal.

Mr. ROGERS of Michigan. Madam Speaker, I have no further speakers at this time and would be honored to yield back my time.

Mr. WYNN. Likewise, Madam Speaker, we have no further speakers. Again, I would like to commend Chairman DINGELL and the Michigan delegation for their leadership on this issue.

I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and pass the bill, H.R. 518.

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 362, 10,000 TEACHERS, 10 MILLION MINDS SCIENCE AND MATH SCHOLARSHIP ACT

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 327 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 327

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 362) to authorize science scholarships for educating mathematics and science teachers, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 362 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Vermont (Mr. WELCH) is recognized for 1 hour.

Mr. WELCH of Vermont. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. WELCH of Vermont. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material.

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

There was no objection.

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

Madam Speaker, H. Res. 327 provides for consideration of H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act, under a structured rule. The rule provides 1 hour of debate, equally divided and controlled by the chairman and ranking member of the Committee on Science and Technology. The rule waives all points of order against the bill, except those arising under clauses 9 or 10 of rule XXI. The rule also makes in order and provides appropriate waivers for consideration of two amendments that

were submitted for consideration. A third amendment was submitted, but was withdrawn by its sponsors. All three amendments that were submitted to the Rules Committee were offered by Democratic Members.

H.R. 362 is a bipartisan bill aimed at improving K–12 science, technology, engineering and mathematics, STEM, education through recruitment, training, mentoring and professional development of teachers.

The major provisions of H.R. 362 are in response to recommendations laid out by the National Academy of Sciences in their recent report on American competitiveness. That report, ''Rising Above the Gathering Storm,'' identified K–12 science and math education as the highest priority policy recommendations. This legislation intends to implement those important recommendations. The report concluded a comprehensive and coordinated Federal effort is urgently needed to bolster U.S. competitiveness and preeminence in these areas.

This report, initiated, as you know, by Congress, makes four recommendations along with 20 implementation actions that Federal policymakers should take to create high-quality jobs and focus new science and technology efforts on meeting the Nation's needs. Those include, one, increasing America's talent pool by vastly improving K–12 mathematics and science education; two, sustaining and strengthening the Nation's commitment to long-term basic research; three, develop, recruit and retain top students, scientists and engineers, both from the U.S. and abroad; and, four, ensure that the United States is the premier place in the world for innovation.

According to that report, in 1999, 68 percent of U.S. eighth graders received math instruction from a teacher with no, repeat, no math certification or degree. Also, according to that report, in the year 2000, 92 percent of the fifth through ninth graders, our kids, were taught physical science by a teacher with no science degree or certification. In 2004, the United States high school students ranked 24th, 24th, out of 29 countries in math proficiency, according to the Organization for Economic Cooperation and Development, obviously a situation that is not tolerable.

This bill makes important strides towards achieving the goals laid out by the National Academy of Sciences report. H.R. 362 will authorize $1.5 billion to be appropriated for new and existing programs within the National Science Foundation and the Department of Energy that support the training and professional development of elementary and secondary school teachers in the fields of science, technology, engineering and mathematics. H.R. 362 addresses the academy's highest priority recommendations to invest in elementary and secondary education.

In summary, H.R. 362 creates programs at colleges and universities to improve the training of science, technology, engineering and math teachers; increases the size and duration of scholarships provided for those fields for people who become teachers; authorizes teacher training for advanced math and science courses; establishes a National Science Foundation grant program to support teachers institutes, including summer institutes for working math and science teachers; establishes master's degree programs for working math and science teachers through the NSF; and creates centers for improving undergraduate education in science, technology, engineering, and math.

The bill also authorizes scholarships for students majoring in these STEM fields who commit to teaching in our K–12 science and math programs.

The legislation has very broad support among our Nation's leading education and research institutions and broad bipartisan support in this body.

H.R. 362 will improve teacher preparation by providing our Nation's teachers with the necessary professional development, and it should improve our students' achievement by strengthening our math and science curriculum.

The reason for this legislation is clear: by 2010, one in four new jobs will be technically oriented, or will involve computers. Women still lag far behind in earning computer technology degrees and working in computer technology related professions, a situation we hope to change.

Constituents from my home State of Vermont have expressed their belief that this legislation provides the forward-thinking policy our Nation's education system requires.

H.R. 362 will provide a particular benefit to rural regions because of the number of rural school districts that currently don't have the resources to get these jobs done. High school lab courses not only reinforce what is going on in lecture, but obviously capture the attention and engagement of our students. These are useful tools for our students to acquire, no matter what career path they choose to follow.

An additional 10,000 math and science teachers across the United States will help ensure that our Nation can capture the imagination of our young people and give them the tools they need to succeed in the careers of science, engineering, technology, and math. The bill also supports the purchase of laboratory equipment, absolutely essential to achieving these goals, that will upgrade facilities in the development of programs that integrate laboratory experience with classroom instruction.

□ 1330

Madam Speaker, I urge my colleagues to support H.R. 362 to invest in America's competitiveness. That is essentially what this bill is about. This bill will have a great impact on our teacher preparation, will strengthen and expand the science, technology, engineering and math workforce, and attract more of our best and brightest students into these fields.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I thank the gentleman from Vermont (Mr. WELCH) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Madam Speaker, yesterday the Rules Committee met and granted a structured rule for consideration of the bill 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act. Only two amendments were submitted to the Rules Committee and both were offered by the underlying bill's lead sponsor and the chairman of the Science and Technology Committee, Mr. GORDON.

Madam Speaker, I am disappointed the Democrat majority rejected, on a party-line vote, an open rule for consideration of this measure, thus denying Members of the House of Representatives the opportunity to come to the floor and offer his or her amendments to this bill. And I frankly view this as another opportunity of the promises made by the new majority that were wasted with this bill.

However, the underlying bill mirrors the Science and Mathematics Education for Competitiveness Act, which was approved by the House Science Committee unanimously in the last Congress. The underlying legislation aims to increase K–12 science, technology, engineering and mathematics or ''STEM'' teachers annually by 10,000. Specifically, the bill authorizes competitive awards through the National Science Foundation to institutions of higher education to improve the training of STEM teachers and provide scholarships to students in STEM fields who commit to teaching after graduation.

I applaud the Science and Technology Committee for working in a bipartisan manner to help address the need for America to be more globally competitive in math, science, technology and engineering fields by focusing on increasing the number of quality math and science teachers in our Nation's classrooms. Our students and educators certainly stand to benefit from this bipartisan bill which I support.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I thank my friend from Washington.

Just in response to comments on the rule, the Rules Committee believes that this is a judicious rule. All of the amendments that were presented to the Rules Committee were made in order. This is essentially from our point of view an open rule, subject to a filing requirement. The filing requirement obviously gives Members as well

as the Rules Committee an opportunity to review what is being proposed. The rule was adopted by a voice vote.

Mr. HASTINGS of Washington. Madam Speaker, will the gentleman yield?

Mr. WELCH of Vermont. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. The gentleman stated that in his mind this is an open rule. An open rule historically in this body has been where the committee of jurisdiction marks up the bill, takes it to the committee, and then the Rules Committee, with no restrictions, allows Members that are not on that committee to come down if they wish and submit their thoughts or improvements to the bill.

The bill we are about to vote on is a structured rule. Only two amendments were offered. Actually three, and one was withdrawn. Two amendments were made in order. Those amendments were sponsored by the chairman of the committee that has primary jurisdiction on this and the sponsor of the bill, to which it has strong bipartisan support because, as I mentioned in my remarks, this mirrors a bill passed out of the Science Committee last year.

This bill very easily could have been amended in the committee by the chairman, because he is the one who wanted to have the amendments, and it could have been on the Suspension Calendar. It would have passed with strong bipartisan support.

So with due respect to my friend from Vermont, this is not an open rule. This is a structured rule where Members are denied the opportunity if they wish to come to the floor of the House and offer amendments or improvements to this bill.

Mr. WELCH of Vermont. I would inquire of the gentleman, were any rules offered by Members on the Republican side that were rejected?

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. WELCH of Vermont. I yield to the gentleman.

Mr. HASTINGS of Washington. I will simply say that a requirement of an open rule is not necessarily to have amendments submitted to the Rules Committee. The committee of jurisdiction is the one that marks it up and they take a lot of give-and-take within the committee. That is how we break this down, we break this whole cumbersome process down so committees can work in specific ways.

It is after that process, when it goes to the floor, that Members should have an opportunity to submit whatever they wish. And there is no requirement, never has there been a requirement on something like that where they have to go to the Rules Committee and essentially ask permission to offer an amendment on the floor.

So with this rule, contrary to the promises your party made going into the election, this is a closed process. Only two amendments are made in order. So Members are denied an opportunity to offer their thoughts on the floor.

Mr. WELCH of Vermont. Madam Speaker, every amendment that was offered was allowed. There was one amendment that was offered and withdrawn. That is the reason it is not being offered. There was no denial of any proposed amendment by anybody in this body, Republican or Democrat. The only requirement under the rule is that if somebody had an amendment to propose, they had to do it in a timely way.

Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, let me thank our leaders on the committee. This is a very important bill. It is most especially for me, because for the last 15 years that I have been here, I have been preaching about this. So I rise in strong support of H.R. 362 for 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

The Committee on Science and Technology has worked to produce legislation to act upon the recommendations of the ''Rising Above the Gathering Storm'' report which was published by the National Academy of Sciences. This bill addresses the issues that they recommended to improve the quality and number of math and science teachers across the Nation.

Of particular interest to me is the Noyce teacher scholarship program. This program provides grants to universities to give scholarships to math, science and engineering students who become math and science teachers. Original law stated that for every 1 year the scholarship was awarded, new teachers must spend 2 years teaching in a high-needs school. This high-needs school requirement was softened by H.R. 362, but I am pleased that the chairman agreed to modify the bill in conference to restore incentives for teachers to serve in high-need schools. We are losing so many students because they are are from poor communities.

The new design will provide more money per scholarship for students who agree to teach in underserved classrooms. This incentive will hopefully entice passionate and high-quality Noyce scholars to share their talents with students most in need.

I want to commend the chairman's sensitivity to the great disparities that exist in availability of highly qualified math and science teachers in schools across the country. As a matter of fact, in my district we have the number one high school in the country in this area, but not without a great deal of effort.

The subcommittee chair, where I was ranking member for about 6 years, Mr. BAIRD, and ranking member, Mr. GINGREY, of the Research and Science Education Subcommittee have been great advocates for lessening the achievement gap as well.

H.R. 362 also contains a laboratory science partnership pilot program that I have worked on with Mr. HINOJOSA from Texas, and he has been a strong advocate because many of these schools don't have equipment. Overall, this legislation is designed to strengthen our Nation's scientific competitiveness by producing thousands of talented and well-educated math and science teachers. That is the only way we are going to remain competitive in this country. I urge my colleagues to vote in favor of H.R. 362.

Mr. HASTINGS of Washington. Madam Speaker, we have had a discussion on the structure of this rule, and I just want to ask this question of my friend from Vermont, and I will be more than happy to yield to him.

This bill will be debated on the floor later on this afternoon. Is it possible under this rule for any Member, Democratic or Republican Member, to come down and offer an amendment on this bill?

Mr. WELCH of Vermont. Madam Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Vermont.

Mr. WELCH of Vermont. No.

Mr. HASTINGS of Washington. Thank you for your honest response on that.

Madam Speaker, I make the point that this, therefore, is not an open rule as was presented by my friend in his remarks. This is a structured rule, and what has happened is very simply that Members not on the committee are not given the opportunity to try to improve this bill. With that, I oppose the rule.

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

Mr. WELCH of Vermont. Madam Speaker, this bill has received bipartisan support. There has been a slight argument here about the nature of a structured rule, but I have heard from the gentleman from Washington that there is broad support for the content of this bill. It is a step that is going to move this Nation ahead in the important areas of improving science, math, technology, and engineering.

It is absolutely crucial that our country remain competitive. It is a disgrace that we are 24th out of 29 countries as measured in our performance in K–12 instruction in these critical areas to our present economy.

So we support this bill and ask full support of the Members of the House of Representatives for its passage.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 363, SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 318 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 318

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 363) to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 363 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. CARDOZA) is recognized for 1 hour.

□ 1345

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous material into the RECORD.

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

There was no objection.

Mr. CARDOZA. Madam Speaker, House Resolution 318 provides for consideration of H.R. 363, the Sowing the Seeds through Science and Engineering Research Act, under a structured rule.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Science and Technology.

The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The bill shall be considered as read.

The rule makes in order and provides appropriate waivers for all three amendments that were submitted for consideration. The first amendment to be debated on the floor will be that of the gentleman from Texas (Mr. HALL), the ranking member of the Science and Technology Committee.

Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, the talent, intellect and entrepreneurial spirit of the American people have made this Nation the leader in economic and technological advancements. In fact, high-tech industries drive economic growth around the world.

Every day, however, my constituents tell me the United States has fallen further and further behind our competitors in Europe and Asia. The United States continues to lead the world in many statistical categories such as R&D spending and the number of scientists and engineers; however, the rest of the world is increasing its capacity, its R&D investments, and its will to catch up with us.

Other countries such as China and India are pouring resources into their scientific and technological infrastructure at staggering rates, which is increasing their ability to compete with us in the global economy.

For example, in South Korea, 38 percent of undergraduates received their degrees in science or engineering. In France, the figure is 47 percent. In China, it is 50 percent, and in Singapore, it is 67 percent. In the United States, only 15 percent of undergraduates receive a degree in science or engineering. More telling is the fact that approximately one-third of U.S. students intending to major in engineering switch majors to something else before graduating.

Madam Speaker, the warning signs could not be any clearer. Our leadership in the race to discovery is being challenged at unparalleled levels around the world. We cannot ignore this challenge, and we cannot afford to ignore this challenge.

Our society has always depended on innovation and discovery. It has depended on pioneers who push themselves to their intellectual and physical limits to find the hidden paths that lead to that discovery. Over 125 years ago, Thomas Edison who famously quipped that he had not failed but instead had found 10,000 different ways that would not work invented the light bulb, and it was Albert Einstein who once said, ''I never came upon any of my discoveries through the process of rational thinking.''

My point, Madam Speaker, is that our advancement as a society depends on leading the search for the unknown. Americans must continue to research, we must continue to develop, and we must continue to innovate in order to create new and thriving industries that will produce millions of good jobs and a better future for our children. To do that, however, we must continue to reinvigorate America's commitment to this discovery process.

The National Academy of Sciences recently released a report, ''Rising Above the Gathering Storm.'' The report outlines specific recommendations to enhance the scientific building blocks in the United States. The bill we have today before us, H.R. 363, the Sowing the Seeds through Science and Engineering Research Act, draws directly from several of those recommendations.

To paraphrase the report, the report recommends that we strengthen our Nation's commitment to research to maintain the flow of new ideas that fuel the economy, provide security and enhance our quality of life. In that regard, H.R. 363 seeks to improve Federal support for scientific research and education in order to maintain our position as the unequivocal global leader in innovation.

H.R. 363 creates a program at the National Science Foundation to award grants to scientists and engineers at the early stage of their careers at colleges, universities and research institutions across the country. Young researchers are eligible to receive up to $80,000 per year for 5 years.

The awards are granted on a competitive basis and are based on intellectual merit of their work, the innovative or transformative nature of the proposed research, and the researcher's potential for leadership at the frontiers of knowledge.

The bill requires that the National Science Foundation director allocate at least 3.5 percent of its research funding for this grant program. The bill also creates a similar program in the Department of Energy for which $25 million is authorized.

H.R. 363 directs NSF to allocate at least 1.5 percent of its research funds

to an integrated graduate education and research training program. This program provides support to those scientists and engineers who will pursue careers in research and education.

Just this week, Madam Speaker, the president of my alma mater from the University of Maryland, Dr. Mote, came by to describe some of the challenges for young researchers in just this area. It is so appropriate that Congress is taking this action at this time.

This bill establishes the Presidential Innovation Award, an award which will recognize scientists and engineers who develop unique innovations in the national interests. The bill creates a national coordination office within the Office of Science and Technology Policy to better coordinate research efforts, and, finally, H.R. 363 directs the National Institute of Standards and Technology to provide a report to Congress on the efforts to attract and retain young researchers.

But this bill goes far beyond the long-lasting impacts of development and innovation. It goes far beyond our ability to create jobs and compete in a global economy. It will plant the seeds of hope for a better tomorrow in communities across this country.

I know firsthand what research funding will be able to do. The University of California in Merced, my hometown in my district, is on the cutting edge of several research projects where additional funding could spur the next big breakthrough. UC Merced is a leader in solar concentration technologies, just one of the many of our ongoing projects. To date, this research has largely been supported through public and private partnerships. However, increased research funding could potentially improve the efficiencies of solar power and solar thermal technologies; and if efficiency and affordability are within our grasp, we can decrease the carbon emissions and reduce our dependence on foreign oil, certainly worthy goals for this Congress. This is but one example of many research efforts across our country that has the potential to define and shape tomorrow.

It is this type of project that would benefit from the funding of this bill, but how many more ideas could become reality if our researchers only had the tools that they sorely need? How many more concepts, how many more ideas are out there on the horizon waiting to be discovered?

Madam Speaker, it is our duty and our responsibility as legislators to help make those dreams and ideas become a reality.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Madam Speaker, I want to thank the gentleman from California (Mr. CARDOZA) for yielding me the customary 30 minutes.

Madam Speaker, it is vital that the United States continue to grow more globally competitive in the areas of scientific research and technology. Federal and private investment in supporting research and development is essential to the health of our economy and our competitiveness as a Nation. We must plan for the future by investing in areas of basic research and science today.

The underlying bill, H.R. 363, reaffirms our Federal commitment to increase America's global competitiveness in the areas of science, technology, research and innovation by supporting America's future scientific leaders.

The central Washington area that I represent is home to the Pacific Northwest National Lab in Richland, a state-of-the-art research facility. The PNNL hosts a diverse staff of outstanding scientists, engineers and support professionals. Many of these individuals in the past have received the highest levels of recognition for outstanding achievements and discoveries in their field.

At this lab, researchers use their expertise in the fields of environmental, radiological, biological and computational sciences to make important contributions to the scientific advancement of our Nation. The development of fuel cell technologies, biomass systems and radiation portal monitors are just a few of the areas where lab researchers are leading efforts to solve our national security and energy security challenges.

I am pleased that this legislation includes efforts to help encourage collaborations between scientists and national labs. Specifically, this legislation allows the National Science Foundation grants to be used in collaboration with our national labs, which means more researchers at our labs will be eligible for Federal support.

Madam Speaker, the underlying legislation enjoys strong bipartisan support, and this rule makes in order all amendments that were submitted to the Committee on Rules. However, Madam Speaker, I question the need once again for a structured rule when an open rule could have been granted for consideration of this bill.

Accordingly, I urge my colleagues to oppose the rule.

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

Mr. CARDOZA. Mr. Speaker, before I turn it over and yield to my colleague from Texas, I just want to respond to the gentleman and say, on an ongoing basis, we have heard the same drumbeat that we are somehow trampling on the rights of the minority. It is true that this is a structured rule, but it is also true, as it was with the last bill, that every amendment that has been offered has been granted. Certainly that is in the spirit of collegiality and cooperation that this House deserves. We have gone far beyond what is required. This is not an open rule, but certainly we have done more open rules in this committee than was done in the past Congress already in the first few months. We are doing everything we can to accommodate the minority in both spirit and practice.

So I say to my colleague, my good friend from the State of Washington, that he has had the opportunity, every Member, I have heard no one who is clamoring for an amendment to this bill. In fact, all three amendments that were offered to the committee were, in fact, granted, and it seems to me that we are offering cooperation on a silver platter. We just need our colleagues to say ''yes'' and agree that we have done that.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. CARDOZA. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I appreciate the gentleman yielding, and I appreciate his acknowledgment that this is a structured rule and, therefore, Members cannot come down to the floor and ask for amendments to be made in order.

But I just want to make this point, and we talk about it a lot in the Rules Committee. A lot of these bills have strong bipartisan support, and, yes, there may or may not be Members that are clamoring for amendments. But it would just seem to me to keep the process in a way where all Members, if they desire, should have an opportunity to come down because maybe something was said in debate, maybe a point that was made that was overlooked, to at least have the opportunity to change. When bills have strong bipartisan support, that is probably the best time to have an open rule.

I respectfully tell my friend that there has been a change in definition of what open rules are. We could probably discuss that further because you have not had the open rules that we have had based on everybody having an opportunity.

I would just simply say that bills like this, if you are going to have them on the floor under the regular order of a rule, then it should be an open rule. Otherwise, it seems to me that it should be on a Suspension Calendar, like we pass so many pieces of our legislation.

□ 1400

That is just simply the point I am making. I appreciate the gentleman yielding.

Mr. CARDOZA. Reclaiming my time, I acknowledge this is not an open rule, this is a structured rule. That is what we put forward. In the 12 or 14 years that the current minority was in power, we saw a declining, ever-declining number of what he considers an open rule.

As I said before, we granted every amendment that came forward in the

last two bills. Certainly that is in the spirit of cooperation that we bring this legislation to the House floor.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), a member of the Science Committee.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me proceed to thank my colleagues for bringing this rule to the House so that we can rise above the gathering storm.

Mr. Speaker, this is not to insult anyone. I know what it feels like not to be given the opportunity to offer an amendment, I truly do.

But this is a well-substantiated reason because we are in a crisis in this Nation, and we must rise to the occasion. We are moving backwards right now, or standing still. The measure is an investment in America's future, and we must move it.

We must support our American scholars so that we can get the leadership and the thoughts we need to convey to other young people. Our young scholars are not getting the support they need now. They really need more, because they are the future.

The alternative to this bill is to become a Third World nation with all the low-paying jobs, because all of the other ones will leave this country to go where the talent is. We must move fast.

We are in a crisis, and I would hope that we would accept this rule as it is.

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

Mr. CARDOZA. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ISRAEL), a member of the Appropriations Committee.

Mr. ISRAEL. I thank the gentleman for his leadership.

Mr. Speaker, not to quibble over a rule, but to get to the heart of this very important legislation, in 1957 the American people were terrorized when Sputnik orbited the Earth, and it looked like the Soviet Union had beat us into outer space. What we did then, in the face of that very grave threat to our national security, was to launch a new generation of engineers and scientists.

What we did then was went into our classrooms and nurtured a new generation of people who could engineer, research, develop, manufacture and mobilize. That generation of engineers landed us on the Moon.

People say that NASA landed man on the Moon. I have a very high regard for NASA, but NASA didn't land us on the Moon. The Grumman Corporation landed us on the Moon. NASA provided the incentives and the support and acted as a catalyst to help mobilize that generation of engineers that figured out how to get us to the Moon. We won the Cold War with that generation.

I believe that today our dependence on foreign oil is just as grave a threat as Sputnik was; just as grave a threat to our security, and my children's security, as the Cold War was. We need to engineer again, to research and develop, to mobilize and motivate and inspire a new generation of engineers who can develop plug-in hybrids and fuel cells, hydrogen fuel cells and batteries and cellulosic ethanol.

I was in China just 2 months ago on an energy security congressional delegation. The seventh wealthiest person in China is manufacturing solar panels in China and selling them to Germany; not here, but selling them to Germany.

In Brazil, seven out of every 10 cars is running on flex fuel. We beat Germany and Japan in World War II. They are now ahead of us in solar energy.

If we could win the Cold War and World War II, if we could defeat Germany and Japan in World War II, we should be able to get ahead of them in solar energy. If Brazil can do it, we can do it. It starts in the classroom. It starts with our schools. It starts with that generation.

We can no longer afford to turn our backs on the future. It is time to harness that energy so that generation can provide us with the energy and security we need. It is time to stop borrowing money from China in order to fund our military, to buy oil from the Persian Gulf to fuel our weapons to protect us from China and the Persian Gulf.

This is a national security issue, and it's time for us to treat it as that and invest in that next generation of engineers and scientists. That is what this bill does, and that is why I am so proud to support it.

Mr. HASTINGS of Washington. Mr. Speaker, I ask my friend from California if he has any more requests for time.

Mr. CARDOZA. We have no more requests for time and are prepared to close.

Mr. HASTINGS of Washington. Mr. Speaker, I simply want to say this is a very good bill. It's a bill that has been worked on in the past Congress, and, obviously, in this Congress. It has strong bipartisan support, and all of the points that my friend from New York made in his previous remarks, I would like to associate myself with them. We need that.

It just seems to me that during their whole process, when you have strong bipartisan support, under the rules of the House, all Members ought to have an opportunity to have some say in legislation as important as this that comes to the floor of the House, and not just those members within the committee of jurisdiction.

I am simply pointing that out. It is a promise that was made by the new majority in the last election. I will withhold judgment, obviously, until after this first session is over to see if, in fact, those promises were kept. But as we go along here, seeing structured rules on bills that could very well be on a Suspension Calendar, I just think it's another opportunity missed.

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

Mr. CARDOZA. Mr. Speaker, I first want to acknowledge the fantastic remarks of my colleague, Mr. ISRAEL, from the great State of New York.

I also want to respond to my colleague in closing, that while we hear continued complaints about the rule process this session, we have granted the vast majority of amendments that have been offered on these last two bills. In fact, I think every amendment that was offered was granted to the minority. There is certainly no shortage of allowing the minority to have input, both in the committee and here on the floor.

I just get to the heart of the topic at hand today, and that is, quite simply, we must, we must reinvigorate America's commitment to discovery. Where there is research to be done, we must undertake it. There is opportunity to be pursued. This country has always pursued the opportunities presented. We have been an innovator in the last 225 years that we have been in existence, and we must continue to pursue it.

When a technological breakthrough lies far away on the horizon, we must seek it and discover it. I urge a ''yes'' vote on the rule and on the previous question.

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

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order: H. Res. 327, H. Res. 318, H. Res. 299, H. Res. 289, H. Res. 119, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 362, 10,000 TEACHERS, 10 MILLION MINDS SCIENCE AND MATH SCHOLARSHIP ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 327, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 188, not voting 24, as follows:

[Roll No. 248]

YEAS—220

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

NAYS—188

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

NOT VOTING—24

Baker
Brady (PA)
Buyer
Castle
Cleaver
Cubin
Davis, Jo Ann
Deal (GA)
Fattah
Fossella
Hastings (FL)
Hobson
Honda
Kennedy
King (NY)
Kirk
Lampson
McCollum (MN)
Myrick
Rangel
Sutton
Waxman
Westmoreland
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1435

Messrs. HELLER of Nevada, FEENEY, HERGER, and REYNOLDS changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

A motion to reconsider was laid on the table.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 363, SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 318, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 187, not voting 26, as follows:

[Roll No. 249]

YEAS—219

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

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier

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

NOT VOTING—26

Baker
Brady (PA)
Buyer
Cleaver
Conaway
Cubin
Davis, Jo Ann
Deal (GA)
Fattah
Ferguson
Fossella
Hastings (FL)
Hobson
Honda
Kennedy
King (NY)
Kirk
Lampson
Lewis (CA)
McCollum (MN)
Myrick
Rangel
Sutton
Waxman
Westmoreland
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

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

□ 1443

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CONAWAY. Mr. Speaker, on rollcall No. 249 I was inadvertently detained. Had I been present, I would have voted "nay."

Mr. HONDA. Mr. Speaker, on Tuesday, April 24th, I was unavoidably detained and was not present for two rollcall votes.

Had I been present I would have voted: "yea" on rollcall 248 for passage of H. Res. 327, providing for consideration of H.R. 362 to authorize science scholarships for educating mathematics and science teachers, and for other purposes; "yea" on rollcall 249 for passage of H. Res. 318, providing for consideration of H.R. 363 to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes.

EXPRESSING SENSE OF HOUSE THAT CONGRESS SHOULD INCREASE PUBLIC AWARENESS OF CHILD ABUSE AND NEGLECT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 299, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 299.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 250]

YEAS—411

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

NOT VOTING—21

Baker
Brady (PA)
Buyer
Cleaver
Cubin
Davis, Jo Ann
Deal (GA)
Fattah
Fossella
Gillibrand
Hastings (FL)
Hobson
Kennedy
King (NY)
Kirk
Lampson
Lewis (CA)
Myrick
Rangel
Sutton
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1452

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. GILLIBRAND. Mr. Speaker, on rollcall No. 250, had I been present, I would have voted "yea."

EXPRESSING SENSE OF HOUSE WITH RESPECT TO RAISING AWARENESS AND ENCOURAGING PREVENTION OF SEXUAL ASSAULT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 289, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 289.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 251]

YEAS—410

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

NOT VOTING—22

Baker
Bishop (NY)
Brady (PA)
Buyer
Cleaver
Cubin
Davis, Jo Ann
Deal (GA)
Drake
Fattah
Fossella
Hastings (FL)
Hobson
Kennedy
King (NY)
Kirk
Lampson
Moore (WI)
Myrick
Rangel
Sutton
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

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

□ 1500

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE MISSION AND GOALS OF NATIONAL CRIME VICTIMS' RIGHTS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 119, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 119.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 25, as follows:

[Roll No. 252]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt

Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—25

Baker
Bilirakis
Brady (PA)
Buyer
Cleaver
Cubin
Davis, Jo Ann
Deal (GA)
Fattah
Fossella
Hastings (FL)
Hobson
Kennedy
King (NY)
Kirk
Lampson
Lewis (CA)
McDermott
Moore (WI)
Myrick
Rangel
Sessions
Sutton
Waxman
Westmoreland

□ 1507

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. GILLIBRAND. Mr. Speaker, during the vote on rollcall 252, I was momentarily detained, and was not on the House floor. Had I been present and voting, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CLEAVER. Mr. Speaker, I missed the following votes due to an evacuation of the Longworth House Office Building which was conducted during the votes.

Mr. Speaker, had I been present for rollcall vote 248, providing for consideration of the bill (H.R. 362) to authorize science scholarships for educating mathematics and science teachers, and for other purposes, I would have voted "yea."

Mr. Speaker, had I been present for rollcall vote 249, providing for consideration of the bill (H.R. 363) to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes, I would have voted "yea."

Mr. Speaker, had I been present for rollcall vote 250, expressing the sense of the House of Representatives that Congress should increase public awareness of child abuse and neglect and should continue to work with the States to reduce the incidence of child abuse and neglect through such programs as the Child Welfare Services and Promoting Safe and Stable Families program, I would have voted "yea."

Mr. Speaker, had I been present for rollcall vote 251, expressing the sense of the House of Representatives with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month, I would have voted "yea."

Mr. Speaker, had I been present for rollcall vote 252, Supporting the mission and goals of National Crime Victims' Rights Week in order to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States during such week and throughout the year, I would have voted "yea."

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill, H.R. 362, as amended.

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

10,000 TEACHERS, 10 MILLION MINDS SCIENCE AND MATH SCHOLARSHIP ACT

The SPEAKER pro tempore. Pursuant to House Resolution 327 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 362.

□ 1510

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 362) to authorize science scholarships for educating mathematics and science teachers, and for other purposes, with Mr. SALAZAR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chair, I rise in support of H.R. 362, and yield myself such time as I may consume for an opening statement.

In 2005, the National Academies assembled a blue-ribbon committee of national leaders in academia, business and government to address concerns about the national prosperity and the global economy in the 21st century. The Academies' report was entitled, "Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future." That report catalogs a number of worrisome indicators and presents recommendations that the Nation must follow to maintain its competitiveness.

What did this distinguished committee tell us is most important to the future of the economic health of our Nation? Here is the first recommendation from the report: Increase America's talent pool by vastly improving K–12 science and mathematics education.

The Gathering Storm report goes on to tell us where the focus should be in efforts to improve K–12 science and mathematics education. In brief, it says, "Focus on the teachers." H.R. 362 follows that blueprint.

In January, I partnered with Mr. HALL, ranking minority member on the Committee on Science and Technology, to introduce H.R. 362, whose purpose is to implement all of the action items from the Gathering Storm report and address the report's first recommendation.

I want to thank Mr. HALL for his assistance in developing this bill. With his support, it was favorably reported by the Science and Technology Committee by a unanimous vote.

□ 1515

This bill is endorsed by a wide variety of educational organizations and business coalitions, including the Association of American Universities, the Business Roundtable, the Council of Competitiveness, the National Education Association, the National

Science Teachers Association, and the STEM Education Coalition. These organizations are enthusiastic about H.R. 362 because it will dramatically improve the national corps of math and science teachers.

We call the first title of the bill ''10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.'' The bill will create thousands of new teachers with content and teaching skill expertise in their area of teaching.

The vehicle for accomplishing this goal is the Robert Noyce Scholarship Program at the National Science Foundation. Noyce awards go to universities that build model programs for recruiting math and science students into teaching. These programs provide mentoring, early field experiences, and a streamlined path toward teaching certification. Students who enroll in this program will receive $10,000-per-year scholarships. In return, they will make commitments of several years to the teaching profession.

H.R. 362 will also create summer institutes and graduate programs that provide sustained, content-oriented professional development to in-service teachers through the Math and Science Partnership Program at the National Science Foundation. We have a critical shortage of math and science teachers in the U.S., and many of our math and science teachers have no degree or certification in the field they teach. In fact, 87 percent of middle school and 58 percent of high school physical science teachers lack these qualifications.

This bill tackles this problem from both ends. On the one end, we bring in a new cadre of math and science teachers who are well-educated and well-prepared. That is what the Noyce program does. On the other end, we improve the teachers that we have through innovative, effective programs led by disciplinary faculty from higher education. That is what the Math and Science Partnerships program does.

Other provisions of H.R. 362 include an expansion of the STEM Talent Expansion Program at the National Science Foundation, a program to enhance the undergraduate education of the future science and engineering workforce, and a pilot program at the NSF to improve laboratory science in high-need secondary schools.

To maintain our high national standard of living, we need a workforce that is prepared in a world-class math and science education system. But there is a dark cloud looming. American students have performed poorly in recent years on an assortment of international tests of math and science achievement. That does not bode well for the future. Our next generation of innovators, where will they come from? That is what the gathering storm on the horizon is all about. To rise above it, we need to reform the math and science teaching profession. That is what this legislation now before us will do.

The stakes are high and the concern is urgent. I urge my colleagues to support the passage of H.R. 362.

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

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

Mr. Chairman, I rise today in support of H.R. 362. In the last Congress, we will remember that the National Academy of Sciences ''Rising Above the Gathering Storm'' report, as well as other reports, emphasized the importance of strengthening science, of strengthening technology, of strengthening engineering and mathematics, those fields of education in the U.S., to ensure that the Nation's workforce can compete globally in high-tech, high-value industries such as information technology, biotechnology, semiconductor manufacturing and nanotechnology.

President Bush followed up on these reports with his American Competitiveness Initiative, and Republicans have led this effort through the 109th Congress, the last Congress, because we understood the importance of promoting innovation to keep our Nation competitive globally.

I am pleased to be an original cosponsor of this legislation, most of which was included in a majority effort in the last Congress to implement many of the report's suggestions by expanding current programs versus creating duplicative new programs.

The bill authorizes programs to improve U.S. math, science and engineering education at all levels, K–12, undergraduate and graduate. These programs will develop and provide teacher training, attract math and science majors to teaching to improve undergraduate math, science and engineering courses and expand interdisciplinary graduate work, primarily by strengthening existing programs at the National Science Foundation.

I am particularly pleased with the 10,000 Teachers, 10 Million Minds title which is modeled on a program at the University of Texas called UTeach.

As reported, this is a good bill. I urge my colleagues to support it.

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

Mr. GORDON of Tennessee. Mr. Chairman, I yield such time as he may consume to my friend, the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding, and I rise for the purpose of engaging in a colloquy with Chairman GORDON.

Mr. Chairman, I rise in order to request the attention of the distinguished chairman in addressing an important concern relating to the section in H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act of 2007, that amends the National Science Foundation Noyce Scholarship Program.

As you know, the core purpose of H.R. 362 is to increase the number of STEM teachers with strong content knowledge and teaching expertise serving in America's schools. In particular, the bill authorizes a large expansion of the Noyce program, which gives scholarships to students to become highly qualified teachers in exchange for their service in a public school.

I want to commend the chairman for crafting this very important legislation. It is an essential step in achieving our national goals of promoting innovative behavior and ensuring continued American strength and competitiveness.

If we are to expand the STEM pipeline, however, and if our investments in innovation and competitiveness are to pay large dividends, we must work to correct the large gaps in math and science test performance that exist today between underrepresented minority groups, which are concentrated in high need areas and the rest of the population. The first step in improving the participation of underrepresented groups is to prepare them to compete academically in STEM.

I am sure that the gentleman will agree that one of the most effective methods for resolving these disparities is by augmenting the number of quality, highly trained teachers serving in high-need areas. This is a job practically tailored for the Noyce Scholarship Program.

I would like to thank the distinguished chairman for his recognition of this need and for his willingness to work with me on this important issue, and I would like to yield to the gentleman at this point.

Mr. GORDON of Tennessee. Mr. Chairman, the gentleman is absolutely correct. The NSF Noyce Teacher Scholarship Program, as amended by H.R. 362, is specifically designed to help place highly qualified STEM teachers in every classroom across the Nation. I further agree with the gentleman that it is particularly important to reduce the number of out-of-field teachers in the schools that have a high proportion of minority students, who are currently underrepresented in science and technology.

Mr. REYES. Mr. Chairman, reclaiming my time, I thank the gentleman, and in order to address the points that we have both made, I would like to suggest to the chairman that we pursue the following: I would request that in conference the distinguished chairman seek to increase the scholarship amount for students who agree to teach in high-need schools from the current $10,000 per year to $12,000 per year over a 3-year period of scholarship support. The intention of this is to increase this scholarship amount to address the problem of a disproportionate number of high-need schools that have high percentages of out-of-field STEM teachers.

Does the chairman believe this is a modification he would find worthy of his support?

Mr. GORDON of Tennessee. Mr. Chairman, if the gentleman will yield

further, let me first of all thank the gentleman for his recommendation and assure you that it is my intention when we go to conference on H.R. 362 to work to increase the size of the Noyce scholarship to $12,000 per year for students who agree to carry out their teaching commitment in high-need schools.

Mr. REYES. Mr. Chairman, reclaiming my time, I thank the gentleman.

In addition, I would also request that we ensure that the provisions requiring NSF to track the types of schools in which Noyce recipients carry out their teaching obligations include an assessment of the effectiveness of the increased scholarship amount on influencing individuals to teach in high-need schools. Does the chairman believe that this is a modification that he would find worthy of supporting?

Mr. GORDON of Tennessee. Mr. Chairman, if the gentleman will yield further, I certainly do; and I once again thank the gentleman for bringing this up.

As the gentleman points out, H.R. 362 now requires the National Science Foundation track the proportion of Noyce graduates who elect to teach in high-need schools. I will seek to expand this provision in conference to require NSF to assess the effect of increasing the size of scholarships on attracting graduates of the program to teach in high-need schools.

Mr. REYES. Mr. Chairman, reclaiming my time, I thank the gentleman.

In addition, seeing as that the problem of out-of-field teachers is most severe in high-need schools, I would request that in conference the distinguished chairman pursue modifications to the bill, clarifying that one of the purposes of Noyce is to close the gap between the number of highly qualified STEM teachers in high-need schools and the number of such teachers in non-high-need schools.

I would further request that this policy statement be included in section 103 of H.R. 362 titled ''Policy Objectives.'' Does the chairman believe that this is a modification he would find worthy of his support?

Mr. GORDON of Tennessee. Mr. Chairman, once again we are on the same page. I agree with the gentleman that an important goal of the Noyce program is to reduce disparities in the distribution of highly qualified STEM teachers among schools in different regions of the Nation. I support the gentleman's proposed modification to section 103 of the bill and will pursue this change in conference.

Mr. REYES. Mr. Chairman, I would like to again thank the distinguished chairman for agreeing to address these points in conference and for the great job that he has done in crafting this very important and vital piece of legislation.

Mr. GORDON of Tennessee. Mr. Chairman, let me again thank the gentleman for his constructive efforts in making a good bill even better.

Mr. Chairman, I include for the RECORD an exchange of letters between the Committee on Science and Technology and the Committee on Education and Labor.

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, April 3, 2007.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GORDON: I am writing to confirm our mutual understanding regarding consideration of H.R. 362, the ''10,000 Teachers, 10 Million Minds Science and Math Scholarship Act,'' which was referred to the Committee on Science. As you know, the Committee on Education and Labor has a jurisdictional interest in H.R. 362, particularly as we move forward to reauthorize the Higher Education Act this term.

Given the importance of moving this bill forward promptly, I do not intend to request the sequential referral of H.R. 362 to the Committee on Education and Labor. However, I do so only with the understanding that this procedural route should not be construed to prejudice this Committee's jurisdictional interests and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Education and Labor in the future. In addition, should this bill or similar legislation be considered in a conference with the Senate, I would expect members of the Committee on Education and Labor to be appointed to the conference committee on such measures.

Finally, I ask that you include a copy of our exchange of letters in your committee's report on H.R. 362 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

GEORGE MILLER,
Chairman.

COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, April 5, 2007.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the consideration of H.R. 362, the ''10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.'' I appreciate your waiving your Committee's right to a referral on this bill so that it may move expeditiously to the Floor.

I recognize your Committee's jurisdiction in this area and will support any request you may make to have conferees on H.R. 362 or similar legislation. The exchange of letters between our two committees will be included in the Committee report on H.R. 362 and will be inserted in the Congressional Record during consideration of the bill.

Thank you for your attention to this matter.

Sincerely,

BART GORDON,
Chairman.

Mr. HALL of Texas. Mr. Chairman, I yield 7 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, all of us go back to our districts regularly and meet with our constituents, and some of the most sorrowful meetings I have are with students who have just graduated from high school and say, I can't get a job. I can't get a job. What a shock to them, after years of education. And I am not talking about dropouts. I am talking about students who have studied hard, worked hard, and tried to learn a lot.

When I analyze the problem, much of it circles around the fact that today, and, indeed, all the jobs of the future, require a good understanding of the basic principles of mathematics and science, and many students in today's curriculum are not getting that knowledge.

What can we do to help solve that? There are a number of aspects to the problem. Obviously, the first thing is to entice students to take those courses. But, secondly, and more importantly, is to make certain that all those teachers in our high schools across this Nation are adequately trained and adequately prepared to teach math and science courses and do it in a fashion that excites the students and entices them to take these courses so that they will develop the background in math and science that they need to get a job, both now and in the future.

The world has changed. China and India recognized this 20 years ago and changed their educational system. We did not change. We did not recognize what was happening, and so we have to play catch-up.

This bill, which I strongly support, is a good bill which will help us to improve U.S. math, science, and engineering education at all levels; K–12, undergraduate and graduate.

As most people in Congress know, I am a scientist. What you may not know is that over 40 years ago, I dedicated myself to trying to improve the science educational programs in the United States, basically from preschool through graduate school, because we were simply falling behind other countries in the areas of mathematics and science.

I am not talking only about producing good engineers and enough engineers, or good scientists and enough scientists. That is very important, and we must do it. We are losing out on that as well. But what we certainly have to do is to prepare everyone for the workplace of today, and especially the workplace of tomorrow.

□1530

This bill will help do that. This bill builds on the Noyce Scholarship Program, an excellent program that has been in effect for a number of years and which was initially proposed by the former chair of the Science Committee, Sherry Boehlert. It is named after the person who helped to found Intel and make it grow into what it is today. They also have funded a number of scholarship programs, and this is our counterpart.

But this program does more than that. It strengthens and expands the

Noyce Scholarship Program, but it also strengthens and focuses the Math and Science Partnership Program at the National Science Foundation, a program which has fallen on hard times in the last few years, primarily because the President's budget has sought to eliminate funding for that program. I think this is based on a misunderstanding in the administration or in the Office of Management and Budget about what the program does, and the mistaken belief that this program was a duplicate of one residing in the Department of Education. As a result the program in the Department of Education grew, and the one in the Science Foundation was cut back.

The fact of the matter is they are both good programs and necessary programs, and they are complementary, not competitive. We need both if we are going to strengthen our teacher training programs. That is why I strongly approve of the aspect of the bill that will strengthen and focus the Math and Science Partnership Program.

The bill also extends the authorization of and expands the NSF Science, Technology, Engineering and Mathematics Talent Expansion Program, better known as the STEP program, which provides grants to colleges and universities to improve undergraduate science, math and engineering education.

This bill enables NSF to fund the creation of centers at colleges and universities to develop new approaches to undergraduate education programs, and expands the focus of STEP beyond its initial focus of increasing the number of graduating STEM majors to also include increasing the number of nonmajors taking STEM courses.

The bill also establishes a pilot grant program at NSF to create a partnership to support science lab improvements in secondary schools, a proposal initiated by Mr. HINOJOSA in a separate bill, but that we are incorporating into this bill.

In short, this bill does a great deal to strengthen several programs at the NSF and, develop innovative programs which will provide better math, science education at all levels from the elementary schools through the undergraduate and the graduate programs.

We have worked together on this in a nonpartisan way. I commend Ranking Member HALL. Mr. HALL has been a strong person in this area and has strongly pushed this bill. I also commend the chairman of the committee, Mr. GORDON, who has also worked very hard on this. It has been a copacetic experience in the Science Committee to hear this discussion and see the progress we have made. I strongly support the bill, and urge the House to adopt it.

Mr. GORDON of Tennessee. Mr. Chairman, I would like to say amen to most of Dr. EHLERS' eloquent statement. He is a very constructive and positive force on our committee.

I yield 2 minutes to the gentleman from California (Mr. HONDA), a former science teacher.

Mr. HONDA. Mr. Chairman, I rise today in enthusiastic support of H.R. 362, the 10 Teachers, 10 Million Minds Science and Math Scholarship Act, and H.R. 363, the Sowing the Seeds Through Science and Engineering Act.

The National Academies' report, ''Rising Above the Gathering Storm,'' found that the United States ''must prepare with great urgency to preserve its strategic and economic security.'' To do this, we must compete by optimizing our knowledge-based resources, particularly in science and technology, and by sustaining the most fertile environment for new and revitalized industries and the well-paying jobs they bring.

As a Representative from Silicon Valley, I am keenly aware of how innovation is a driving force behind our Nation's economy. There is one thread that runs through both bills that I particularly support, something I call teaching innovation.

H.R. 363 authorizes the NSF to support research on the process of innovation and the teaching of inventiveness, while H.R. 362 enables the development and dissemination curriculum tools for teaching inventiveness and innovation. These provisions are derived from H.R. 1492, the Innovations for our Nation's Vital Educational Needs for Technology (INVENT) Act.

From talking to Silicon Valley CEOs, I have learned that, in especially innovative high-tech companies, the cutting-edge work has really been driven by a few highly innovative scientists and engineers who tend to have many patents, while other employees have only a few. To maximize our Nation's knowledge-based resources, I believe we need to figure out how these people do it and teach others those skills.

I am grateful to Chairman GORDON and also to the former chairman, Sherry Boehlert, with whom I worked on this during the 109th Congress.

Mr. HALL of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER), a member of the Science Committee.

Mr. ROHRABACHER. Mr. Chairman, I rise in support of H.R. 362. Let me first congratulate Chairman GORDON for the leadership that he is providing, along with Ranking Member HALL, and let us note that since the change of the guard here in the House of Representatives a few months ago, we have had an exemplary approach to bipartisanship and a positive spirit that we have seen in the Science Committee, and this legislation reflects that positive atmosphere and working environment that we have in the Science Committee.

H.R. 362 seeks to address the lack of qualified teachers for math and science in K–12 throughout our country. I support H.R. 362 because it is not just a giving of something to someone, a scholarship, but it is actually providing young people who may not have the means to go to school and to get their education. It requires 5 years of service as a science and mathematics teacher in order for them to get this scholarship. I see that as a two-for, if not a three-for or a four-for, because the kids are going to benefit, the schools are going to benefit, the country is going to benefit.

Trading service for education is an American tradition. I guess it goes back even further than the GI bill, but that is what brought it to mind. All of us had parents who were probably recipients of the GI bill. I know my father was.

We should be beefing up education benefits through the GI bill and other things like that for our Reserves and our National Guard and Active Duty people, now that we are at war and now that we are thinking about this. But this particular scholarship program we are talking about today will fill a need for our country of finding math and science teachers in order to fill these positions throughout our country that now can't be filled.

Let us note that 10,000 teachers provided these scholarships is certainly going to help. But the basic problem is not touched by this legislation, and that is that we would not need these scholarships if math and science teachers throughout the country were paid more than they are today.

What is happening is today, math and science teachers are being forced to accept wages, and then they don't accept them and just go someplace else, at the same level as teachers who teach things that are not quite as necessary. Or, in fact, there are many, many more teachers available for these other courses, whether it be social sciences or whatever. So since we do not have a pay differential, it is very difficult to fill these positions, and at least this legislation today will help meet the immediate challenge.

Instead, however, we should have worked on the fundamental problem throughout our country of making sure that people can go into math and science and be attracted to it. Fundamentally, what we need to do in America to address these types of shortages is to make sure that people who go into math and science and engineering make more money, whether they are teachers or anything else. Quite often, we do things that go contrary to this. Insisting that all teachers make the same money is one of those mistakes. H–1B visas that bring in hundreds of thousands of people from overseas and just depress the wages of people who are in math and science and engineering in our country is something else that is wrong, that ends up taking us in the wrong direction.

We need our young people attracted to math, science and engineering, and to get that education because they know they can earn a good living for their family and earn a decent living if they get that type of training.

So the legislation we pass today will help. It will provide scholarships. I support that. I salute the chairman and the ranking member for the leadership they provided in providing this help for our young people in exchange for what they will do teaching young people in our country. But again, that doesn't change the fact that there are some fundamental things we need to do in America to make sure that people go into math and science and don't have to subsidize our mistaken policies.

Mr. GORDON of Tennessee. I thank the gentleman from California (Mr. ROHRABACHER) for his support for this bill, and I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY) who has spent so much time working on the bill.

Ms. HOOLEY. Thank you, Chairman GORDON, for giving me time to speak on this important and crucial piece of legislation.

I also want to applaud you for your leadership on this issue, and the expediency that you moved this through committee, along with Ranking Member HALL.

This initiative was identified by the Academies as being the most important step to increase America's talent pool by vastly improving K–12 science and mathematics education.

Among the findings of the National Academies' ''Gathering Storm'' report, was a statistic that in 2000 more than 85 percent of students in grades 5–9 were taught physical science by a teacher lacking a major or certification in the physical sciences.

As a former teacher, I can appreciate how difficult it is to teach a subject when you are not comfortable with it, and this discomfort translates in discomfort for the subject to the students.

The key to the United States maintaining its position at the forefront of global innovation and technology is to get more students interested in the science and math fields. Our Nation's economic vitality is derived in large part from the productivity of well-trained people and the steady stream of scientific and technical innovations they produce.

After years of inattention and neglect, this legislation is an important first step towards a reinvestment in our Nation's science and math education. It will, in turn, positively benefit the American Competitive Initiative.

Once again, I applaud Chairman GORDON for his leadership on this issue, and I urge my colleagues to support this legislation.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

As you know, it is a sad truth that American students' performance in science and math is below that of other developed countries. Like many of my colleagues, I am concerned that without increased attention to this issue at the elementary, high school and post-secondary levels, our country's technological leadership could decline and ultimately harm not only today's students but tomorrow's economy as well as our national security.

This legislation provides a framework for improving math and science education by investing heavily in the recruitment and training of teachers.

In recent years, I have had the pleasure of observing several of the ''For Inspiration and Recognition of Science and Technology,'' or FIRST Program's competitions. This program is designed to inspire young people to take an interest and participate in science and technology. Through FIRST, teams of students and their mentors work together to solve complex, real-world problems or design actual pieces of technology. They are given the opportunity to compete against their peers, all the while developing self-confidence, good sportsmanship, and critical life skills.

The talent and drive of the students I have observed in the FIRST competitions leaves me encouraged—in fact, awestruck—by the potential of America's high school students. I have seen first hand that with quality resources and instruction, our children can do great things in the areas of science, technology, engineering and mathematics. Today, our support for H.R. 362 is a tremendous step towards bringing these resources to future generations, and I urge my colleagues to vote in favor of this bill.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me thank Mr. GORDON, Mr. HALL, and our subcommittee chair as well as the ranking member.

I rise in strong support of H.R. 362. It is an essential measure to world competitiveness for this country. We are in the storm. We cannot accomplish rising above until we invest in our teachers, teachers that are qualified. Many of our teachers love teaching and they are trying hard, but they simply do not have the background needed. A lot of it has to do with pay, because the people who are well-qualified in these areas simply do not come to the classroom because they do not pay enough.

□ 1545

I support the Noyce teacher scholarships, and I know that the storm of need is sure and it is now. It takes efforts and investment to deal with this issue. There are now more and more high-need schools which means we have more and more students that need special attention, and we cannot have a positive future until we include them in this education.

This is called the investment in America's future. We are depending on the home people to be prepared because the H–1B visas are causing us to brain drain other countries. This is a global need, and we must be ready to prepare our own. We will be left with no possible preparation in this area, and we will move right into a Third World nation.

We must remedy this. Implementing the provisions of H.R. 362 will go a long way in remedying this problem, and I firmly believe that with proper resources we know our young people can do it.

There is a school in my district with some of the poorest kids, but they are doing it because they have the proper resources.

Mr. HALL of Texas. Mr. Chairman, could you tell me how much time I have left.

The CHAIRMAN. The gentleman from Texas (Mr. HALL) has 17½ minutes remaining. The gentleman from Tennessee (Mr. GORDON) has 11½ minutes remaining.

Mr. HALL of Texas. I am going to yield to the gentleman from Tennessee 5 minutes of our time, and we reserve the balance of our time.

Mr. GORDON of Tennessee. Mr. Chairman, I certainly thank the gentleman for his generosity. There is a lot of interest in this bill.

I would like to yield now 2 minutes to the gentleman from Missouri (Mr. CARNAHAN), another active member of our committee.

Mr. CARNAHAN. Mr. Chairman, I stand today with enthusiastic support for H.R. 362, 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

I want to add my thanks to Chairman GORDON and Ranking Member HALL for their leadership on this issue and continued commitment of our entire Science and Technology Committee and the Research and Science Education Subcommittee.

Last year, I received a letter from a mother in New Jersey whose 14-year-old daughter was not satisfied with her education. This young girl wanted permission from her parents to move to Beijing, China, for high school because she felt like her counterparts were getting ahead of her education here in the United States.

To me, this story underscores the need for our Nation to strengthen its investment in education, and it is consistent with the international statistics that we have seen of U.S. students falling behind in both the number of graduates and in academic performance with regard to science and math education.

In particular, America must make a major renewed commitment to education in math and science and engineering to promote innovation and technological advancement.

As public servants, our constituents have entrusted us with the responsibility of ensuring our educators have the tools they need to best serve our young people.

I urge all my colleagues to support this bipartisan legislation to create a brighter future for our children, expanded support for our teachers, increased innovation in our research and technology, and a stronger competitive edge for the U.S. in the growing world marketplace.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. LIPINSKI), the vice chairman of the Science and Technology Committee.

Mr. LIPINSKI. Mr. Chairman, I rise today in support of H.R. 362, a bill that is critically important for America's future.

I thank Chairman GORDON for his hard work on this issue of science education and for making H.R. 362 a priority in this Congress. I also thank Representative HALL, ranking member of the committee, for his work on this bill and for his continuing work in a bipartisan manner in this committee to get things done that we need done for America.

Numerous studies have shown that our students are falling behind the international curve on math and science. When I was a college professor, I certainly saw far too many students coming to college unprepared.

Today, we see that America is at a crossroads. The path that we choose will dictate our standing in the world for decades to come. If we continue business as usual, we jeopardize America's competitiveness and the prosperity that we have all come to enjoy.

Instead, we must do all that we can to make sure that Americans are prepared by a world-class math and science education. America's high standard of living depends on this.

That is why H.R. 362 is a vital part of an American innovation agenda that will help to guarantee a continued prosperity in America's future. Right now, many school districts throughout the country are finding it increasingly difficult to find good math and science teachers.

Lyons Township High School Superintendent Dennis Kelly has spoken to me recently about the difficulties that they are having finding these teachers, and I hear this all across my district and all across the country. This bill targets this problem and offers viable solutions to recruiting new teachers, as well as developing and supporting current ones.

H.R. 362 will expand the Noyce Teacher Scholarship Program at the National Science Foundation allowing more universities to be able to host programs for recruiting students into teaching. This is a vital part of our educational system, connecting universities with K–12 education. This will ensure that our children have an abundance of qualified, well-equipped math and science teachers who will prepare them for their future.

I have a special understanding of the impact that teachers have on children's lives, especially when it comes to inspiring students in math and science. In addition to being a former college professor, I am only one of the handful of Members of Congress with a degree in engineering. In addition, my wife has a degree in math, and we often talk about the teachers who have inspired us.

I will always remember my high school physics teacher, Father Fergus, who inspired me to pursue a degree in engineering, and I also will always remember Father Thul who really inspired me in mathematics.

It is vital that we pass this bill and continue to produce these teachers that continue to inspire our children and make our future more secure.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentlewoman from Arizona (Ms. GIFFORDS), the former State senator.

Ms. GIFFORDS. Thank you, Mr. Chairman. Thank you, Ranking Member HALL.

I rise today to enthusiastically express my support for H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

The purpose of this legislation is to improve our national corps of teachers in both math and science, both by recruiting new teachers and also by supporting the current ones. To build a world-class science and technology workforce, we need to have a world-class math and science education system, and H.R. 362 will help accomplish this goal.

According to the Nation's report card in 2005, only 30 percent of eighth graders performed at or above the proficient levels in math. Only 32 percent of eighth graders and 18 percent of 12th graders performed at or above the proficient levels in science.

America must do better. The National Academy's ''Rising Above the Gathering Storm'' report, presented to us in committee, states that ''without fundamental knowledge and skills, the majority of students scoring below proficient'' levels will ''lack the foundation for good jobs and full participation in society.''

America must invest in this national teaching force, especially in rural and poor areas.

Karen Nicodemus is president of Cochise Community College in my district in Arizona. She states that although the shortage of high-quality and high-qualified math and science teachers cuts across all educational systems, we feel it in the rural areas more than in other areas. We do a disservice to our brightest students in high school in those rural and poor areas by not investing and making sure that we have a qualified workforce.

To remain competitive in the 21st-century global economy, it is critical that we reform math and science education in America. All children, especially those in rural and in poor areas, should have the opportunity to become leaders, should be able to take our country to the next level.

It is an honor to be on this bill.

Mr. HALL of Texas. Mr. Chairman, I reserve my time.

Mr. GORDON of Tennessee. Mr. Chairman, thanks to the generosity of our ranking member, I yield 2½ minutes to one of his fellow Texans (Mr. HINOJOSA), chairman of the Subcommittee on Higher Education.

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of H.R. 362, the 10,000 Teachers, 10 Million Minds Act.

Today, this body will take up two bills that represent a bipartisan effort to implement the recommendations in the watershed report, ''Rising above the Gathering Storm.''

I would like to thank Chairman GORDON and Ranking Member HALL for their leadership in bringing these critical measures to us today.

H.R. 362 will address our competitiveness crisis at its foundation, our acute shortage of teachers in science, technology, engineering and mathematics, commonly known as the STEM fields.

Low-income, rural and minority communities bear a disproportionate share of the national shortfall of highly qualified STEM teachers. We must reverse that inequity. The 10,000 Teachers, 10 Million Minds Act will help us do exactly that.

H.R. 362 also addresses a quiet crisis in our high-need high schools, the lack of quality laboratory science opportunities.

The National Research Council's report on America's high school labs found that experience in high school labs was poor for most students and practically nonexistent for students in low-income or minority communities. We will never produce enough STEM professionals if we do not address this issue and invest the correct amount of money.

I am very pleased that the legislation before us today includes the provisions of my bill, H.R. 524, Partnerships for Access to Laboratory Science Act. This legislation will establish a pilot program that will partner high-need school districts with colleges and universities and the private sector to improve high school laboratories.

Through these pilot programs, we will be able to develop models and test effective practices for improving laboratory science in high-need schools. We will leverage resources from the local community and the private sector and build on our base of knowledge of what works in teaching science.

I would especially like to thank my friend and colleague, the gentlewoman

from Texas (Ms. EDDIE BERNICE JOHNSON), for working with me to move the PALS Act forward.

I want to close by saying that through the leadership of all of these gentlemen on this committee, we are going to be able to pass this legislation with your help.

□ 1600

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, our Nation's scientific and technological innovation has been a key source of our global economic competitiveness, but I fear that our competitiveness is in jeopardy because America's K–12 students are being underserved in math and sciences. If we do not provide our students with adequate education resources, we jeopardize our future economic prosperity.

H.R. 362, 10,000 Teachers, 10 Million Minds bill is a key step towards providing our students with the quality education needed to maintain our Nation's global competitiveness. We are facing a crisis in our schools because math and science college graduates are not being attracted to teaching careers. Too often, math and science teachers are instructing outside of their fields.

American students are facing a future of job competition on a global scale. In a global economy, highly educated workers from anywhere in the world can compete for America's high-skilled and high-paying jobs. To have a prosperous economy in which all segments of the population can compete for high-paying jobs, we need schools with well-placed labs and science programs.

H.R. 362 will promote the educational experience that all our youth deserve, being taught by competent math and science teachers, and this bill will provide universities and teacher preparation programs the incentives to track more math and science college graduates and prepare them for their successful teaching careers. The bill will also increase professional development resources for math and science teachers already instructing in America's neediest schools.

Mr. HALL of Texas. Mr. Chairman, we have no more speakers. To wrap it up, may I urge my colleagues to join me in supporting the bill. I also would like to reiterate to Mr. REYES that I, too, am sensitive to the needs of the high-needs schools. I think we have sufficiently addressed his concern in the underlying measure by providing an added incentive for Noyce scholars who choose to teach in high-needs schools.

Furthermore, the clearinghouse provided for under Mr. GORDON's amendment provides yet another layer of commitment to help guarantee that our high-needs schools are not left out of the selection process for the new STEM teachers.

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

Mr. GORDON of Tennessee. Mr. Chairman, may I ask the amount of time that we have left here?

The CHAIRMAN. The gentleman has 4¾ minutes.

Mr. GORDON of Tennessee. Mr. Chairman, let me take just a moment to thank the staff, Jim Wilson, and our minority staff for the time they have put in on this bill. Two years ago, LAMAR ALEXANDER, and our former chairman, Sherry Boehlert, asked the National Academies to do a recommendation on the competitiveness of America in the 21st century. The recommendation was good news and bad news. The bad news was that we are in a very competitive environment and that we are on a losing track.

The good news was we had some recommendations. That is what we tried to do. We didn't try to make a Democratic or Republican bill; we took their recommendations and made a bipartisan bill. I think that today the bipartisan bill is the result of that. I again thank all the Members for their constructive efforts in doing this.

I understand that the Speaker is so committed to this bill that she is on her way to the floor, and she is not only on her way, but she has arrived, and I yield her the balance of my time.

Ms. PELOSI. I thank the gentleman for yielding. I commend the distinguished chairman of the Science Committee and the ranking member for their leadership in bringing this legislation to the floor with strong bipartisan support. This is indeed a great day for the Congress because we are here to talk about the future. I always say to people when they come, You visit Washington, you see all these monuments to people who lived a long time ago; but when you come to the floor of the Congress, what we are here to do is to make the future better for the next generation.

Central to that is a strong economy for our country. We have had a bipartisan commitment to an innovation agenda, a commitment to competitiveness to keep America number one. We know that innovation begins in the classroom, and that is why the legislation on the floor today is so important.

For some of us of a generation when I was a student, President Kennedy talked about putting a man on the Moon. It seemed impossible at the time.

When he said it, when he made his announcement, he said the vows of this Nation can only be fulfilled if we are first, and therefore we intend to be first. Our leadership in science and in industry, our hopes for peace and security, our obligations to ourselves and others as well, all require us to make this effort. It was with that our country made a strong commitment to science and technology, and within 10 years a man was on the Moon and safely returned.

Here we are again in this new century, all these many years later, recommitting to an innovation agenda. We have to talk about how we grow our economy to create new jobs here at home for the 21st century. We certainly have a commitment to trade, and that is important to us.

We can only succeed in the international global economy if we are competitive and if we innovate. We cannot innovate without the investment in education, the investment in science and technology.

Our effort for an innovation agenda began nearly 2 years ago outside of Washington, meeting all over the country with leaders and CEOs in many fields, whether it was biotech, high-tech, the academic community, venture capital, entrepreneurs, young people and telecommunications sector people who are creating jobs for the 21st century. We held forums in Silicon Valley, in Seattle, and in Boston, in Chicago, northern New Jersey, North Carolina's Research Triangle, El Paso, Texas, to name a few.

Using the expertise and advice that we heard from the outside, emphasizing a focus on public/ private partnerships, emphasizing a focus on the entrepreneurial spirit that is the hallmark of our country, we adopted an innovation agenda that will help create a new generation of innovators, an educated skilled workforce in the vital areas of science, math, engineering and information technology.

Thank you, Chairman GORDON, for your extraordinary leadership in this area and bringing this legislation to the floor. I also want to commend Chairman GEORGE MILLER for his leadership and focusing on STEM as well.

The agenda will help to make a sustained Federal research and development commitment that promotes private sector innovation, spur affordable access to broadband technology, achieve energy independence, strengthen our national security, protect our planet by developing emerging technologies for clean and sustainable alternatives, and provide small businesses with the tools they need to engage and encourage entrepreneurial innovation and job creation throughout our economy.

This is what was important to us. Again, pointing out the importance of education to all of this, I am very pleased to come to the floor to support the legislation that is on the floor today.

Once again, I want to thank Mr. HALL for his leadership in this area. I take special pride in the fact that this effort is bipartisan. The President has spoken on any number of occasions, in his State of the Union addresses or in other settings, about his commitment to this investment in the future.

Hopefully we can move these pieces of legislation along to his desk for his signature and on to better public policy to promote the United States as

number one with an innovation agenda for the future.

Mr. UDALL of Colorado. Mr. Chairman, I am pleased to support H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

I am a cosponsor of this important legislation, which will greatly increase the numbers of science and math teachers across the country, both through creating more teachers from current college students and by providing better training for the teachers already in our schools.

America has long been a center for science and engineering discovery. Just looking back over the 20th century, American ingenuity has been truly incredible. From Ford's Model T in 1908 and on to the personal computer in 1981, American innovations have transformed our Nation and the world, again and again, creating whole new industries and occupations. Going forward, new innovations will continue to be critical, both in maintaining a solid industrial base and increasing our standard of living.

In short—innovation leads to new products and processes that sustain our industrial base; innovation depends on a solid knowledge base in math, science and engineering; without this knowledge base, innovation as well as our industrial base will erode.

Along those lines, all jobs of the future will require a basic understanding of math and science. The most recent 10 year employment projections by the U.S. Labor Department show that of the 20 fastest growing occupations projected for 2014, 15 require significant mathematics or science preparation to successfully compete for a job.

To succeed, U.S. students will need a strong background in math and science and our students have proven that they have talent in these areas. Compared to other countries, U.S. fourth graders score above average in both math and science on international tests. Yet, by the time these students graduate from high school, they score near the bottom of all industrialized countries.

We must do more to keep students involved, interested, and educated in science and math fields.

This bill will help us increasing the number of well-trained science and math teachers, which will lead to more scientists and engineers in future generations.

H.R. 362 will enhance and expand the national corps of math and science teachers, both by recruiting new teachers with backgrounds in science, technology, engineering, and math (STEM) fields and by supporting current teachers.

Specifically, the bill will improve the Noyce Teacher Scholarship Program at the National Science Foundation (NSF). Noyce Scholarships will award $10,000 scholarships to students enrolled in STEM majors who commit several years to teaching. Furthermore, this program will ensure that these new teachers have mentors and other support as they begin teaching.

For current teachers, the bill will enhance NSF's Math Science Partnership (MSP) program, which provides sustained, content-oriented professional development for current teachers with summer institutes and master's degree programs. Furthermore, teachers participating in these MSPs are encouraged to become teacher leaders by sharing their knowledge with other teachers in their schools.

I would like to thank Science and Technology Chairman GORDON for introducing this critical legislation and working to bring it to the floor today.

In conclusion, I encourage all of my colleagues to support H.R. 362. To ensure that we continue to have a strong and healthy economy in the new interconnected global market, we need to have a prosperous science and technology enterprise. This legislation will set us in the right direction.

Mr. WU. Mr. Chairman, I rise today in support of H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

I would like to thank Chairman GORDON, as well as Ranking Member HALL, on their hard work on this legislation, and the bipartisan manner in which the Science and Technology Committee operates to produce such substantial legislation.

Mr. Chairman, this legislation will come to the aid of America's need for more school teachers in our nation's classrooms. In their much referenced report, Rising Above the Gathering Storm, the National Academies found that 68 percent of U.S. 8th grade students received instruction from a mathematics teacher who did not hold a degree or certification in mathematics; in 2000, more than 85 percent of students in grades 5–9 were taught physical science by a teacher lacking a major or certification in the physical sciences.

Also, U.S. 15-year-olds ranked 24th out of 40 countries that participated in a 2003 administration of the Program for International Student Assessment (PISA) examination, which assessed students' ability to apply mathematical concepts to real-world problems. These figures could spell disaster for America's competitiveness in the fields of science, technology and innovation.

By amending and expanding the Noyce Teacher Scholarship Program at the National Science Foundation (NSF) which will go to universities that build model programs for recruiting students into teaching, H.R. 362 will move us down the road to improving the strength of our math and science teachers, while actively recruiting new teachers.

Our future lies in our students, and their ability to think critically, and ask thoughtful, insightful questions lie in the strength of their schooling. The un-bias nature of scientific inquiry and the natural beauty of math help students build their questioning and logic skills.

It is imperative that our students are taught by teachers whose strengths lie in conveying these concepts and inspiring young minds not only to go into the science and technology fields, but also to open their minds to be inquisitive in the world.

Mr. MITCHELL. Mr. Chairman, today we are considering several bills to implement the Innovation Agenda including H.R. 362, the "10,000 Teachers, 10 Million Minds" Science and Math Scholarship Act.

Last month, I was pleased to support this legislation in Committee. H.R. 362 invests in thousands of new and highly qualified teachers through professional development, summer training institutes, scholarships, and investment in undergraduate science, technology, engineering and math ("STEM") education.

I taught high school in Arizona for 28 years, and I know that my fellow teachers work hard and do a good job with the resources they have.

But I was also a State Senator for 8 years, and I know our schools need help. Arizona's students are below the national averages in every subject area. Arizona's teachers teach six children more per class than the national average.

That's a problem.

Arizona must increase the number of highly qualified teachers and lower the student to teacher ratio.

As a former educator, I understand firsthand the impact that education has on our children and their future. I appreciate Chairman GORDON's leadership on this issue, and I am pleased to see the chairman's legislation works to increase the number of qualified science and math teachers.

Ensuring that our students receive a first-rate education is vital not only to Arizona's future but our nation's as well. I believe that if we want to successfully compete and prosper in the 21st century, we must make education a national priority.

The National Academy of Science was asked how the United States can accomplish this goal. Their report, Rising Above the Gathering Storm, recommends action to recruit highly qualified science and math teachers and implement programs to strengthen the skills of our current teachers.

I wholeheartedly agree.

To continue to compete in the global economy we need to increase the number of science and technology graduates and our schools need the resources to successfully educate our children.

H.R. 362 supports this important goal and I look forward to supporting its passage today.

Ms. WOOLSEY. Mr. Chairman, innovation in math, science, and technology is the way America will stay strong and competitive in this century. Unfortunately, we are seeing our children's test scores slip behind the rest of the industrialized world. In a recent exam to test the real-world application ability of mathematical concepts, U.S. high-school students ranked 24th out of 40 countries that were tested.

As a mother and grandmother, I want all of our Nation's children to have the best possible education to empower them to be whatever they choose to be when they grow up. I can't help but be concerned with the idea that the America they will inherit will not be able to compete on the highest levels of the global marketplace. We must stem the tide of dropping test scores and fewer and fewer qualified teachers of science and math.

That's why I rise in support of H.R. 362, the 10,000 minds, 10 million Science and Math Scholarship Act. It's not enough that we have the scientists to drive the innovation to keep us competitive. We also need to be producing the educators to mentor and impart wisdom to our youth so that they can expand their fields of knowledge, innovate new technologies, discover new medicines, and answer questions we once thought unanswerable.

In a global economy, competition is going to keep increasing, and unless we take definitive action to increase our science and math capabilities, we are going to be left behind. H.R. 362, under the leadership of Chairman GORDON, is part of the definitive action we must take to get more qualified teachers in place to ensure that our kids have the knowledge and skills at hand to continue to lead the world.

Mr. Chairman, I urge my colleagues to support H.R. 362 and to help put America on track to remain strong, competitive, and well-educated in math and science.

Ms. JACKSON-LEE of Texas. Ms. Chairman, I am pleased to rise in support of H.R. 362, the ''10,000 Teachers, 10 Million Minds Science and Math Scholarship Act,'' of which I am proud to be a co-sponsor. This bill is the first component of the new Democratic majority's Innovation Agenda, which is designed to make our nation more able to compete successfully in the global economy.

Mr. Chairman, it is essential that we invest in a workforce ready for global competition by creating a new generation of innovators and make a sustained commitment to federal research and development. We need to spur and expand affordable access to broadband, achieve energy independence, and provide small business with tools to encourage entrepreneurial innovation

H.R. 362 is a critical first step. It will place highly qualified teachers in math, science, and technology K–12 classrooms, based on the recommendations of the National Academies. It will invest in 10,000 new science and math teachers, totaling some 25,000 over five years, by increasing the number of scholarships for students majoring in science, technology, engineering and math (STEM) fields and who are committed to pursuing teaching.

Mr. Chairman, H.R. 362, will also strengthen the skills of math, science and technology of up to 250,000 teachers by improving education and training opportunities for math and science teachers and expanding professional development, summer training institutes, and graduate education assistance.

This important, bipartisan legislation seeks to advance science, technology, engineering, and mathematics, or STEM, education by providing for improved recruitment, training, mentoring, and professional development of teachers.

The establishment and maintenance of a capable scientific and technological workforce remains an important facet of U.S. efforts to maintain economic competitiveness. Pre-college instruction in mathematics and scientific fields is crucial to the development of U.S. scientific and technological personnel, as well as our overall scientific literacy as a nation. The value of education in scientific and mathematics is not limited to those students pursuing a degree in one of these fields, and even students pursuing nonscientific and nonmathematical fields are likely to require basic knowledge in these subjects.

In particular, there is a need to extend access to mathematics and scientific education to a number of specific groups. Even as certain minorities, including African Americans, Hispanics, and Native Americans, comprise an increasingly large proportion of the U.S. population, they continue to be underrepresented in science and engineering disciplines. Together, these three groups comprise over 25 percent of the population, but earn only 16.2 percent of the bachelor degrees, 10.7 percent of the masters degrees, and 5.4 percent of the doctorate degrees in these fields.

This legislation amends the National Science Foundation (NSF) Authorization Act of 2002 by revising the requirements for the Robert Noyce Scholarship program. This important program provides scholarships, stipends, and teacher training to science, mathematics, and engineering students and professionals, in exchange for a commitment to service as elementary or secondary school teachers following graduation.

H.R. 362 also provides for summer institutes and graduate programs through the Mathematics and Science Education Partnership program. It authorizes $195 million from FY 2008 to FY 2012 for the operation of an already existing NSF program to provide summer workshops for teachers. It authorizes additional funds to establish a new grant program aimed at encouraging the development of graduate degree programs for math and science teachers. This bill provides increasing funding for fiscal years 2010 through 2012 for the NSF STEM Talent Expansion program, and authorizes the NSF to create pilot programs to award grants to improve laboratories in secondary schools.

Mr. Chairman, according to the National Academies, the most important thing we can do for our future economic health is invest in our science and math teachers. A number of highly publicized studies have shown that the mathematics and science achievement of American students is poor by international standards. In 2005, 39 percent of 12th graders lacked even basic high school math skills.

H.R. 362 has been endorsed by a broad range of businesses and universities as well as industry and education groups, including the Business Roundtable, Association of American Universities, Council on Competitiveness, the College Board, Semiconductor Industry Association and the Business Software Alliance.

I strongly urge my colleagues to support this bill.

Mr. HOLT. Mr. Chairman, I rise today in support of the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act. Taking its name from the fifth chapter of the National Academies Report ''Rising Above the Gathering Storm,'' H.R. 362 is part of an ambitious legislative portfolio that will fulfill the Innovation Agenda. I was proud to help craft the Innovation Agenda, on which our nation is dependent for its future prosperity.

In middle school, 68 percent of math students have a teacher who did not major in and has not certification in mathematics. Across all sciences, 57 percent of middle school students have teachers without a major or certification in the subject. In physical sciences, 93 percent have teachers without a major or certification. In high school, approximately 31 percent of math students, 45 percent of life science students, 61 percent of chemistry students, and 67 percent of physics students have teachers with no major or certification in the field.

The National Science Foundation's successful Noyce program recruits and trains math and science teachers, drawing from high-performing college students and from existing math and science professionals. The Noyce program also encourages those it trains and supports to serve in high-needs school districts. H.R. 362 expands the Noyce program and modifies it to include freshmen and sophomores.

Another successful math and science education program at the National Science Foundation is its Mathematics and Science Education Partnerships program, which provides grants to universities and nonprofits for the improvement of K–12 education. H.R. 362 improves the program by focusing grantees on teacher training, requiring grantees to offer masters programs for in-service teachers, and preparing teachers to instruct Advanced Placement courses.

H.R. 362 does not stop with the improvement of these existing programs. It recognizes the special need for quality hands-on science teaching by authorizing funds for the Laboratory Science Teacher Professional Development program. The Act also requires the Director of NSF to convene a panel of experts to develop nationally available K–12 math and science teaching materials, and it creates centers that will work on curriculum, pedagogy, and the training of professors and teaching assistants to increase undergraduate participation and performance in science, technology, engineering, and math courses.

I encourage my colleagues to support this resolution.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of this bill.

America is still the number one economy in the world, and we can keep that leadership. But we can only do so with a level of determination and commitment that we have not shown in almost half a century. Other countries are making aggressive investments in a competitive workforce. We must exceed those efforts.

That is why—nearly 2 years ago—then-Minority Leader NANCY PELOSI laid down a challenge to Congress and the President to invest in innovation in order to create vibrant industries, a strong economy, and good jobs here at home. Now, with Speaker PELOSI at the helm and Democrats determining the agenda before Congress, we are acting on that challenge.

Working with leaders from the hi-tech and bio-tech industries, venture capitalists, and academics, Democrats laid out a plan to boost America's competitiveness. We made it clear to the American people that we take this challenge seriously.

Today, we are taking the next steps on our commitment. The bill before the House today is an important step for America's future economic strength and the strength of America's middle class.

Mr. GORDON's legislation is a strong step in reaching a key goal of our innovation agenda. This bill will educate 25,000 highly qualified math and science teachers by creating high quality programs that integrate the strong teaching of both education programs as well as strong research and content area instruction.

In the Education and Labor Committee, we are also working to create a new generation of innovators by ensuring that today's students are taught to high academic standards and receive the workplace skills that are necessary to prepare them as scientists, engineers, and mathematicians in a global high-tech economy.

The Committee will work toward the goals of innovation agenda by educating 100,000 new innovators in the next five years. We propose a new public-private partnership with the business community and higher education institutions to produce well-qualified, highly-skilled workers by establishing Congressional Science fellowships and interdisciplinary Master's programs in science, engineering, and math that include specialized training and internships with business partners, and loan forgiveness options.

Additionally, we will build on the work of Mr. GORDON by placing a highly qualified teacher in math, science, and technology K–12 classrooms by offering up-front tuition assistance to talented undergraduates majoring in math, science or engineering who agree to teach in a high-needs school and by partnering community colleges with 4-year institutions to improve the teacher pipeline.

Lastly, we need to enhance the ability of states to coordinate education and workforce goals, identify the challenges of recruiting students and retaining them in innovative fields, and develop collaborative solutions through statewide coalitions of education, business, and community leaders, such as P–16+ Councils.

America's entrepreneurial, innovative spirit is one of the key reasons for our strength in the world today. If we match that spirit to these substantial investments, our economy will stay strong for generations to come. I look forward to continuing to press forward with other elements of the Innovation Agenda and to make sure that America stays No. 1 in the world.

Mr. VAN HOLLEN. Mr. Chairman, I rise today to support these important bills—the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act and the Sowing the Seeds Through Science and Engineering Research Act—and to keep our Nation competitive in an era of global economic and scientific competition.

Now, more than ever, we must ensure that America remains at the forefront of discovery and innovation. To do that, we must engage our young people and encourage more of them to pursue careers in science, math, and engineering. These two bills accomplish that by fostering student potential in K–12 classrooms and by investing in long-term scientific research to keep more young scientists in our Nation's laboratories.

The 10,000 Teachers, 10 Million Minds Science Math Scholarship Act would increase the number of scholarships for students majoring in the field of science, technology, engineering, and math who want to teach and would strengthen the skills of current STEM teachers by expanding professional development. These teachers would be better equipped to excite and engage students in math and science.

The Sowing the Seeds Through Science and Engineering Research Act would increase our investment in long-term scientific research and provide grants to young researchers. It would encourage our brightest young minds to think innovatively and push the boundaries of current research. Also, it will encourage young scientists to continue their study in U.S. institutions.

Mr. Chairman, these bills will help stimulate exciting research and increase the number of students entering the fields of math and science. They are an essential part of our competitiveness agenda, and I urge my colleagues to join me in voting for them today.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 362

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—SCIENCE SCHOLARSHIPS

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Policy objective.
Sec. 104. Robert Noyce Teacher Scholarship Program.

TITLE II—MATHEMATICS AND SCIENCE EDUCATION IMPROVEMENT

Sec. 201. Mathematics and science education partnerships amendments.
Sec. 202. Teacher institutes.
Sec. 203. Graduate degree program.
Sec. 204. Curricular materials.
Sec. 205. Science, Technology, Engineering, and Mathematics Talent Expansion Program.
Sec. 206. High-need local educational agency definition.
Sec. 207. Teacher leaders.
Sec. 208. Laboratory science pilot program.
Sec. 209. Study on laboratory equipment donations for schools.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The National Science Foundation has made significant and valuable contributions to the improvement of K–12 and undergraduate science, technology, engineering, and mathematics education throughout its 56 year history.

(2) Under section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862), the National Science Foundation is explicitly required to strengthen science, mathematics, and engineering research potential and education programs at all levels.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term ''cost of attendance'' has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(2) The term ''Director'' means the Director of the National Science Foundation.

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

(4) The term ''mathematics and science teacher'' means a mathematics, science, or technology teacher at the elementary school or secondary school level.

TITLE I—SCIENCE SCHOLARSHIPS

SEC. 101. SHORT TITLE.

This title may be cited as the ''10,000 Teachers, 10 Million Minds Science and Math Scholarship Act''.

SEC. 102. FINDINGS.

Congress finds the following:

(1) The prosperity the United States enjoys today is due in no small part to investments the Nation has made in research and development over the past 50 years.

(2) Corporate, government, and national scientific and technical leaders have raised concerns that current trends affecting the science and technology enterprise of the Nation could result in erosion of this past success and jeopardize future prosperity.

(3) The National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine were tasked in a congressional request to recommend actions that the Federal Government could take to enhance the science and technology enterprise so that the United States can successfully compete, prosper, and be secure in the global community of the 21st century.

(4) The Academies' highest priority recommendation in its report, ''Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future'', is to improve K–12 mathematics and science education, and the Academies' first recommended action item is to institute a major scholarship program to recruit and educate annually 10,000 mathematics and science teachers.

SEC. 103. POLICY OBJECTIVE.

In carrying out the program under section 104, the National Science Foundation shall seek to increase by up to 10,000 per year the number of elementary and secondary mathematics and science teachers in the Nation's schools having both exemplary subject knowledge and pedagogical skills.

SEC. 104. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

(a) PROGRAM AMENDMENTS.—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) is amended—

*(1) by inserting ''**TEACHER**'' after ''**NOYCE**'' in the section heading;*

(2) in subsection (a)(1)—

(A) by striking ''to provide scholarships, stipends, and programming designed'';

(B) by inserting ''and to provide scholarships and stipends to students participating in the program'' after ''science teachers''; and

(C) by inserting ''Teacher'' after ''Noyce'';

(3) in subsection (a)(3)(A)—

(A) by striking ''encourage top college juniors and seniors'' and inserting ''recruit and prepare undergraduate students''; and

(B) by inserting ''qualified as'' after ''to become'';

(4) in subsection (a)(3)(A)(ii)—

(A) by striking ''programs to help scholarship recipients'' and inserting ''academic courses and early field teaching experiences designed to prepare students participating in the program'';

(B) by striking ''programs that will result in'' and inserting ''such preparation as is necessary to meet requirements for''; and

(C) by striking ''licensing; and'' and inserting ''licensing;'';

(5) in subsection (a)(3)(A)(iii)—

(A) by striking ''scholarship recipients'' and inserting ''students participating in the program'';

(B) by striking ''enable the recipients'' and inserting ''enable the students''; and

(C) by striking ''; or'' and inserting ''; and'';

(6) in subsection (a)(3)(A) by inserting at the end the following new clause:

''(iv) providing summer internships for freshman students participating in the program; or'';

(7) in subsection (a)(3)(B)—

(A) by striking ''encourage'' and inserting ''recruit and prepare''; and

(B) by inserting ''qualified as'' after ''to become'';

(8) by amending clause (ii) of subsection (a)(3)(B) to read as follows:

''(ii) offering academic courses and field teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools, including such preparation as is necessary to meet requirements for teacher certification or licensing; and'';

(9) in subsection (a) by inserting at the end the following new paragraph:

''(4) ELIGIBILITY REQUIREMENT.—To be eligible for an award under this section, an institution of higher education (or consortia of such institutions) shall ensure that specific faculty members and staff from the institution's mathematics, science, or engineering departments and specific education faculty are designated to carry out the development and implementation of the program. An institution of higher education may also include teacher leaders to participate in developing the pedagogical content of the program and to supervise students participating in the program in their field teaching experiences. No institution of higher education

shall be eligible for an award unless faculty from the institution's mathematics, science, or engineering departments are active participants in the program.'';

(10) in subsection (b)(1)(A)—

(A) by striking ''scholarship or stipend'';

(B) by inserting ''and summer internships'' after ''number of scholarships''; and

(C) by inserting ''the type of activities proposed for the recruitment of students to the program,'' after ''intends to award,'';

(11) in subsection (b)(1)(B)—

(A) by striking ''scholarship or stipend''; and

(B) by striking ''; and'' and inserting '', which may include a description of any existing programs at the applicant's institution that are targeted to the education of mathematics and science teachers and the number of teachers graduated annually from such programs;'';

(12) in subsection (b)(1), by striking subparagraph (C) and inserting the following:

''(C) a description of the academic courses and field teaching experiences required under subsection (a)(3)(A)(ii) and (B)(ii), including—

''(i) a description of the undergraduate program that will enable a student to graduate within 5 years with a major in mathematics, science, or engineering and to obtain teacher certification or licensing;

''(ii) a description of the field teaching experiences proposed; and

''(iii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which field teaching experiences will occur;

''(D) a description of the programs required under subsection (a)(3)(A)(iii) and (B)(iii), including activities to assist new teachers in fulfilling their service requirements under this section; and

''(E) an identification of the applicant's mathematics, science, or engineering faculty and its education faculty who will carry out the development and implementation of the program as required under subsection (a)(4).'';

(13) in subsection (b)(2)—

(A) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (C), (D), (E) and (F), respectively;

(B) by inserting after subparagraph (A) a new subparagraph as follows:

''(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognizes the specialized pedagogy required to teach mathematics, science, and technology effectively in elementary and secondary schools;''; and

(C) by amending subparagraph (F), as so redesignated by subparagraph (A) of this paragraph, to read as follows:

''(F) the ability of the applicant to recruit students who are individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).'';

(14) in subsection (c)(1)(B), by striking ''2 years'' and inserting ''3 years'';

(15) in subsection (c)(3)—

(A) by striking ''$7,500'' and inserting ''$10,000''; and

(B) by striking ''2 years of scholarship support'' and inserting ''3 years of scholarship support, unless the Director establishes a policy by which part-time students may receive additional years of support'';

(16) in subsection (c)(4)—

(A) by striking ''6 years'' and inserting ''8 years'';

(B) by inserting '', with a maximum service requirement of 6 years'' after ''was received''; and

(C) by striking ''Service required under this paragraph shall be performed in a high-need local educational agency.'';

(17) in subsection (c), by adding at the end a new paragraph as follows:

''(5) EXCEPTION.—The period of service obligation under paragraph (4) is reduced by 1 year for scholarship recipients whose service is performed in a high-need local educational agency.'';

(18) in subsection (d)(1), by striking ''to receive certification or licensing to teach'' and inserting ''established under subsection (a)(3)(B)'';

(19) in subsection (d)(2), by inserting ''and professional achievement'' after ''academic merit'';

(20) in subsection (d)(3), by striking ''1 year'' and inserting ''16 months'';

(21) in subsection (d)(4)—

(A) by striking ''6 years'' and inserting ''4 years''; and

(B) by striking ''for each year a stipend was received'';

(22) in subsection (g)(2)(A)—

(A) by striking ''Treasurer of the United States,'' and inserting ''Treasurer of the United States.''; and

(B) by striking ''multiplied by 2.'';

(23) in subsection (i)(3), by inserting ''or had a career in'' after ''is working in'';

(24) in subsection (i)—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(6) the term 'teacher leader' means a mathematics or science teacher who works to improve the instruction of mathematics or science in kindergarten through grade 12 through—

''(A) participating in the development or revision of science, mathematics, engineering, or technology curricula;

''(B) serving as a mentor to mathematics or science teachers;

''(C) coordinating and assisting teachers in the use of hands-on inquiry materials, equipment, and supplies, and when appropriate, supervising acquisition and repair of such materials;

''(D) providing in-classroom teaching assistance to mathematics or science teachers; and

''(E) providing professional development, for the purposes of training other teacher leaders, to mathematics and science teachers.''; and

(25) by adding at the end the following:

''(j) MATHEMATICS AND SCIENCE SCHOLARSHIP GIFT FUND.—In accordance with section 11(f) of the National Science Foundation Act of 1950, the Director is authorized to accept donations from the private sector to support scholarships, stipends, or internships associated with programs under this section.

''(k) ASSESSMENT OF TEACHER SERVICE AND RETENTION.—Not later than 4 years after the date of enactment of this subsection, the Director shall transmit to Congress a report on the effectiveness of the program carried out under this section. The report shall include the proportion of individuals receiving scholarships or stipends under the program who —

''(1) fulfill their service obligation required under this section in a high-need local educational agency;

''(2) elect to fulfill their service obligation in a high-need local educational agency but fail to complete it, as defined in subsection (g);

''(3) remain in the teaching profession beyond their service obligation; and

''(4) remain in the teaching profession in a high-need local educational agency beyond their service obligation.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director for the Robert Noyce Teacher Scholarship Program—

''(1) $70,000,000 for fiscal year 2008;

''(2) $101,000,000 for fiscal year 2009;

''(3) $133,000,000 for fiscal year 2010;

''(4) $164,000,000 for fiscal year 2011; and

''(5) $196,000,000 for fiscal year 2012.''.

(b) CONFORMING AMENDMENT.—Section 8(6) of the National Science Foundation Authorization Act of 2002 is amended—

(1) in the paragraph heading by inserting ''TEACHER'' after ''NOYCE''; and

(2) by inserting ''Teacher'' after ''Noyce''.

TITLE II—MATHEMATICS AND SCIENCE EDUCATION IMPROVEMENT

SEC. 201. MATHEMATICS AND SCIENCE EDUCATION PARTNERSHIPS AMENDMENTS.

Section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n) is amended—

(1) in subsection (a)(2)—

(A) by striking ''(A)'';

(B) by striking subparagraph (B);

(C) by inserting '', through 1 or more of its departments in science, mathematics, or engineering,'' after ''institution of higher education''; and

(D) by striking ''a State educational agency'' and inserting ''education faculty from the participating institution or institutions of higher education, a State educational agency,'';

(2) in subsection (a)(3)(B)—

(A) by inserting ''content-specific'' before ''professional development programs'';

(B) by inserting ''which are'' before ''designed''; and

(C) by inserting ''and which may include teacher training activities to prepare mathematics and science teachers to teach challenging mathematics, science, and technology college-preparatory courses, including Advanced Placement and International Baccalaureate courses'' after ''and science teachers'';

(3) in subsection (a)(3)(C)—

(A) by inserting ''and laboratory experiences'' after ''technology''; and

(B) by inserting ''and laboratory'' after ''provide technical'';

(4) in subsection (a)(3)(I) by inserting ''including model induction programs for teachers in their first 2 years of teaching,'' after ''and science,'';

(5) in subsection (a)(3)(K) by striking ''developing and offering mathematics or science enrichment programs for students, including after-school and summer programs;'' and inserting ''developing educational programs and materials and conducting mathematics, science, and technology enrichment programs for students, including after-school programs and summer camps for students described in subsection (b)(2)(G);'';

(6) in subsection (a) by inserting at the end the following:

''(8) MASTER'S DEGREE PROGRAMS.—Activities carried out in accordance with paragraph (3)(B) shall include the development and offering of master's degree programs for in-service mathematics and science teachers that will strengthen their subject area knowledge and pedagogical skills, as described in section 203 of the Act enacting this paragraph. Grants provided under this section may be used to develop and implement courses of instruction for the master's degree programs, which may involve online learning, and develop related educational materials.

''(9) MENTORS FOR TEACHERS AND STUDENTS OF CHALLENGING COURSES.—Partnerships carrying out activities to prepare mathematics and science teachers to teach challenging mathematics, science, and technology college-preparatory courses, including Advanced Placement and International Baccalaureate courses, in accordance with paragraph (3)(B) shall encourage companies employing scientists, mathematicians, or engineers to provide mentors to teachers and students and provide for the coordination of such mentoring activities.

''(10) INVENTIVENESS.—Activities carried out in accordance with paragraph (3)(H) may include the development and dissemination of curriculum tools that will help foster inventiveness and innovation.'';

(7) in subsection (b)(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and inserting after subparagraph (D) the following new subparagraph:

''(E) the extent to which the evaluation described in paragraph (1)(E) will be independent and based on objective measures;'';

(8) in subsection (b) by inserting at the end the following:

''(4) MINIMUM AND MAXIMUM GRANT SIZE.—A grant awarded under this section shall be not less than $75,000 or greater than $2,000,000 for any fiscal year.'';

(9) in subsection (c)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(C) by inserting after paragraph (1) the following new paragraphs:

''(2) REPORT ON MODEL PROJECTS.—The Director shall determine which completed projects funded through the program under this section should be seen as models to be replicated on a more expansive basis at the State or national levels. Not later than 1 year after the date of enactment of this paragraph, the Director shall transmit a report describing the results of this study to the Committee on Science and Technology and the Committee on Education and Labor of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

''(3) REPORT ON EVALUATIONS.—Not later than 4 years after the date of enactment of this paragraph, the Director shall transmit a report summarizing the evaluations required under subsection (b)(1)(E) of grants received under this program and describing any changes to the program recommended as a result of these evaluations to the Committee on Science and Technology and the Committee on Education and Labor of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate. Such report shall be made widely available to the public.''; and

(10) by adding at the end the following new subsection:

''(d) DEFINITIONS.—In this section—

''(1) the term 'mathematics and science teacher' means a mathematics, science, or technology teacher at the elementary school or secondary school level; and

''(2) the term 'science', in the context of elementary and secondary education, includes technology and pre-engineering.''.

SEC. 202. TEACHER INSTITUTES.

(a) NATIONAL SCIENCE FOUNDATION INSTITUTES.—

(1) IN GENERAL.—The Director shall establish a grant program to provide for summer or academic year teacher institutes or workshops authorized by section 9(a)(3)(B) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(a)(3)(B)) and shall allow grantees under the Teacher Institutes for the 21st Century program to operate 1 to 2 week summer teacher institutes with the goal of reaching the maximum number of in-service mathematics and science teachers, particularly elementary and middle school teachers, to improve their content knowledge and pedagogical skills.

(2) PREPARATION TO TEACH CHALLENGING COURSES.—The Director shall ensure that activities supported for awards under paragraph (1) include the development and implementation of teacher training activities to prepare mathematics and science teachers to teach challenging mathematics, science, and technology college-preparatory courses, including Advanced Placement and International Baccalaureate courses.

(3) AWARDS.—In awarding grants under this section, the Director shall give priority to applications that propose programs that will attract mathematics and science teachers from local educational agencies that—

(A) are receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) as a result of having within their jurisdictions concentrations of children from low income families; and

(B) are experiencing a shortage of highly qualified teachers, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), in the fields of science, mathematics, or technology.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for the purposes of this section, $32,000,000 for fiscal year 2008, $35,200,000 for fiscal year 2009, $38,700,000 for fiscal year 2010, $42,600,000 for fiscal year 2011, and $46,800,000 for fiscal year 2012.

(b) LABORATORY SCIENCE TEACHER PROFESSIONAL DEVELOPMENT.—There are authorized to be appropriated to the Secretary of Energy for the Laboratory Science Teacher Professional Development program, $3,000,000 for fiscal year 2008, $8,000,000 for fiscal year 2009, $10,000,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $10,000,000 for fiscal year 2012.

SEC. 203. GRADUATE DEGREE PROGRAM.

(a) IN GENERAL.—The Director shall ensure that master's degree programs for in-service mathematics and science teachers that will strengthen their subject area knowledge and pedagogical skills are instituted in accordance with section 9(a)(8) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(a)(8)). The degree programs shall be designed for current teachers, who will enroll as part-time students, and to allow participants to obtain master's degrees within a period of 3 years.

(b) DISTRIBUTION OF AWARDS.—The Director shall, in awarding grants to carry out subsection (a), consider the distribution of awards among institutions of higher education of different sizes and geographic locations.

(c) PROGRAM ACTIVITIES.—Activities supported through master's degree programs established under subsection (a) may include—

(1) development of courses of instruction and related educational materials;

(2) stipends to defray the cost of attendance for students in the degree program; and

(3) acquisition of computer and networking equipment needed for online instruction under the degree program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for the purposes of this section $46,000,000 for fiscal year 2008, $50,600,000 for fiscal year 2009, $55,700,000 for fiscal year 2010, $61,200,000 for fiscal year 2011, and $67,300,000 for fiscal year 2012.

SEC. 204. CURRICULAR MATERIALS.

The Director, in consultation with the Secretary of Education, shall convene a national panel of experts on mathematics and science education to identify and collect K–12 mathematics, science, and technology teaching materials that have been demonstrated to be effective and to recommend the development of new materials in areas where effective materials do not exist. The Director and Secretary shall develop ways to disseminate effective materials and support efforts to develop new materials, in accordance with the recommendations of the national panel. Recommendations made under this section shall not be considered a mandate of specific K–12 curricula.

SEC. 205. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS TALENT EXPANSION PROGRAM.

(a) AMENDMENTS.—Section 8(7) of the National Science Foundation Authorization Act of 2002 is amended—

(1) in subparagraph (A) by striking ''competitive, merit-based'' and all that follows through ''in recent years.'' and inserting ''competitive, merit-reviewed multiyear grants for eligible applicants to improve undergraduate education in science, mathematics, engineering, and technology through—

''(i) the creation of programs to increase the number of students studying toward and completing associate's or bachelor's degrees in science, technology, engineering, and mathematics, particularly in fields that have faced declining enrollment in recent years; and

''(ii) the creation of centers (in this paragraph referred to as 'Centers') to develop undergraduate curriculum, teaching methods for undergraduate courses, and methods to better train professors and teaching assistants who teach undergraduate courses to increase the number of students completing undergraduate courses in science, technology, engineering, and mathematics, including the number of nonmajors, and to improve student academic achievement in those courses.

Grants made under clause (ii) shall be awarded jointly through the Education and Human Resources Directorate and at least 1 research directorate of the Foundation.'';

(2) by amending subparagraph (B) to read as follows:

''(B) In selecting projects under subparagraph (A)(i), the Director shall strive to increase the number of students studying toward and completing baccalaureate degrees, concentrations, or certificates in science, mathematics, engineering, or technology who are—

''(i) individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b); or

''(ii) graduates of a secondary school that is administered by a local educational agency that is receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) as a result of having within its jurisdiction concentrations of children from low income families.'';

(3) in subparagraph (C)—

(A) by inserting ''(i)'' before ''The types of'';

(B) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively;

(C) by striking ''under this paragraph'' and inserting ''under subparagraph (A)(i)''; and

(D) by adding at the end the following new clause:

''(ii) The types of activities the Foundation may support under subparagraph (A)(ii) include—

''(I) creating model curricula and laboratory programs;

''(II) developing and demonstrating research-based instructional methods and technologies;

''(III) developing methods to train graduate students and faculty to be more effective teachers of undergraduates;

''(IV) conducting programs to disseminate curricula, instructional methods, or training methods to faculty at the grantee institutions and at other institutions;

''(V) conducting assessments of the effectiveness of the Center at accomplishing the goals described in subparagraph (A)(ii); and

''(VI) conducting any other activities the Director determines will accomplish the goals described in subparagraph (A)(ii).'';

(4) in subparagraph (D)(i), by striking ''under this paragraph'' and inserting ''under subparagraph (A)(i)'';

(5) in subparagraph (D)(ii), by striking ''under this paragraph'' and inserting ''under subparagraph (A)(i)'';

(6) after subparagraph (D)(iii), by adding at the end the following new clause:

''(iv) A grant under subparagraph (A)(ii) shall be awarded for 5 years, and the Director may extend such a grant for up to 2 additional 3 year periods.'';

(7) in subparagraph (E), by striking ''under this paragraph'' both places it appears and inserting ''under subparagraph (A)(i)'';

(8) by redesignating subparagraph (F) as subparagraph (J); and

(9) by inserting after subparagraph (E) the following new subparagraphs:

''(F) Grants awarded under subparagraph (A)(ii) shall be carried out by a department or departments of science, mathematics, or engineering at institutions of higher education (or a

consortia thereof), which may partner with education faculty. Applications for awards under subparagraph (A)(ii) shall be submitted to the Director at such time, in such manner, and containing such information as the Director may require. At a minimum, the application shall include—

''(i) a description of the activities to be carried out by the Center;

''(ii) a plan for disseminating programs related to the activities carried out by the Center to faculty at the grantee institution and at other institutions;

''(iii) an estimate of the number of faculty, graduate students (if any), and undergraduate students who will be affected by the activities carried out by the Center; and

''(iv) a plan for assessing the effectiveness of the Center at accomplishing the goals described in subparagraph (A)(ii).

''(G) In evaluating the applications submitted under subparagraph (F), the Director shall consider, at a minimum—

''(i) the ability of the applicant to effectively carry out the proposed activities, including the dissemination activities described in subparagraph (C)(ii)(IV); and

''(ii) the extent to which the faculty, staff, and administrators of the applicant institution are committed to improving undergraduate science, mathematics, and engineering education.

''(H) In awarding grants under subparagraph (A)(ii), the Director shall endeavor to ensure that a wide variety of science, technology, engineering, and mathematics fields and types of institutions of higher education, including 2-year colleges and minority-serving institutions, are covered, and that—

''(i) at least 1 Center is housed at a Doctoral/Research University as defined by the Carnegie Foundation for the Advancement of Teaching; and

''(ii) at least 1 Center is focused on improving undergraduate education in an interdisciplinary area.

''(I) The Director shall convene an annual meeting of the awardees under this paragraph to foster collaboration and to disseminate the results of the Centers and the other activities funded under this paragraph.''.

(b) REPORT ON DATA COLLECTION.—Not later than 180 days after the date of enactment of this Act, the Director shall transmit to Congress a report on how the Director is determining whether current grant recipients in the Science, Technology, Engineering, and Mathematics Talent Expansion Program are making satisfactory progress as required by section 8(7)(D)(ii) of the National Science Foundation Authorization Act of 2002 and what funding actions have been taken as a result of the Director's determinations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for the program described in paragraph (7) of section 8 of the National Science Foundation Authorization Act of 2002—

(1) $44,000,000 for fiscal year 2008, of which $4,000,000 shall be for the grants described in subparagraph (A)(ii) of that paragraph;

(2) $55,000,000 for fiscal year 2009, of which $10,000,000 shall be for the grants described in subparagraph (A)(ii) of that paragraph;

(3) $60,000,000 for fiscal year 2010, of which $10,000,000 shall be for the grants described in subparagraph (A)(ii) of that paragraph;

(4) $60,000,000 for fiscal year 2011, of which $10,000,000 shall be for the grants described in subparagraph (A)(ii) of that paragraph; and

(5) $60,000,000 for fiscal year 2012, of which $10,000,000 shall be for the grants described in subparagraph (A)(ii) of that paragraph.

SEC. 206. HIGH-NEED LOCAL EDUCATIONAL AGENCY DEFINITION.

Section 4(8) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended to read as follows:

''(8) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency that—

''(A) is receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) as a result of having within its jurisdiction concentrations of children from low income families; and

''(B) is experiencing a shortage of highly qualified teachers, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), in the fields of science, mathematics, or engineering.''.

SEC. 207. TEACHER LEADERS.

The National Science Foundation Authorization Act of 2002 is amended—

(1) in section 4(11)—

(A) by striking ''MASTER TEACHER'' and inserting ''TEACHER LEADER'';

(B) by striking ''master teacher'' and inserting ''teacher leader''; and

(C) in subparagraph (E), by striking ''master teachers'' and inserting ''teacher leaders''; and

(2) in section 9—

(A) in subsection (a)(3)(E), by striking ''master teachers'' and inserting ''teacher leaders''; and

(B) in subsection (a)(4)—

(i) by striking ''MASTER TEACHERS'' and inserting ''TEACHER LEADERS''; and

(ii) by striking ''master teachers'' each place it appears and inserting ''teacher leaders''.

SEC. 208. LABORATORY SCIENCE PILOT PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) To remain competitive in science and technology in the global economy, the United States must increase the number of students graduating from high school prepared to pursue postsecondary education in science, technology, engineering, and mathematics.

(2) There is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that laboratory experience is so integral to the nature of science that it must be included in every science program for every science student.

(3) In America's Lab Report, the National Research Council concluded that the current quality of laboratory experiences is poor for most students and that educators and researchers do not agree on how to define high school science laboratories or on their purpose, hampering the accumulation of research on how to improve labs.

(4) The National Research Council found that schools with higher concentrations of non-Asian minorities and schools with higher concentrations of poor students are less likely to have adequate laboratory facilities than other schools.

(5) The Government Accountability Office reported that 49.1 percent of schools where the minority student population is greater than 50.5 percent reported not meeting functional requirements for laboratory science well or at all.

(6) 40 percent of those college students who left the science fields reported some problems related to high school science preparation, including lack of laboratory experience and no introduction to theoretical or to analytical modes of thought.

(7) It is in the national interest for the Federal Government to invest in research and demonstration projects to improve the teaching of laboratory science in the Nation's high schools.

(b) GRANT PROGRAM.—Section 8(8) of the National Science Foundation Authorization Act of 2002 is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively;

(2) by inserting ''(A)'' before ''A program of competitive''; and

(3) by inserting at the end the following new subparagraphs:

''(B) In accordance with subparagraph (A)(v), the Director shall establish a research pilot program designated as 'Partnerships for Access to Laboratory Science' to award grants to partnerships to improve laboratories and provide instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

''(i) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

''(ii) maintenance, renovation, and improvement of laboratory facilities;

''(iii) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science academic achievement standards;

''(iv) training in laboratory safety for school personnel;

''(v) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

''(vi) assessment of the activities funded under this subparagraph.

''(C) Grants may be made under subparagraph (B) only to a partnership—

''(i) for a project that includes significant teacher training and professional development components; or

''(ii) that establishes that appropriate teacher training and professional development is being addressed, or has been addressed, through other means.

''(D) Grants awarded under subparagraph (B) shall be to a partnership that—

''(i) includes an institution of higher education or a community college;

''(ii) includes a high-need local educational agency;

''(iii) includes a business or eligible nonprofit organization; and

''(iv) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

''(E) The Federal share of the cost of activities carried out using amounts from a grant under subparagraph (B) shall not exceed 50 percent.

''(F) The Director shall require grant recipients to submit a report to the Director on the results of the project supported by the grant.''.

(c) REPORT.—The Director shall evaluate the effectiveness of activities carried out under the research pilot projects funded by the grant program established pursuant to the amendment made by subsection (b) in improving student performance in mathematics, science, engineering, and technology. A report documenting the results of that evaluation shall be submitted to the Committee on Science and Technology of the House of Representatives and the Committees on Commerce, Science, and Transportation and on Health, Education, Labor, and Pensions of the Senate not later than 5 years after the date of enactment of this Act. The report shall identify best practices and materials developed and demonstrated by grant awardees.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section and the amendments made by this section $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

SEC. 209. STUDY ON LABORATORY EQUIPMENT DONATIONS FOR SCHOOLS.

Not later than 2 years after the date of enactment of this Act, the Director shall transmit a report to the Congress examining the extent to which institutions of higher education are donating used laboratory equipment to elementary

and secondary schools. The Director, in consultation with the Secretary of Education, shall survey institutions of higher education to determine—

(1) how often, how much, and what type of equipment is donated;

(2) what criteria or guidelines the institutions are using to determine what types of equipment can be donated, what condition the equipment should be in, and which schools receive the equipment;

(3) whether the institutions provide any support to, or follow-up with the schools; and

(4) how appropriate donations can be encouraged.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–105. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–105.

Mr. GORDON of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GORDON of Tennessee:

Page 12, line 22, page 13, line 2, and page 13, line 4, redesignate paragraphs (22), (23), and (24) as paragraphs (24), (26), and (27), respectively.

Page 12, after line 21, insert the following new paragraphs:

(22) in subsection (e)—

(A) by inserting ''or section 10A'' after ''under this section''; and

(B) in paragraph (1) by inserting ''or section 10A'' after ''subsection (d)'';

(23) in subsection (f)(1), by inserting ''or section 10A'' after ''under this section'';

Page 13, after line 1, insert the following new paragraph:

(25) in subsection (h), by inserting ''or section 10A'' after ''under this section'';

Page 13, line 3, insert ''and'' after the semicolon.

Page 13, lines 7 and 9, redesignate subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively.

Page 13, after line 6, insert the following new subparagraph:

(B) in paragraph (5), by inserting ''or section 10A'' after ''subsection (d)'';

Page 15, line 12, redesignate subsection (b) as subsection (c).

Page 15, after line 11, insert the following new subsection:

(b) SPECIAL PARTNERSHIP PROGRAM FOR STIPENDS.—The National Science Foundation Authorization Act of 2002 is amended by inserting after section 10 the following new section:

''SEC. 10A. SPECIAL PARTNERSHIP PROGRAM FOR STIPENDS.

''(a) IN GENERAL.—As part of the Robert Noyce Teacher Scholarship Program established under section 10, the Director shall establish a separate type of award for eligible entities described in subsection (b). Stipends under this section shall be available only to mathematics, science, and engineering professionals who, while receiving the stipend, are enrolled in a program to receive certification or licensing to teach.

''(b) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an institution of higher education (or consortia of such institutions) shall enter into a partnership with one or more private sector nonprofit organizations, local or State government organizations, and businesses. The members of the partnership shall provide the teaching supplements described in subsection (f).

''(c) USE OF GRANTS.—Grants provided under this section shall be used by institutions of higher education or consortia to develop and implement a program to encourage science, mathematics, or engineering professionals to become qualified as mathematics and science teachers, through—

''(1) administering stipends in accordance with this section;

''(2) offering academic courses and field teaching experiences designed to prepare stipend recipients to teach in elementary and secondary schools, including such preparation as is necessary to meet the requirements for certification or licensing; and

''(3) offering programs to stipend recipients, both during and after matriculation in the program for which the stipend is received, to enable recipients to become better mathematics and science teachers, to fulfill the service requirements of this section, and to exchange ideas with others in their fields.

''(d) SELECTION PROCESS.—

''(1) MERIT REVIEW.—Grants shall be provided under this section on a competitive, merit-reviewed basis.

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

''(A) a description of the program that the applicant intends to operate, including the number of stipends the applicant intends to award, the type of activities proposed for the recruitment of students to the program, and the amount of the teaching supplements to be provided in accordance with subsection (f);

''(B) a description of the selection process that will be used in awarding stipends, including a description of the rigorous, nationally recognized test that will be administered during the selection process in order to determine whether individuals applying for stipends have advanced content knowledge of science or mathematics;

''(C) evidence that the applicant has the capability to administer the program in accordance with the provisions of this section, which may include a description of any existing programs at the applicant's institution that are targeted to the education of mathematics and science teachers and the number of teachers graduated annually from such programs;

''(D) a description of the academic courses and field teaching experiences described in subsection (c)(2), including—

''(i) a description of an educational program that will enable a student to obtain teacher certification or licensing within 16 months; and

''(ii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which field teaching experiences will occur;

''(E) a description of the programs described in subsection (c)(3), including activities to assist new teachers in fulfilling their service requirements under this section; and

''(F) evidence that the partnership will provide the teaching supplements required under subsection (f).

''(3) CRITERIA.—In evaluating the applications submitted under paragraph (2), the Director shall consider, at a minimum—

''(A) the ability of the applicant to effectively carry out the program and to meet the requirement of subsection (f);

''(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognizes the specialized pedagogy required to teach mathematics and science effectively in elementary and secondary schools;

''(C) the extent to which the applicant is committed to making the program a central organizational focus;

''(D) the degree to which the proposed programming will enable stipend recipients to become successful mathematics and science teachers;

''(E) the number and quality of the students that will be served by the program; and

''(F) the ability of the applicant to recruit students who would otherwise not pursue a career in teaching.

''(e) STIPENDS.—Individuals shall be selected to receive stipends under this section primarily on the basis of their content knowledge of science or mathematics as demonstrated by their performance on a test designated in accordance with subsection (d)(2)(B). Among individuals demonstrating equivalent content knowledge, consideration may be given to financial need and to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

''(f) TEACHING SUPPLEMENTS.—The members of a partnership shall identify a source of non-Federal funding to provide salary supplements to individuals who participate in the program under this section during the period of their service obligation under subsection (h).

''(g) AMOUNT AND DURATION.—Stipends under this section shall be not less than $10,000 per year, except that no individual shall receive for any year more than the cost of attendance at that individual's institution. Individuals may receive a maximum of 16 months of stipend support.

''(h) SERVICE OBLIGATION.—If an individual receives a stipend under this section, that individual shall be required to complete, within 6 years after completion of the educational program for which the stipend was awarded, 4 years of service as a mathematics or science teacher in a public secondary school.''.

The CHAIRMAN. Pursuant to House Resolution 327, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

The Robert Noyce Teacher Scholarship Program at the National Science Foundation aims to increase the number of first-rate math and science teachers in the U.S.

The program targets two resources from which to recruit these teachers: one, undergraduates who are majoring in the math and science field; and, two,

science and math engineering professionals who want to switch to a teaching degree.

The reported version of H.R. 362 considerably expands the Noyce program. It also amends a part of the program that targets undergraduates. But the part of the program that targets professionals was left for the most part unchanged. This amendment establishes within the Noyce program a new model for recruiting professionals to a teaching career.

This new model is based on a program called Math for America, which has shown astonishing success in making first-rate teachers out of former scientists and engineers. Math for America was launched in 2004 by James Simons, a mathematician who founded an enormously successful private investment firm in New York City.

Mr. Simon's philanthropic foundation has provided much of the funding for Math for America. This is just the third year of Math for America, but already they have recruited 90 teachers for New York City public schools. The math for America model has so much in common with the Noyce program at the National Science Foundation.

Consistent with the Math for America model, my amendment has the following features: An institution of higher education wishing to establish this new program must create a partnership with at least one non-Federal entity to be eligible for the NSF support; a scientist or engineer participating in the program must demonstrate advance content knowledge through a nationally recognized standardized test; participants take specialized education courses in a 16-month teacher certification program during which they receive a stipend; graduates from the program must teach in a secondary school for a period of 4 years, during which they receive a teaching supplement to their ordinary salary.

The teaching supplements are provided by the partnerships from non-Federal sources. This amendment, therefore, adds a component to the Noyce program to develop the kind of public/private partnership that we see working so well in Math for America.

I urge my colleagues to support this amendment.

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

Mr. HALL of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I rise in support of the chairman's amendment. I know on this bill, H.R. 362, this is a perfect example of everything being said but not every one of us having an opportunity to say it. I rise in support of the amendment of Chairman GORDON and also the bill.

I can't improve on the words of the distinguished Speaker that we heard from just a few minutes ago, but I do want to applaud and support this H.R. 362, 10,000 Teachers, 10,000 Minds Science and Math Scholarship Act, and certainly applaud Chairman GORDON and Ranking Member HALL and the work that they have done. I am proud to be a member of the Science and Technology Committee and to see this come to the floor today.

□ 1615

The National Academy released a report, Mr. Chairman, entitled ''Rising Above the Gathering Storm'' that looked at the ways in which the Federal Government could enhance our country's science and technology enterprise so that we can continue to compete and prosper in the global marketplace. The commission arrived at one outstanding and alarming conclusion: American students are falling behind in the areas of science, technology, engineering, and math, sometimes referred to as STEM.

In response to this sobering reality, the report recommends vastly improving the K–12 science and math programs in classrooms across the country in order to increase America's talent pool. We talk about raising the level of H–1B visas, doubling them. That might be part of the solution, Mr. Chairman, but we need to develop our homegrown talent. Early education is crucial in getting children not only excited about math and science, but adequately prepared to pursue these fields later in life. And I strongly believe by recruiting, retaining, and training better educators in these fields more students will want to attend college in the areas of science, technology, and math. And that is the key to keeping America competitive in the ever-increasing technological global marketplace.

The 10,000 Teachers, 10 Million Minds Science and Math Scholarship program begins to remedy this situation by implementing a variety of action items recommended by this report. First, H.R. 362 seeks to raise both the quantity and quality of math and science teachers in America by increasing the number and amount of grants available to teachers and students who pursue continuing education in these fields. It also increases grants within a program at the National Science Foundation that provides financial aid to students who make a commitment to teach after college.

Mr. Chairman, I firmly believe this legislation is a good first step to address this impending crisis of America's workforce. I am again proud to support the bill, to support Chairman GORDON's amendment. I respectfully ask my colleagues on both sides of the aisle to do the same.

Mr. HALL of Texas. Mr. Chairman, I certainly from a policy standpoint don't have an issue with the amendment; in fact, I think it might go a long way in enticing retired STEM professionals to get their teacher's certification and to put their many years of expertise to work in the K–12 classroom, educating and inspiring our next generation of scientists, engineers, and mathematicians. I support the amendment.

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

Mr. GORDON of Tennessee. Mr. Chairman, in conclusion, I want to thank Dr. GINGREY for his support for this bill and, more importantly, his constructive role that he plays on the Science and Technology Committee. Again, I want to thank Mr. HALL for his constructive role, and also for his generosity in having additional time for us.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. GORDON OF TENNESSEE

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–105.

Mr. GORDON of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GORDON of Tennessee:

Page 8, line 16, after paragraph (4), insert the following new paragraph:

''(5) AWARDS.—In awarding grants under this section, the Director shall endeavor to ensure that the recipients are from a variety of types of institutions of higher education. In support of this goal, the Director shall broadly disseminate information about when and how to apply for grants under this section, including by conducting outreach to Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))).''.

Page 12, line 9, insert the following sentence at the end of paragraph (5): ''The Director shall establish and maintain a central clearinghouse of information on teaching opportunities available in high-need local educational agencies throughout the United States, which shall be made available to individuals having a service obligation under this section.''.

The CHAIRMAN. Pursuant to House Resolution 327, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

The Noyce program at the National Science Foundation has up to now required scholarship recipients to teach in high-need schools. H.R. 362 substantially expands the program, scaling it up from fewer than 1,000 pre-service STEM teachers per year to 10,000 per year.

The Noyce program is being scaled up by H.R. 362 to address the needs of schools in all parts of the Nation which have large numbers of out-of-field STEM teachers. For example, the percentage of physical science teachers in

middle schools with neither a major in the field nor certification is nearly 90 percent.

As part of enlarging the program's scale, the bill also removes the requirement that all graduates teach in a high-need school. But the bill also adds in its place an incentive for teachers to serve in high-need schools. The amendment I am proposing makes clear that we are not backing away from our firm commitment to address the requirements of high-need schools.

The amendment has two provisions. The first provision requires the NSF to broadly disseminate information about the program, including to Historically Black Colleges and Universities. This is to ensure that students in minority schools have improved chances of seeing a minority teacher prepared through a Noyce program.

The second provision requires the foundation to maintain a clearinghouse on teaching opportunities in high-need schools. This will assist Noyce scholars in finding their ideal placement.

Without this amendment, Noyce scholars seeking placement might not know which schools meet the definition of high-need in any given year or which such schools have openings.

This amendment will both help increase the number of individuals from minority-serving institutions who participate in the Noyce program and will help recruit Noyce scholars to teaching positions in high-need schools. I recommend adoption of this amendment.

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

Mr. HALL of Texas. Mr. Chairman, I urge my colleagues to join me in supporting this amendment, which the chairman has already described.

Mr. Chairman, I yield the balance of my time to Dr. Ehlers, the gentleman from Michigan.

Mr. EHLERS. I thank the gentleman for yielding.

Mr. Chairman, I do support this amendment and I think we should approve it, but I would like to spend the majority of my time discussing the previous amendment which we already accepted. I would like to make a point in connection with that. A very good part of that amendment is that it provides an additional stipend for teachers during their 4-year service requirement.

We have a major problem in America with math and science teachers; in fact, we have a major problem with a lot of teachers who do not stick with their field. We just don't have the retention rate we should. But that is especially true of good math and science teachers because the market out there for them is tremendous. Frequently, they can double their salary by going into industry, and at the very least they can increase their salary by 40 or 50 percent. It is very difficult for the schools to compete with that, although I have argued for years we should have a salary differential for those teachers who have very strong economic incentives to leave the teaching profession and to go into another job.

We simply have to meet the market, and unfortunately that has not been the tradition in the schools. I think we should establish that. If you don't meet the market, you are going to lose your best teachers, and we certainly don't want to lose them after all the work we have done through these various scholarships to develop good teachers.

So I strongly support the part of the Noyce amendment No. 2 which Chairman GORDON offered, and I hope that we can work, not just within this Congress but within this Nation, with the teachers, the school boards, and the teachers unions to develop a system that recognizes that a mechanism is needed to meet the market for those teachers who are offered large inducements to leave the teaching profession and go to another field.

I simply wanted to make that point in connection with the first amendment simply because that amendment is a start in the right direction, and I hope we can carry that principle onward.

I appreciate Chairman GORDON offering the amendment, and I hope that we can continue along that path in future bills relating to the subject.

Mr. GORDON of Tennessee. Mr. Chairman, I would like to once again thank Dr. EHLERS for his support for this bill, but more importantly for making a good bill a better bill.

Mr. Chairman, I yield 1 minute to the gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me thank Mr. EHLERS as well as Mr. GORDON for accepting this amendment, and I fully support it and I fully support the bill.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. SALAZAR, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 362) to authorize science scholarships for educating mathematics and science teachers, and for other purposes, pursuant to House Resolution 327, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOEKSTRA. In its present form, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoekstra moves to recommit the bill, H.R. 362, to the Committee on Science and Technology with instructions to report back the same forthwith with an amendment. The amendment is as follows:

Amend section 204 to read as follows:

SEC. 204. CURRICULA.

Nothing in this Act, or the amendments made by this Act, shall be construed to limit the authority of State governments or local school boards to determine the curricula of their students.

Mr. GORDON of Tennessee. Madam Speaker, I reserve a point of order on the motion to recommit.

The SPEAKER pro tempore. The gentleman from Tennessee reserves a point of order.

The gentleman from Michigan is recognized for 5 minutes.

Mr. HOEKSTRA. Madam Speaker, I offer this motion to recommit with instructions. My motion to recommit addresses a glaring inconsistency in this bill with all other Federal education laws by removing a provision that moves us in the direction of national standards and curriculum and puts those decisions back in the hands where they belong, in the hands of our State and local education leaders and, most importantly, parents.

Education in this country has always been predominantly a State and local issue, and within that context parents had a protected right to direct their children's education.

Even in the years after the passage of No Child Left Behind, the Federal contribution towards educating our children continues to be less than 10 percent, with States, counties, cities, and towns, actually parents and their local communities, providing over 90 percent of their funding to educate the next generation.

It is not only appropriate but imperative that the Federal law prevents the Federal Government from telling States and districts and schools what and how they should teach.

For example, the No Child Left Behind Act prohibits the Federal Government from mandating, directing, reviewing, or controlling a State, district, or school's choice of instructional content or curriculum.

In addition, No Child Left Behind strictly prohibits the Department of Education from endorsing, approving, or sanctioning any curriculum for an elementary or secondary school.

The rationale behind these provisions is important. As a Nation, we believe that the people closest to our children should make the decision as to what works best.

□ 1630

Children learn differently. Some are visual learners. Some learn best from listening. Others need hands-on opportunities. While there are some things that work well for some groups of children, determining definitively what works at the national level for all children is absurd. Therefore, when the Federal Government says that these five, 10 or 15 specific science curricula are most effective, it is implicitly telling States, districts and schools that they should use these identified options, irrespective of whether that is what is best for their students or their area.

Case in point is the current debate regarding the implementation of Reading First. There are allegations that some States and districts took information from technical assistance center employees and, to be fair, some department employees, to be implied endorsements of specific programs, believing that those were the only programs that would be funded under Reading First.

No one seems happy about the outcome, yet this underlying bill would create another panel to provide ''recommendations'' that it then requires the Director of NSF and the Secretary of Education to disseminate.

Take a look at this motion to recommit. Very simple. Nothing in this act or the amendments made by this act shall be construed to limit the authority of State governments or local school boards to determine the curricula of their students. It very clearly states and adds the clarifying language that it is the State and local school districts' responsibility and accountability for developing and approving the most appropriate, the most effective teaching methods and the most effective content.

This Congress has long taken the position that we do not want to develop national curriculum and national standards. This Congress has consistently taken the position that we need and want local control of our schools.

I urge my colleagues to vote for this motion to recommit, to once again say that parents and local school districts, the ones who know the needs and the names of our children in their schools, are the ones in the best position to make the decisions as to what will happen in the classrooms in their local schools.

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

The SPEAKER pro tempore. Does the gentleman from Tennessee insist on his point of order?

Mr. GORDON of Tennessee. Madam Speaker, this motion simply states the status quo, and we are glad to accept it.

The SPEAKER pro tempore. Does the gentleman withdraw his point of order?

Mr. GORDON of Tennessee. Yes, he does.

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

There was no objection.

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic passage on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 408, nays 4, not voting 20, as follows:

[Roll No. 253]

YEAS—408

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

NAYS—4

Abercrombie
Crowley
Pascrell
Slaughter

NOT VOTING—20

Bilirakis
Boucher
Brady (PA)
Buyer
Cubin
Davis, Jo Ann
Fattah
Fossella
Hastert
Hastings (FL)
Kennedy
King (NY)
Kirk
Lampson
Myrick
Olver
Poe
Rangel
Sutton
Westmoreland

□ 1658

Ms. SLAUGHTER and Mr. ABERCROMBIE changed their vote from ''yea'' to ''nay.''

Messrs. JOHNSON of Georgia, ELLISON, SHADEGG, NUNES, and ROTHMAN changed their vote from ''nay'' to ''yea.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 1591, U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

Mr. OBEY submitted the following conference report and statement on the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes:

CONFERENCE REPORT (H. REPT. 110–107)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1591), ''making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $460,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 1101. There is hereby appropriated $40,000,000 to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used to replenish the Bill Emerson Humanitarian Trust.

CHAPTER 2

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2008.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $6,450,000, to remain available until September 30, 2008.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $1,736,000, to remain available until September 30, 2008.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $268,000,000, of which $258,000,000 is to remain available until September 30, 2008 and $10,000,000 is to remain available until expended to implement corrective actions in response to the findings and recommendations in the Department of Justice Office of Inspector General report entitled, ''A Review of the Federal Bureau of Investigation's Use of National Security Letters'', of which $500,000 shall be transferred to and merged with ''Department of Justice, Office of the Inspector General''.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $12,166,000, to remain available until September 30, 2008.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2008.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $17,000,000, to remain available until September 30, 2008.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $8,853,350,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,100,410,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,495,827,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,218,587,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $147,244,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $86,023,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $5,660,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $11,573,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $545,286,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $44,033,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $20,373,379,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $4,676,670,000, of which up to $120,293,000 shall be transferred to Coast Guard, ''Operating Expenses'', for reimbursement for activities which support activities requested by the Navy.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,146,594,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $6,650,881,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,714,487,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $74,049,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $111,066,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $13,591,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $10,160,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $83,569,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $38,429,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $5,906,400,000, to remain available until September 30, 2008.

IRAQ SECURITY FORCES FUND

For an additional amount for ''Iraq Security Forces Fund'', $3,842,300,000, to remain available until September 30, 2008.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $355,600,000, to remain available for transfer until September 30, 2008: Provided, That up to $50,000,000 may be obligated and expended for purposes of the Task Force to Improve Business and Stability Operations in Iraq.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $2,432,800,000, to remain available until September 30, 2009.

STRATEGIC RESERVE READINESS FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided in this or any other Act, for training, operations, repair of equipment, purchases of equipment, and other expenses related to improving the readiness of non-deployed United States military forces, $2,000,000,000, to remain available until September 30, 2009; of which $1,000,000,000 shall be transferred to ''National Guard and Reserve Equipment'' for the purchase of equipment for the Army National Guard; and of which $1,000,000,000 shall be transferred by the Secretary of Defense only to appropriations for military personnel, operation and maintenance, procurement, and defense working capital funds to accomplish the purposes provided herein: Provided, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the Secretary of Defense shall, not fewer than thirty days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfers made pursuant to this authority: Provided further, That funds shall be transferred to the appropriation accounts not later than 120 days after the enactment of this Act: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $619,750,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $111,473,000, to remain available until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $3,404,315,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $681,500,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $11,076,137,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $1,090,287,000, to remain available until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $163,813,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $159,833,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $748,749,000, to remain available until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $2,252,749,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $2,106,468,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $94,900,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $6,000,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,096,200,000, to remain available until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $980,050,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $100,006,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $298,722,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $187,176,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $512,804,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,315,526,000.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $5,000,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $3,251,853,000; of which $2,802,153,000 shall be for operation and maintenance, including $600,000,000 which shall be available for the treatment of Traumatic Brain Injury and Post Traumatic Stress Disorder and remain available until September 30, 2008; of which $118,000,000 shall be for procurement, to remain available until September 30, 2009; and of which $331,700,000 shall be for research, development, test and evaluation, to remain available until September 30, 2008: Provided, That if the Secretary of Defense determines that funds made available herein for the treatment of Traumatic Brain Injury and Post Traumatic Stress Disorder are in excess to the requirements of the Department of Defense he may transfer amounts in excess of that requirement to the Department of Veterans Affairs to be available only for the same purpose.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $254,665,000, to remain available until expended.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for ''Intelligence Community Management Account'', $71,726,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Appropriations provided in this chapter are available for obligation until September 30, 2007, unless otherwise provided in this chapter.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,500,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso: Provided further, That funds previously transferred to the ''Joint Improvised Explosive Device Defeat Fund'' and the ''Iraq Security Forces Fund'' under the authority of section 8005 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this chapter, or made available by the transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

(TRANSFER OF FUNDS)

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $6,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this chapter under the heading, ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $60,000,000 may be used for support for

counter-drug activities of the Governments of Afghanistan and Pakistan: Provided, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, and 109–364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $456,400,000 may be used, notwithstanding any other provision of law, to fund the Commanders' Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. Section 9010 of division A of Public Law 109–289 is amended by striking ''2007'' each place it appears and inserting ''2008''.

SEC. 1309. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' in this chapter may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1310. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364) is amended by striking ''$310,277,000'' and inserting ''$376,446,000''.

SEC. 1311. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 1312. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 1313. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2008. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the three-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund''.

SEC. 1314. None of the funds appropriated or otherwise made available by this chapter may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

SEC. 1315. Not more than 85 percent of the funds appropriated in this chapter for operation and maintenance shall be available for obligation unless and until the Secretary of Defense submits to the congressional defense committees a report detailing the use of Department of Defense funded service contracts conducted in the theater of operations in support of United States military and reconstruction activities in Iraq and Afghanistan: Provided, That the report shall provide detailed information specifying the number of contracts and contract costs used to provide services in fiscal year 2006, with sub-allocations by major service categories: Provided further, That the report also shall include estimates of the number of contracts to be executed in fiscal year 2007: Provided further, That the report shall include the number of contractor personnel in Iraq and Afghanistan funded by the Department of Defense: Provided further, That the report shall be submitted to the congressional defense committees not later than August 1, 2007.

SEC. 1316. Section 1477 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''A death gratuity'' and inserting ''Subject to subsection (d), a death gratuity'';

(2) by redesignating subsection (d) as subsection (e) and, in such subsection, by striking ''If an eligible survivor dies before he'' and inserting ''If a person entitled to all or a portion of a death gratuity under subsection (a) or (d) dies before the person''; and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) During the period beginning on the date of the enactment of this subsection and ending on September 30, 2007, a person covered by section 1475 or 1476 of this title may designate another person to receive not more than 50 percent of the amount payable under section 1478 of this title. The designation shall indicate the percentage of the amount, to be specified only in 10 percent increments up to the maximum of 50 percent, that the designated person may receive. The balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with paragraphs (1) through (5) of subsection (a).''.

SEC. 1317. Section 9007 of Public Law 109–289 is amended by striking ''20'' and inserting ''287''.

SEC. 1318. INSPECTION OF MILITARY MEDICAL TREATMENT FACILITIES, MILITARY QUARTERS HOUSING MEDICAL HOLD PERSONNEL, AND MILITARY QUARTERS HOUSING MEDICAL HOLDOVER PERSONNEL. (a) PERIODIC INSPECTION REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:

(A) Each military medical treatment facility.

(B) Each military quarters housing medical hold personnel.

(C) Each military quarters housing medical holdover personnel.

(2) PURPOSE.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.

(b) ACCEPTABLE STANDARDS.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals with medical conditions that may require medical supervision, as applicable, in the United States.

(2) Where appropriate, standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) ADDITIONAL INSPECTIONS ON IDENTIFIED DEFICIENCIES.—

(1) IN GENERAL.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—

(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.

(2) CONSTRUCTION WITH OTHER INSPECTIONS.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).

(d) REPORTS ON INSPECTIONS.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.

(e) REPORT ON STANDARDS.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to the congressional defense committees a report setting forth the plan of the Secretary to ensure—

(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—

(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and

(B) where appropriate, standards under the Americans with Disabilities Act of 1990; and

(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.

SEC. 1319. From funds made available for the ''Iraq Security Forces Fund'' for fiscal year 2007, up to $155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.

SEC. 1320. INDEPENDENT ASSESSMENT OF CAPABILITIES OF IRAQI SECURITY FORCES. (a) IN GENERAL.—Of the amount appropriated or otherwise made available for the Department of Defense, $750,000 is provided to commission an independent, private-sector entity, which operates as a 501(c)(3) with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(1) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12–18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(2) The training; equipping; command, control and intelligence capabilities; and logistics capacity of the ISF.

(3) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (1).

(b) REPORT.—Not later than 120 days after passage of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations, and Intelligence.

SEC. 1321. AWARD OF MEDAL OF HONOR TO WOODROW W. KEEBLE FOR VALOR DURING KOREAN WAR. (a) WAIVER OF TIME LIMITATIONS.—Notwithstanding any applicable time limitation under section 3744 of title 10, United States Code, or any other time limitation with respect to the award of certain medals to individuals who served in the Armed Forces, the President may award to Woodrow W. Keeble the Medal of Honor under section 3741 of that title for the acts of valor described in subsection (b).

(b) ACTS OF VALOR.—The acts of valor referred to in subsection (a) are the acts of Woodrow W. Keeble, then-acting platoon leader, carried out on October 20, 1951, during the Korean War.

(TRANSFER OF FUNDS)

SEC. 1322. Of the amount appropriated under the heading ''Other Procurement, Army'', in title III of division A of Public Law 109–148, $6,250,000 shall be transferred to ''Military Construction, Army''.

(TRANSFER OF FUNDS)

SEC. 1323. Notwithstanding any other provision of law, not to exceed $110,000,000 may be transferred to the ''Economic Support Fund'', Department of State, for use in programs in Pakistan from amounts appropriated by this Act as follows:

''Military Personnel, Army'', $70,000,000;

''National Guard Personnel, Army'', $13,183,000; and

''Defense Health Program'', $26,817,000.

CHAPTER 4

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for ''Defense Nuclear Nonproliferation'', $150,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1401. The Administrator of the National Nuclear Security Administration is authorized to transfer up to $1,000,000 from Defense Nuclear Nonproliferation to the Office of the Administrator during fiscal year 2007 supporting nuclear nonproliferation activities.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

ANALYSIS AND OPERATIONS

For an additional amount for ''Analysis and Operations'', $15,000,000, to remain available until September 30, 2008, to be used for support of the State and Local Fusion Center program.

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Salaries and Expenses'', $115,000,000, to remain available until September 30, 2008, to be used to increase the number of officers, intelligence analysts and support staff responsible for container security inspections, and for other efforts to improve supply chain security: Provided, That up to $5,000,000 shall be transferred to Federal Law Enforcement Training Center ''Salaries and Expenses'', for basic training costs.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'', for air and marine operations on the Northern Border, including the final Northern Border air wing, $120,000,000, to remain available until September 30, 2008.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $10,000,000, to remain available until September 30, 2008.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for ''Aviation Security'', $970,000,000; of which $815,000,000 shall be for procurement and installation of checked baggage explosives detection systems, to remain available until expended; of which $45,000,000 shall be for expansion of checkpoint explosives detection pilot systems, to remain available until expended; and of which $110,000,000 shall be for air cargo security, to remain available until September 30, 2009.

FEDERAL AIR MARSHALS

For an additional amount for ''Federal Air Marshals'', $8,000,000, to remain available until September 30, 2008.

NATIONAL PROTECTION AND PROGRAMS

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For an additional amount for ''Infrastructure Protection and Information Security'', $37,000,000, to remain available until September 30, 2008.

OFFICE OF HEALTH AFFAIRS

For an additional amount for ''Office of Health Affairs'' for nuclear event public health assessment and planning and other activities, $15,000,000, to remain available until September 30, 2008.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For expenses for management and administration of the Federal Emergency Management Agency, $25,000,000, to remain available until September 30, 2008: Provided, That none of such funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: Provided further, That unobligated amounts in the ''Administrative and Regional Operations'' and ''Readiness, Mitigation, Response, and Recovery'' accounts shall be transferred to ''Management and Administration'' and may be used for any purpose authorized for such amounts and subject to limitation on the use of such amounts.

STATE AND LOCAL PROGRAMS

For an additional amount for ''State and Local Programs'', $552,500,000; of which $190,000,000 shall be for port security grants pursuant to section 70107(l) of title 46 United States Code; of which $325,000,000 shall be for intercity rail passenger transportation, freight rail, and transit security grants; of which $35,000,000 shall be for regional grants and regional technical assistance to high risk urban areas for catastrophic event planning and preparedness; and of which $2,500,000 shall be for technical assistance: Provided, That none of the funds made available under this heading may be obligated for such regional grants and regional technical assistance until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: Provided further, That funds for such regional grants and regional technical assistance shall remain available until September 30, 2008.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for ''Emergency Management Performance Grants'', $100,000,000.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for expenses of ''United States Citizenship and Immigration Services'' to address backlogs of security checks associated with pending applications and petitions, $10,000,000, to remain available until September 30, 2008: Provided, That none of the funds made available under this heading shall be available for obligation until the Secretary of Homeland Security, in consultation with the United States Attorney General, submits to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for ''Research, Development, Acquisition, and Operations'' for air cargo security research, $10,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

RESEARCH, DEVELOPMENT, AND OPERATIONS

For an additional amount for ''Research, Development, and Operations'' for non-container, rail, aviation and intermodal radiation detection activities, $39,000,000, to remain available until expended.

SYSTEMS ACQUISITION

For an additional amount for ''Systems Acquisition'', $223,500,000, to remain available until expended: Provided, That none of the funds appropriated under this heading shall be obligated for full scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1501. (a) AMENDMENTS.—Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by:

(1) in subsection (c), by striking ''consistent with similar'' and inserting ''identical to the protections given'';

(2) in subsection (c), by striking '', site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material'' and inserting ''and site security plans shall be treated as sensitive security information (as that term is used in section 1520.5 of title 49, Code of Federal Regulations, or any subsequent regulations relating to the same matter)''; and

(3) by adding at the end of the section the following:

''(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State.''.

(b) REGULATORY CLARIFICATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall update the regulations administered by the Secretary that govern sensitive security information, including 49 CFR 1520, to ensure the protection of all information required to be protected under section 550(c) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), as amended by paragraph (a).

SEC. 1502. None of the funds provided in this Act, or Public Law 109–295, shall be available to carry out section 872 of Public Law 107–296.

SEC. 1503. LINKING OF AWARD FEES UNDER DEPARTMENT OF HOMELAND SECURITY CONTRACTS TO SUCCESSFUL ACQUISITION OUTCOMES. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

CHAPTER 6

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $6,437,000, as follows:

ALLOWANCES AND EXPENSES

For an additional amount for allowances and expenses as authorized by House resolution or law, $6,437,000 for business continuity and disaster recovery, to remain available until expended.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' of the Government Accountability Office, $374,000, to remain available until September 30, 2008.

CHAPTER 7

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,255,890,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $173,700,000 shall be available for study, planning, design, and architect and engineer services: Provided further, That of the funds made available under this heading, $369,690,000 shall not be obligated or expended until the Secretary of Defense submits a detailed report explaining how military road construction is coordinated with NATO and coalition nations: Provided further, That of the funds made available under this heading, $401,700,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Army end-strength growth to the Committees on Appropriations of the House of Representatives and Senate: Provided further, That of the funds provided under this heading, $274,800,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $370,990,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $49,600,000 shall be available for study, planning, design, and architect and engineer services: Provided further, That of the funds made available under this heading, $324,270,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Marine Corps end-strength growth to the Committees on Appropriations of the House of Representatives and Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $43,300,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $3,000,000 shall be available for study, planning, design, and architect and engineer services.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $3,136,802,000, to remain available until expended: Provided, That within 30 days of the enactment of this Act, the Secretary of Defense shall submit a detailed spending plan to the Committees on Appropriations of the House of Representatives and Senate.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1701. Notwithstanding any other provision of law, none of the funds in this or any other Act may be used to close Walter Reed Army Medical Center until equivalent medical facilities at the Walter Reed National Military Medical Center at Naval Medical Center, Bethesda, Maryland, and/or the Fort Belvoir, Virginia, Community Hospital have been constructed and equipped: Provided, That to ensure that the quality of care provided by the Military Health System is not diminished during this transition, the Walter Reed Army Medical Center shall be adequately funded, to include necessary renovation and maintenance of existing facilities, to maintain the maximum level of inpatient and outpatient services.

SEC. 1702. Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to reorganize or relocate the functions of the Armed Forces Institute of Pathology (AFIP) until the Secretary of Defense has submitted, not later than December 31, 2007, a detailed plan and timetable for the proposed reorganization and relocation to the Committees on Appropriations and Armed Services of the Senate and House of Representatives. The plan shall take into consideration the recommendations of a study being prepared by the Government Accountability Office (GAO), provided that such study is available not later than 45 days before the date specified in this section, on the impact of dispersing selected functions of AFIP among several locations, and the possibility of consolidating those functions at one location. The plan shall include an analysis of the options for the location and operation of the Program Management Office for second opinion consults that are consistent with the recommendations of the Base Realignment and Closure Commission, together with the rationale for the option selected by the Secretary.

CHAPTER 8

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $870,658,000, to remain available until September 30, 2008, of which $96,500,000 for World Wide Security Upgrades is available until expended: Provided, That of the funds appropriated under this heading, not more than $20,000,000 shall be made available for public diplomacy programs: Provided further, That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected results, for fiscal years 2007 and 2008: Provided further, That of the amount available under this heading, $258,000 shall be transferred to, and merged with, funds available in fiscal year 2007 for expenses for the United States Commission on International Religious Freedom: Provided further, That 20 percent of the amount available for Iraq operations shall not be obligated until the Committees on Appropriations receive and approve a detailed plan for expenditure, prepared by the Secretary of State, and submitted within 60 days after the date of enactment of this Act: Provided further, That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109–148 under the heading ''Emergencies in the Diplomatic and Consular Service'' for emergency evacuations: Provided further, That of the amount made available under this heading for Iraq, not to exceed $20,000,000 may be transferred to, and merged

with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for terrorism rewards.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $36,500,000, to remain available until December 31, 2008: Provided, That $35,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', $20,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $50,000,000, to remain available until September 30, 2008.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $288,000,000, to remain available until September 30, 2008.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Child Survival and Health Programs Fund'', $161,000,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, if the President determines and reports to the Committees on Appropriations that the human-to-human transmission of the avian influenza virus is efficient and sustained, and is spreading internationally, funds made available under the heading ''Millennium Challenge Corporation'' and ''Global HIV/AIDS Initiative'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be transferred to, and merged with, funds made available under this heading to combat avian influenza: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $165,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $8,700,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $3,500,000, to remain available until September 30, 2008.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $2,649,300,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, $57,400,000 shall be made available to nongovernmental organizations in Iraq for economic and social development programs and activities in areas of conflict: Provided further, That the responsibility for policy decisions and justifications for the use of funds appropriated by the previous proviso shall be the responsibility of the United States Chief of Mission in Iraq: Provided further, That none of the funds appropriated under this heading in this Act or in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available for the Political Participation Fund and the National Institutions Fund: Provided further, That of the funds made available under the heading ''Economic Support Fund'' in Public Law 109–234 for Iraq to promote democracy, rule of law and reconciliation, $2,000,000 should be made available for the United States Institute of Peace for programs and activities in Afghanistan to remain available until September 30, 2008.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for ''Assistance for Eastern Europe and the Baltic States'', $229,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $260,000,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, not less than $190,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, and not less than $60,000,000 shall be made available for the United States Agency for International Development, for democracy, human rights and rule of law programs in Iraq: Provided further, That not later than 60 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''International Narcotics Control and Law Enforcement'', $257,000,000, to remain available until September 30, 2008.

Of the amounts made available for procurement of a maritime patrol aircraft for the Colombian Navy under this heading in Public Law 109–234, $13,000,000 are rescinded.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $130,500,000, to remain available until September 30, 2008, of which not less than $5,000,000 shall be made available to rescue Iraqi scholars.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $55,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $57,500,000, to remain available until September 30, 2008.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for ''International Affairs Technical Assistance'', $2,750,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $265,000,000, to remain available until September 30, 2008.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $230,000,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, not less than $40,000,000 shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance for Liberia for security sector reform: Provided further, That not later than 30 days after enactment of this Act and every 30 days thereafter until September 30, 2008, the Secretary of State shall submit a report to the Committees on Appropriations detailing the obligation and expenditure of funds made available under this heading in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs.

GENERAL PROVISIONS—THIS CHAPTER

AUTHORIZATION OF FUNDS

SEC. 1801. Funds appropriated by this title may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

EXTENSION OF OVERSIGHT AUTHORITY

SEC. 1802. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), is amended by inserting ''or fiscal year 2007'' after ''fiscal year 2006''.

LEBANON

SEC. 1803. (a) LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR LEBANON.—None of the funds made available in this Act under the heading ''Economic Support Fund'' for cash transfer assistance for the Government of Lebanon may be made available for obligation until the Secretary of State reports to the Committees on Appropriations on Lebanon's economic reform plan and on the specific conditions and verifiable benchmarks that have been agreed upon by the United States and the Government of Lebanon pursuant to the Memorandum of Understanding on cash transfer assistance for Lebanon.

(b) LIMITATION ON FOREIGN MILITARY FINANCING PROGRAM AND INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE FOR LEBANON.—None of the funds made available in this Act under the heading ''Foreign Military Financing Program'' or ''International Narcotics Control and Law Enforcement'' for military or police assistance to Lebanon may be made available for obligation until the Secretary of State submits to the Committees on Appropriations a report on procedures established to determine eligibility of members and units of the armed forces and police forces of Lebanon to participate in United States training and assistance programs and on the end use monitoring of all equipment provided under such programs to the Lebanese armed forces and police forces.

(c) CERTIFICATION REQUIRED.—Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings ''Foreign Military Financing Program'' and ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', the Secretary

of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

(d) REPORT REQUIRED.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on the Government of Lebanon's actions to implement section 14 of United Nations Security Council Resolution 1701 (August 11, 2006).

(e) SPECIAL AUTHORITY.—This section shall be effective notwithstanding section 534(a) of Public Law 109–102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5).

DEBT RESTRUCTURING

SEC. 1804. Amounts appropriated for fiscal year 2007 for ''Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring'' may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 1805. To facilitate effective oversight of programs and activities in Iraq by the Government Accountability Office (GAO), the Department of State shall provide GAO staff members the country clearances, life support, and logistical and security support necessary for GAO personnel to establish a presence in Iraq for periods of not less than 45 days.

HUMAN RIGHTS AND DEMOCRACY FUND

SEC. 1806. The Assistant Secretary of State for Democracy, Human Rights, and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

SEC. 1807. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the ''Inspector General'') may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General's oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 1 additional year.

(3) Not more than 10 individuals may be employed at any time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2007. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

FUNDING TABLES

SEC. 1808. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

''Diplomatic and Consular Programs''.

''Economic Support Fund''.

''Democracy Fund''.

''International Narcotics Control and Law Enforcement''.

''Migration and Refugee Assistance''.

(b) Any proposed increases or decreases to the amounts contained in the tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1809. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter, except for funds appropriated under the heading ''International Disaster and Famine Assistance'': Provided, That funds appropriated under the headings in this chapter, except for funds appropriated under the heading named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

CONDITIONS ON ASSISTANCE FOR PAKISTAN

SEC. 1810. None of the funds made available for assistance for the central Government of Pakistan under the heading ''Economic Support Fund'' in this title may be made available for non-project assistance until the Secretary of State submits to the Committees on Appropriations a report on the oversight mechanisms, performance benchmarks, and implementation processes for such funds: Provided, That notwithstanding any other provision of law, funds made available for non-project assistance pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds made available for assistance for Pakistan under the heading ''Economic Support Fund'' in this title, $5,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, for political party development and election observation programs.

CIVILIAN RESERVE CORPS

SEC. 1811. Of the funds appropriated by this Act under the heading ''Diplomatic and Consular Programs'', up to $50,000,000 may be made available to support and maintain a civilian reserve corps: Provided, That none of the funds for a civilian reserve corps may be obligated without specific authorization in a subsequent Act of Congress: Provided further, That funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

COORDINATOR FOR IRAQ ASSISTANCE

SEC. 1812. (a) COORDINATOR FOR IRAQ ASSISTANCE.—Not later than 30 days after the date of the enactment of this Act, the President shall appoint a Coordinator for Iraq Assistance (hereinafter in this section referred to as the ''Coordinator''), by and with the advice and consent of the Senate, who shall report directly to the President.

(b) DUTIES.—The Coordinator shall be responsible for—

(1) Developing and implementing an overall strategy for political, economic, and military assistance for Iraq;

(2) Coordinating and ensuring coherence of Iraq assistance programs and policy among all departments and agencies of the Government of the United States that are implementing assistance programs in Iraq, including the Department of State, the United States Agency for International Development, the Department of Defense, the Department of the Treasury, and the Department of Justice;

(3) Working with the Government of Iraq in meeting the benchmarks described in section 1904(a) of this Act in order to ensure Iraq continues to be eligible to receive United States assistance described in such section;

(4) Coordinating with other donors and international organizations that are providing assistance for Iraq;

(5) Ensuring adequate management and accountability of United States assistance programs for Iraq;

(6) Resolving policy and program disputes among departments and agencies of the United States Government that are implementing assistance programs in Iraq; and

(7) Coordinating United States assistance programs with the reconstruction programs funded and implemented by the Government of Iraq.

(c) RANK AND STATUS.—The Coordinator shall have the rank and status of ambassador.

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

SEC. 1901. (a) Congress finds that it is Defense Department policy that units should not be deployed for combat unless they are rated ''fully mission capable''.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be used to deploy any unit of the Armed Forces to Iraq unless the chief of the military department concerned has certified in writing to the Committees on Appropriations and the Committees on Armed Services at least 15 days in advance of the deployment that the unit is fully mission capable.

(c) For purposes of subsection (b), the term ''fully mission capable'' means capable of performing assigned mission essential tasks to prescribed standards under the conditions expected in the theater of operations, consistent with the guidelines set forth in the Department of Defense readiness reporting system.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the deployment to Iraq of a unit that is not assessed fully mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the chief of the military department's assessment that the unit is not fully mission capable, may waive the limitation prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1902. (a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq prior to January 10, 2007.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the extension of

a unit's deployment in Iraq beyond the periods specified in subsection (b) is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's extended deployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1903. (a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days or that Marine Corps and Marine Corps Reserve units should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq prior to January 10, 2007.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the redeployment of a unit to Iraq in advance of the periods specified in subsection (b) is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's redeployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

SEC.1904. (a) The President shall make and transmit to Congress the following determinations, along with reports in classified and unclassified form detailing the basis for each determination, on or before July 1, 2007:

(1) whether the Government of Iraq has given United States Armed Forces and Iraqi Security Forces the authority to pursue all extremists, including Sunni insurgents and Shiite militias, and is making substantial progress in delivering necessary Iraqi Security Forces for Baghdad and protecting such Forces from political interference; intensifying efforts to build balanced security forces throughout Iraq that provide even-handed security for all Iraqis; ensuring that Iraq's political authorities are not undermining or making false accusations against members of the Iraqi Security Forces; eliminating militia control of local security; establishing a strong militia disarmament program; ensuring fair and just enforcement of laws; establishing political, media, economic, and service committees in support of the Baghdad Security Plan; and eradicating safe havens;

(2) whether the Government of Iraq is making substantial progress in meeting its commitment to pursue reconciliation initiatives, including enactment of a hydro-carbon law; adoption of legislation necessary for the conduct of provincial and local elections; reform of current laws governing the de-Baathification process; amendment of the Constitution of Iraq; and allocation of Iraqi revenues for reconstruction projects;

(3) whether the Government of Iraq and United States Armed Forces are making substantial progress in reducing the level of sectarian violence in Iraq; and

(4) whether the Government of Iraq is ensuring the rights of minority political parties in the Iraqi Parliament are protected.

(b) If the President fails to make any of the determinations specified in subsection (a), the Secretary of Defense shall commence the redeployment of the Armed Forces from Iraq no later than July 1, 2007, with a goal of completing such redeployment within 180 days.

(c) If the President makes the determinations specified in subsection (a), the Secretary of Defense shall commence the redeployment of the Armed Forces from Iraq not later than October 1, 2007, with a goal of completing such redeployment within 180 days.

(d) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this or any other Act are immediately available for obligation and expenditure to plan and execute a safe and orderly redeployment of the Armed Forces from Iraq, as specified in subsections (b) and (c).

(e) After the conclusion of the redeployment specified in subsections (b) and (c), the Secretary of Defense may not deploy or maintain members of the Armed Forces in Iraq for any purpose other than the following:

(1) Protecting American diplomatic facilities and American citizens, including members of the U.S. armed forces;

(2) Serving in roles consistent with customary diplomatic positions;

(3) Engaging in targeted special actions limited in duration and scope to killing or capturing members of al-Qaeda and other terrorist organizations with global reach; and

(4) Training and equipping members of the Iraqi Security Forces.

(f) Notwithstanding any other provision of law, 50 percent of the funds appropriated by title I of this Act for assistance to Iraq under each of the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' shall be withheld from obligation until the President has made a certification to Congress that the Government of Iraq has enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis; adopted legislation necessary for the conduct of provincial and local elections, taken steps to implement such legislation, and set a schedule to conduct provincial and local elections; reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws; amended the Constitution of Iraq consistent with the principles contained in Article 137 of such constitution; and allocated and begun expenditure of $10,000,000,000 in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

(g) The requirement to withhold funds from obligation pursuant to subsection (f) shall not apply with respect to funds made available under the heading ''Economic Support Fund'' for continued support for the Community Action Program and Community Stabilization Program in Iraq administered by the United States Agency for International Development or for programs and activities to promote democracy in Iraq.

(h) Beginning on September 1, 2007, and every 60 days thereafter, the Commander, Multi-National Forces—Iraq and the United States Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail the current progress being made by the Government of Iraq regarding the criteria set forth in subsection (a).

TITLE II

ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION—THIS CHAPTER

SEC. 2101. Section 1231(k)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(2)) is amended by striking ''During calendar year 2006, the'' and inserting ''The''.

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, notwithstanding the provisions of section 511 of said Act, $50,000,000, to remain available until expended: Provided, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricanes Katrina and Rita: Provided further, That these funds shall be apportioned among the States in quotient to their level of violent crime as estimated by the Federal Bureau of Investigation's Uniform Crime Report for the year 2005.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', for necessary expenses related to the consequences of Hurricanes Katrina and Rita on the shrimp and fishing industries, $110,000,000, to remain available until September 30, 2008.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for ''Exploration Capabilities'' for necessary expenses related to the consequences of Hurricane Katrina, $35,000,000, to remain available until September 30, 2009.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. Up to $48,000,000 of amounts made available to the National Aeronautics and Space Administration in Public Law 109–148 and Public Law 109–234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $25,300,000, to remain available until expended, which may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, $1,407,700,000, to remain available until expended: Provided, That $1,300,000,000 of the amount provided may be used by the Secretary of the Army to carry out projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity, Louisiana, projects, as described under the heading ''Flood Control and Coastal Emergencies'', in chapter 3 of Public Law 109–148: Provided further, That $107,700,000 of the amount provided may be used to implement the projects for hurricane storm damage reduction, flood damage reduction, and ecosystem restoration within Hancock, Harrison, and Jackson Counties, Mississippi substantially in accordance with the Report of the Chief of Engineers dated December 31, 2006, and entitled ''Mississippi, Coastal Improvements Program Interim

Report, Hancock, Harrison, and Jackson Counties, Mississippi'': Provided further, That projects authorized for implementation under this Chief's report shall be carried out at full Federal expense, except that the non-Federal interests shall be responsible for providing for all costs associated with operation and maintenance of the project: Provided further, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of the Act.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. The Secretary is authorized and directed to determine the value of eligible reimbursable expenses incurred by local governments in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area that the Secretary determines to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 2302. (a) The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading ''Flood Control and Coastal Emergencies'' for projects in the greater New Orleans metropolitan area to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The expenditure of funds as provided in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.

(c) Any reallocation of funds that are necessary to accomplish the goal established in subsection (a) are authorized, subject to the approval of the House and Senate Committees on Appropriation.

SEC. 2303. The Chief of Engineers shall investigate the overall technical advantages, disadvantages and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue and London Avenue canals in the New Orleans area directed for construction in Public Law 109–234 concurrently or in series with existing pumping stations serving these canals and the advantages, disadvantages and technical operational effectiveness of removing the existing pumping stations and configuring the new pumping stations and associated canals to handle all needed discharges; and the advantages, disadvantages and technical operational effectiveness of replacing or improving the floodwalls and levees adjacent to the three outfall canals: Provided, That the analysis should be conducted at Federal expense: Provided further, That the analysis shall be completed and furnished to the Congress not later than three months after enactment of this Act.

SEC. 2304. Using funds made available in Chapter 3 under title II of Public Law 109–234, under the heading ''Investigations'', the Secretary of the Army, in consultation with other agencies and the State of Louisiana shall accelerate completion as practicable the final report of the Chief of Engineers recommending a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf Outlet: Provided, That the plan shall incorporate and build upon the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006 pursuant to Public Law 109–234.

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Of the unobligated balances under the heading ''Small Business Administration, Disaster Loans Program Account'', $25,069,000, to remain available until expended, shall be used for administrative expenses to carry out the disaster loan program, which may be transferred to and merged with ''Small Business Administration, Salaries and Expenses''.

Of the unobligated balances under the heading ''Small Business Administration, Disaster Loans Program Account'', $25,000,000 shall be used for loans under section 7(b)(2) of the Small Business Act for businesses located in an area for which the President declared a major disaster because of the hurricanes in the Gulf of Mexico in calendar year 2005, of which not to exceed $8,750,000 is for direct administrative expenses and may be transferred to and merged with ''Small Business Administration, Salaries and Expenses'' to carry out the disaster loan program of the Small Business Administration.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Relief'', $4,610,000,000, to remain available until expended: Provided, That $4,000,000 shall be transferred to ''Office of Inspector General''.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. (a) IN GENERAL.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Florida, Alabama, and Texas in connection with Hurricanes Katrina, Wilma, Dennis, and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.

(b) APPLICABILITY.—The Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

SEC. 2502. (a) COMMUNITY DISASTER LOAN ACT.—

(1) IN GENERAL.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88) is amended by striking ''Provided further, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109–88).

(b) EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT.—

(1) IN GENERAL.—Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended under Federal Emergency Management Agency, ''Disaster Assistance Direct Loan Program Account'' by striking ''Provided further, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

SEC. 2503. (a) IN GENERAL.—Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended by striking ''12 months'' and inserting ''24 months''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

CHAPTER 6

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until September 30, 2008: Provided, That the funds provided under this heading shall be provided to the State Historic Preservation Officer, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana impacted by Hurricanes Katrina or Rita: Provided further, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: Provided further, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: Provided further, That individual grants shall not be subject to a non-Federal matching requirement: Provided further, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 2601. Of the disaster relief funds from Public Law 109–234, 120 Stat. 418, 461, (June 30, 2006), chapter 5, ''National Park Service—Historic Preservation Fund'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season that were allocated to the State of Mississippi by the National Park Service, $500,000 is hereby transferred to the ''National Park Service—National Recreation and Preservation'' appropriation: Provided, That these funds may be used to reconstruct destroyed properties that at the time of destruction were listed in the National Register of Historic Places and are otherwise qualified to receive these funds: Provided further, That the State Historic Preservation Officer certifies that, for the community where that destroyed property was located, the property is iconic to or essential to illustrating that community's historic identity, that no other property in that community with the same associative historic value has survived, and that sufficient historical documentation exists to ensure an accurate reproduction.

CHAPTER 7

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For an additional amount under part B of title VII of the Higher Education Act of 1965 (''HEA'') for institutions of higher education (as defined in section 101 or section 102(c) of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to Hurricanes Katrina or Rita, $30,000,000: Provided, That such funds shall be available to the

Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2006: Provided further, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA.

HURRICANE EDUCATION RECOVERY

For carrying out activities authorized by subpart 1 of part D of title V of the Elementary and Secondary Education Act of 1965, $30,000,000, to remain available until expended, for use by the States of Louisiana, Mississippi, and Alabama primarily for recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators, who commit to work for at least three years in school-based positions in public elementary and secondary schools located in an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness, with priority given to teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators who previously worked or lived in one of the affected areas, are currently employed (or become employed) in such a school in any of the affected areas after those disasters, and commit to continue that employment for at least 3 years, Provided, That funds available under this heading to such States may also be used for 1 or more of the following activities: (1) to build the capacity, knowledge, and skill of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (2) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school-based school principals, assistant principals, principal resident directors, and assistant directors; and (3) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: Provided further, That the Secretary of Education shall allocate amounts available under this heading among such States that submit applications; that such allocation shall be based on the number of public elementary and secondary schools in each State that were closed for 19 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita; and that such States shall in turn allocate funds to local educational agencies, with priority given first to such agencies with the highest percentages of public elementary and secondary schools that are closed as a result of such hurricanes as of the date of enactment of this Act and then to such agencies with the highest percentages of public elementary and secondary schools with a student-teacher ratio of at least 25 to 1, and with any remaining amounts to be distributed to such agencies with demonstrated need, as determined by the State Superintendent of Education: Provided further, That, in the case of any State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act, and in collaboration with local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, the State educational agency shall develop a plan for a rating system for performance bonuses, and if no agreement has been reached that is satisfactory to all consulting entities by such deadline, the State educational agency shall immediately send a letter notifying Congress and shall, not later than 30 days after such notification, establish and implement a rating system that shall be based on classroom observation and feedback more than once annually, conducted by multiple sources (including, but not limited to, principals and master teachers), and evaluated against research-based rubrics that use planning, instructional, and learning environment standards to measure teacher performance, except that the requirements of this proviso shall not apply to a State that has enacted a State law in 2006 authorizing performance pay for teachers.

PROGRAMS TO RESTART SCHOOL OPERATIONS

Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109–148) may be used by the States of Louisiana, Mississippi, Alabama, and Texas, in addition to the uses of funds described in section 102(e), for the following costs: (1) recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators for school-based positions in public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness; (2) activities to build the capacity, knowledge, and skills of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (3) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and school-based school principals, assistant principals, principal resident directors, and assistant directors; and (4) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2 701. Section 105(b) of title IV of division B of Public Law 109–148 is amended by adding at the end the following new sentence: ''With respect to the program authorized by section 102 of this Act, the waiver authority in subsection (a) of this section shall be available until the end of fiscal year 2008.''

SEC. 2 702. Notwithstanding section 2002(c) of the Social Security Act (42 U.S.C. 1397a(c)), funds made available under the heading ''Social Services Block Grant'' in division B of Public Law 109–148 shall be available for expenditure by the States through the end of fiscal year 2009.

SEC. 2 703. (a) In the event that Louisiana, Mississippi, Alabama, or Texas fails to meet its match requirement with funds appropriated in fiscal years 2006 or 2007, for fiscal years 2008 and 2009, the Secretary of Health and Human Services may waive the application of section 2617(d)(4) of the Public Health Service Act for Louisiana, Mississippi, Alabama, and Texas.

(b) The Secretary may not exercise the waiver authority available under subsection (a) to allow a grantee to provide less than a 25 percent matching grant.

(c) For grant years beginning in 2008, Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas shall comply with each of the applicable requirements under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $682,942,000, to remain available until expended: Provided, That section 125(d)(1) of title 23, United States Code, shall not apply to emergency relief projects that respond to damage caused by the 2005–2006 winter storms in the State of California: Provided further, That of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $682,942,000 are rescinded: Provided further, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to be allocated by the Secretary to recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricanes Katrina and Rita, $35,000,000, for the operating and capital costs of transit services, to remain available until expended: Provided, That the Federal share for any project funded from this amount shall be 100 percent.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General, for the necessary costs related to the consequences of Hurricanes Katrina and Rita, $7,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2801. The third proviso under the heading ''Department of Housing and Urban Development—Public and Indian Housing—Tenant-Based Rental Assistance'' in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) is amended by striking ''for up to 18 months'' and inserting ''until December 31, 2007''.

SEC. 2802. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the third proviso: '': Provided further, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any other specified adjustments, public housing agencies specified in category 1 below shall receive funding for calendar year 2007 based on the higher of the amounts the agencies would receive under the previous proviso or the amounts the agencies received in calendar year 2006, and public housing agencies specified in categories 2 and 3 below shall receive funding for calendar year 2007 equal to the amounts the agencies received in calendar year 2006, except that public housing agencies specified in categories 1 and 2 below shall receive funding under this proviso only if, and to the extent

that, any such public housing agency submits a plan, approved by the Secretary, that demonstrates that the agency can effectively use within 12 months the funding that the agency would receive under this proviso that is in addition to the funding that the agency would receive under the previous proviso: (1) public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) or are located in the same counties as those eligible under section 901 and operate voucher programs under section 8(o) of the U.S. Housing Act of 1937 but do not operate public housing under section 9 of such Act, and any public housing agency that otherwise qualifies under this category must demonstrate that they have experienced a loss of rental housing stock as a result of the 2005 hurricanes; (2) public housing agencies that would receive less funding under the previous proviso than they would receive under this proviso and that have been placed in receivership or the Secretary has declared to be in breach of an Annual Contributions Contract by June 1, 2007; and (3) public housing agencies that spent more in calendar year 2006 than the total of the amounts of any such public housing agency's allocation amount for calendar year 2006 and the amount of any such public housing agency's available housing assistance payments undesignated funds balance from calendar year 2005 and the amount of any such public housing agency's available administrative fees undesignated funds balance through calendar year 2006''.

SEC. 2803. Section 901 of Public Law 109–148 is amended by deleting ''calendar year 2006'' and inserting ''calendar years 2006 and 2007''.

TITLE III

OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $60,400,000, to remain available until September 30, 2008: Provided, That the National Marine Fisheries Service shall cause such amounts to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation channels related to the consequences of hurricanes of the 2005 season, $3,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), to support emergency operations, repairs and other activities in response to flood, drought and earthquake emergencies as authorized by law, $150,000,000, to remain available until expended: Provided, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of the Act.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for ''Water and Related Resources'', $18,000,000, to remain available until expended for drought assistance: Provided, That drought assistance may be provided under the Reclamation States Drought Emergency Act or other applicable Reclamation authorities to assist drought plagued areas of the West.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $100,000,000, to remain available until expended, for urgent wildland fire suppression activities: Provided, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for ''Resource Management'' for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,398,000, to remain available until September 30, 2008.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for ''Operation of the National Park System'' for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'' for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $5,270,000, to remain available until September 30, 2008.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for ''National Forest System'' for the implementation of a nationwide initiative to increase protection of national forest lands from drug-trafficking organizations, including funding for additional law enforcement personnel, training, equipment and cooperative agreements, $12,000,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $400,000,000, to remain available until expended, for urgent wildland fire suppression activities: Provided, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISION—THIS CHAPTER

SEC. 3301. (a) For fiscal year 2007, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $425,000,000, to remain available until December 31, 2007, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking ''2006'' and ''2007'' each place they appear and inserting ''2007'' and ''2008'', respectively.

CHAPTER 4

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH AND TRAINING

For an additional amount for ''Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training'', to carry out section 501 of the Federal Mine Safety and Health Act of 1977 and section 6 of the Mine Improvement and New Emergency Response Act of 2006, $13,000,000 for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories: Provided, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on a quarterly basis: Provided further, That the amount provided under this heading shall remain available until September 30, 2008.

For an additional amount for ''Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training'', to carry out activities under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109–148), $50,000,000, to remain available until expended.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount for ''Low-Income Home Energy Assistance'' under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a) through (d)), $200,000,000.

For an additional amount for ''Low-Income Home Energy Assistance'' under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $200,000,000.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'' to prepare for and respond to an influenza pandemic, $625,000,000, to remain available until expended: Provided, That this amount shall be for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: Provided further, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation

of privately owned facilities for the production of pandemic vaccine and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: Provided further, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

COVERED COUNTERMEASURE PROCESS FUND

For carrying out section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e) to compensate individuals for injuries caused by H5N1 vaccine, in accordance with the declaration regarding avian influenza viruses issued by the Secretary of Health and Human Services on January 26, 2007, pursuant to section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)), $25,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING RESCISSIONS)

SEC. 3401. (a). From unexpended balances available for the Training and Employment Services account under the Department of Labor, the following amounts are hereby rescinded:

(1) $3,589,000 transferred pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38);

(2) $834,000 transferred pursuant to the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211); and

(3) $71,000 for the Consortium for Worker Education pursuant to the Emergency Supplemental Act, 2002 (Public Law 107–117).

(b) From unexpended balances available for the State Unemployment Insurance and Employment Service Operations account under the Department of Labor pursuant to the Emergency Supplemental Act, 2002 (Public Law 107–117), $4,100,000 are hereby rescinded.

SEC. 3402. (a) For an additional amount under ''Department of Education, Safe Schools and Citizenship Education'', $8,594,000 shall be available for Safe and Drug-Free Schools National Programs for competitive grants to local educational agencies to address youth violence and related issues.

(b) The competition under subsection (a) shall be limited to local educational agencies that operate schools currently identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965.

CHAPTER 5

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for ''Capitol Power Plant'', $50,000,000, for utility tunnel repairs and asbestos abatement, to remain available until September 30, 2011: Provided, That the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives.

CHAPTER 6

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'', $466,778,000, to remain available until expended, of which $30,000,000 shall be for the establishment of at least one new Level I comprehensive polytrauma center; $9,440,000 shall be for the establishment of polytrauma residential transitional rehabilitation programs; $10,000,000 shall be for additional transition caseworkers; $20,000,000 shall be for substance abuse treatment programs; $20,000,000 shall be for readjustment counseling; $10,000,000 shall be for blind rehabilitation services; $100,000,000 shall be for enhancements to mental health services; $8,000,000 shall be for polytrauma support clinic teams; $5,356,000 shall be for additional polytrauma points of contact; $228,982,000 shall be for treatment of Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $25,000,000 shall be for prosthetics.

MEDICAL ADMINISTRATION

For an additional amount for ''Medical Administration'', $250,000,000, to remain available until expended.

MEDICAL FACILITIES

For an additional amount for ''Medical Facilities'', $595,000,000, to remain available until expended, of which $45,000,000 shall be used for facility and equipment upgrades at the Department of Veterans Affairs polytrauma network sites; and $550,000,000 shall be for non-recurring maintenance as identified in the Department of Veterans Affairs Facility Condition Assessment report: Provided, That the amount provided under this heading for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation: Provided further, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan, by project, for non-recurring maintenance prior to obligation: Provided further, That semi-annually, on October 1 and April 1, the Secretary shall submit to the Committees on Appropriations of both Houses of Congress a report on the status of funding for non-recurring maintenance, including obligations and unobligated balances for each project identified in the expenditure plan.

MEDICAL AND PROSTHETIC RESEARCH

For an additional amount for ''Medical and Prosthetic Research'', $32,500,000, to remain available until expended, which shall be used for research related to the unique medical needs of returning Operation Enduring Freedom and Operation Iraqi Freedom veterans.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''General Operating Expenses'', $83,200,000, to remain available until expended, of which $1,250,000 shall be for digitization of military records; $60,750,000 shall be for expenses related to hiring and training new claims processing personnel; up to $1,200,000 for an independent study of the organizational structure, management and coordination processes, including seamless transition, utilized by the Department of Veterans Affairs to provide health care and benefits to active duty personnel and veterans, including those returning Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $20,000,000 shall be for disability examinations: Provided, That not to exceed $1,250,000 of the amount appropriated under this heading may be transferred to the Department of Defense for the digitization of military records used to verify stressors for benefits claims.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $35,100,000, to remain available until expended, of which $20,000,000 shall be for information technology support and improvements for processing of Operation Enduring Freedom and Operation Iraqi Freedom veterans benefits claims, including making electronic Department of Defense medical records available for claims processing and enabling electronic benefits applications by veterans; and $15,100,000 shall be for electronic data breach remediation and prevention.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for ''Construction, Minor Projects'', $326,000,000, to remain available until expended, of which up to $36,000,000 shall be for construction costs associated with the establishment of polytrauma residential transitional rehabilitation programs.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3601. The Director of the Congressional Budget Office shall, not later than November 15, 2007, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting appropriations necessary for the Departments of Defense and Veterans Affairs to continue providing necessary health care to veterans of the conflicts in Iraq and Afghanistan. The projections should span several scenarios for the duration and number of forces deployed in Iraq and Afghanistan, and more generally, for the long-term health care needs of deployed troops engaged in the global war on terrorism over the next ten years.

SEC. 3602. Notwithstanding any other provision of law, appropriations made by Public Law 110–5, which the Secretary of Veterans Affairs contributes to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund under the authority of section 8111(d) of title 38, United States Code, shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 3603. (a)(1) Notwithstanding any other provision of law, the Secretary of Veterans Affairs (referred to in this section as the ''Secretary'') may convey to the State of Texas, without consideration, all right, title, and interest of the United States in and to the parcel of real property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.

(2) The property conveyed under paragraph (1) shall be used by the State of Texas for the purposes of a prison.

(b) In carrying out the conveyance under subsection (a), the Secretary—

(1) shall not be required to comply with, and shall not be held liable under, any Federal law (including a regulation) relating to the environment or historic preservation; but

(2) may, at the discretion of the Secretary, conduct environmental cleanup on the parcel to be conveyed, at a cost not to exceed $500,000, using amounts made available for environmental cleanup of sites under the jurisdiction of the Secretary.

TITLE IV

OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' of the Farm Service Agency, $37,500,000, to remain available until September 30, 2008: Provided, That this amount shall only be available for network and database/application stabilization.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4101. Of the funds made available through appropriations to the Food and Drug Administration for fiscal year 2007, not less than $4,000,000 shall be for the Office of Women's Health of such Administration.

SEC. 4102. None of the funds made available to the Department of Agriculture for fiscal year 2007 may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

CHAPTER 2

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4201. Hereafter, federal employees at the National Energy Technology Laboratory shall

be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 4202. PROHIBITION ON CERTAIN USES OF FUNDS BY BPA. None of the funds made available under this or any other Act shall be used during fiscal year 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the ''Administrator'') or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on October 1, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

CHAPTER 3

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4301. (a) Section 102(a)(3)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B)) is amended by striking ''January 1, 2006'' and inserting ''March 1, 2008''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

SEC. 4302. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110–5) may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 4303. From the amount provided by section 21067 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

SEC. 4304. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2509 (Public Law 109–115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided for fiscal year 2007 under the Federal Payment to the District of Columbia Courts for facilities among the items and entities funded under that heading for operations.

SEC. 4305. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in coordination with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, shall prepare and submit to the Senate Committee on Appropriations, the House Committee on Appropriations, the Senate Committee on Banking, Housing, and Urban Affairs, the House Committee on Financial Services, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee a written report, which may include a classified annex, containing the names of companies which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, are known to conduct significant business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals. The reporting provision shall not apply to companies operating under licenses from the Office of Foreign Assets Control or otherwise expressly exempted under United States law from having to obtain such licenses in order to operate in Sudan.

(b) Not later than 45 days following the submission to Congress of the list of companies conducting business operations in Sudan relating to natural resource extraction as required above, the General Services Administration shall determine whether the United States Government has an active contract for the procurement of goods or services with any of the identified companies, and provide notification to the appropriate committees of Congress which may include a classified annex, regarding the companies, nature of the contract, and dollar amounts involved.

(INCLUDING RESCISSION)

SEC. 4306. (a) Of the funds provided for the General Services Administration, ''Office of Inspector General'' in section 21061 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $4,500,000 are rescinded.

(b) For an additional amount for the General Services Administration, ''Office of Inspector General'', $4,500,000, to remain available until September 30, 2008.

SEC. 4307. Section 21073 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) is amended by adding a new subsection (j) as follows:

''(j) Notwithstanding section 101, any appropriation or funds made available to the District of Columbia pursuant to this division for 'Federal Payment for Foster Care Improvement in the District of Columbia' shall be available in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment.''.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4401. Not to exceed $30,000,000 from unobligated balances remaining from prior appropriations for United States Coast Guard, ''Retired Pay'', shall remain available until expended in the account and for the purposes for which the appropriations were provided, including the payment of obligations otherwise chargeable to lapsed or current appropriations for this purpose.

SEC. 4402. (a) IN GENERAL.—Any contract, subcontract, task or delivery order described in subsection (b) shall contain the following:

(1) A requirement for a technical review of all designs, design changes, and engineering change proposals, and a requirement to specifically address all engineering concerns identified in the review before the obligation of further funds may occur.

(2) A requirement that the Coast Guard maintain technical warrant holder authority, or the equivalent, for major assets.

(3) A requirement that no procurement subject to subsection (b) for lead asset production or the implementation of a major design change shall be entered into unless an independent third party with no financial interest in the development, construction, or modification of any component of the asset, selected by the Commandant, determines that such action is advisable.

(4) A requirement for independent life-cycle cost estimates of lead assets and major design and engineering changes.

(5) A requirement for the measurement of contractor and subcontractor performance based on the status of all work performed. For contracts under the Integrated Deepwater Systems program, such requirement shall include a provision that links award fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(6) A requirement that the Commandant of the Coast Guard assign an appropriate officer or employee of the Coast Guard to act as chair of each integrated product team and higher-level team assigned to the oversight of each integrated product team.

(7) A requirement that the Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar contract, for the acquisition or modification of an asset under a procurement subject to subsection (b) unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions or the head of contracting activity for the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(b) CONTRACTS, SUBCONTRACTS, TASK AND DELIVERY ORDERS COVERED.—Subsection (a) applies to—

(1) any major procurement contract, first-tier subcontract, delivery or task order entered into by the Coast Guard;

(2) any first-tier subcontract entered into under such a contract;

(3) any task or delivery order issued pursuant to such a contract or subcontract.

(c) EXPENDITURE OF DEEPWATER FUNDS.—Of the funds available for the Integrated Deepwater Systems program, $650,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan directly from the Coast Guard that—

(1) defines activities, milestones, yearly costs, and life-cycle costs for each procurement of a major asset, including an independent cost estimate for each;

(2) identifies life-cycle staffing and training needs of Coast Guard project managers and of procurement and contract staff;

(3) identifies competition to be conducted in each procurement;

(4) describes procurement plans that do not rely on a single industry entity or contract;

(5) contains very limited indefinite delivery/indefinite quantity contracts and explains the need for any indefinite delivery/indefinite quantity contracts;

(6) complies with all applicable acquisition rules, requirements, and guidelines, and incorporates the best systems acquisition management practices of the Federal Government;

(7) complies with the capital planning and investment control requirements established by the Office of Management and Budget, including circular A–11, part 7;

(8) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department of Homeland Security that the Coast Guard has established sufficient controls and procedures and has sufficient staffing to comply with all contracting requirements, and that any conflicts of interest have been sufficiently addressed;

(9) includes a description of the process used to act upon deviations from the contractually specified performance requirements and clearly explains the actions taken on such deviations;

(10) includes a certification that the Assistant Commandant of the Coast Guard for Engineering and Logistics is designated as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater Systems program; and

(11) identifies progress in complying with the requirements of subsection (a).

(d) REPORTS.—(1) Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: (i) a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater Systems program; and (ii) a report on how the Coast Guard will utilize full and open competition for any contract that provides for the acquisition or modification of assets under, or in

support of, the Integrated Deepwater Systems program, entered into after the date of enactment of this Act; and (2) within 30 days following the submission of the expenditure plan required under subsection (c), the Government Accountability Office shall review the plan and brief the Committees on Appropriations of the Senate and the House of Representatives on its findings.

SEC. 4403. None of the funds provided in this Act or any other Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, the Coast Guard Academy and the Coast Guard Research and Development Center, except as specifically authorized by a statute enacted after the date of enactment of this Act.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 4404. (a) RESCISSIONS.—The following unobligated balances made available pursuant to section 505 of Public Law 109–90 are rescinded: $1,200,962 from the ''Office of the Secretary and Executive Management''; $512,855 from the ''Office of the Under Secretary for Management''; $461,874 from the ''Office of the Chief Information Officer''; $45,080 from the ''Office of the Chief Financial Officer''; $968,211 from Preparedness ''Management and Administration''; $1,215,486 from Science and Technology ''Management and Administration''; $450,000 from United States Secret Service ''Salaries and Expenses''; $450,000 from Federal Emergency Management Agency ''Administrative and Regional Operations''; and $25,595,532 from United States Coast Guard ''Operating Expenses''.

(b) ADDITIONAL APPROPRIATIONS.—

(1) For an additional amount for United States Coast Guard ''Acquisition, Construction, and Improvements'', $30,000,000, to remain available until September 30, 2009, to mitigate the Service's patrol boat operational gap; and

(2) For an additional amount for the ''Office of the Under Secretary for Management'', $900,000, for an independent study to compare the Department of Homeland Security senior career and political staffing levels and senior career training programs with those of similarly structured cabinet-level agencies.

SEC. 4405. (a) IN GENERAL.—With respect to contracts entered into after June 1, 2007, and except as provided in subsection (b), no entity performing lead system integrator functions in the acquisition of a major system by the Department of Homeland Security may have any direct financial interest in the development or construction of any individual system or element of any system of systems.

(b) EXCEPTION.—An entity described in subsection (a) may have a direct financial interest in the development or construction of an individual system or element of a system of systems if—

(1) the Secretary of Homeland Security certifies to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Commerce, Science and Transportation of the Senate that—

(A) the entity was selected by the Department of Homeland Security as a contractor to develop or construct the system or element concerned through the use of competitive procedures; and

(B) the Department took appropriate steps to prevent any organizational conflict of interest in the selection process; or

(2) the entity was selected by a subcontractor to serve as a lower-tier subcontractor, through a process over which the entity exercised no control.

(c) CONSTRUCTION.—Nothing in this section shall be construed to preclude an entity described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.

(d) REGULATIONS UPDATE.—Not later than June 1, 2007, the Secretary of Homeland Security shall update the acquisition regulations of the Department of Homeland Security in order to specify fully in such regulations the matters with respect to lead system integrators set forth in this section. Included in such regulations shall be (1) a precise and comprehensive definition of the term ''lead system integrator'', modeled after that used by the Department of Defense, and (2) a specification of various types of contracts and fee structures that are appropriate for use by lead system integrators in the production, fielding, and sustainment of complex systems.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4501. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting before the period: ''; and of which, not to exceed $143,628,000 shall be available for contract support costs under the terms and conditions contained in Public Law 109–54''.

SEC. 4502. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after the first dollar amount: '', of which not to exceed $7,300,000 shall be transferred to the 'Indian Health Facilities' account; the amount in the second proviso shall be $18,000,000; the amount in the third proviso shall be $525,099,000; the amount in the ninth proviso shall be $269,730,000; and the $15,000,000 allocation of funding under the eleventh proviso shall not be required''.

SEC. 4503. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after ''$55,663,000'' the following: ''of which $13,000,000 shall be for Save America's Treasures''.

SEC. 4504. Funds made available to the United States Fish and Wildlife Service for fiscal year 2007 under the heading ''Land Acquisition'' may be used for land conservation partnerships authorized by the Highlands Conservation Act of 2004.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for ''National Institute of Allergy and Infectious Diseases'', $49,500,000 shall be transferred to ''Public Health and Social Services Emergency Fund'' to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

OFFICE OF THE DIRECTOR

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for ''Office of the Director'', $49,500,000 shall be transferred to ''Public Health and Social Services Emergency Fund'' to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $300,000, to remain available until expended, for necessary expenses related to the requirements of the Post-Katrina Emergency Management Reform Act of 2006, as enacted by the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFERS OF FUNDS AND RESCISSION)

SEC. 4601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting the following after ''$5,000,000'': ''(together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authorized administrative cost), to remain available through September 30, 2008,''.

SEC. 4602. Section 20607 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting ''of which $9,666,000 shall be for the Women's Bureau,'' after ''for child labor activities,''.

SEC. 4603. Of the amount provided for ''Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services'' in the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $23,000,000 shall be for Poison Control Centers.

SEC. 4604. From the amounts made available by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for the Office of the Secretary, General Departmental Management under the Department of Health and Human Services, $1,000,000 are rescinded.

SEC. 4605. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) striking ''$7,172,994,000'' and inserting ''$7,176,431,000'';

(2) amending subparagraph (A) to read as follows: ''(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census;''; and

(3) amending subparagraph (C) to read as follows: ''(C) not to exceed $2,352,000 may be available for section 1608 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA;''.

SEC. 4606. The provision in the first proviso under the heading ''Rehabilitation Services and Disability Research'' in the Department of Education Appropriations Act, 2006, relating to alternative financing programs under section 4(b)(2)(D) of the Assistive Technology Act of 1998 shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007.

SEC. 4607. Notwithstanding sections 20639 and 20640 of the Continuing Appropriations Resolution, 2007, as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), the Chief Executive Officer of the Corporation for National and Community Service may transfer an amount of not more than $1,360,000 from the account under the heading ''National and Community Service Programs, Operating Expenses'' under the heading ''Corporation for National and Community Service'', to the account under the heading ''Salaries and Expenses'' under the heading ''Corporation for National and Community Service''.

SEC. 4608. (a) Section 1310.12(a) of title 45, Code of Federal Regulations, shall take effect 30 days after the date of enactment of this Act.

(b)(1) Notwithstanding subsection (a), any vehicle used to transport children for a Head Start

program as of January 1, 2007, shall not be subject to a requirement under such section (including a requirement based on the definitions set forth or referenced in section 1310.3 or any other provision set forth or referenced in part 1310 of such title, or any corresponding similar regulation or ruling) regarding rear emergency exit doors, for 1 year after that date of enactment.

(2) Not later than 60 days after the National Highway Traffic Safety Administration of the Department of Transportation submits its study on occupant protection on Head Start transit vehicles (related to Government Accountability Office report GAO–06–767R), the Secretary of Health and Human Services shall review and shall revise as necessary the allowable alternate vehicle standards described in that part 1310 (or any corresponding similar regulation or ruling) relating to allowable alternate vehicles used to transport children for a Head Start program. In making any such revision, the Secretary shall revise the standards to be consistent with the findings contained in such study, including making a determination on the exemption of such a vehicle from Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, if such vehicle meets all other applicable Federal motor vehicle safety standards, including standards for seating systems, occupant crash protection, seat belt assemblies, and child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling).

(3) Notwithstanding subsection (a), until such date as the Secretary of Health and Human Services completes the review and any necessary revision specified in paragraph (2), the provisions of section 1310.12(a) relating to Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, for allowable alternate vehicles used to transport children for a Head Start program, shall not apply to such a vehicle if such vehicle meets all other applicable Federal motor vehicle safety standards, as described in paragraph (2).

CHAPTER 7

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Gloria W. Norwood, widow of Charles W. Norwood, Jr., late a Representative from the State of Georgia, $165,200.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

TECHNICAL AMENDMENT

SEC. 4801. (a) Notwithstanding any other provision of law, subsection (c) under the heading ''Assistance for the Independent States of the Former Soviet Union'' in Public Law 109–102, shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, division B) as amended by Public Laws 109–369, 109–383, and 110–5.

(b) Section 534(k) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) is amended, in the second proviso, by inserting after ''subsection (b) of that section'' the following: ''and the requirement that a majority of the members of the board of directors be United States citizens provided in subsection (d)(3)(B) of that section''.

(c) Subject to section 101(c)(2) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), the amount of funds appropriated for ''Foreign Military Financing Program'' pursuant to such Resolution shall be construed to be the total of the amount appropriated for such program by section 20401 of that Resolution and the amount made available for such program by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) which is made applicable to the fiscal year 2007 by the provisions of such Resolution.

SEC. 4802. Notwithstanding any provision of title I of division B of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 109–369, 109–383, and 110–5), the dollar amount limitation of the first proviso under the heading, ''Administration of Foreign Affairs, Diplomatic and Consular Programs'', in title IV of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2319) shall not apply to funds appropriated under such heading for fiscal year 2007.

CHAPTER 9

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $6,150,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund and to be subject to the same terms and conditions pertaining to funds provided under this heading in Public Law 109–115: Provided, That not to exceed the total amount provided for these activities for fiscal year 2007 shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4901. Hereafter, funds limited or appropriated for the Department of Transportation may be obligated or expended to grant authority to a Mexican motor carrier to operate beyond United States municipalities and commercial zones on the United States-Mexico border only to the extent that—

(1) granting such authority is first tested as part of a pilot program;

(2) such pilot program complies with the requirements of section 350 of Public Law 107–87 and the requirements of section 31315(c) of title 49, United States Code, related to pilot programs; and

(3) simultaneous and comparable authority to operate within Mexico is made available to motor carriers domiciled in the United States.

SEC. 4902. Funds provided for the ''National Transportation Safety Board, Salaries and Expenses'' in section 21031 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) include amounts necessary to make lease payments due in fiscal year 2007 only, on an obligation incurred in 2001 under a capital lease.

SEC. 4903. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the second proviso: '': Provided further, That paragraph (2) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $149,300,000, but additional section 8 tenant protection rental assistance costs may be funded in 2007 by using unobligated balances, notwithstanding the purposes for which such amounts were appropriated, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading 'Annual Contributions for Assisted Housing', the heading 'Housing Certificate Fund', and the heading 'Project-Based Rental Assistance' for fiscal year 2006 and prior fiscal years: Provided further, That paragraph (3) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $47,500,000: Provided further, That paragraph (4) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $5,900,000: Provided further, That paragraph (5) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $1,281,100,000, of which $1,251,100,000 shall be allocated for the calendar year 2007 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2006, and of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $20,000,000 to be for fees associated with section 8 tenant protection rental assistance''.

SEC. 4904. Section 232(b) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377) is amended to read as follows:

''(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) as in effect before such enactment, or under section 8(d)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(2)) as in effect before the enactment of the Quality Housing and Work Responsibility Act of 1998 (title V of Public Law 105–276), assistance may be renewed or extended under such section 8(o)(13), as amended by subsection (a), provided that the initial contract term and rent of such renewed or extended assistance shall be determined pursuant to subparagraphs (F) and (H), and subparagraphs (C) and (D) of such section shall not apply to such extensions or renewals.''.

CHAPTER 10

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 4950. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DESIGNATION FOR TITLE I

SEC. 4951. Amounts in title I are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and as making appropriations for contingency operations directly related to the global war on terrorism and other unanticipated defense-related operations pursuant to section 402 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

EMERGENCY DESIGNATION FOR OTHER TITLES

SEC. 4952. Amounts in titles II, III, V, and VI are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TITLE V

AGRICULTURAL ASSISTANCE

SEC. 5101. CROP DISASTER ASSISTANCE.

(a) ASSISTANCE AVAILABLE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make emergency financial assistance available to producers on a farm that incurred qualifying quantity or quality losses for the 2005 or 2006 crop, or that part of the 2007 crop year before February 28, 2007, due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed planting), as determined by the Secretary. However, to be eligible for assistance, the crop subject to the loss must have been planted before February 28, 2007 or, in the case of prevented planting or other total loss, would have been

planted before February 28, 2007 in the absence of the damaging weather or any related condition.

(b) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than one of the 2005, 2006, or 2007 crop years, the producer shall elect to receive assistance under this section for losses incurred in only one of such crop years. The producer may not receive assistance under this section for more than one crop year.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (a), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(d) QUALITY LOSSES.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (a) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary of Agriculture to determine quantity losses for the crop of the commodity under subsection (a).

(3) PAYMENT RATE.—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (a), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) MARKETING CONTRACTS.—In the case of any production of a commodity that is sold pursuant to one or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the one or more prices specified in the contracts.

(6) OTHER PRODUCTION.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) QUALITY ADJUSTMENTS AND DISCOUNTS.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) ELIGIBLE PRODUCTION.—The Secretary of Agriculture shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary of Agriculture.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(f) ELIGIBILITY REQUIREMENTS AND LIMITATIONS.—The producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses; or

(3) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

(h) DEFINITIONS.—In this section:

(1) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 5102. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to carry out the livestock compensation program established under subpart B of part 1416 of title 7, Code of Federal Regulations, as announced by the Secretary on February 12, 2007 (72 Fed. Reg. 6443), to provide compensation for livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007). However, the payment rate for compensation under this subsection shall be 70 percent of the payment rate otherwise applicable under such program. In addition, section 1416.102(b)(2)(ii) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444) shall not apply.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A) conducts a livestock operation that is located in a disaster county with eligible livestock specified in paragraph (1) of section 1416.102(a) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444), an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)), or other animals designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of paragraphs (3) and (4) of section 1416.102(a) of title 7, Code of Federal Regulations, and all other eligibility requirements established by the Secretary for the program.

(3) ELECTION OF LOSSES.—

(A) If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years, and such losses must have been incurred in a county declared or designated as a disaster county in that same calendar year.

(B) Producers may elect to receive compensation for losses in the calendar year 2007 grazing season that are attributable to wildfires occurring during the applicable period, as determined by the Secretary.

(4) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term ''disaster county'' means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make livestock indemnity payments to producers on farms that have incurred livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007) in a disaster county. To be eligible for assistance, applicants must meet all eligibility requirements established by the Secretary for the program.

(2) ELECTION OF LOSSES.—If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years. The producer may not receive payments under this subsection for more than one calendar year.

(3) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(4) LIVESTOCK DEFINED.—In this subsection, the term ''livestock'' means an animal that—

(A) is specified in clause (i) of section 1416.203(a)(2) of title 7, Code of Federal Regulations (72 Fed. Reg. 6445), or is designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of clauses (iii) and (iv) of such section.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term ''disaster county'' means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

SEC. 5103. EMERGENCY CONSERVATION PROGRAM.

There is hereby appropriated to the Secretary of Agriculture $20,000,000, to remain available until expended, to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.) for the cleanup and restoration of farm and agricultural production lands.

SEC. 5104. PAYMENT LIMITATIONS.

(a) REDUCTION IN PAYMENTS TO REFLECT PAYMENTS FOR SAME OR SIMILAR LOSSES.—The amount of any payment for which a producer is eligible under sections 5101 and 5102 shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(b) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply with respect to assistance provided under sections 5101, 5102, and 5103.

SEC. 5105. ADMINISTRATION.

(a) REGULATIONS.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement sections 5101 and 5102.

(b) PROCEDURE.—The promulgation of the implementing regulations and the administration of sections 5101 and 5102 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) USE OF COMMODITY CREDIT CORPORATION; LIMITATION.—In implementing sections 5101 and 5102, the Secretary of Agriculture may use the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out sections 5101 and 5102 unless funds have been specifically appropriated for such purpose.

SEC. 5106. MILK INCOME LOSS CONTRACT PROGRAM.

Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) in subparagraph (B), by striking ''August'' and all that follows through the end and inserting ''September 30, 2007, 34 percent.''; and

(3) by striking subparagraph (C).

SEC. 5107. DAIRY ASSISTANCE.

There is hereby appropriated $20,000,000 to make payments to dairy producers for dairy production losses in disaster counties, as defined in section 5102 of this title, to remain available until expended.

SEC. 5108. NONINSURED CROP ASSISTANCE PROGRAM.

For states in which there is a shortage of claims adjustors, as determined by the Secretary, the Secretary shall permit the use of one claims adjustor certified by the Secretary in carrying out 7 CFR 1437.401.

SEC. 5109. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

There is hereby appropriated $21,000,000 to carry out section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a), to remain available until expended.

SEC. 5110. CONSERVATION SECURITY PROGRAM.

Section 20115 of Public Law 110–5 is amended by striking ''section 726'' and inserting in lieu thereof ''section 726; section 741''.

SEC. 5111. ADMINISTRATIVE EXPENSES.

There is hereby appropriated $30,000,000 for the 'Farm Service Agency, Salaries and Expenses', to remain available until September 30, 2008.

SEC. 5112. CONTRACT WAIVER.

In carrying out crop disaster and livestock assistance in this title, the Secretary shall require forage producers to have participated in a crop insurance pilot program or the Non-Insured Crop Disaster Assistance Program during the crop year for which compensation is received.

TITLE VI

ELIMINATION OF SCHIP SHORTFALL AND OTHER MATTERS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

STATE CHILDREN'S HEALTH INSURANCE FUND

For an additional amount to provide additional allotments to remaining shortfall States under section 2104(h)(4) of the Social Security Act, as inserted by section 6001, such sums as may be necessary, but not to exceed $650,000,000 for fiscal year 2007, to remain available until expended.

SEC. 6001. ELIMINATION OF REMAINDER OF SCHIP FUNDING SHORTFALLS FOR FISCAL YEAR 2007.

(a) ELIMINATION OF REMAINDER OF FUNDING SHORTFALLS, TIERED MATCH, AND OTHER LIMITATION ON EXPENDITURES.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482), is amended—

(1) in the heading for paragraph (2), by striking ''REMAINDER OF REDUCTION'' and inserting ''PART''; and

(2) by striking paragraph (4) and inserting the following:

''(4) ADDITIONAL AMOUNTS TO ELIMINATE REMAINDER OF FISCAL YEAR 2007 FUNDING SHORTFALLS.—

''(A) IN GENERAL.—From the amounts provided in advance in appropriations Acts, the Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.

''(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this paragraph, that the projected Federal expenditures under such plan for the State for fiscal year 2007 will exceed the sum of—

''(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;

''(ii) the amount of the State's allotment for fiscal year 2007; and

''(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).''.

(b) CONFORMING AMENDMENTS.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) (as so added), is amended—

(1) in paragraph (1)(B), by striking ''subject to paragraph (4)(B) and'';

(2) in paragraph (2)(B), by striking ''subject to paragraph (4)(B) and'';

(3) in paragraph (5)(A), by striking ''and (3)'' and inserting ''(3), and (4)''; and

(4) in paragraph (6)—

(A) in the first sentence—

(i) by inserting ''or allotted'' after ''redistributed''; and

(ii) by inserting ''or allotments'' after ''redistributions''; and

(B) by striking ''and (3)'' and inserting ''(3), and (4)''.

SEC. 6002. (a) PROHIBITION.—

(1) LIMITATION ON SECRETARIAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 1 year after the date of enactment of this Act, take any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to—

(A) finalize or otherwise implement provisions contained in the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts

433, 447, and 457 of title 42, Code of Federal Regulations);

(B) promulgate or implement any rule or provisions similar to the provisions described in subparagraph (A) pertaining to the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act; or

(C) promulgate or implement any rule or provisions restricting payments for graduate medical education under the Medicaid program.

(2) CONTINUATION OF OTHER SECRETARIAL AUTHORITY.—The Secretary of Health and Human Service shall not be prohibited during the period described in paragraph (1) from taking any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to enforce a provision of law in effect as of the date of enactment of this Act with respect to the Medicaid program or the State Children's Health Insurance Program, or to promulgate or implement a new rule or provision during such period with respect to such programs, other than a rule or provision described in paragraph (1) and subject to the prohibition set forth in that paragraph.

(b) REQUIREMENT FOR USE OF TAMPER-RESISTANT PRESCRIPTION PADS UNDER THE MEDICAID PROGRAM.—

(1) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking ''or'' at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting ''; or''; and

(C) by inserting after paragraph (22) the following new paragraph:

''(23) with respect to amounts expended for medical assistance for covered outpatient drugs (as defined in section 1927(k)(2)) for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on a tamper-resistant pad.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to prescriptions executed after September 30, 2007.

(c) EXTENSION OF CERTAIN PHARMACY PLUS WAIVERS.—

(1) AUTHORITY TO CONTINUE TO OPERATE WAIVERS.—Notwithstanding any other provision of law, any State that is operating a Pharmacy Plus waiver described in paragraph (2) which would otherwise expire on June 30, 2007, may elect to continue to operate the waiver through December 31, 2009.

(2) PHARMACY PLUS WAIVER DESCRIBED.—For purposes of paragraph (1), a Pharmacy Plus waiver described in this paragraph is a waiver approved by the Secretary of Health and Human Services under the authority of section 1115 of the Social Security Act (42 U.S.C. 1315) that provides coverage for prescription drugs for individuals who have attained age 65 and whose family income does not exceed 200 percent of the poverty line (as defined in section 2110(c)(5) of such Act (42 U.S.C. 1397jj(c)(5)).

TITLE VII

FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 7000. SHORT TITLE.

This subtitle may be cited as the ''Fair Minimum Wage Act of 2007''.

SEC. 7001. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

''(B) $6.55 an hour, beginning 12 months after that 60th day; and

''(C) $7.25 an hour, beginning 24 months after that 60th day;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 7002. APPLICABILITY OF MINIMUM WAGE TO AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a)—

(1) the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this paragraph is equal to the minimum wage set forth in such section; and

(2) the minimum wage applicable to American Samoa under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) the applicable wage rate in effect for each industry and classification under section 697 of title 29, Code of Federal Regulations, on the date of enactment of this Act;

(B) increased by $0.50 an hour, beginning on the 60th day after the date of enactment of this Act; and

(C) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to American Samoa under this paragraph is equal to the minimum wage set forth in such section.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended—

(A) by striking sections 5 and 8; and

(B) in section 6(a), by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 60 days after the date of enactment of this Act.

SEC. 7003. STUDY ON PROJECTED IMPACT.

(a) STUDY.—Beginning on the date that is 26 months after the date of enactment of this Act, the Secretary of Labor shall, through the Bureau of Labor Statistics, conduct a study to—

(1) assess the impact of the wage increases required by this Act through such date; and

(2) to project the impact of any further wage increase,

on living standards and rates of employment in American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) REPORT.—Not later than the date that is 32 months after the date of enactment of this Act, the Secretary of Labor shall transmit to Congress a report on the findings of the study required by subsection (a).

Subtitle B—Small Business Incentives

SEC. 7004. SHORT TITLE.

This subtitle may be cited as the ''Small Business and Work Opportunity Act of 2007''.

SEC. 7005. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

''(a) COMPLIANCE GUIDE.—

''(1) IN GENERAL.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

''(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

''(A) the posting of the guide in an easily identified location on the website of the agency; and

''(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

''(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

''(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

''(B) not later than the date on which the requirements of that rule become effective.

''(4) COMPLIANCE ACTIONS.—

''(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

''(B) EXPLANATION.—The explanation under subparagraph (A)—

''(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

''(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements, except that, compliance with any procedures described pursuant to this section does not establish compliance with the rule, or establish a presumption or inference of such compliance.

''(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

''(i) shall be suggestions to assist small entities; and

''(ii) shall not be additional requirements, or diminish requirements, relating to the rule.

''(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

''(6) REPORTING.—Not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and any other committee of relevant jurisdiction describing the status of the agency's compliance with paragraphs (1) through (5).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting ''and entitled'' after ''designated''.

SEC. 7006. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at

such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT AND PERIOD OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section. The Secretary shall make the grant for a period of 3 years.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school-aged children;

(F) the entering into of contracts with local resource and referral organizations or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATIONS.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant); and

(3) for the third fiscal year in which the covered entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who receives assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term ''covered entity'' means a small business or a consortium formed in accordance with subsection (d)(3).

(2) INDIAN COMMUNITY.—The term ''Indian community'' means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ''Indian tribe'' and ''tribal organization'' have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term ''small business'' means an employer who employed an average of at least 2 but not more than 50 employees on the business days during the preceding calendar year.

(5) STATE.—The term ''State'' has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term ''State'' includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term ''State'' includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(3)(A) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term ''State-level activities'' includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2008 through 2012.

(2) STUDIES AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting studies required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2012.

SEC. 7007. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the benefits, costs, risks, and barriers to workers and to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

SEC. 7008. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

''(m) CONTINUED FUNDING FOR CENTERS.—

''(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

''(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

''(3) APPLICATION AND APPROVAL CRITERIA.—

''(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

''(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

''(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

''(4) AWARD OF GRANTS.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

''(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

''(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

''(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

''(5) RENEWAL.—

''(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

''(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

''(n) PRIVACY REQUIREMENTS.—

''(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

''(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

''(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

''(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

''(A) restrict Administration access to program activity data; or

''(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

''(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).''.

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

SEC. 7009. REPORTS ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(a) IN GENERAL.—Notwithstanding''; and

(2) by adding at the end the following:

''(b) REPORTS.—

''(1) IN GENERAL.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

''(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

''(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

''(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

''(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

''(D) a summary of—

''(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

''(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

''(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

''(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

Subtitle C—Small Business Tax Incentives

SEC. 7510. SHORT TITLE; AMENDMENT OF CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Small Business and Work Opportunity Tax Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Subtitle C—Small Business Tax Incentives

Sec. 7510. Short title; amendment of Code; table of contents.

PART I—SMALL BUSINESS TAX RELIEF PROVISIONS

SUBPART A—GENERAL PROVISIONS

Sec. 7511. Extension and modification of work opportunity tax credit.

Sec. 7512. Extension and increase of expensing for small business.

Sec. 7513. Determination of credit for certain taxes paid with respect to employee cash tips.

Sec. 7514. Waiver of individual and corporate alternative minimum tax limits on work opportunity credit and credit for taxes paid with respect to employee cash tips.

Sec. 7515. Family business tax simplification.

SUBPART B—GULF OPPORTUNITY ZONE TAX INCENTIVES

Sec. 7521. Extension of increased expensing for qualified section 179 Gulf Opportunity Zone property.

Sec. 7522. Extension and expansion of low-income housing credit rules for buildings in the GO Zones.

Sec. 7523. Special tax-exempt bond financing rule for repairs and reconstructions of residences in the GO Zones.

Sec. 7524. GAO study of practices employed by State and local governments in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005.

SUBPART C—SUBCHAPTER S PROVISIONS

Sec. 7531. Capital gain of S corporation not treated as passive investment income.

Sec. 7532. Treatment of bank director shares.

Sec. 7533. Special rule for bank required to change from the reserve method of accounting on becoming S corporation.

Sec. 7534. Treatment of the sale of interest in a qualified subchapter S subsidiary.

Sec. 7535. Elimination of all earnings and profits attributable to pre-1983 years for certain corporations.

Sec. 7536. Deductibility of interest expense on indebtedness incurred by an electing small business trust to acquire S corporation stock.

PART II—REVENUE PROVISIONS

Sec. 7541. Increase in age of minor children whose unearned income is taxed as if parent's income.

Sec. 7542. Suspension of certain penalties and interest.

Sec. 7543. Modification of collection due process procedures for employment tax liabilities.

Sec. 7544. Permanent extension of IRS user fees.

Sec. 7545. Increase in penalty for bad checks and money orders.

Sec. 7546. Understatement of taxpayer liability by return preparers.

Sec. 7547. Penalty for filing erroneous refund claims.

Sec. 7548. Time for payment of corporate estimated taxes.

PART I—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

SEC. 7511. EXTENSION AND MODIFICATION OF WORK OPPORTUNITY TAX CREDIT.

(a) EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''August 31, 2011''.

(b) INCREASE IN MAXIMUM AGE FOR DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—Paragraph (5) of section 51(d) is amended to read as follows:

''(5) DESIGNATED COMMUNITY RESIDENTS.—

''(A) IN GENERAL.—The term 'designated community resident' means any individual who is certified by the designated local agency—

''(i) as having attained age 18 but not age 40 on the hiring date, and

''(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

''(B) INDIVIDUAL MUST CONTINUE TO RESIDE IN ZONE, COMMUNITY, OR COUNTY.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

''(C) RURAL RENEWAL COUNTY.—For purposes of this paragraph, the term 'rural renewal county' means any county which—

''(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

''(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.''.

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

''(D) a designated community resident,''.

(c) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by

striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following new clause:

''(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.''.

(d) TREATMENT OF DISABLED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.—

(1) DISABLED VETERANS TREATED AS MEMBERS OF TARGETED GROUP.—

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking ''agency as being a member of a family'' and all that follows and inserting ''agency as—

''(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

''(ii) entitled to compensation for a service-connected disability, and—

''(I) having a hiring date which is not more that 1 year after having been discharged or released from active duty in the Armed Forces of the United States, or

''(II) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.''.

(B) DEFINITIONS.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

''(C) OTHER DEFINITIONS.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.''.

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Paragraph (3) of section 51(b) is amended—

(A) by inserting ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))'' before the period at the end, and

(B) by striking ''ONLY FIRST $6,000 OF'' in the heading and inserting ''LIMITATION ON''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 7512. EXTENSION AND INCREASE OF EXPENSING FOR SMALL BUSINESS.

(a) EXTENSION.—Subsections (b)(1), (b)(2), (b)(5), (c)(2), and (d)(1)(A)(ii) of section 179 (relating to election to expense certain depreciable business assets) are each amended by striking ''2010'' and inserting ''2011''.

(b) INCREASE IN LIMITATIONS.—Subsection (b) of section 179 is amended—

(1) by striking ''$100,000 in the case of taxable years beginning after 2002'' in paragraph (1) and inserting ''$125,000 in the case of taxable years beginning after 2006'', and

(2) by striking ''$400,000 in the case of taxable years beginning after 2002'' in paragraph (2) and inserting ''$500,000 in the case of taxable years beginning after 2006''.

(c) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(5) is amended—

(1) by striking ''2003'' and inserting ''2007'',

(2) by striking ''$100,000 and $400,000'' and inserting ''$125,000 and $500,000'', and

(3) by striking ''2002'' in clause (ii) and inserting ''2006''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7513. DETERMINATION OF CREDIT FOR CERTAIN TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) IN GENERAL.—Subparagraph (B) of section 45B(b)(1) is amended by inserting ''as in effect on January 1, 2007, and'' before ''determined without regard to''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to tips received for services performed after December 31, 2006.

SEC. 7514. WAIVER OF INDIVIDUAL AND CORPORATE ALTERNATIVE MINIMUM TAX LIMITS ON WORK OPPORTUNITY CREDIT AND CREDIT FOR TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking ''and'' at the end of clause (i), by inserting a comma at the end of clause (ii), and by adding at the end the following new clauses:

''(iii) the credit determined under section 45B, and

''(iv) the credit determined under section 51.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined under sections 45B and 51 of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2006, and to carrybacks of such credits.

SEC. 7515. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) IN GENERAL.—Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) QUALIFIED JOINT VENTURE.—

''(1) IN GENERAL.—In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title—

''(A) such joint venture shall not be treated as a partnership,

''(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

''(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

''(2) QUALIFIED JOINT VENTURE.—For purposes of paragraph (1), the term 'qualified joint venture' means any joint venture involving the conduct of a trade or business if—

''(A) the only members of such joint venture are a husband and wife,

''(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

''(C) both spouses elect the application of this subsection.''.

(b) NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking '', and'' at the end of paragraph (15) and inserting a semicolon, by striking the period at the end of paragraph (16) and inserting ''; and'', and by inserting after paragraph (16) the following new paragraph:

''(17) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.''.

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking ''and'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ''; and'', and by inserting after paragraph (15) the following new paragraph:

''(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Subpart B—Gulf Opportunity Zone Tax Incentives

SEC. 7521. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking ''this subsection, the term'' and inserting ''this subsection—

''(A) IN GENERAL.—The term'', and

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

''(B) EXTENSION FOR CERTAIN PROPERTY.—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined by subsection (d)(6)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

''(i) without regard to subsection (d)(6), and

''(ii) by substituting '2008' for '2007' in subparagraph (A)(v) thereof.''.

SEC. 7522. EXTENSION AND EXPANSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN THE GO ZONES.

(a) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Subsection (c) of section 1400N (relating to low-income housing credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Section 42(h)(1)(B) shall not apply to an allocation of housing credit dollar amount to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone, if such allocation is made in 2006, 2007, or 2008, and such building is placed in service before January 1, 2011.''.

(b) EXTENSION OF PERIOD FOR TREATING GO ZONES AS DIFFICULT DEVELOPMENT AREAS.—

(1) IN GENERAL.—Subparagraph (A) of section 1400N(c)(3) is amended by striking ''2006, 2007, or 2008'' and inserting ''the period beginning on January 1, 2006, and ending on December 31, 2010''.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 1400N(c)(3)(B) is amended by striking ''such period'' and inserting ''the period described in subparagraph (A)''.

(c) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—Subsection (c) of section 1400N (relating to low-income housing credit), as amended by this Act, is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—For purpose of applying section 42(i)(2)(D) to any building which is placed in service in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone during the period beginning on January 1, 2006, and ending on December 31, 2010, a loan shall not be treated as a below market Federal loan solely by reason of any assistance provided under section 106, 107, or 108 of the Housing and Community Development Act of 1974 by reason of section 122 of such Act or any provision of the Department of Defense Appropriations Act, 2006, or the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.''.

SEC. 7523. SPECIAL TAX-EXEMPT BOND FINANCING RULE FOR REPAIRS AND RECONSTRUCTIONS OF RESIDENCES IN THE GO ZONES.

Subsection (a) of section 1400N (relating to tax-exempt bond financing) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR REPAIRS AND RECONSTRUCTIONS.—

''(A) IN GENERAL.—For purposes of section 143 and this subsection, any qualified GO Zone repair or reconstruction shall be treated as a qualified rehabilitation.

''(B) QUALIFIED GO ZONE REPAIR OR RECONSTRUCTION.—For purposes of subparagraph (A), the term 'qualified GO Zone repair or reconstruction' means any repair of damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Wilma to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone (or reconstruction of such building in the case of damage constituting destruction) if the expenditures for such repair or reconstruction are 25 percent or more of the mortgagor's adjusted basis in the residence. For purposes of the preceding sentence, the mortgagor's adjusted basis shall be determined as of the completion of the repair or reconstruction or, if later, the date on which the mortgagor acquires the residence.

''(C) TERMINATION.—This paragraph shall apply only to owner-financing provided after the date of the enactment of this paragraph and before January 1, 2011.''.

SEC. 7524. GAO STUDY OF PRACTICES EMPLOYED BY STATE AND LOCAL GOVERNMENTS IN ALLOCATING AND UTILIZING TAX INCENTIVES PROVIDED PURSUANT TO THE GULF OPPORTUNITY ZONE ACT OF 2005.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the practices employed by State and local governments, and subdivisions thereof, in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005 and this Act.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study conducted under subsection (a) and shall include therein recommendations (if any) relating to such findings. The report shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(c) CONGRESSIONAL HEARINGS.—In the case that the report submitted under this section includes findings of significant fraud, waste or abuse, each Committee specified in subsection (b) shall, within 60 days after the date the report is submitted under subsection (b), hold a public hearing to review such findings.

Subpart C—Subchapter S Provisions

SEC. 7531. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraph:

''(B) PASSIVE INVESTMENT INCOME DEFINED.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

''(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

''(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

''(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

''(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

''(I) interest income earned by such bank or company, or

''(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.''.

(b) CONFORMING AMENDMENT.—Clause (i) of section 1042(c)(4)(A) is amended by striking ''section 1362(d)(3)(C)'' and inserting ''section 1362(d)(3)(B)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7532. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

''(f) RESTRICTED BANK DIRECTOR STOCK.—

''(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

''(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

''(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

''(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

''(3) CROSS REFERENCE.—

''For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f)''.

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

''(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

''(1) shall be includible in gross income of the director, and

''(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 7533. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

''(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7534. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) IN GENERAL.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking ''For purposes of this title,'' and inserting the following:

''(i) IN GENERAL.—For purposes of this title,'', and

(2) by inserting at the end the following new clause:

''(ii) TERMINATION BY REASON OF SALE OF STOCK.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

''(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

''(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7535. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 7536. DEDUCTIBILITY OF INTEREST EXPENSE ON INDEBTEDNESS INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) IN GENERAL.—Subparagraph (C) of section 641(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

''(iv) Any interest expense paid or accrued on indebtedness incurred to acquire stock in an S corporation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

PART II—REVENUE PROVISIONS

SEC. 7541. INCREASE IN AGE OF MINOR CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) IN GENERAL.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:

''(A) such child—

''(i) has not attained age 18 before the close of the taxable year, or

''(ii)(I) has attained age 18 before the close of the taxable year and meets the age requirements of section 152(c)(3) (determined without regard to subparagraph (B) thereof), and

''(II) whose earned income (as defined in section 911(d)(2)) for such taxable year does not exceed one-half of the amount of the individual's support (within the meaning of section 152(c)(1)(D) after the application of section 152(f)(5) (without regard to subparagraph (A) thereof)) for such taxable year,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7542. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking ''18-month period'' and inserting ''36-month period''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of this Act.

SEC. 7543. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking ''; or'' at the end of paragraph (1) and inserting a comma,

(2) by adding ''or'' at the end of paragraph (2), and

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

''(3) the Secretary has served a disqualified employment tax levy,''.

(b) DISQUALIFIED EMPLOYMENT TAX LEVY.—Section 6330 of such Code (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(h) DISQUALIFIED EMPLOYMENT TAX LEVY.—For purposes of subsection (f), a disqualified employment tax levy is any levy in connection with the collection of employment taxes for any taxable period if the person subject to the levy (or any predecessor thereof) requested a hearing under this section with respect to unpaid employment taxes arising in the most recent 2-year period before the beginning of the taxable period with respect to which the levy is served. For purposes of the preceding sentence, the term 'employment taxes' means any taxes under chapter 21, 22, 23, or 24.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to levies served on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 7544. PERMANENT EXTENSION OF IRS USER FEES.

Section 7528 (relating to Internal Revenue Service user fees) is amended by striking subsection (c).

SEC. 7545. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking ''$750'' and inserting ''$1,250'', and

(2) by striking ''$15'' and inserting ''$25''.

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 7546. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) APPLICATION OF RETURN PREPARER PENALTIES TO ALL TAX RETURNS.—

(1) DEFINITION OF TAX RETURN PREPARER.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking ''income'' each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking ''subtitle A'' each place it appears and inserting ''this title''.

(2) CONFORMING AMENDMENTS.—

(A)(i) Section 6060 is amended by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**''.

(ii) Section 6060(a) is amended—

(I) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',

(II) by striking ''each income tax return preparer'' and inserting ''each tax return preparer'', and

(III) by striking ''another income tax return preparer'' and inserting ''another tax return preparer''.

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking ''**Income Tax Return Preparers**'' in the heading and inserting ''**Tax Return Preparers**''.

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(B) Section 6103(k)(5) is amended—

(i) by striking ''income tax return preparer'' each place it appears and inserting ''tax return preparer'', and

(ii) by striking ''income tax return preparers'' each place it appears and inserting ''tax return preparers''.

(C)(i) Section 6107 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARER**'' in the heading and inserting ''**TAX RETURN PREPARER**'',

(II) by striking ''an income tax return preparer'' each place it appears in subsections (a) and (b) and inserting ''a tax return preparer'',

(III) by striking ''INCOME TAX RETURN PREPARER'' in the heading for subsection (b) and inserting ''TAX RETURN PREPARER'', and

(IV) in subsection (c), by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking ''Income tax return preparer'' and inserting ''Tax return preparer''.

(D) Section 6109(a)(4) is amended—

(i) by striking ''an income tax return preparer'' and inserting ''a tax return preparer'', and

(ii) by striking ''INCOME RETURN PREPARER'' in the heading and inserting ''TAX RETURN PREPARER''.

(E) Section 6503(k)(4) is amended by striking ''Income tax return preparers'' and inserting ''Tax return preparers''.

(F)(i) Section 6694 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARER**'' in the heading and inserting ''**TAX RETURN PREPARER**'',

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',

(III) in subsection (c)(2), by striking ''the income tax return preparer'' and inserting ''the tax return preparer'',

(IV) in subsection (e), by striking ''subtitle A'' and inserting ''this title'', and

(V) in subsection (f), by striking ''income tax return preparer'' and inserting ''tax return preparer''.

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''income tax return preparer'' and inserting ''tax return preparer''.

(G)(i) Section 6695 is amended—

(I) by striking ''**INCOME**'' in the heading, and

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer''.

(ii) Section 6695(f) is amended—

(I) by striking ''subtitle A'' and inserting ''this title'', and

(II) by striking ''the income tax return preparer'' and inserting ''the tax return preparer''.

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''income''.

(H) Section 6696(e) is amended by striking ''subtitle A'' each place it appears and inserting ''this title''.

(I)(i) Section 7407 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**'',

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',

(III) by striking ''income tax preparer'' both places it appears in subsection (a) and inserting ''tax return preparer'', and

(IV) by striking ''income tax return'' in subsection (a) and inserting ''tax return''.

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(J)(i) Section 7427 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**'', and

(II) by striking ''an income tax return preparer'' and inserting ''a tax return preparer''.

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

''Sec. 7427. Tax return preparers.''.

(b) MODIFICATION OF PENALTY FOR UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.—Subsections (a) and (b) of section 6694 are amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

''(A) $1,000, or

''(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—A position is described in this paragraph if—

''(A) the tax return preparer knew (or reasonably should have known) of the position,

''(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

''(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

''(ii) there was no reasonable basis for the position.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

''(b) UNDERSTATEMENT DUE TO WILLFUL OR RECKLESS CONDUCT.—

''(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty

with respect to each such return or claim in an amount equal to the greater of—

''(A) $5,000, or

''(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) WILLFUL OR RECKLESS CONDUCT.—Conduct described in this paragraph is conduct by the tax return preparer which is—

''(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

''(B) a reckless or intentional disregard of rules or regulations.

''(3) REDUCTION IN PENALTY.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 7547. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

''SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

''(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

''(b) EXCESSIVE AMOUNT.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

''(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit which is subject to a penalty imposed under part II of subchapter A of chapter 68.''.

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

''Sec. 6676. Erroneous claim for refund or credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim filed or submitted after the date of the enactment of this Act.

SEC. 7548. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''106.25 percent'' and inserting ''114.25 percent''.

This Act may be cited as the ''U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007''.

And the Senate agree to the same.

DAVID R. OBEY,
ROSA L. DELAURO,
JOHN P. MURTHA,
PETER J. VISCLOSKY,
NITA LOWEY,
CAROLYN KILPATRICK,
NORMAN D. DICKS,
CHET EDWARDS,
ALAN B. MOLLOHAN,
JOHN OLVER,
JOSÉ E. SERRANO,
DEBBIE WASSERMAN SCHULTZ,
JAMES E. CLYBURN,
Managers on the Part of the House.

ROBERT C. BYRD
DANIEL K. INOUYE,
PATRICK J. LEAHY,
TOM HARKIN,
BARBARA A. MIKULSKI,
HERB KOHL,
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
RICHARD J. DURBIN,
TIM JOHNSON,
MARY L. LANDRIEU,
JACK REED,
FRANK R. LAUTENBERG,
BEN NELSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in the report accompanying H.R. 1591 (H. Rept. 110–60) and included by the Senate in the report accompanying S. 965 (S. Rept. 110–37) should be complied with unless specifically addressed in this statement of the managers. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

The conference agreement designates amounts in title I as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress) and as making appropriations for contingency operations directly related to the global war on terrorism and other unanticipated defense-related operations pursuant to section 402 of H. Con. Res. 376 (109th Congress). Further, the agreement designates amounts in titles II, III, V, and VI as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress) and pursuant to section 501 of H. Con. Res. 376 (109th Congress). The House proposed designations under H. Con. Res. 376 on an item-by-item basis, while the Senate included designations under H. Con. Res. 95 title-by-title.

TITLE I—SUPPLEMENTAL APPROPRIATIONS FOR THE GLOBAL WAR ON TERROR

CHAPTER 1—DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

The conference agreement provides $460,000,000, to be available until expended, for Public Law 480 Title II grants, instead of $450,000,000 as proposed by the House and $475,000,000 as proposed by the Senate.

The Farm Security and Rural Investment Act of 2002 required the establishment of a micronutrient fortification program relating to the utilization of foods for humanitarian assistance programs such as title II of Public Law 480. The conferees encourage the Secretary of Agriculture to move forward with such a program. The conferees direct that any such funds used for this purpose during fiscal year 2007 should be used for internal federal agency operations to develop a framework for this program and not be used for the purpose of executing any grant, contract, or cooperative agreement with a non-federal entity.

GENERAL PROVISION THIS CHAPTER

SEC. 1101. The conference agreement provides $40,000,000, instead of $82,000,000 as proposed by the Senate, for replenishment of the Bill Emerson Humanitarian Trust.

The conferees direct the Secretary to provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the available cash, amount of commodity by type, and detail of disbursements made during that quarterly period.

CHAPTER 2—DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $1,648,000 for General Legal Activities for the Criminal Division as proposed by the House, instead of $4,093,000 as proposed by the Senate and requested by the President. The funds are provided for litigation support services to the Special Inspector General for Iraqi Reconstruction for ongoing investigations and cases involving corruption in the reconstruction of Iraq. The conference agreement does not include $2,445,000 as requested by the President and as proposed by the Senate to create Iraq and Afghanistan Support Units within General Legal Activities, Criminal Division. While the conferees support these activities, they can be provided for with funds available to the Secretary of State.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $5,000,000 for the United States Attorneys as proposed by the House and requested by the President, instead of $12,500,000 as proposed by the Senate. The funds are provided for extraordinary litigation expenses associated with terrorism prosecutions.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The conference agreement includes $6,450,000 for the United States Marshals Service, instead of $2,750,000 as proposed by the House and $32,500,000 as proposed by the Senate. The funds are provided for security at high-threat terrorist trials in the United States and to support judicial and witness security in Afghanistan.

The conference agreement does not include a rescission of $15,000,000 from funds made available in this Act for Department of State Educational and Cultural Exchange Programs, as proposed by the Senate.

The conferees are aware of substandard conditions in space occupied by U.S. Marshals Service employees in the Moultrie Courthouse Building in the District of Columbia. The Senate bill included funds within chapter 2 of title I for the U.S. Marshals to address some of the problems, but the conference agreement does not include these funds. The conferees direct the U.S. Marshals and the District of Columbia Courts to work together in a coordinated manner to develop a renovation and improvement plan that addresses these issues. The conferees believe that the Committees on Appropriations should consider progress in these plans when developing the fiscal year 2008 appropriations bills.

The conferees also direct that the Inspector General of the Department of Justice shall conduct a review of the health, safety, and security conditions in the Moultrie Courthouse Building space occupied by the U.S. Marshals. Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Committees on Appropriations a written report that contains the

findings of the review and includes recommendations, as may be appropriate.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

The conference agreement includes $1,736,000 for the National Security Division for investigations and prosecutions as proposed by the House and Senate.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes $268,000,000 for the Federal Bureau of Investigation (FBI) instead of $118,260,000 as proposed by the House and as requested by the President and $348,260,000 as proposed by the Senate. Funding is provided for counterterrorism and weapons of mass destruction operations and support requirements.

The conferees concur with the language in the Senate report regarding the March 2007 report by the Office of Inspector General (OIG) regarding the FBI's use of national security letters. The conferees are extremely concerned by the OIG report and the failings of the FBI to correct the actions earlier in the investigation. The conference agreement includes $10,000,000 as proposed by the Senate to ensure that the Inspector General's recommendations are implemented by the FBI in an expeditious manner. The conference agreement includes bill language transferring $500,000 to the OIG from the FBI for continued audits and investigations related to national security letters.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $12,166,000 for the Drug Enforcement Administration (DEA) instead of $8,468,000 as proposed by the House and as requested by the President and $25,100,000 as proposed by the Senate. The funds provided above the amount requested by the President are provided to hire additional DEA special agents and support personnel related to the Global War on Terror. The conferees concur with language in the House report directing the DEA Administrator to submit a report on a plan to target and arrest Afghan Drug Kingpins.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The conference agreement includes $4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives, as proposed by the House and the Senate and as requested by the President.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes $17,000,000 for the Federal Prison System, as proposed by the House and the Senate and as requested by the President.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

The conference agreement provides $95,528,670,000 for the Department of Defense, instead of $95,529,712,000, as proposed by the House, and $93,532,793,000, as proposed by the Senate.

The following table provides details of the supplemental appropriations for the Department of Defense—Military.

	(In thousands of dollars) House	Senate	Conference
CHAPTER 3			
DEPARTMENT OF DEFENSE - MILITARY			
Military Personnel			
Military Personnel, Army (emergency)	8,878,899	8,870,270	8,853,350
Military Personnel, Navy (emergency)	1,100,410	1,100,410	1,100,410
Military Personnel, Marine Corps (emergency)	1,495,828	1,495,827	1,495,827
Military Personnel, Air Force (emergency)	1,229,334	1,218,587	1,218,587
Reserve Personnel, Army (emergency)	173,244	147,244	147,244
Reserve Personnel, Navy (emergency)	82,800	77,523	86,023
Reserve Personnel, Marine Corps (emergency)	15,000	---	5,660
Reserve Personnel, Air Force (emergency)	14,100	9,073	11,573
National Guard Personnel, Army (emergency)	552,725	474,978	545,286
National Guard Personnel, Air Force (emergency)	24,600	41,533	44,033
Subtotal	13,566,940	13,435,445	13,507,993
Operation and Maintenance			
Operation and Maintenance, Army (emergency)	20,897,672	20,373,379	20,373,379
Operation and Maintenance, Navy (emergency)	5,115,397	4,865,003	4,676,670
(Transfer to Coast Guard) (emergency)	(-120,293)	(-120,293)	(-120,293)
Operation and Maintenance, Marine Corps (emergency)	1,503,694	1,101,594	1,146,594
Operation and Maintenance, Air Force (emergency)	6,909,259	6,685,881	6,650,881
Operation and Maintenance, Defense-Wide (emergency)	2,855,993	2,790,669	2,714,487
Operation and Maintenance, Army Reserve (emergency)	74,049	74,049	74,049
Operation and Maintenance, Navy Reserve (emergency)	111,066	111,066	111,066
Operation and Maintenance, Marine Corps Reserve (emergency)	13,591	13,591	13,591
Operation and Maintenance, Air Force Reserve (emergency)	10,160	10,160	10,160
Operation and Maintenance, Army National Guard (emergency)	133,569	83,569	83,569
Operation and Maintenance, Air National Guard (emergency)	38,429	38,429	38,429
Afghanistan Security Forces Fund (emergency)	5,906,400	5,906,400	5,906,400
Iraq Security Forces Fund (emergency)	3,842,300	3,842,300	3,842,300
Iraq Freedom Fund (emergency)	155,600	455,600	355,600
Joint Improvised Explosive Device Defeat Fund (emergency)	2,432,800	2,432,800	2,432,800
Strategic Reserve Readiness Fund (emergency)	2,500,000	---	2,000,000
Subtotal	52,499,979	48,784,490	50,429,975
Procurement			
Aircraft Procurement, Army (emergency)	461,850	619,750	619,750
Missile Procurement, Army (emergency)	160,173	111,473	111,473
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	3,474,389	3,400,315	3,404,315
Procurement of Ammunition, Army (emergency)	681,500	681,500	681,500
Other Procurement, Army (emergency)	10,197,399	10,589,272	11,076,137
Aircraft Procurement, Navy (emergency)	995,797	963,903	1,090,287
Weapons Procurement, Navy (emergency)	171,813	163,813	163,813
Procurement of Ammunition, Navy and Marine Corps (emergency)	159,833	159,833	159,833
Other Procurement, Navy (emergency)	937,407	722,506	748,749
Procurement, Marine Corps (emergency)	1,885,383	1,703,389	2,252,749
Aircraft Procurement, Air Force (emergency)	2,474,916	1,431,756	2,106,468
Missile Procurement, Air Force (emergency)	140,300	78,900	94,900
Procurement of Ammunition, Air Force (emergency)	95,800	6,000	6,000
Other Procurement, Air Force (emergency)	2,042,183	1,972,131	2,096,200
Procurement, Defense-Wide (emergency)	934,930	903,092	980,050
National Guard and Reserve Equipment (emergency)	---	1,000,000	---
Subtotal	24,813,673	24,507,633	25,592,224

	(In thousands of dollars) House	Senate	Conference
Research, Development, Test and Evaluation			
Research, Development, Test and Evaluation, Army (emergency)	60,781	125,576	100,006
Research, Development, Test and Evaluation, Navy (emergency)	295,737	308,212	298,722
Research, Development, Test and Evaluation, Air Force (emergency)	132,928	233,869	187,176
Research, Development, Test and Evaluation, Defense-wide (emergency)	545,904	522,804	512,804
Subtotal	1,035,350	1,190,461	1,098,708
Revolving And Management Funds			
Defense Working Capital Funds (emergency)	1,315,526	1,315,526	1,315,526
National Defense Sealift Fund (emergency)	5,000	5,000	5,000
Subtotal	1,320,526	1,320,526	1,320,526
Other Department of Defense Programs			
Defense Health Program (emergency)	2,789,703	2,466,847	3,251,853
Operation and maintenance (emergency)	(2,289,703)	(2,277,147)	(2,802,153)
Procurement (emergency)	---	(118,000)	(118,000)
Research, development, test and evaluation (emergency)	(500,000)	(71,700)	(331,700)
Medical support fund (emergency)	---	---	---
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	259,115	254,665	254,665
Subtotal	3,048,818	2,721,512	3,506,518
Related Agencies			
Intelligence Community Management Account (emergency)	57,426	71,726	71,726
General Provisions			
Sec. 1302. New transfer authority (emergency)	(3,500,000)	(3,500,000)	(3,500,000)
Sec. xxxx. Additional transfer authority (emergency)	---	---	---
Sec. 1305. Defense Cooperative Account transfer authority (emergency)	1,000	1,000	1,000
Sec. xxxx. Procurement, Marine Corps MRAP (emergency)	---	1,500,000	---
Sec. xxxx. Contractor efficiency savings (emergency)	-815,000	---	---
Sec. xxxx. Army IG disability claims recommendations	1,000	---	---
Sec. 1322. Military Construction, Army (by transfer) (emergency)	---	---	(-6,250)
Sec. 1323. Economic Support Fund (Department of State) (by transfer) (emergency)	(-100,000)	---	(-110,000)
Total, Chapter 3	95,529,712	93,532,793	95,528,670

REPORTING REQUIREMENTS

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees within 30 days after the date of enactment of this legislation on the allocation of the funds within the accounts listed in this chapter. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this chapter are no longer available for obligation. The conferees direct that these reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this chapter by program and sub activity group for the continuation of the war in Iraq and Afghanistan; a listing of equipment procured using funds provided in this chapter. The conferees expect that in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriations accounts for purposes other than those specified in this report. The conferees direct the Department of Defense to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this chapter.

MINE RESISTANT AMBUSH PROTECTED VEHICLES (MRAPS)

The amended supplemental budget request includes $1,832,300,000 for Mine Resistant Ambush Protected (MRAPs) Vehicles. These vehicles provide superior protection to our troops trom Improvised Explosive Devices (IEDs). Recognizing the survivability enhancements brought to our warfighters by MRAPs, Congress previously appropriated $592,000,000 for MRAPs in fiscal year 2007. Since IEDs continue to be the biggest threat to our troops in theater, the conferees believe it is imperative that these critical force protection items be provided to the warfighter as quickly as possible. Therefore, based on the most current information provided by the military services, the conferees provide $1,200,000,000 above the request for a total of $3,032,300,000 for MRAPs in the conference agreement. Further, the conferees designate MRAPs as a congressional interest item. The table below delineates MRAP funding in the conference agreement by appropriations account.

Given this program's critical importance, the conferees expect funds to be placed on contract expeditiously and direct the military services to jointly report to the congressional defense committees no later than 30 days after the enactment of this Act on the MRAP program's status, requirements, and the execution of funds provided in the conference agreement. Further, the conferees direct the services to provide updates to the congressional defense committees every 30 days thereafter until all funds provided in the conference agreement are fully obligated.

FY 2007 SUPPLEMENTAL MRAP FUNDING

[In thousands of dollars]

	Supplemental Request	Conference	Conference vs. Request
Operation and Maintenance, Navy	24,000	24,000	.....
Other Procurement Army, line 129	770,000	1,217,000	+447,000
Other Procurement, Navy, line 124	122,000	130,040	+8,040
Procurement, Marine Corps, line 70	678,000	1,263,360	+585,360
Other Procurement, Air Force, line 8 (Air Force)	15,200	139,040	+123,840
Procurement, Defense-wide, line 59 (SOCOM)	73,100	108,860	+35,760
Procurement, Defense-wide, line 61 (SOCOM)	150,000	150,000	.....

FY 2007 SUPPLEMENTAL MRAP FUNDING—Continued

[In thousands of dollars]

	Supplemental Request	Conference	Conference vs. Request
Total, MRAPs	1,832,300	3,032,300	+1,200,000

CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex accompanying this conference report.

MILITARY PERSONNEL

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
RECAPITULATION			
MILITARY PERSONNEL, ARMY	8,878,899	8,870,270	8,853,350
MILITARY PERSONNEL, NAVY	1,100,410	1,100,410	1,100,410
MILITARY PERSONNEL, MARINE CORPS	1,495,828	1,495,827	1,495,827
MILITARY PERSONNEL, AIR FORCE	1,229,334	1,218,587	1,218,587
RESERVE PERSONNEL, ARMY	173,244	147,244	147,244
RESERVE PERSONNEL, NAVY	82,800	77,523	86,023
RESERVE PERSONNEL, MARINE CORPS	15,000	---	5,660
RESERVE PERSONNEL, AIR FORCE	14,100	9,073	11,573
NATIONAL GUARD PERSONNEL, ARMY	552,725	474,978	545,286
NATIONAL GUARD PERSONNEL, AIR FORCE	24,600	41,533	44,033
GRAND TOTAL, MILITARY PERSONNEL	13,566,940	13,435,445	13,507,993

The conference agreement provides $13,507,993,000 for Military Personnel, instead of $ 13,566,940,000 as proposed by the House, and $13,435,445,000 as proposed by the Senate. The conferees provide $1,148,369,000 above the President's request to fully fund all identified shortfalls for Basic Allowance for Housing for the remainder of fiscal year 2007.

The conferees are encouraged by the recent success of the Armed Forces to meet or exceed their established recruiting and retention goals and urge the Services to continue pursuing innovative and cost-effective programs to attract and retain high-quality personnel. However, recruiting and retaining challenges still exist, particularly within highly specialized occupational disciplines.

For this reason, the conference agreement fully funds the supplemental request for recruiting and retention incentives and provides an additional $10,000,000 to specific reserve components that identified recruitment and retention shortfalls.

MILITARY PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
50 MILITARY PERSONNEL, ARMY			
100 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS			
150 BASIC PAY	479,185	493,534	493,534
200 RETIRED PAY ACCRUAL	166,037	169,837	169,837
250 BASIC ALLOWANCE FOR HOUSING	476,045	487,919	411,479
300 BASIC ALLOWANCE FOR SUBSISTENCE	15,552	16,060	16,060
350 SPECIAL PAYS	404,368	415,457	415,457
400 SOCIAL SECURITY TAX	34,931	36,012	36,012
450 TOTAL, BUDGET ACTIVITY 1	1,576,118	1,618,819	1,542,379
500 ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL			
550 BASIC PAY	1,297,546	1,323,548	1,323,548
600 RETIRED PAY ACCRUAL	459,397	466,287	466,287
650 BASIC ALLOWANCE FOR HOUSING	1,560,492	1,350,445	1,409,965
700 SPECIAL PAYS	1,860,843	1,896,707	1,896,707
750 SOCIAL SECURITY TAX	99,068	101,057	101,057
800 TOTAL, BUDGET ACTIVITY 2	5,277,346	5,138,044	5,197,564
850 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL			
900 BASIC ALLOWANCE FOR SUBSISTENCE	152,830	155,782	155,782
950 SUBSISTENCE-IN-KIND	1,131,175	1,216,195	1,216,195
1000 TOTAL, BUDGET ACTIVITY 4	1,284,005	1,371,977	1,371,977
1050 ACTIVITY 5: PERMANENT CHANGE OF STATION			
1100 ACCESSION TRAVEL	19,679	19,679	19,679
1150 OPERATIONAL TRAVEL	182,113	182,113	182,113
1200 ROTATIONAL TRAVEL	218,906	218,906	218,906
1250 TOTAL, BUDGET ACTIVITY 5	420,698	420,698	420,698
1300 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS			
1350 INTEREST ON SOLDIERS DEPOSITS	21,779	21,779	21,779
1400 RESERVE INCOME REPLACEMENT PROGRAM	8,208	8,208	8,208
1450 UNEMPLOYMENT BENEFITS	144,489	144,489	144,489
1500 DEATH GRATUITIES	95,056	95,056	95,056
1550 SGLI/TSGLI INSURANCE PREMIUM	51,200	51,200	51,200
1700 TOTAL, BUDGET ACTIVITY 6	320,732	320,732	320,732
1750 TOTAL, MILITARY PERSONNEL, ARMY	8,878,899	8,870,270	8,853,350

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1/]	House [2/]	Senate	Conference
MILITARY PERSONNEL, ARMY				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
Basic Allowance for Housing	379,919	476,045	487,919	411,479
BA-2: PAY AND ALLOWANCES OF ENLISTED				
Basic Allowance for Housing	1,098,445	1,560,492	1,350,445	1,409,965

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

ARMY PHYSICAL DISABILITY SYSTEM

The conferees direct the Secretary of the Army to take the necessary actions to implement the recommendations of the Army Inspector General to improve legal representation for soldiers pursuing claims through the Army Physical Disability Evaluation System.

MILITARY PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
1800 MILITARY PERSONNEL, NAVY			
1850 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS			
1900 BASIC PAY	78,148	78,148	78,148
1950 RETIRED PAY ACCRUAL	20,681	20,681	20,681
2000 BASIC ALLOWANCE FOR HOUSING	121,604	20,374	20,374
2050 BASIC ALLOWANCE FOR SUBSISTENCE	2,233	2,233	2,233
2100 SPECIAL PAYS	43,929	43,929	43,929
2150 SOCIAL SECURITY TAX	5,966	5,966	5,966
2200 TOTAL, BUDGET ACTIVITY 1	272,561	171,331	171,331
2250 ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL			
2300 BASIC PAY	145,279	145,279	145,279
2350 RETIRED PAY ACCRUAL	38,494	38,494	38,494
2400 BASIC ALLOWANCE FOR HOUSING	369,944	471,174	471,174
2450 SPECIAL PAYS	152,440	152,440	152,440
2500 SOCIAL SECURITY TAX	11,110	11,110	11,110
2550 TOTAL, BUDGET ACTIVITY 2	717,267	818,497	818,497
2600 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL			
2650 BASIC ALLOWANCE FOR SUBSISTENCE	14,103	14,103	14,103
2700 SUBSISTENCE-IN-KIND	13,149	13,149	13,149
2750 TOTAL, BUDGET ACTIVITY 4	27,252	27,252	27,252
2800 ACTIVITY 5: PERMANENT CHANGE OF STATION			
2850 ACCESSION TRAVEL	7,911	7,911	7,911
2950 OPERATIONAL TRAVEL	15,936	15,936	15,936
3000 ROTATIONAL TRAVEL	4,437	4,437	4,437
3050 SEPARATION TRAVEL	6,216	6,216	6,216
3150 TOTAL, BUDGET ACTIVITY 5	34,500	34,500	34,500
3200 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS			
3300 RESERVE INCOME REPLACEMENT PROGRAM	3,000	3,000	3,000
3350 UNEMPLOYMENT BENEFITS	28,200	28,200	28,200
3400 DEATH GRATUITIES	11,001	11,001	11,001
3450 SGLI/TSGLI INSURANCE PREMIUM	6,629	6,629	6,629
3600 TOTAL, BUDGET ACTIVITY 6	48,830	48,830	48,830
3650 TOTAL, MILITARY PERSONNEL, NAVY	1,100,410	1,100,410	1,100,410

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1/]	House [2/]	Senate	Conference
MILITARY PERSONNEL, NAVY:				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
Basic Allowance for Housing	20,374	121,604	20,374	20,374
BA-2: PAY AND ALLOWANCES OF ENLISTED				
Basic Allowance for Housing	62,891	369,944	471,174	471,174

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

MILITARY PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
3700 MILITARY PERSONNEL, MARINE CORPS			
3750 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS			
3800 BASIC PAY	185,119	185,119	185,119
3850 RETIRED PAY ACCRUAL	49,056	49,056	49,056
3900 BASIC ALLOWANCE FOR HOUSING	89,649	89,649	63,537
3950 BASIC ALLOWANCE FOR SUBSISTENCE	5,839	5,839	5,839
4000 SPECIAL PAYS	27,331	27,331	27,331
4050 SOCIAL SECURITY TAX	14,162	14,162	14,162
4100 TOTAL, BUDGET ACTIVITY 1	371,156	371,156	345,044
4150 ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL			
4200 BASIC PAY	241,654	241,654	241,654
4250 RETIRED PAY ACCRUAL	64,039	64,039	64,039
4300 BASIC ALLOWANCE FOR HOUSING	215,803	215,803	241,915
4350 SPECIAL PAYS	438,169	438,168	438,168
4400 SOCIAL SECURITY TAX	18,487	18,487	18,487
4450 TOTAL, BUDGET ACTIVITY 2	978,152	978,151	1,004,263
4500 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL			
4550 BASIC ALLOWANCE FOR SUBSISTENCE	38,624	38,624	38,624
4650 TOTAL, BUDGET ACTIVITY 4	38,624	38,624	38,624
4700 ACTIVITY 5: PERMANENT CHANGE OF STATION			
4750 ACCESSION TRAVEL	4,131	4,131	4,131
4850 OPERATIONAL TRAVEL	43,038	43,038	43,038
5050 TOTAL, BUDGET ACTIVITY 5	47,169	47,169	47,169
5100 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS			
5250 UNEMPLOYMENT BENEFITS	20,500	20,500	20,500
5300 DEATH GRATUITIES	31,121	31,121	31,121
5350 SGLI/TSGLI INSURANCE PREMIUM	9,106	9,106	9,106
5500 TOTAL, BUDGET ACTIVITY 6	60,727	60,727	60,727
5550 TOTAL, MILITARY PERSONNEL, MARINE CORPS	1,495,828	1,495,827	1,495,827

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1/]	House [2/]	Senate	Conference
MILITARY PERSONNEL, MARINE CORPS:				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
Basic Allowance for Housing	63,337	89,649	89,649	63,537
BA-2: PAY AND ALLOWANCES OF ENLISTED				
Basic Allowance for Housing	133,159	215,803	215,803	241,915

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

MILITARY PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
5600 MILITARY PERSONNEL, AIR FORCE			
5650 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS			
5700 BASIC PAY	142,957	143,092	143,092
5750 RETIRED PAY ACCRUAL	40,146	40,182	40,182
5800 BASIC ALLOWANCE FOR HOUSING	87,597	91,989	91,989
5850 BASIC ALLOWANCE FOR SUBSISTENCE	5,152	5,156	5,156
5900 SPECIAL PAYS	6,642	6,721	6,721
5950 ALLOWANCES	4,608	4,650	4,650
6000 SOCIAL SECURITY TAX	11,589	11,599	11,599
6050 TOTAL, BUDGET ACTIVITY 1	298,691	303,389	303,389
6100 ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL			
6150 BASIC PAY	348,598	348,642	348,642
6200 RETIRED PAY ACCRUAL	99,297	99,309	99,309
6250 BASIC ALLOWANCE FOR HOUSING	252,808	259,124	259,124
6300 SPECIAL PAYS	44,777	44,859	44,859
6350 ALLOWANCES	16,586	16,623	16,623
6400 SOCIAL SECURITY TAX	28,665	28,668	28,668
6450 TOTAL, BUDGET ACTIVITY 2	790,731	797,225	797,225
6500 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL			
6550 BASIC ALLOWANCE FOR SUBSISTENCE	34,421	34,424	34,424
6600 SUBSISTENCE-IN-KIND	66,790	66,848	66,848
6650 TOTAL, BUDGET ACTIVITY 4	101,211	101,272	101,272
6700 ACTIVITY 5: PERMANENT CHANGE OF STATION			
6850 OPERATIONAL TRAVEL	5,500	5,500	5,500
7050 TOTAL, BUDGET ACTIVITY 5	5,500	5,500	5,500
7100 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS			
7250 UNEMPLOYMENT BENEFITS	16,200	16,200	16,200
7300 DEATH GRATUITIES	8,453	8,453	8,453
7350 SGLI/TSGLI INSURANCE PREMIUM	8,548	8,548	8,548
7500 TOTAL, BUDGET ACTIVITY 6	33,201	33,201	33,201
7510 ADJUSTMENT TO PAY AND ALLOWANCES	---	-22,000	-22,000
7550 TOTAL, MILITARY PERSONNEL, AIR FORCE	1,229,334	1,218,587	1,218,587

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1/]	House [2/]	Senate	Conference
MILITARY PERSONNEL, AIR FORCE:				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
Basic Allowance for Housing	54,189	87,597	91,989	91,989
BA-2: PAY AND ALLOWANCES OF ENLISTED				
Basic Allowance for Housing	157,624	252,808	259,124	259,124
Adjustment to Pay and Allowances - Transfer to National Guard Personnel, Air Force			-22,000	-22,000

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

RESERVE PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
7600 RESERVE PERSONNEL, ARMY			
7650 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT			
7660 SPECIAL TRAINING (PRE/POST MOB TRAINING)	1,103	1,103	1,103
7700 SPECIAL TRAINING (PRE/POST MOB TRAINING)(BAH)	32,397	6,397	6,397
7750 RECRUITING AND RETENTION	139,744	139,744	139,744
7900 TOTAL RESERVE PERSONNEL, ARMY	173,244	147,244	147,244

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1/]	House [2/]	Senate	Conference
RESERVE PERSONNEL, ARMY				
BA-1: RESERVE COMPONENT TRAINING & SUPPORT				
Special Training (PRE/POST MOB Training) (BAH)	6,397	32,397	6,397	6,397

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

RESERVE PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
7950 RESERVE PERSONNEL, NAVY			
8000 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT			
8050 UNIT TRAINING	35,000	35,000	35,000
8060 SPECIAL TRAINING (PRE/POST MOB TRAINING)	22,689	22,689	22,689
8100 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)	7,111	6,834	10,334
8110 SCHOOL TRAINING (PRE/POST MOB TRAINING)	11,960	11,960	11,960
8150 SCHOOL TRAINING (PRE/POST MOB TRAINING)(BAH)	1,040	1,040	1,040
8160 RECRUITING AND RETENTION	5,000	---	5,000
8200 TOTAL, RESERVE PERSONNEL, NAVY	82,800	77,523	86,023

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1/]	House [2/]	Senate	Conference
RESERVE PERSONNEL, NAVY:				
BA-1: RESERVE COMPONENT TRAINING & SUPPORT				
Special Training (PRE/POST MOB Training) (BAH)	2,111	7,111	6,834	10,334
Recruitment and Retention		5,000		5,000

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

RESERVE PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
8250 RESERVE PERSONNEL, MARINE CORPS			
8300 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT			
8340 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH).....	10,000	---	5,660
8360 RECRUITING AND RETENTION	5,000	---	---
8400 TOTAL, RESERVE PERSONNEL, MARINE CORPS.....	15,000	---	5,660

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1/]	House [2/]	Senate	Conference
RESERVE PERSONNEL, MARINE CORPS:				
BA-1: RESERVE COMPONENT TRAINING & SUPPORT				
Special Training (PRE/POST MOB Training) (BAH)		10,000		5,660
Recruitment and Retention		5,000		0

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

RESERVE PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
8450 RESERVE PERSONNEL, AIR FORCE			
8500 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT			
8550 SPECIAL TRAINING (PRE/POST MOB TRAINING)	3,000	3,000	3,000
8555 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH).....	6,100	6,073	6,073
8560 RECRUITING AND RETENTION	5,000	---	2,500
8600 TOTAL, RESERVE PERSONNEL, AIR FORCE.....	14,100	9,073	11,573

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1/]	House [2/]	Senate	Conference
RESERVE PERSONNEL, AIR FORCE:				
BA-1: RESERVE COMPONENT TRAINING & SUPPORT				
Special Training (PRE/POST MOB Training) (BAH)		6,100	6,073	6,073
Recruitment and Retention		5,000		2,500

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

NATIONAL GUARD PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
8650 NATIONAL GUARD PERSONNEL, ARMY			
8700 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT			
8800 SPECIAL TRAINING (PRE/POST MOB TRAINING)	24,666	24,666	24,666
8810 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)	120,032	42,285	112,593
8850 SCHOOL TRAINING (PRE/POST MOB TRAINING)	15,475	15,475	15,475
8860 SCHOOL TRAINING (PRE/POST MOB TRAINING) (BAH)	7,766	7,766	7,766
8900 RECRUITING AND RETENTION	339,600	339,600	339,600
8910 RECRUITING AND RETENTION (BAH)	40,786	40,786	40,786
8950 DISABILITY AND DEATH GRATUITY	4,400	4,400	4,400
9000 TOTAL, NATIONAL GUARD PERSONNEL, ARMY	552,725	474,978	545,286

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1/]	House [2/]	Senate	Conference
NATIONAL GUARD PERSONNEL, ARMY:				
BA-1: RESERVE COMPONENT TRAINING & SUPPORT				
Special Training (PRE/POST MOB Training) (BAH)	3,332	120,032	42,285	112,593

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

NATIONAL GUARD PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
9010 NATIONAL GUARD PERSONNEL, AIR FORCE			
9015 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT			
9020 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH).....	19,600	19,533	19,533
9035 RECRUITING AND RETENTION	5,000	---	2,500
9037 ADJUSTMENT TO PAY AND ALLOWANCES.....	---	22,000	22,000
9040 TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE.....	24,600	41,533	44,033

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1/]	House [2/]	Senate	Conference
NATIONAL GUARD PERSONNEL, AIR FORCE:				
BA-1: RESERVE COMPONENT TRAINING & SUPPORT				
Special Training (PRE/POST MOB Training) (BAH)		19,600	19,533	19,533
Recruitment and Retention		5,000		2,500
Adjustments to Pay and Allowances - Transfer from Military Personnel, Air Force			22,000	22,000

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

OPERATION AND MAINTENANCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
RECAPITULATION			
OPERATION AND MAINTENANCE, ARMY	20,897,672	20,373,379	20,373,379
OPERATION AND MAINTENANCE, NAVY	5,115,397	4,865,003	4,676,670
OPERATION AND MAINTENANCE, MARINE CORPS	1,503,694	1,101,594	1,146,594
OPERATION AND MAINTENANCE, AIR FORCE	6,909,259	6,685,881	6,650,881
OPERATION AND MAINTENANCE, DEFENSE-WIDE	2,855,993	2,790,669	2,714,487
OPERATION AND MAINTENANCE, ARMY RESERVE	74,049	74,049	74,049
OPERATION AND MAINTENANCE, NAVY RESERVE	111,066	111,066	111,066
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	13,591	13,591	13,591
OPERATION AND MAINTENANCE, AIR FORCE RESERVE	10,160	10,160	10,160
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	133,569	83,569	83,569
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	38,429	38,429	38,429
AFGHANISTAN SECURITY FORCES FUND	5,906,400	5,906,400	5,906,400
IRAQ SECURITY FORCES FUND	3,842,300	3,842,300	3,842,300
IRAQ FREEDOM FUND	155,600	455,600	355,600
JOINT IED DEFEAT FUND	2,432,800	2,432,800	2,432,800
STRATEGIC RESERVE READINESS FUND	2,500,000	---	2,000,000
GRAND TOTAL, OPERATION AND MAINTENANCE	52,499,979	48,784,490	50,429,975

The conference agreement provides $50,429,975,000 for Operation and Maintenance, instead of $52,499,979,000 as proposed by the House, and $48,784,490,000 as proposed by the Senate. The conferees provide a net increase $171,368,000 above the President's request. The level of funding agreed to by the conferees fully funds critical ground combat operations, flying hours, military intelligence activities, logistical support, fuel purchases, base support, depot maintenance and over-ocean transportation related to the. wars in Iraq and Afghanistan.

The conferees believe that military operations in Afghanistan are vital to defeating terrorism and therefore provide an additional $750,000,000 for OPERATION ENDURING FREEDOM above the original budget request as follows:

OPERATION ENDURING FREEDOM

($'s in millions)

Army	+510
Navy	+100
Marine Corps	+45
Air Force	+80
Defense-wide	+15
Total OEF	+750

OPERATION AND MAINTENANCE, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

655

Continued

	(In thousands of dollars) House	Senate	Conference
50 OPERATION AND MAINTENANCE, ARMY			
70 BUDGET ACTIVITY 1: OPERATING FORCES			
90 ADDITIONAL ACTIVITIES	17,631,309	17,606,616	17,606,616
95 OPERATION ENDURING FREEDOM OPTEMPO	500,000	---	---
110 COMMANDER'S EMERGENCY RESPONSE PROGRAM	456,000	456,400	456,400
150 TOTAL, BUDGET ACTIVITY 1	18,587,309	18,063,016	18,063,016
165 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
170 SECURITY PROGRAMS	597,614	597,614	597,614
190 SERVICE-WIDE TRANSPORTATION	1,712,749	1,712,749	1,712,749
195 TOTAL, BUDGET ACTIVITY 4	2,310,363	2,310,363	2,310,363
211 TOTAL, O&M, ARMY	20,897,672	20,373,379	20,373,379

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

O-1	Budget Request 1/	House 2/	Senate	Conference
OPERATION AND MAINTENANCE, ARMY				
BA-1: OPERATING FORCES				
OEF OPTEMPO	0	**500,000**	0	0
Additional Activities	**17,656,616**	**17,631,309**	**17,606,616**	**17,606,616**
Correction of budget submission error		456,000		0
Mobilization training		88,500		0
Readiness Enhancements		200,000		0
Unjustified request			-50,000	-50,000
Commanders' Emergency Response Program	**456,400**	**456,000**	**456,400**	**456,400**
Correction of budget submission error		-50,400		

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

COMMANDERS' EMERGENCY RESPONSE PROGRAM

Within the funds provided for Operation and Maintenance, Army, the conference agreement includes $456,400,000 for the Commanders' Emergency Response Program (CERP). Within this amount, $350,400,000 shall be for CERP activities in Iraq and $106,000,000 for activities in Afghanistan.

The following table provides details within Operation and Maintenance, Army line items recommended by the conferees:

	Line and Category	Conference Recommendation
135	OIF/OEF Operations and Sustainment	3,472,494
135	LOGCAP	2,511,402
135	Subsistence	965,300
135		IBA/RFI/Other Force Protection
135	Predeployment Training and Support	1,484,768
135	Active Component Overstrength (30K)	386,189
135	Soldier and Family Support	863,365
135	Contract Linguists/Cultural Advisors	884,902
135	CONUS Base Support/Security	851,903
135	Recruiting and Retention	215,869
135	Reconstruction Support (GRD/PCO)	790,082
135	BCT Acceleration	177,245
135	Theater Plus Up/Surge	3,029,745
135	COCOM Regional War on Terror	90,832
135	Other GWOT	218,949
135	Intelligence Activities	119,859
	Subtotal Additional Activities	17,606,616
136	CERP	456,400
411	Security programs	597,614
421	Second Destination Transportation	1,712,749
	Grand Total, Operation and Maintenance, Army	20,373,379

OPERATION AND MAINTENANCE, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
270 OPERATION AND MAINTENANCE, NAVY			
290 BUDGET ACTIVITY 1: OPERATING FORCES			
310 MISSION & OTHER FLIGHT OPERATIONS	1,309,203	1,121,040	1,121,040
330 FLEET AIR TRAINING	41,661	41,661	41,661
350 INTERMEDIATE MAINTENANCE	1,420	1,420	1,420
370 AIR OPERATIONS AND SAFETY SUPPORT	6,614	6,614	6,614
390 AIR SYSTEMS SUPPORT	6,005	6,005	6,005
410 AIRCRAFT DEPOT MAINTENANCE	190,304	184,663	56,104
430 MISSION & OTHER SHIP OPERATIONS	824,606	767,758	767,758
450 SHIP OPERATIONAL SUPPORT/TRAINING	15,417	15,417	15,417
470 SHIP DEPOT MAINTENANCE	278,235	269,009	109,235
490 SHIP DEPOT OPERATIONS SUPPORT	11,463	11,463	11,463
510 COMBAT COMMUNICATIONS	10,656	10,656	10,656
530 ELECTRONIC WARFARE	9,088	9,088	9,088
550 SPACE SYSTEMS & SURVEILLANCE	3,190	3,190	3,190
570 WARFARE TACTICS	11,861	11,861	11,861
590 OP METEOROLOGY AND OCEANOGRAPHY	4,919	4,919	4,919
610 COMBAT SUPPORT FORCES	1,683,241	1,074,667	1,074,667
630 EQUIPMENT MAINTENANCE	8,991	8,991	8,991
650 IN-SERVICE WEAPONS SYSTEMS SUPPORT	23,316	23,316	23,316
670 WEAPONS MAINTENANCE	6,671	6,671	6,671
690 OTHER WEAPONS SYSTEMS SUPPORT	463	463	463
710 FACILITIES SUSTAINMENT, RESTORATION & MOD (FSRM)	27,665	27,665	27,665
730 BASE OPERATING SUPPORT (BOS)	491,069	491,069	491,069
750 UNEXECUTABLE FY 2007 FUNDING	-306,000	---	---
760 OPERATION ENDURING FREEDOM OPTEMPO	200,000	---	100,000
765 ADJUSTMENT TO CORRECT OFFICIAL BUDGET REQUEST	-554,855	---	---
770 TOTAL, BUDGET ACTIVITY 1	4,305,203	4,097,606	3,909,273
790 BUDGET ACTIVITY 2: MOBILIZATION			
810 SHIP PREPOSITIONING & SURGE	187,302	162,761	162,761
850 FLEET HOSPITAL PROGRAM	7,903	7,903	7,903
860 ADJUSTMENT TO CORRECT OFFICIAL BUDGET REQUEST	-24,000	---	---
870 TOTAL, BUDGET ACTIVITY 2	171,205	170,664	170,664

	(In thousands of dollars) House	Senate	Conference
890 BUDGET ACTIVITY 3: TRAINING AND RECRUITING			
910 OFFICER ACQUISITION	71	71	71
950 SPECIALIZED SKILL TRAINING	84,292	67,849	67,849
970 FLIGHT TRAINING	8,656	8,656	8,656
990 RECRUITING & ADVERTISING	1,152	1,152	1,152
1010 ADJUSTMENT TO CORRECT OFFICIAL BUDGET REQUEST	-16,272	---	---
1050 TOTAL, BUDGET ACTIVITY 3	77,899	77,728	77,728
1070 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
1090 ADMINISTRATION	6,027	6,027	6,027
1110 EXTERNAL RELATIONS	98	98	98
1130 MILITARY MANPOWER/PERSONNEL MANAGEMENT	1,188	1,188	1,188
1150 OTHER PERSONNEL SUPPORT	2,392	2,392	2,392
1170 SERVICE-WIDE COMMUNICATIONS	72,089	71,489	71,489
1190 SERVICE-WIDE TRANSPORTATION	346,938	194,011	194,011
1210 PLANNING, ENGINEER & DESIGN	3	3	3
1230 ACQUISITION AND PROGRAM MANAGEMENT	109,817	54,212	54,212
1250 COMBAT/WEAPONS SYSTEM	436	436	436
1270 SPACE & ELECTRONIC WARFARE SYSTEM	55	55	55
1290 SECURITY PROGRAMS	106,962	65,147	65,147
1310 NAVAL INVESTIGATIVE SERVICE	3,654	3,654	3,654
1330 ADJUSTMENT TO CORRECT OFFICIAL BUDGET REQUEST	-208,862	---	---
1350 TRANSFER TO COAST GUARD	120,293	120,293	120,293
1390 TOTAL, BUDGET ACTIVITY 4	561,090	519,005	519,005
1410 TOTAL, O&M, NAVY	5,115,397	4,865,003	4,676,670

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request 1/	House 2/	Senate	Conference
OPERATION AND MAINTENANCE, NAVY				
BA-1: OPERATING FORCES				
Amended Budget (correction of submission error)	**0**	**-554,855**	**0**	**0**
OEF OPTEMPO	**0**	**200,000**	**0**	**100,000**
Mission & Other Flight Operations	**1,121,040**	**1,208,965**	**1,121,040**	**1,121,040**
Marine Corps Flying hours		80,000		0
Aircraft Depot Maintenance	**190,304**	**53,304**	**184,663**	**56,104**
Funds not executable in FY 2007		-137,000	-8,441	-137,000
Aircraft survivability equipment (Marine Corps)			2,800	2,800
Ship Depot Maintenance	**278,235**	**109,235**	**269,009**	**109,235**
Funds not executable in FY 2007		-169,000	-9,226	-169,000
Combat Support Forces Maintenance	**1,235,279**	**0**	**1,074,667**	**1,074,667**
Funds not executable in FY 2007			-160,612	-160,612

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

UNEXECUTABLE DEPOT MAINTENANCE

In the fiscal year 2007 emergency supplemental request, the Navy requested funding for additional depot maintenance associated with the surge of combat forces to Iraq and the CENTCOM area of responsibility. Based on more recent analysis of depot maintenance requirements subsequent to the budget submission, the conferees reduce the amount of funding identified by the Navy as being unexecutable in fiscal year 2007.

OPERATION AND MAINTENANCE, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
1430 OPERATION AND MAINTENANCE, MARINE CORPS			
1450 BUDGET ACTIVITY 1: OPERATING FORCES			
1490 OPERATIONAL FORCES	664,833	514,633	514,633
1510 FIELD LOGISTICS	531,632	381,632	381,632
1570 SUSTAINMENT, RESTORATION, AND MODERNIZATION	19,186	19,186	19,186
1590 BASE SUPPORT	33,474	33,474	33,474
1592 OPERATION ENDURING FREEDOM OPTEMPO	100,000	---	45,000
1595 TOTAL, BUDGET ACTIVITY 1	1,349,125	948,925	993,925
1605 BUDGET ACTIVITY 3: TRAINING AND RECRUITING			
1610 RECRUIT TRAINING	1,900	---	---
1650 TRAINING SUPPORT	62,936	62,936	62,936
1670 RECRUITING AND ADVERTISING	24,000	24,000	24,000
1675 TOTAL, BUDGET ACTIVITY 3	88,836	86,936	86,936
1685 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
1730 SERVICE-WIDE TRANSPORTATION	65,733	65,733	65,733
1735 TOTAL, BUDGET ACTIVITY 4	65,733	65,733	65,733
1750 TOTAL, O&M, MARINE CORPS	1,503,694	1,101,594	1,146,594

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request 1/	House 2/	Senate	Conference
OPERATION AND MAINTENANCE, MARINE CORPS				
BA-1: OPERATING FORCES				
OEF OPTEMPO	**0**	**100,000**	**0**	**45,000**
Operational Forces	**664,633**	**664,833**	**514,633**	**514,633**
Additional individual equipment		200		0
Unexecutable Funding			-150,000	-150,000
Field Logistics	**531,632**	**531,632**	**381,632**	**381,632**
Unexecutable Funding			-150,000	-150,000
BA-3: TRAINING AND RECRUITING	**86,936**	**88,836**	**86,936**	**86,936**
Recruit Training		1,900		0

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

UNEXECUTABLE FUNDING

Subsequent to the budget submission, the Marine Corps identified $300,000,000 that is unexecutable in fiscal year 2007 based on unanticipated lag time associated with current funding execution.

OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
1770 OPERATION AND MAINTENANCE, AIR FORCE			
1790 BUDGET ACTIVITY 1: OPERATING FORCES			
1810 PRIMARY COMBAT FORCES	1,281,232	1,252,192	1,252,192
1830 PRIMARY COMBAT WEAPONS	2,427	2,427	2,427
1850 COMBAT ENHANCEMENT FORCES	91,586	91,586	91,586
1890 COMBAT COMMUNICATIONS	339,480	339,480	339,480
1910 DEPOT MAINTENANCE	85,400	85,400	85,400
1930 FSRM	184,505	184,505	184,505
1950 BASE OPERATING SUPPORT	1,711,157	1,811,157	1,711,157
1970 GLOBAL C3I AND EARLY WARNING	20,872	20,872	20,872
1990 NAVIGATION AND WEATHER SUPPORT	6,344	6,344	6,344
2010 OTHER COMBAT OPS SUPPORT	270,506	257,732	257,732
2030 MANAGEMENT AND OPERATIONAL	104,503	95,139	95,139
2050 TACTICAL INTEL & OTHER SUPPORT	930	930	930
2070 LAUNCH FACILITIES	1,103	1,103	1,103
2090 LAUNCH VEHICLES	20	20	20
2110 SPACE CONTROL SYSTEMS	572	572	572
2130 SATELLITE SYSTEMS	73	73	73
2150 OTHER SPACE OPERATIONS	7,949	7,949	7,949
2170 FSRM	157	157	157
2190 BASE OPERATING SUPPORT	9,058	9,058	9,058
2195 OPERATION ENDURING FREEDOM OPTEMPO	140,000	---	65,000
2210 TOTAL, BUDGET ACTIVITY 1	4,257,874	4,166,696	4,131,696
2225 BUDGET ACTIVITY 2: MOBILIZATION			
2230 AIRLIFT OPERATIONS	1,683,783	1,551,583	1,551,583
2270 AIRLIFT OPERATIONS C3I	12,284	12,284	12,284
2290 MOBILIZATION PREPAREDNESS	19,988	19,988	19,988
2310 DEPOT MAINTENANCE	209,000	209,000	209,000
2330 FSRM	1,464	1,464	1,464
2350 BASE OPERATING SUPPORT	95,302	95,302	95,302
2370 TOTAL, BUDGET ACTIVITY 2	2,021,821	1,889,621	1,889,621

	(In thousands of dollars) House	Senate	Conference
2385 BUDGET ACTIVITY 3: TRAINING AND RECRUITING			
2390 RECRUIT TRAINING	54	54	54
2430 BASE OPERATING SUPPORT	1,510	1,510	1,510
2450 SPECIALIZED SKILL TRAINING	65,036	65,036	65,036
2470 FLIGHT TRAINING	25	25	25
2490 PROFESSIONAL DEVELOPMENT TRAINING	692	692	692
2510 TRAINING SUPPORT	1,241	1,241	1,241
2530 FSRM	2,406	2,406	2,406
2550 BASE OPERATING SUPPORT	15,000	15,000	15,000
2570 RECRUITING AND ADVERTISING	72	72	72
2590 TOTAL, BUDGET ACTIVITY 3	86,036	86,036	86,036
2605 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
2610 LOGISTICS OPERATIONS	191,550	191,550	191,550
2650 TECHNICAL SUPPORT ACTIVITIES	1,101	1,101	1,101
2670 SERVICE-WIDE TRANSPORTATION	113,776	113,776	113,776
2690 FSRM	145	145	145
2710 BASE OPERATING SUPPORT	15,124	15,124	15,124
2730 ADMINISTRATION	1,421	1,421	1,421
2750 SERVICE-WIDE COMMUNICATION	40,765	40,765	40,765
2770 PERSONNEL PROGRAMS	222	222	222
2790 OTHER SERVICE-WIDE ACTIVITIES	47,486	47,486	47,486
2810 OTHER PERSONNEL SUPPORT	2,603	2,603	2,603
2830 BASE OPERATING SUPPORT	2,862	2,862	2,862
2850 SECURITY PROGRAMS	102,842	102,842	102,842
2870 INTERNATIONAL SUPPORT	23,631	23,631	23,631
2890 TOTAL, BUDGET ACTIVITY 4	543,528	543,528	543,528
2910 TOTAL, O&M, AIR FORCE	6,909,259	6,685,881	6,650,881

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request 1/	House 2/	Senate	Conference
OPERATION AND MAINTENANCE, AIR FORCE				
BA-1: OPERATING FORCES				
OEF OPTEMPO	**0**	**140,000**	**0**	**65,000**
Base Operating Support	**2,011,157**	**1,711,157**	**1,811,157**	**1,711,157**
Unjustified Growth		-300,000	-200,000	-300,000
Airlift Operations	**1,701,583**	**1,683,783**	**1,551,583**	**1,551,583**
Unjustified Growth			-150,000	-150,000

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
2930 OPERATION AND MAINTENANCE, DEFENSE-WIDE			
2950 BUDGET ACTIVITY 1: OPERATING FORCES			
2970 THE JOINT STAFF (TJS)	35,200	61,904	60,200
2990 US SPECIAL OPERATIONS COMMAND (US SOCOM)	653,147	667,197	653,147
3010 TOTAL, BUDGET ACTIVITY 1	688,347	729,101	713,347
3025 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
3030 AMERICAN FORCES INFORMATION SERVICE (AFIS)	18,785	18,785	18,785
3050 DEFENSE CONTRACT AUDIT AGENCY (DCAA)	16,372	15,000	16,372
3070 DEFENSE CONTRACT MANAGEMENT AGENCY (DCMA)	6,169	5,882	6,169
3090 DEFENSE HUMAN RESOURCES ACTIVITY (DHRA)	21,681	6,551	6,551
3110 DEFENSE INFORMATION SYSTEMS AGENCY (DISA)	76,347	162,347	76,347
3130 DEFENSE LOGISTICS AGENCY (DLA)	24,600	---	---
3170 DOD EDUCATION ACTIVITY (DODEA)	136,900	119,922	129,922
3190 DEFENSE SECURITY COOPERATION AGENCY (DSCA)	650,000	500,000	500,000
3210 DEFENSE THREAT REDUCTION AGENCY (DTRA)	11,900	1,200	1,200
3230 OFFICE OF THE SECRETARY OF DEFENSE	40,180	40,180	45,180
3250 WASHINGTON HEADQUARTERS SERVICES (WHS)	4,800	4,800	4,800
3270 CLASSIFIED	1,129,912	1,186,901	1,180,814
3275 OPERATION ENDURING FREEDOM OPTEMPO	30,000	---	15,000
3300 TOTAL, BUDGET ACTIVITY 4	2,167,646	2,061,568	2,001,140
3310 TOTAL, O&M, DEFENSE-WIDE	2,855,993	2,790,669	2,714,487

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

	Budget Request 1/	House 2/	Senate	Conference
The Joint Staff (TJS)	**61,904**	**35,200**	**61,904**	**60,200**
Combatant Commander Initiative Fund (CCIF)		-25,000		
Contingency planning database (CPD) and effects-based assessment system (EBASS)		-1,704		-1,704
US Special Operations Command (US SOCOM)	**667,197**	**653,147**	**667,197**	**653,147**
Program reduction		-14,050		-14,050
Defense Contract Audit Agency (DCAA)	**15,000**	**16,372**	**15,000**	**16,372**
Iraq reconstruction efforts: civilian personnel		1,263		1,263
Iraq reconstruction efforts: temporary/additional duty		13		13
Iraq reconstruction efforts: miscellaneous contracts		96		96
Defense Contract Management Agency (DCMA)	**5,882**	**6,169**	**5,882**	**6,169**
Contract oversight of Iraq and Afghanistan mission requirements: pay		287		287
Defense Human Resources Activity (DHRA)	**21,681**	**21,681**	**6,551**	**6,551**
Homeland Security Presidential Directive No. 12			-15,130	-15,130
Defense Information Systems Agency (DISA)	**162,347**	**76,347**	**162,347**	**76,347**
Expeditionary virtual network (EVNO)		-86,000		-86,000
Defense Logistics Agency (DLA)	**24,600**	**24,600**	**0**	**0**
Lithium battery program adjustment			-24,600	-24,600
DoD Education Activity (DoDEA)	**119,922**	**136,900**	**119,922**	**129,922**
Guantanamo Bay quality of life		-38,322		
Family assistance for Guard and Reserve		7,000		4,000
Child care for Guard and Reserve		10,000		6,000
Defense Security Cooperation Agency (DSCA)	**950,000**	**650,000**	**500,000**	**500,000**
Support to coalition partners: global lift and sustain		-50,000	-50,000	-50,000
Support to coalition partners: global train and equip		-300,000	-300,000	-300,000
Coalition support reduction			-100,000	-100,000
Defense Threat Reduction Agency (DTRA)	**1,200**	**11,900**	**1,200**	**1,200**
Office of the Secretary of Defense	**40,180**	**40,180**	**40,180**	**45,180**
Transfer from Procurement of Ammunition, Air Force only for Handgun Replacement Study				5,000
Classified	**1,185,809**	**1,129,912**	**1,186,901**	**1,180,814**
OEF OPTEMPO	**0**	**30,000**	**0**	**15,000**

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

EXPEDITIONARY VIRTUAL NETWORK (EVNO)

The conference agreement deletes funds requested within the Defense Information Systems Agency for the expeditionary virtual network. The conferees direct that these activities shall be funded within funds made available in this Act for the Iraq Security Forces Fund.

SOAR VIRTUAL SCHOOL DISTRICT

The conferees direct that the Deputy Undersecretary of Defense for Military Community and Family Policy shall release a request for proposal as soon as practicable for funding provided in the fiscal year 2007 Defense Appropriations Act for Student Online Achievement Resources (SOAR Virtual School District), an Internet-based initiative designed to assist children from military families reap the greatest benefit from their public education, especially as families relocate and students move from school to school. This effort shall involve online assessments to identify strengths and weaknesses in both literacy and math and will be provided by a teacher education program of an institution of higher education that has experience working with teachers to provide curricula for children of Armed Forces personnel. Further, this project shall link schools through a ''virtual school district,'' providing a vehicle by which a student's individual performance records can transfer to a student's new school.

FAMILY ADVOCACY PROGRAMS

The conference agreement provides $10,000,000 for Family Advocacy Programs, instead of $17,000,000 as proposed by the House. Of the additional amounts provided, $4,000,000 is to fund initiatives to bolster Guard and Reserve family pre-deployment and post deployment support programs. These initiatives should utilize Joint Reserve & Guard Family Assistance Centers. The conferees also provide $6,000,000 to support the child care needs of deployed Guard and Reserve members in their local communities, to include respite and emergency child care.

The conferees also are aware of and concerned about the growing need for family members to have access to professional counseling to help alleviate the mental stresses associated with deployments. At select bases around the country, it has been reported that children of service members are experiencing higher truancy rates and falling grades in school. As such, the conferees urge the family advocacy programs to work with the Department's Health Affairs office, specifically the Defense Health Program, to coordinate efforts to ensure that counseling is provided to all family members of the active duty and reserve component members on deployment or preparing for deployment overseas.

GLOBAL TRAIN AND EQUIP

The conference report does not contain an emergency appropriation requested by the Administration for Global Train and Equip authorized under section 1206 of the Fiscal Year 2006 National Defense Authorization Act. Based upon discussions with the Department of Defense, the conferees understand that the Department, working with other federal agencies, has identified requirements associated with Global Train and Equip activities, and is developing a reprogramming request for consideration by the congressional defense committees. The conferees await such a request and anticipate favorable consideration of the reprogramming, provided that the sources of funds meet the committees' approval.

HANDGUN REPLACEMENT STUDY

The conferees provide $5,000,000 only for a study that examines joint sidearm requirements (including service-unique requirements, as appropriate), the M9 9mm handgun's capabilities (including its lethality), and handgun and ammunition alternatives that address these requirements. The conferees understand that it will be necessary to purchase up to 50 handguns and associated ammunition to conduct this study. In order to inform deliberations on the fiscal year 2008 appropriations bill for the Department of Defense, the conferees direct that the results of the study be provided in a written report to the congressional defense committees by August 31, 2007.

OPERATION AND MAINTENANCE, ARMY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)		
	House	Senate	Conference
3330 OPERATION AND MAINTENANCE, ARMY RESERVE			
3351 ADDITIONAL ACTIVITIES	74,049	74,049	74,049
3370 TOTAL, O&M, ARMY RESERVE	74,049	74,049	74,049

OPERATION AND MAINTENANCE, NAVY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
3410 OPERATION AND MAINTENANCE, NAVY RESERVE			
3430 MISSION & OTHER FLIGHT OPERATIONS	43,601	43,601	43,601
3450 INTERMEDIATE MAINTENANCE	9,110	9,110	9,110
3470 MISSION & OTHER SHIP OPERATIONS	22,151	22,151	22,151
3490 COMBAT COMMUNICATIONS	1,170	1,170	1,170
3510 COMBAT SUPPORT FORCES	29,000	29,000	29,000
3530 BASE OPERATING SUPPORT (BOS)	6,034	6,034	6,034
3550 TOTAL, O&M, NAVY RESERVE	111,066	111,066	111,066

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)		
	House	Senate	Conference
3570 OPERATION AND MAINTENANCE, MARINE CORPS RESERVE			
3590 OPERATIONAL FORCES	13,591	13,591	13,591
3650 TOTAL, O&M, MARINE CORPS RESERVE	13,591	13,591	13,591

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)		
	House	Senate	Conference
3670 OPERATION AND MAINTENANCE, AIR FORCE RESERVE			
3710 PRIMARY COMBAT FORCES	7,100	7,100	7,100
3730 BASE SUPPORT	3,060	3,060	3,060
3750 TOTAL, O&M, AIR FORCE RESERVE	10,160	10,160	10,160

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
3770 OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD			
3850 ADDITIONAL ACTIVITIES	133,569	83,569	83,569
3870 TOTAL, O&M, ARMY NATIONAL GUARD	133,569	83,569	83,569

EXPLANTION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

	Budget Request 1/	House 2/	Senate Conference	
Additional Activities	**83,569**	**133,569**	**83,569**	**83,569**
Additional activities: recruitment and retention		50,000		0

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
3890 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD			
3910 AIRCRAFT OPERATIONS	27,200	27,200	27,200
3930 MISSION SUPPORT OPERATIONS	11,229	11,229	11,229
3951 TOTAL, O&M, AIR NATIONAL GUARD	38,429	38,429	38,429

AFGHANISTAN SECURITY FORCES FUND

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
4010 AFGHANISTAN SECURITY FORCES FUND			
4030 MINISTRY OF DEFENSE FORCES:			
4050 INFRASTRUCTURE	209,900	209,900	209,900
4070 EQUIPMENT AND TRANSPORTATION	3,214,500	3,214,500	3,214,500
4090 TRAINING	185,900	185,900	185,900
4110 SUSTAINMENT	255,200	255,200	255,200
4130 MINISTRY OF INTERIOR FORCES:			
4150 INFRASTRUCTURE	594,200	594,200	594,200
4170 EQUIPMENT AND TRANSPORTATION	624,200	624,200	624,200
4190 TRAINING	414,800	414,800	414,800
4210 SUSTAINMENT	399,500	399,500	399,500
4230 RELATED ACTIVITIES	8,200	8,200	8,200
4250 TOTAL, AFGHANISTAN SECURITY FORCES FUND	5,906,400	5,906,400	5,906,400

IRAQ SECURITY FORCES FUND

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
4270 IRAQ SECURITY FORCES FUND			
4290 MINISTRY OF DEFENSE FORCES:			
4310 INFRASTRUCTURE	264,800	264,800	264,800
4330 EQUIPMENT AND TRANSPORTATION	1,739,800	1,584,300	1,584,300
4350 TRAINING	51,700	51,700	51,700
4370 SUSTAINMENT	1,079,600	1,079,600	1,079,600
4390 MINISTRY OF INTERIOR FORCES:			
4410 INFRASTRUCTURE	205,000	205,000	205,000
4430 EQUIPMENT AND TRANSPORTATION	373,600	373,600	373,600
4450 TRAINING	52,900	52,900	52,900
4470 SUSTAINMENT	72,900	72,900	72,900
4490 RELATED ACTIVITIES	2,000	157,500	157,500
4530 TOTAL, IRAQ SECURITY FORCES FUND	3,842,300	3,842,300	3,842,300

IRAQ SECURITY FORCES FUND

The conference agreement includes $3,842,300,000, the same level as proposed by both the House and the Senate for the Iraq Security Forces Fund. Within this amount, the conference agreement includes $155,500,000 for assistance to the Government of Iraq to disarm, demobilize and reintegrate militias and illegal armed groups. The House had proposed to delete these funds.

The conference agreement modifies a general provision proposed by the House that required certain reports before the obligation of more than 50 percent of the funds made available under this heading.

The conference agreement deletes the withholding of funds under this heading until the reports are provided and, in lieu thereof, requires the submission of the aforementioned reports to the congressional defense committees. The conferees note the pressing need for the data mandated in these reports and fully expect the Department of Defense and the Office of Management and Budget to submit these reports, and any updates thereto, within the timeframes identified in the provision.

IRAQ FREEDOM FUND

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
4550 IRAQ FREEDOM FUND			
4570 JOINT RAPID ACQUISITION FOR GLOBAL WAR ON TERROR.....	50,000	100,000	100,000
4590 REMAINS, TRANSPORTATION.....	105,600	105,600	105,600
4595 STATE OWNED FACTORY RESTART, IRAQ.....	---	100,000	50,000
4600 PROVINCIAL RECONSTRUCTION TEAMS, IRAQ.....	---	150,000	100,000
4610 TOTAL, IRAQ FREEDOM FUND.....	155,600	455,600	355,600

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
4630 JOINT IMPROVISED EXPLOSIVE DEVICE (IED) DEFEAT FUND			
4650 ATTACK THE NETWORK	834,500	834,500	834,500
4670 DEFEAT THE DEVICE	1,485,700	1,485,700	1,485,700
4690 TRAIN THE FORCE	112,600	112,600	112,600
4730 TOTAL, JOINT IED DEFEAT FUND	2,432,800	2,432,800	2,432,800

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

The conference agreement provides $2,432,800,000 for the Joint Improvised Explosive Device Defeat Organization (JIEDDO), as requested, and proposed by both the House and the Senate. Both chambers have expressed concerns with JIEDDO's management practices, and the conferees concur with the findings made by the respective Committees. The conferees direct the Joint Improvised Explosive Device Defeat Organization to adhere to the reporting requirements as set forth in Senate Report 110–37 and the direction and reprogramming requirements as set forth in House Report 110–60.

The conferees agree to provide substantial resources to the JIEDDO in support of the prescribed objective to develop and field innovative solutions and countermeasures to mitigate the critical threat posed by improvised explosive devices. However, the conferees remain concerned with the organization's financial management practices, including its continued failure to provide a plan for obligation and expenditures for previously appropriated and for currently requested funding. The conferees are concerned that the organization is not effectively managing its resources to deliver effective counter-IED solutions to theater. Furthermore, the conferees are concerned with the JIEDDO's inability to provide timely and detailed responses to the congressional defense committees' inquiries for specific information regarding its budget requests. The conferees will be hard-pressed to fully fund future budget requests unless the JIEDDO improves its financial management practices and its responsiveness.

STRATEGIC RESERVE READINESS FUND

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)		
	House	Senate	Conference
4750 STRATEGIC RESERVE READINESS FUND.....	2,500,000	---	2,000,000

STRATEGIC RESERVE READINESS FUND

The conference agreement provides $2,000,000,000 to establish the Strategic Reserve Readiness Fund, instead of $2,500,000,000 as proposed by the House. From the amount provided, $1,000,000,000 shall be transferred to the National Guard and Reserve Equipment appropriation to support improvements to the readiness of the Army National Guard.

PROCUREMENT

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
SUMMARY			
ARMY			
AIRCRAFT	461,850	619,750	619,750
MISSILES	160,173	111,473	111,473
WEAPONS, TRACKED COMBAT VEHICLES	3,474,389	3,400,315	3,404,315
AMMUNITION	681,500	681,500	681,500
OTHER	10,197,399	10,589,272	11,076,137
TOTAL, ARMY	14,975,311	15,402,310	15,893,175
NAVY			
AIRCRAFT	995,797	963,903	1,090,287
WEAPONS	171,813	163,813	163,813
AMMUNITION	159,833	159,833	159,833
OTHER	937,407	722,506	748,749
MARINE CORPS	1,885,383	1,703,389	2,252,749
TOTAL, NAVY	4,150,233	3,713,444	4,415,431
AIR FORCE			
AIRCRAFT	2,474,916	1,431,756	2,106,468
MISSILES	140,300	78,900	94,900
AMMUNITION	95,800	6,000	6,000
OTHER	2,042,183	1,972,131	2,096,200
TOTAL, AIR FORCE	4,753,199	3,488,787	4,303,568
DEFENSE-WIDE			
DEFENSE-WIDE	934,930	903,092	980,050
NATIONAL GUARD AND RESERVE EQUIPMENT			
NATIONAL GUARD AND RESERVE EQUIPMENT	---	1,000,000	---
TOTAL PROCUREMENT	24,813,673	24,507,633	25,592,224

AIRCRAFT COMBAT LOSSES

The conferees have agreed to fund procurement of aircraft to replace combat losses. The conference agreement includes funding for three F/A-18E/F aircraft to directly replace F/A–18 aircraft lost in combat and to fund a single EA–18G aircraft which is a functional replacement for an EA–6B Prowler combat loss. Additionally, funding is provided to bolster the readiness and capabilities of aviation assets operating in extremely high rates. As such, the conferees agree to fund six UH–60 helicopters and five C–130 aircraft.

FUNDING FOR EFFORTS IN BASE BUDGET

The conferees agree to delete funding for procurement items that are better suited to receive funding through the normal budget process. Replacing obsolete computer equipment and installing non-emergency equipment modifications or upgrades should be funded as part of the base budget. The Department of Defense is encouraged to appropriately identify their needs so that only emergency items are requested in the supplementals and routine procurements are funded in the normal budget process. Additionally, the Department is reminded that supplemental funding should not be requested for items that can not be executed in a timely fashion.

AIRCRAFT PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
50	AIRCRAFT PROCUREMENT, ARMY			
100	ARMED RECONNAISSANCE HELICOPTER	38,000	---	---
150	UH-60M BLACKHAWK (MYP)	30,403	136,303	136,303
250	GUARDRAIL MODS (TIARA)	33,000	33,000	33,000
300	ARL MODS (TIARA)	15,000	15,000	15,000
350	AH-64 MODS	64,200	64,200	64,200
400	CH-47 CARGO HELICOPTER MODS	30,000	120,000	120,000
450	ASE INFRARED CM	231,555	231,555	231,555
500	COMMON GROUND EQUIPMENT	1,811	1,811	1,811
550	AIRCREW INTEGRATED SYSTEMS	10,200	10,200	10,200
600	AIR TRAFFIC CONTROL	7,681	7,681	7,681
650	TOTAL, AIRCRAFT PROCUREMENT, ARMY	461,850	619,750	619,750

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
3	**Armed Reconnaissance Helicopter**	**38,000**	**38,000**	**0**	**0**
	Baseline budget requirement			-38,000	-38,000
5	**UH-60M Blackhawk Multiyear**	**106,303**	**30,403**	**136,303**	**136,303**
	Defer acquisition funding for non-battle loss replacement aircraft		-75,900		0
	War Replacement Aircraft			30,000	30,000
12	**CH-47 Cargo Helicopter Mods**	**120,000**	**30,000**	**120,000**	**120,000**
	Defer acquisition funding for non-battle loss replacement aircraft		-90,000		0
	(Note: The conference agreement includes one SOCOM CH-47 battle loss and three CH-47s for the Army National Guard)				

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March12, 2007.
2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

MISSILE PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
700	MISSILE PROCUREMENT, ARMY			
750	JAVELIN	103,673	74,673	74,673
800	GUIDED MLRS ROCKET	19,700	---	---
850	ITAS/TOW MODIFICATIONS	36,800	36,800	36,800
900	TOTAL, MISSILE PROCUREMENT, ARMY	160,173	111,473	111,473

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1	Budget Request 1/	House 2/	Senate	Conference
5 Javelin	**103,673**	**103,673**	**74,673**	**74,673**
Unexecutable Request			-29,000	-29,000
15 GMLRS	**19,700**	**19,700**	**0**	**0**
Unit Cost Efficiencies			-19,700	-19,700

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
950	PROCUREMENT OF W&TCV, ARMY			
1000	BRADLEY BASE SUSTAINMENT (G80718)	520,800	520,800	520,800
1150	STRYKER VEHICLE (G85100)	857,685	767,685	767,685
1200	CARRIER, MOD (GB1930)	36,191	36,191	36,191
1250	FIST VEHICLE (MOD) (GZ2300)	16,257	16,257	16,257
1300	BFVS SERIES (MOD) (GZ2400)	115,190	115,190	115,190
1350	HOWITZER, MED SP FT 155MM M109A6 (MOD) (GA0400)	15,785	15,785	15,785
1400	IMPROVED RECOVERY VEHICLE (M88 MOD) (GA0570)	65,635	57,635	61,635
1500	M1 ABRAMS TANK (MOD) (GA0700)	75,259	75,259	75,259
1550	SYSTEM ENHANCEMENT PGM: (SEP M1A2) (GA0730)	325,000	325,000	325,000
1600	HOWITZER, LIGHT, TOWED, 105MM, M119 (G01300)	17,696	17,696	17,696
1650	M240 MEDIUM MACHINE GUN (7.62MM) (G13000)	66,165	72,277	72,277
1700	M249 SAW MACHINE GUN, 5.56MM (G12900)	3,314	3,314	3,314
1750	MK-19 GRENADE MACHINE GUN (40MM) (G13400)	36,462	41,871	41,871
1800	MORTAR SYSTEMS (G02200)	35,212	35,212	35,212
1850	M107, CAL 50, SNIPER RIFLE (G01500)	719	719	719
1900	XM110 SEMI -AUTOMATIC SNIPER SYSTEM (SASS) (G01505)	317	317	317
1950	M4 CARBINE (G14904)	94,912	98,412	98,412
2000	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) (G18300)	4,000	---	---
2050	COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) (G047	220,000	220,000	220,000
2100	M4 CARBINE MODS (GB3007)	127,341	129,752	129,752
2150	M2 50 CAL MACHINE GUN MODS (GB4000)	4,000	4,000	4,000
2200	M249 SAW MACHINE GUN MODS (GZ1290)	13,556	13,556	13,556
2250	M240 SAW MACHINE GUN MODS (GZ1300)	3,591	3,591	3,591
2300	PHALANX MODS (GL1000)	150,000	150,000	150,000
2350	M16 RIFLE MODS (GZ2800)	1,947	1,947	1,947
2400	MODS LESS THAN $5.0M (WOCV-WTCV) (GC0925)	21,454	21,900	21,900
2450	ITEMS LESS THAN $5.0M (WOCV-WTCV) (GL3200)	4,074	4,996	4,996
2500	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) (GC0076)	8,202	8,202	8,202
2550	REF SMALL ARMS (G15400)	560	560	560
2600	MACHINE GUN, CAL .50 M2 ROLL (GB2000)	32,480	41,369	41,369
2650	XM320 GRENADE LAUNCHER MODULE (GLM) (G01501)	4,234	4,471	4,471
2700	ABRAMS UPGRADE PROGRAM (M1A2 SEP) (GA0750)	596,351	596,351	596,351
2750	TOTAL, PROCUREMENT OF W&TCV, ARMY	3,474,389	3,400,315	3,404,315

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
5	**Stryker Vehicle (G85100)**	**857,685**	**857,685**	**767,685**	**767,685**
	Premature Funding Request, Mobile Gun System			-90,000	-90,000
12	**Improved Recovery Vehicle (M88 MOD) (GA0570)**	**65,635**	**65,635**	**57,635**	**61,635**
	Pricing Adjustment			-8,000	-4,000
20	**M240 Medium Machine Gun (7.62MM) (G13000)**	**72,277**	**66,165**	**72,277**	**72,277**
22	**M-19 Grenade Machine Gun (40MM) (G13400)**	**41,871**	**36,462**	**41,871**	**41,871**
27	**M4 Carbine (G14904)**	**98,412**	**94,912**	**98,412**	**98,412**
28	**Shotgun, Modular Accessory System (G18300)**	**4,000**	**4,000**	**0**	**0**
	Premature Funding			-4,000	-4,000
32	**M4 Carbine MODS (GB3007)**	**129,752**	**127,341**	**129,752**	**129,752**
40	**MODS Less than $5.0 Million**	**21,900**	**21,454**	**21,900**	**21,900**
41	**Items Less than $5.0 Million**	**4,996**	**4,074**	**4,996**	**4,996**
48	**Machine Gun, Cal .50 M2 (GB2000)**	**41,369**	**32,480**	**41,369**	**41,369**
49	**XM320 Grenade Launcher Module (GO1501)**	**4,471**	**4,234**	**4,471**	**4,471**

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

PROCUREMENT OF AMMUNITION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
2800	PROCUREMENT OF AMMUNITION, ARMY			
2900	7.62MM ALL TYPES	25,000	25,000	25,000
2950	CTG, .50 CAL, ALL TYPES	39,300	39,300	39,300
3000	20MM ALL TYPES	38,100	38,100	38,100
3050	25MM ALL TYPES	15,000	15,000	15,000
3100	30MM ALL TYPES	40,000	40,000	40,000
3150	40MM ALLTYPES	165,200	165,200	165,200
3200	CTG, TANK, 120MM TACTICAL, ALL TYPES	8,000	8,000	8,000
3250	MACS	20,000	20,000	20,000
3300	MINE CLEARING CHARGE ALL TYPES	6,000	6,000	6,000
3350	SHOULDER FIRED ROCKETS ALL TYPES	30,000	30,000	30,000
3400	ROCKET, HYDRA 70, ALL TYPES	28,000	28,000	28,000
3450	DEMOLITION MUNITIONS ALL TYPES	23,500	23,500	23,500
3500	GRENADES ALL TYPES	2,000	2,000	2,000
3550	SIGNALS ALL TYPES	163,900	163,900	163,900
3600	SIMULATORS ALL TYPES	12,000	12,000	12,000
3650	NON-LETHAL AMMUNITION ALL TYPES	55,500	55,500	55,500
3700	ITEMS LESS THAN $5M	10,000	10,000	10,000
3750	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	681,500	681,500	681,500

OTHER PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
3800	OTHER PROCUREMENT, ARMY			
3850	TACTICAL TRAILERS/DOLLY SETS (DA0100)	4,977	11,417	11,417
3900	SEMITRAILERS, FLATBED: (D01001)	8,234	27,544	27,544
3950	SEMITRAILERS, TANKERS (D02001)	6,173	---	6,173
4000	HI MOB MULTI-PURP WLHD (HMMWV) (D15400)	866,791	953,548	953,548
4300	FAMILY OF MEDIUM TACTICAL VEH (FMTV) (D15500)	1,610,692	1,471,661	1,541,661
4350	FAMILY OF HEAVY TACTICAL VEH (FTHV) (DA0500)	572,762	574,432	574,432
4450	ARMORED SECURITY VEHICLES (ASV) (D02800)	301,498	301,498	301,498
4500	TRUCK, TRACTOR, LIN HAUL, M915/M915 (DA0600)	5,448	181,873	181,873
4650	MODIFICATION OF IN SVC EQUIP (DA0924)	1,159,889	1,159,889	1,159,889
4700	PASSENGER CARRYING VEHICLES (D23000)	6,149	---	---
4750	NON TACTICAL VEHICLES, OTHER (D3000)	133,072	193,721	193,721
4760	ADD-ON ARMOR FOR COMMERCIAL VEHICLES	---	7,400	7,400
4800	DEFENSE ENTERPRISE WIDEBAND SATCOM SYS (SPACE) (BB8500	19,200	19,200	19,200
4850	SAT TERM, EMUT (SPACE) (K77200)	17,600	17,600	17,600
4950	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) (K47800)	32,532	34,398	34,398
5000	SMART-T (SPACE) (BC4002)	8,960	8,960	8,960
5050	GLOBAL BRDCST SVC - GBS (BC4120)	1,800	1,800	1,800
5100	MOD OF IN-SVC EQUIP (TAC SAT) (BB8417)	12	12	12
5150	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) (BU1400)	58,127	58,127	58,127
5200	SINCGARS FAMILY (BW0006)	532,544	433,250	458,709
5250	BRIDGE TO FUTURE NETWORKS (BB1500)	390,723	390,723	390,723
5300	COMBAT SURVIVOR EVADER LOCATOR (CSEL) (B03200)	49,360	49,360	49,360
5350	RADIO, IMPROVED HF (COTS) FAMILY (BU8100)	461,608	509,260	509,260

	(In thousands of dollars) House	Senate	Conference
5450 MEDICAL COMM FOR CBT CASUALTY CARE (MC4) (MA8046)	56,997	56,997	56,997
5500 TSEC - ARMY KEY MGT SYS (AKMS) (BA1201)	313	1,517	1,517
5550 INFORMATION SYSTEM SECURITY PROGRAM-ISSP (TA0600)	78,496	55,201	55,201
5600 INFORMATION SYSTEMS (BB8650)	1,000	1,000	1,000
5650 ALL SOURCE ANALYSIS SYS (ASAS) (MIP) (KA4400)	40,800	40,858	40,858
5700 JTT/CIBS-M (MIP) (V29600)	840	840	840
5750 PROPHET GROUND (MIP) (BZ7326)	23,000	23,000	23,000
5800 TACTICAL UNMANNED AERIAL SYS (TUAS)MIP (B00301)	197,479	197,479	197,479
5950 SMALL UNMANNED AERIAL SYSTEM (SUAS) (B00303)	5,372	5,372	5,372
6000 DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP) (KA2550)	17,000	17,000	17,000
6050 TACTICAL EXPLOITATION SYSTEM (MIP) (BZ7317)	19,500	19,500	19,500
6100 DCGS-A (MIP) (BZ7316)	67,105	69,705	69,705
6150 CI HUMINT INFO MANAGEMENT SYSTEM (CHIMS) (MIP) (BK5275	1,928	1,928	1,928
6200 ITEMS LESS THAN $5.0M (MIP) (BK5278)	33,827	33,827	33,827
6250 LIGHTWEIGHT COUNTER MORTAR RADAR (B05201)	10,470	10,470	10,470
6300 WARLOCK (VA8000)	---	13,250	---
6350 COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES (BL5283)	206,233	206,233	206,233
6400 NIGHT VISION DEVICES (KA3500)	131,339	144,696	144,696
6450 LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM (K38300)	14,073	14,073	14,073
6500 NIGHT VISION, THERMAL WPN SIGHT (K22900)	86,701	109,547	109,547
6550 ARTILLERY ACCURACY EQUIP (AD3200)	3,500	3,500	3,500
6600 PROFILER (K27900)	16,195	16,195	16,195
6650 MOD OF IN-SVC EQUIP (FIREFINDER RADARS) (BZ7325)	64,556	64,556	64,556
6700 FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2) (W61900)	307,800	347,295	347,295
6750 LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLDR) (K3110	91,200	91,200	91,200
6800 COMPUTER BALLISTICS: LHMBC XM32 (K99200)	11,446	11,446	11,446
6850 MORTAR FIRE CONTROL SYSTEM (K99300)	3,474	---	---
6900 TACTICAL OPERATIONS CENTERS (BZ9865)	162,472	162,472	162,472
6950 AFATDS	6,878	3,378	3,378
7000 LWTFDS	23	23	23

	(In thousands of dollars) House	Senate	Conference
7050 BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BCS3) (W346	1,249	1,249	1,249
7100 FAAD C2 (AD5050)	21,500	21,500	21,500
7150 AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD PCS)	65,248	65,248	65,248
7200 FED	8,514	8,514	8,514
7250 KNIGHT FAMILY (B78504)	3,488	3,488	3,488
7300 LIFE CYCLE SOFTWARE SUPPORT (LCSS) (BD3955)	3,316	3,316	3,316
7350 LOGTECH	24,000	24,000	24,000
7400 TC AIMS II (BZ8900)	12,403	32,403	12,403
7450 TACTICAL INTERNET MANAGER (B93900)	12,472	12,472	12,472
7500 MANEUVER CONTROL SYSTEM (MCS) (BA9320)	58,654	58,654	58,654
7550 SINGLE ARMY LOGISTICS ENTERPRISE (SALE) (W10801)	94,036	---	---
7600 AUTOMATED DATA PROCESSING EQUIP (BD3000)	12,100	12,100	12,100
7650 CSS COMMUNICATIONS (BD3501)	37,423	74,857	37,423
7750 CBRN SOLDIER PROTECTION (M01001)	134,830	134,830	134,830
7800 SMOKE & OBSCURANT FAMILY: SOF (NONAAO ITEM) (MX0600)	107	107	107
7850 TACTICAL BRIDGE (MX0100)	26,000	26,000	26,000
7900 TACTICAL BRIDGE, FLOAT-RIBBON (MA8890)	13,000	13,000	13,000
7950 HANDHELD STANDOFF MINE DETECTION SYSTEM (R68200)	5,551	5,551	5,551
8000 GRND STANDOFF MINE DETECTION SYSTEMS (R68200)	689,640	939,640	1,386,640
8050 EXPLOSIVE ORDNANCE DISPOSAL EQUIP (MA9200)	6,600	6,600	6,600
8100 HEATERS AND ECU'S (MF9000)	12,772	12,772	12,772
8150 LAUNDRIES, SHOWERS, AND LATRINES (M82700)	12,300	12,300	12,300
8250 SOLDIER ENHANCEMENT (MA6800)	9,662	9,662	9,662
8300 FIELD FEEDING EQUIPMENT (M65800)	7,032	7,032	7,032
8350 ITEMS LESS THAN $5M (ENG SPT) (ML5301)	611	611	611
8400 QUALITY SURVEILLANCE EQUIPMENT (MB6400)	42,220	42,220	42,220
8450 DISTRIBUTION SYSTEMS, PETROLEUM & WATER (MA6000)	3,093	3,283	3,283
8500 WATER PURIFICATION SYSTEMS (R05600)	9,401	9,401	9,401
8550 COMBAT SUPPORT MEDICAL (MN1000)	24,579	20,579	24,579
8600 SHOP EQ CONTACT MAINTENANCE TRK MTD (M61500)	52,474	52,474	52,474
8650 WELDING SHOP, TRAILER MTD (M62700)	7,171	7,171	7,171

	(In thousands of dollars) House	Senate	Conference
8700 ITEMS LESS THAN $5.0M (MAINT EQ) (ML5345)	68,912	67,912	67,912
8800 LOADERS (R04500)	145	145	145
8850 HYDRAULIC EXCAVATOR (X01500)	10	10	10
8900 TRACTOR FULL TRACKED (M05800)	1,435	1,435	1,435
8950 CRANES (M06700)	25	25	25
9000 HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS (R05901)	7,740	7,740	7,740
9050 ITEMS LESS THAN $5.0M (CONST. EQUIP)	1,487	1,487	1,487
9150 GENERATORS AND ASSOCIATED EQUIP (MA9800)	62,992	50,792	50,792
9200 ROUGH TERRAIN CONTAINER HANDLER (M41200)	15,400	---	---
9250 ALL TERRAIN LIFTING ARMY SYSTEM (M41800)	4,809	5,548	5,548
9300 COMBAT TRAINING CENTERS (CTC) SUPPORT (MA6601)	309	309	309
9350 TRAINING DEVICES, NONSYSTEM (NA0100)	15,819	15,819	15,819
9400 CALIBRATION SETS EQUIPMENT (N1000)	17,100	17,100	17,100
9450 INTEGRATED FAMILY OF TEST EQUIPMENT (MB4000)	96,303	96,303	96,303
9500 TEST EQUIPMENT MODERNIZATION (TEMOD) (N11000)	10,920	10,920	10,920
9550 RAPID EQUIPPING SOLDIER SUPPORT EQUIP (M80101)	20,036	20,036	20,036
9600 PHYSICAL SECURITY SYSTEMS (OPA3) (MA0780)	152,678	152,678	152,678
9650 MODIFICATION OF IN-SVC EQUIP (OPA3) (MA4500)	9,917	---	4,917
9700 BUILDING PRE-FAB RELOCATABLE (MA9160)	93,603	93,603	93,603
9750 INITIAL SPARES FOR LARGE AREA SMOKE OBSCURANT SYS. (M5	948	948	948
9800 SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM (B88605)	12,813	12,813	12,813
9850 COUNTER-ROCKET ARTILLERY & MORTAR (CRAM)	245,000	245,000	245,000
9900 FIRE SUPPORT C2 FAMILY (B28501)	987	987	987
9950 CLASSIFIED PROGRAMS	527	527	527
10000 AMC CRITICAL ITEMS	37,870	37,870	37,870
10150 TOTAL, OTHER PROCUREMENT, ARMY	10,197,399	10,589,272	11,076,137

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
1	**Tactical Trailers/Dolly Sets (DA0100)**	11,417	4,977	11,417	11,417
2	**Semitrailers, Flatbed: (D01001)**	31,544	8,234	27,544	27,544
	Premature Funding Request			-4,000	-4,000
3	**Semitrailers, Tankers (D02001)**	24,165	6,173	0	6,173
	Premature Funding Request			-24,165	-17,992
4	**HMMWV (D15400)**	953,548	866,791	953,548	953,548
5	**Family of Medium Tactical Vehicles (FMTV) (D15500)**	1,616,661	1,610,692	1,471,661	1,541,661
	Stabilize Production Rate			-145,000	-75,000
7	**Family of Heavy Tactical Vehicles (FMTV) (DA0500)**	574,432	572,762	574,432	574,432
10	**Truck, Tractor, Line Haul, M915/M916 (DA0600)**	181,873	5,448	181,873	181,873
17	**Passenger Carrying Vehicles (D23000)**	6,149	6,149	0	0
	Funded in IFF			-6,149	-6,149
18	**Non Tactical Vehicles, Other (D3000)**	203,572	133,072	193,721	193,721
	Funded in IFF			-9,851	-9,851
NEW	**Add-On Armor for Commercial Vehicles**	7,400	0	7,400	7,400
25	**Navstar Global Positioning System (K47800)**	34,398	32,532	34,398	34,398
34	**SINCGARS Family (BW0006)**	533,709	532,544	433,250	458,709
	Unexecutable Request			-100,459	-75,000
42	**Radio, Improved HF (COTS) Family (BU8100)**	509,260	461,608	509,260	509,260
45	**TSEC - Army Key Mgt Sys (BA1201)**	1,517	313	1,517	1,517
46	**Information System Security Program (TA0600)**	78,501	78,496	55,201	55,201
	Transfer to RDT&E, A, line 174 for Execution			-23,300	-23,300
52	**Information Systems**	13,200	1,000	1,000	1,000
	Information Systems Equipment Adjustment		-12,200		-12,200
	Excess to Need			-12,200	0
59	**All Source Analysis Sys (MIP) (KA4400)**	40,858	40,800	40,858	40,858
67	**DCGS-A (MIP) (BZ7316)**	69,705	67,105	69,705	69,705
74	**Warlock**	13,250	0	13,250	0
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund		-13,250		-13,250

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EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
77	**Night Vision Devices (KA3500)**	**144,696**	**131,339**	**144,696**	**144,696**
80	**Night Vision, Thermal Weapon Sight (K22900)**	**109,547**	**86,701**	**109,547**	**109,547**
89	**Force XXI Battle Command Brigade & Below**	**347,295**	**307,800**	**347,295**	**347,295**
92	**Mortar Fire Control System (K99300)**	**3,474**	**3,474**	**0**	**0**
	Slow Execution			-3,474	-3,474
96	**AFATDS**	**6,878**	**6,878**	**3,378**	**3,378**
	Baseline Budget Requirement			-3,500	-3,500
106	**TC AIMS II**	**32,403**	**12,403**	**32,403**	**12,403**
	Defer non-emergency TC AIMS II procurement		-20,000		-20,000
110	**Single Army Logistics Enterprise (SALE)**	**0**	**94,036**	**0**	**0**
	Defer non-emergency STAMIS Tactical Computers upgrades		-82,000		0
115	**CSS Communications (BD3501)**	**74,857**	**37,423**	**74,857**	**37,423**
	Defer non-emergency upgrades in CSS Communications		-37,000		-37,434
129	**Ground Standoff Mine Detection Systems (R68200)**	**939,640**	**689,640**	**939,640**	**1,386,640**
	Mine Resistant Ambush Protected (MRAP) Vehicles				447,000
144	**Distribution Systems, Petroleum & Water (MA6000)**	**3,283**	**3,093**	**3,283**	**3,283**
146	**Combat Support Medical (MN1000)**	**20,579**	**24,579**	**20,579**	**24,579**
	Medical Equipment Modernization and Replacement		4,000		4,000
149	**Items Less than $5 Million (Maint Eq) (ML5345)**	**67,912**	**68,912**	**67,912**	**67,912**
165	**Generators and Associated Equipment (MA9800)**	**50,792**	**62,992**	**50,792**	**50,792**
166	**Rough Terrain Container Handler (M41200)**	**15,400**	**15,400**	**0**	**0**
	Premature Funding Request			-15,400	-15,400
167	**All Terrain Lifting Arm System (M41800)**	**5,548**	**4,809**	**5,548**	**5,548**
179	**Modification of In-Service Equipment (MA4500)**	**9,917**	**9,917**	**0**	**4,917**
	Baseline Budget Requirement			-9,917	-5,000

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SINGLE CHANNEL GROUND AND AIRBORNE RADIO SYSTEM (SINCGARS) FAMILY

The conferees are concerned that the Army may not be using all the available and qualified industrial capacity to deliver funded quantities of SINCGARS radios to units in the field. The conferees strongly encourage the Army to pursue aggressively the necessary industrial capacity to produce the needed SINCGARS radios and to equip the units of the Army, including the Army Reserve Components, in a timely manner. The conferees recommend $458,709,000 for SINCGARS radios, a reduction of $75,000,000 from the amended budget request. Additionally, $175,000,000 of the amount provided may not be obligated by the Army until 15 days after the Secretary of the Army provides a report to the congressional defense committees that includes an evaluation of SINCGARS capable commercial off-the-shelf tactical radios that can meet operational needs and that explains the Army's strategy to leverage available industrial capacity in order to produce the needed radios at a significantly faster rate.

AIRCRAFT PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
10200	AIRCRAFT PROCUREMENT, NAVY			
11350	EA-18G	83,000	75,000	75,000
11400	F/A-18E/F (FIGHTER) HORNET (MYP)	208,000	16,000	208,000
11450	UH-1Y/AH-1Z	---	50,000	50,000
11460	C-12	---	21,000	21,000
11500	EA-6 SERIES	178,495	178,495	178,495
11550	AV-8 SERIES	9,850	9,850	9,850
11600	F-18 SERIES	85,614	96,814	90,014
11650	H-46 SERIES	49,905	70,505	70,505
11700	AH-1W SERIES	21,100	42,200	21,100
11750	H-53 SERIES	181,848	181,848	181,848
11800	SH-60 SERIES	15,956	15,956	15,956
11850	H-1 SERIES	18,007	18,007	18,007
11900	P-3 SERIES	18,800	24,300	18,800
11950	E-2 SERIES	7,000	7,000	7,000
12000	C-130 SERIES	29,815	29,815	29,815
12050	CARGO/TRANSPORT ACFT SERIES	4,259	4,259	4,259
12100	SPECIAL PROJECT ACFT	5,120	5,120	5,120
12150	AVIATION LIFE SUPPORT MODS	486	486	486
12200	COMMON ECM EQUIPMENT	42,900	92,900	71,900
12250	V-22 (TILT/ROTOR ACFT) OSPREY SERIES	3,510	---	---
12300	SPARES AND REPAIR PARTS	29,332	21,548	10,332
12350	COMMON GROUND EQUIPMENT	2,800	2,800	2,800
12400	TOTAL, AIRCRAFT PROCUREMENT, NAVY	995,797	963,903	1,090,287

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request [1/]	House [2/]	Senate	Conference
2	**EA-18G**	**75,000**	**83,000**	**75,000**	**75,000**
	Fund 1 EA-6B combat loss replacement		-367,000		0
4	**F/A-18E/F (Fighter) Hornet (MYP)**	**16,000**	**208,000**	**16,000**	**208,000**
	3 F/A-18's combat loss replacements		192,000		192,000
9	**UH-1Y/AH-1Z**	**50,000**	**0**	**50,000**	**50,000**
	NRE for AH-1Z new build aircraft		-50,000		0
16A	**C-12**	**0**	**0**	**21,000**	**21,000**
	2 C-12 Aircraft for USMC (ASE for USMC)			21,000	21,000
28	**F-18 Series**	**96,814**	**85,614**	**96,814**	**90,014**
	JHMCS modification - requires R&D funding		-3,400		-3,400
	Station 4 integration - incomplete effort		-7,800		-3,400
29	**H-46 Series**	**28,805**	**49,905**	**70,505**	**70,505**
	CH-46E IR Engine Suppression (ASE for USMC)		11,700	22,700	22,700
	CH-46E Wire Strike (ASE for USMC)		4,500	9,100	9,100
	CH-46E Countermeasures (ALE-47) (ASE for USMC)		3,600	7,200	7,200
	CH-46E Ramp Mounted Weapon System (ASE)		1,300	2,700	2,700
30	**AH-1W Series**	**42,200**	**21,100**	**42,200**	**21,100**
	Fund installations through FY 2009 only		-21,100		-21,100
31	**H-53 Series**	**46,848**	**181,848**	**181,848**	**181,848**
	DIRCM protection upgrades (ASE for USMC)		135,000	135,000	135,000
35	**P-3 Series**	**24,300**	**18,800**	**24,300**	**18,800**
	Non-emergency obsolesence upgrades		-5,500		-5,500
50	**Common ECM Equipment**	**34,900**	**42,900**	**92,900**	**71,900**
	Non-emergency obsolesence and testing upgrades		-21,000		-21,000
	AAR-47B(V) (Rotary Wing Common ECM) (ASE)		29,000	58,000	58,000
54	**V-22 (Tilt/Rotor Acft) Osprey Series**	**3,510**	**3,510**	**0**	**0**
	Change to program plan			-3,510	-3,510
55	**Spares and Repair Parts**	**40,548**	**29,332**	**21,548**	**10,332**
	Support facilities		-11,216		-11,216
	SHARP Spares - buying ahead of need			-19,000	-19,000

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WEAPONS PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
12450	WEAPONS PROCUREMENT, NAVY			
12600	JT STANDOFF WEAPON (JSOW)	8,000	---	---
12650	HELLFIRE	400	400	400
12700	SMALL ARMS AND WEAPONS	72,113	72,113	72,113
12750	GUN MOUNT MODS	72,000	72,000	72,000
12800	MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM	19,300	19,300	19,300
12850	TOTAL, WEAPONS PROCUREMENT, NAVY	171,813	163,813	163,813

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
7	**JT Standoff Weapon (JSOW)**	**8,000**	**8,000**	**0**	**0**
	JSOW unjustified request			-8,000	-8,000

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PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
12900	PROCUREMENT OF AMMO, NAVY & MARINE CORPS			
12950	AIRBORNE ROCKETS, ALL TYPES	15,553	15,553	15,553
13000	AIR EXPENDABLE COUNTERMEASURES	7,966	7,966	7,966
13050	5 INCH/54 GUN AMMUNITION	11,000	11,000	11,000
13100	INTERMEDIATE CALIBER GUN AMMO	27	27	27
13150	OTHER SHIP GUN AMMUNITION	18,412	18,412	18,412
13200	SMALL ARMS & LNDG PARTY AMMO	21,862	21,862	21,862
13250	PYROTECHNIC AND DEMOLITION	274	274	274
13300	5.56 MM, ALL TYPES	4,658	4,658	4,658
13350	7.62 MM, ALL TYPES	2,132	2,132	2,132
13400	LINEAR CHARGES, ALL TYPES	2,412	2,412	2,412
13450	.50 CALIBER	2,420	2,420	2,420
13500	40 MM, ALL TYPES	4,093	4,093	4,093
13550	60 MM, ALL TYPES	9,864	9,864	9,864
13600	81 MM, ALL TYPES	10,088	10,088	10,088
13650	120 MM, ALL TYPES	7,779	7,779	7,779
13700	CTG 25 MM, ALL TYPES	80	80	80
13750	9 MM ALL TYPES	155	155	155
13800	GRENADES, ALL TYPES	1,138	1,138	1,138
13850	ROCKETS, ALL TYPES	5,125	5,125	5,125
13900	ARTILLERY, ALL TYPES	13,045	13,045	13,045
13950	DEMOLITION MUNITIONS, ALL TYPES	705	705	705
14000	FUZE, ALL TYPES	661	661	661
14050	NON LETHALS	4,891	4,891	4,891
14100	AMMO MODERNIZATION	15,394	15,394	15,394
14150	ITEMS LESS THAN $5 MILLION	99	99	99
14200	TOTAL, PROCUREMENT AMMUNITION, NAVY	159,833	159,833	159,833

OTHER PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
14250	OTHER PROCUREMENT, NAVY			
14500	CHEMICAL WARFARE DETECTORS	436	436	436
14550	STANDARD BOATS	35,614	35,614	35,614
14600	TACTICAL SUPPORT CENTER	5,850	5,850	5,850
14650	SHIPBOARD IW EXPLOIT	45,750	45,750	45,750
14700	GCCS-M EQUIPMENT	6,966	6,966	6,966
14750	MATCALS	10,890	10,890	10,890
14800	PORTABLE RADIOS	75,850	25,850	25,850
14850	SHIP COMMUNICATIONS AUTOMATION	5,784	5,784	5,784
14900	COMMUNICATIONS ITEMS UNDER $5M	10,777	10,777	10,777
14950	NAVAL SHORE COMMUNICATIONS	1,077	1,077	1,077
15000	METEOROLOGICAL EQUIPMENT	---	7,497	---
15050	AVIATION LIFE SUPPORT	3,300	3,300	3,300
15100	GENERAL PURPOSE TRUCKS	961	---	---
15150	CONSTRUCTION & MAINTENANCE EQUIPMENT	225,261	173,861	199,561
15200	FIRE FIGHTING EQUIPMENT	700	700	700
15250	TACTICAL VEHICLES	258,890	207,290	215,330
15300	ITEMS UNDER $5 MILLION	28,446	28,446	28,446
15350	MATERIALS HANDLING EQUIPMENT	46,810	46,810	46,810
15400	SPECIAL PURPOSE SUPPLY SYSTEMS	5,900	5,900	5,900
15450	COMMAND SUPPORT EQUIPMENT	54,639	28,720	28,720
15500	INTELLIGENCE SUPPORT EQUIPMENT	8,400	8,400	8,400
15550	OPERATING FORCES SUPT EQUIP	33,500	25,500	25,500
15600	PHYSICAL SECURITY EQUIPMENT	42,684	8,166	8,166
15650	SPARES AND REPAIR PARTS	28,922	28,922	28,922
15750	TOTAL, OTHER PROCUREMENT, NAVY	937,407	722,506	748,749

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
1	**LM-2500 Gas Turbine**	**0**	**0**	**0**	**0**
	Non-emergency Digital Fuel Control upgrade		-970		0
2	**Allison 501K Gas Turbine**	**0**	**0**	**0**	**0**
	Non-emergency Digital Controls upgrade		-4,000		0
73	**Portable Radios**	**40,850**	**75,850**	**25,850**	**25,850**
	ELMR - Baseline Budget requirement			-15,000	-15,000
93	**Meteorological Equipment**	**7,497**	**0**	**7,497**	**0**
	Non-emergency NITES upgrades		-7,497		-7,497
122	**Construction & Maint Equip**	**173,861**	**225,261**	**173,861**	**199,561**
	Seabee equipment		51,400		25,700
124	**Tactical Vehicles**	**207,290**	**258,890**	**207,290**	**215,330**
	Mine Resistant Ambush Protected (MRAP) Vehicles		51,600		8,040
134	**Command Support Equipment**	**36,639**	**54,639**	**28,720**	**28,720**
	NMCMPS			-7,919	-7,919
138	**Operating Forces Supt Equip**	**25,500**	**33,500**	**25,500**	**25,500**
					0
141	**Physical Security Equipment**	**8,166**	**42,684**	**8,166**	**8,166**
					0

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PROCUREMENT, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
15800	PROCUREMENT, MARINE CORPS			
15850	AAV7A1 PIP	48,352	48,352	48,352
16050	M1A1 FIREPOWER ENHANCEMENTS	4,470	4,470	4,470
16100	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	20,571	20,571	20,571
16150	WPNS & CMBT VEHS UNDER $5 MILLION	16,162	16,162	16,162
16200	MODULAR WEAPON SYSTEM	2,589	2,589	2,589
16250	WEAPONS ENHANCEMENT PROGRAM	21,170	21,170	21,170
16300	JAVELIN	1,200	1,200	1,200
16400	MODIFICATION KITS	34,623	34,623	34,623
16650	UNIT OPERATIONS CENTER	57,100	57,100	57,100
16700	REPAIR AND TEST EQUIPMENT	5,214	5,214	5,214
16750	COMBAT SUPPORT SYSTEM	85	85	85
16800	MODIFICATION KITS	16,571	16,571	16,571
16850	AIR OPERATIONS C2 SYSTEMS	56,800	---	---
16900	RADAR SYSTEMS	20,900	20,900	20,900
16950	FIRE SUPPORT SYSTEM	21,282	21,282	21,282
17000	INTELLIGENCE SUPPORT EQUIPMENT	32,073	32,073	32,073
17050	NIGHT VISION EQUIPMENT	73,431	73,431	73,431
17100	COMMON COMPUTER RESOURCES	27,631	27,631	27,631
17150	COMMAND POST SYSTEMS	18,083	18,083	18,083
17200	RADIO SYSTEMS	263,278	147,084	111,084
17250	COMM SWITCHING & CONTROL SYSTEMS	7,273	7,273	7,273
17300	COMM & ELEC INFRASTRUCTURE SUPT	1,606	1,606	1,606
17350	5/4T TRUCK HMMWV (MYP)	69,985	69,985	69,985

	(In thousands of dollars) House	Senate	Conference
17400 MOTOR TRANSPORT MODIFICATIONS	52,000	52,000	52,000
17450 MEDIUM TACTICAL VEH REPL	26,215	26,215	26,215
17500 LOGISTICS VEHICLE SYSTEM REP	16,800	16,800	16,800
17550 FAMILY OF TACTICAL TRAILERS	2,818	2,818	2,818
17600 ITEMS LESS THAN $5 MILLION	2,370	2,370	2,370
17650 ENV CNTRL EQUIP ASSORTED	143	143	143
17700 BULK LIQUID EQUIPMENT	28	28	28
17750 TACTICAL FUEL SYSTEMS	168	168	168
17800 POWER EQUIPMENT ASSORTED	364	364	364
17850 EOD SYSTEMS	480,664	730,664	1,316,024
17855 MRAP	259,000	---	---
18000 MATERIAL HANDLING EQUIP	40,000	40,000	40,000
18050 FIELD MEDICAL EQUIPMENT	692	692	692
18100 TRAINING DEVICES	110,043	110,043	110,043
18150 CONTAINER FAMILY	2,172	2,172	2,172
18200 FAMILY OF CONSTRUCTION EQUIPMENT	45,000	45,000	45,000
18300 FAMILY OF INTERNALLY TRANS VEH (ITV)	7,875	7,875	7,875
18350 RAPID DEPLOYABLE KITCHEN	391	391	391
18500 ITEMS LESS THAN $5 MILLION	18,191	18,191	18,191
18700 TOTAL, PROCUREMENT, MARINE CORPS	1,885,383	1,703,389	2,252,749

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
33	**Air Operations C2 Systems**	**56,800**	**56,800**	**0**	**0**
	Premature Request			-56,800	-56,800
50	**Radio Systems**	**299,278**	**263,278**	**147,084**	**111,084**
	E-Land Mobile Radios - Baseline budget requirement			-152,194	-152,194
	Communications Installs on US Navy Ships Program Delay		-36,000		-36,000
70	**EOD Systems**	**730,664**	**480,664**	**730,664**	**1,316,024**
	Mine Resistant Ambush Protected (MRAP) Vehicles				585,360
70A	**Mine Resistant Ambush Protected (MRAP) Vehicles**		**259,000**	**0**	**0**
	Mine Resistant Ambush Protected (MRAP) Vehicles		259,000		0
72	**Physical Security Equipment**	**143,332**	**0**	**0**	**0**
	Rapid Aerostat Initial Deployment (RAID)/Ground-Based Operational Surveillance System (G-BOSS)		-143,332	-143,332	-143,332

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AIRCRAFT PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
18750	AIRCRAFT PROCUREMENT, AIR FORCE			
18850	C -17	111,100	---	---
18900	C-130J	388,000	---	388,000
18950	CV-22 OSPREY	146,300	---	99,252
19000	PREDATOR UAV	487,900	398,700	443,700
19100	B-1	6,880	---	6,880
19150	A-10	239,486	163,886	163,886
19200	F-15	49,962	122,562	112,762
19250	C-5	54,300	5,600	35,600
19300	C-17	191,600	92,000	122,000
19350	C-37	112,400	112,400	112,400
19400	C-40	90,500	90,500	90,500
19450	C-130	296,363	222,663	252,663
19500	COMPASS CALL	23,700	23,700	23,700
19550	DARP	15,000	15,000	15,000
19600	E-8C	17,500	---	---
19650	OTHER AIRCRAFT	23,950	33,570	23,950
19700	INITIAL SPARES/REPAIR PARTS	2,480	2,480	2,480
19750	B-2A ICS	4,000	4,000	4,000
19800	OTHER PRODUCTION CHARGES	213,495	144,695	209,695
19850	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	2,474,916	1,431,756	2,106,468

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
7	**C-17**	**111,100**	**111,100**	**0**	**0**
	Premature funding request			-111,100	-111,100
11	**C-130J**	**0**	**388,000**	**0**	**388,000**
	Five Aircraft				388,000
18	**CV-22 Osprey**	**0**	**146,300**	**0**	**99,252**
	One Aircraft				146,300
	Transfer to Procurement, Defense-Wide, Line 42, for CV-22 SOF Modifications				-47,048
25	**Predator UAV**	**398,700**	**487,900**	**398,700**	**443,700**
	Predator UAV		29,000		10,000
	Reaper UAV		60,200		35,000
27	**B-1**	**6,880**	**6,880**	**0**	**6,880**
	Premature funding request			-6,880	0
30	**A-10**	**249,786**	**239,486**	**163,886**	**163,886**
	Hellfire II Launch Rails		-10,000		0
	Unjustified request			-32,400	-32,400
	Premature funding request for missile rails and EIRCM			-53,500	-53,500
31	**F-15**	**191,962**	**49,962**	**122,562**	**112,762**
	AESA		-72,000		-9,200
	JHMCS		-70,000		-70,000
	Premature funding request			-69,400	0
35	**C-5**	**5,600**	**54,300**	**5,600**	**35,600**
	LAIRCM for C-5B Aircraft only		48,700		30,000
38	**C-17**	**92,000**	**191,600**	**92,000**	**122,000**
	LAIRCM		99,600		30,000
53	**C-130**	**222,663**	**296,363**	**222,663**	**252,663**
	LAIRCM		73,700		30,000
61	**E-8C**	**17,500**	**17,500**	**0**	**0**
	Premature funding request			-17,500	-17,500
65	**Other Aircraft**	**33,570**	**23,950**	**33,570**	**23,950**
	TARS Block 40/50 Modification		-4,320		-4,320
	TARS Initial Spares		-5,300		-5,300
80	**Other Production Charges**	**148,495**	**213,495**	**144,695**	**209,695**
	Classified Requirement		65,000		65,000
	Baseline budget requirement			-3,800	-3,800

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MISSILE PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
19900	MISSILE PROCUREMENT, AIR FORCE			
19950	PREDATOR HELLFIRE MISSILE	104,300	78,900	78,900
20000	SMALL DIAMETER BOMB	36,000	---	16,000
20050	TOTAL, MISSILE PROCUREMENT, AIR FORCE	140,300	78,900	94,900

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1	Budget Request 1/	House 2/	Senate	Conference
6 Hellfire	**104,300**	**104,300**	**78,900**	**78,900**
Unexecutable request			-25,400	-25,400
7 Small Diameter Bomb	**36,000**	**36,000**	**0**	**16,000**
Unjustified request			-36,000	-20,000

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

PROCUREMENT OF AMMUNITION, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
20100 PROCUREMENT OF AMMUNITION, AIR FORCE			
20150 CARTRIDGES	19,100	---	---
20200 EXPLOSIVE ORDNANCE DISPOSAL (EOD)	3,000	3,000	3,000
20250 SMALL ARMS	73,700	3,000	3,000
20300 TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	95,800	6,000	6,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1	Budget Request [1/]	House [2/]	Senate	Conference
2 Cartridges	**19,100**	**19,100**	**0**	**0**
Handgun Replacement Program - Baseline budget requirement			-19,100	-19,100
16 Small Arms	**73,700**	**73,700**	**3,000**	**3,000**
Handgun Replacement Program - Baseline budget requirement			-70,700	-65,700
Transfer to Operation & Maintenance, Defense-Wide, only for the Handgun Replacement Study				-5,000

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

HANDGUN REPLACEMENT PROGRAM

The supplemental request includes $89,800,000 to replace the Air Force M9 9mm handgun and associated ammunition. The conferees understand that the Army, Marine Corps, Navy, and Special Operations

Command procure the M9 9mm handgun as their standard issue sidearm. Therefore, the conferees believe that a replacement or upgrade to the 9mm handgun should address joint requirements. Since this coordination did not occur prior to the supplemental budget submission, the conferees deny the requested funding for a single service replacement program. However, recognizing the importance of a reliable and lethal sidearm to the warfighter, the conferees provide $5,000,000 only for a study that examines joint sidearm requirements (including service-unique requirements, as appropriate), the M9 9mm handgun capabilities (including its lethality), and handgun and ammunition alternatives that address these requirements. The conferees understand that it will be necessary to purchase up to 50 handguns and associated ammunition to conduct this study. In order to inform deliberations on the fiscal year 2008 appropriations bill for the Department of Defense, the conferees direct that the results of the study be provided in a written report to the congressional defense committees by August 31, 2007.

OTHER PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
20350	OTHER PROCUREMENT, AIR FORCE			
20500	PASSENGER CARRYING VEHICLES	360	360	360
20550	MEDIUM TACTICAL VEHICLE	30,300	30,300	154,140
20600	FIRE FIGHTING/CRASH RESCUE VEHICLES	23,213	18,888	18,888
20650	HALVORSEN LOADER	620	620	620
20700	RUNWAY SNOW REMOVAL AND CLEANING EQUIPMENT	400	400	400
20750	ITEMS LESS THAN $5 MILLION (VEHICLES)	4,440	4,440	4,440
20800	INTELLIGENCE COMM EQUIPMENT	16,600	16,600	16,600
20850	TRAFFIC CONTROL/LANDING	3,300	7,500	3,300
20900	NATIONAL AIRSPACE SYSTEM	---	9,000	9,000
20950	THEATER AIR CONTROL SYSTEM IMPROVEMENT	14,800	14,800	14,800
21000	WEATHER OBSERVATION FORECAST	2,433	2,433	2,433
21050	AIR FORCE PHYSICAL SECURITY SYSTEM	10,680	10,680	10,680
21100	AIR OPERATIONS CENTER (AOC)	1,250	1,250	1,250
21150	MILSATCOM SPACE	35,000	---	---
21200	TACTICAL CE EQUIPMENT	34,750	34,750	34,750
21250	COMBAT SURVIVOR EVADER LOCATER	44,010	44,010	44,010
21300	RADIO EQUIPMENT	5,400	5,400	5,400
21350	BASE COMM INFRASTRUCTURE	19,020	19,020	19,020
21400	COMM ELECT MODS	16,000	16,000	16,000
21450	NIGHT VISION GOGGLES	9,317	9,317	9,317
21500	BASE PROCURED EQUIPMENT	10,530	10,530	10,530
21550	AIR BASE OPERABILITY	7,200	7,200	7,200
21600	ITEMS LESS THAN $5 MILLION (BASE SUPPORT)	18,000	18,000	18,000
21650	DARP, MRIGS	21,607	21,607	21,607
21700	CLASSIFIED PROGRAMS	1,682,953	1,669,026	1,658,455
21710	OPERATION ENDURING FREEDOM OPTEMPO	30,000	---	15,000
21750	TOTAL, OTHER PROCUREMENT, AIR FORCE	2,042,183	1,972,131	2,096,200

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
8	**Medium Tactical Vehicles**	**30,300**	**30,300**	**30,300**	**154,140**
	Mine Resistant Ambush Protected Vehicles				123,840
22	**Fire Fighting / Crash Rescue Vehicles**	**23,213**	**23,213**	**18,888**	**18,888**
	HAZMAT Vehicles - Baseline Budget Request			-4,325	-4,325
40	**Traffic Control/Landing**	**7,500**	**3,300**	**7,500**	**3,300**
	USAFE Instrument Landing System		-4,200		-4,200
41	**National Airspace System**	**9,000**	**0**	**9,000**	**9,000**
	Radar Approach Control for PACAF		-9,000		0
66	**MILSATCOM Space**	**35,000**	**35,000**	**0**	**0**
	GBS-RPRS Premature funding request			-35,000	-35,000
999	**Classified Programs**	**1,750,324**	**1,712,953**	**1,669,026**	**1,658,455**
	Program Adjustment		-37,371	-81,298	-91,869
	Operation Enduring Freedom OPTEMPO	**0**	**30,000**	**0**	**15,000**

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

GLOBAL BROADCAST SERVICE—RUCKSACK PORTABLE RECEIVE SUITE

The conferees understand that additional research and development would further reduce the weight of the Global Broadcast Service—Rucksack Portable Receive Suite (GBS–RPRS). Due to the premature request, the conferees deny funding for this item, without prejudice. The conferees encourage the Air Force to proceed with the development effort and intend to review the program should a request be received for funding in fiscal year 2008.

PROCUREMENT, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
21800	PROCUREMENT, DEFENSE-WIDE			
22400	GLOBAL COMMAND AND CONTROL SYSTEM	3,142	3,142	3,142
22450	TELEPORT	3,670	3,670	3,670
22500	NET-CENTRIC ENTERPRISE SERVICES (NCES)	975	975	975
22550	DEFENSE INFORMATION SYSTEMS NETWORK (DISN)	5,324	5,324	5,324
22600	MAJOR EQUIPMENT, DLA	1,600	1,600	1,600
22650	MAJOR EQUIPMENT, TJS	32,700	59,450	32,700
22660	MH-47 SLEP	22,000	---	22,000
22670	CV-22 MODIFICATIONS	---	---	47,048
22700	C-130 MODS	49,833	49,833	49,833
22750	SOF ORDNANCE REPLENISHMENT	45,788	45,788	45,788
22800	SOF ORDNANCE ACQUISITION	54,976	51,376	53,176
22850	COMM EQPT & ELECTRONICS	58,032	78,342	78,342
22900	SOF INTELLIGENCE SYSTEMS	33,883	5,120	5,120
22950	SMALL ARMS AND WEAPONS	49,775	57,805	57,805
23000	SOF COMBATANT CRAFT SYSTEMS	30,500	16,900	16,900
23050	TACTICAL VEHICLES	108,550	129,340	165,100
23100	MISSION TRAINING AND PREPARATION SYS	5,300	---	5,300
23150	COMBAT MISSION REQUIREMENTS	150,000	150,000	150,000
23200	UNMANNED VEHICLES	76,231	107,731	107,731
23250	MISC EQUIPMENT	52,880	1,000	1,000
23300	SOF OPERATIONAL ENHANCEMENTS	86,653	65,678	65,678
23350	CLASSIFIED PROGRAMS	61,962	68,862	60,662
23400	CLASSIFIED PROGRAMS	1,156	1,156	1,156
23450	TOTAL, PROCUREMENT, DEFENSE-WIDE	934,930	903,092	980,050

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
25	**Major Equipment, TJS**	**59,450**	**32,700**	**59,450**	**32,700**
	Request in excess of validated requirement		-26,750		-26,750
38	**MH-47 SLEP**	**0**	**22,000**	**0**	**22,000**
	MH-47 Mods for Battle-loss MH-47		22,000		22,000
42	**CV-22 SOF Modifications**				**47,048**
	CV-22 SOF Modifications (Transferred from AP,AF Line 18 for execution)				47,048
49	**SOF Ordnance Acquisition**	**54,976**	**54,976**	**51,376**	**53,176**
	SOPGM - Unexecutable request			-3,600	-1,800
50	**Comm Eqpt & Electronics**	**58,032**	**58,032**	**78,342**	**78,342**
	TACLAN - E - Unexecutable Request			-300	-300
	Forward Deployed Equipment - Transfer from Line 67			20,610	20,610
51	**SOF Intelligence Systems**	**33,883**	**33,883**	**5,120**	**5,120**
	MERLIN - Unjustified request			-29,983	-29,983
	Forward Deployed Equipment - Transfer from line 67			1,220	1,220
52	**Small Arms and Weapons**	**49,775**	**49,775**	**57,805**	**57,805**
	Forward Deployed Equipment - Transfer from Line 67			8,030	8,030
56	**SOF Combatant Craft Systems**	**30,500**	**30,500**	**16,900**	**16,900**
	IBS Upgrade - Unexecutable request			-13,600	-13,600
59	**Tactical Vehicles**	**108,550**	**108,550**	**129,340**	**165,100**
	Lightweight ATV - Unexecutable Request			-750	-750
	Forward Deployed Equipment - Transfer from Line 67			21,540	21,540
	Mine Resistant Ambush Protected (MRAP) Vehicles				35,760
60	**Mission Training and Preparation Systems**	**5,300**	**5,300**	**0**	**5,300**
	AC-130 BMC - Baseline budget request			-5,300	0
63	**Unmanned Vehicles**	**107,731**	**76,231**	**107,731**	**107,731**
	Program Reduction for undetermined needs		-31,500		0
67	**Misc Equipment**	**52,880**	**52,880**	**1,000**	**1,000**
	Forward Deployed Equipment - Transfer to Lines 50,51,52,59 for execution			-51,410	-51,410
	MK 5 Clamshell - Unexecutable request			-470	-470
69	**SOF Operational Enhancements**	**86,653**	**86,653**	**65,678**	**65,678**
	Program Adjustments			-20,975	-20,975
999	**Classified Programs**	**70,162**	**61,962**	**68,862**	**60,662**

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

NATIONAL GUARD AND RESERVE EQUIPMENT

The conference agreement provides funding for National Guard and Reserve Equipment for the Army National Guard in the Strategic Reserve Readiness Fund instead of in the National Guard and Reserve Equipment account as proposed by the Senate.

		(In thousands of dollars) House	Senate	Conference
23500	NATIONAL GUARD AND RESERVE EQUIPMENT			
23510	ARMY NATIONAL GUARD	---	1,000,000	---
23600	TOTAL, PROC., NATIONAL GUARD AND RESERVE EQUIPMENT	---	1,000,000	---

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
RECAPITULATION			
Research, Development, Test and Evaluation, Army	60,781	125,576	100,006
Research, Development, Test and Evaluation, Navy.....	295,737	308,212	298,722
Research, Development, Test and Evaluation, Air Force.	132,928	233,869	187,176
Research, Development, Test and Evaluation, Defense-Wide.....	545,904	522,804	512,804
GRAND TOTAL.....	1,035,350	1,190,461	1,098,708

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
50	RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY			
100	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.....	---	3,560	---
150	SOLDIER SUPPORT AND SURVIVABILITY.....	---	27,625	7,625
200	ALL SOURCE ANALYSIS SYSTEM (ASAS).....	3,400	---	3,400
250	INFANTRY SUPPORT WEAPONS.....	8,158	8,158	8,158
300	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE.....	38,900	38,900	38,900
400	MATERIEL SYSTEMS ANALYSIS.....	---	5,410	---
450	INFORMATION SYSTEMS SECURITY PROGRAM.....	---	31,600	31,600
550	TACTICAL WHEELED VEHICLE (TWV) PRODUCT.....	10,323	10,323	10,323
600	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.....	60,781	125,576	100,006

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

R-1		Budget Request 1/	House 2/	Senate	Conference
34	**Combat Vehicle and Automotive Advanced Technology**	**3,560**	**0**	**3,560**	**0**
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund		-3,560		-3,560
63	**Soldier Support and Survivability**	**27,625**	**0**	**27,625**	**7,625**
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund		-27,625		-20,000
82	**ASAS - Human Tracking System**	**3,400**	**3,400**	**0**	**3,400**
	Unjustified Request			-3,400	0
102	**Automatic Test Equipment Development**	**6,500**	**0**	**0**	**0**
	Defer non-emergency development of aviation test equipment		-6,500		-6,500
	Unjustified request			-6,500	0
141	**Materiel Systems Analysis**	**5,410**	**0**	**5,410**	**0**
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund		-5,410		-5,410
174	**Information Systems Security Program**	**8,300**	**0**	**31,600**	**31,600**
	Defer non-emergency development		-8,300		0
	Transfer from OPA, Line 46 for Execution			23,300	23,300
177	**WWMCCS/Global Command and Control System**	**3,800**	**0**	**0**	**0**
	Database interoperability applications for situational awareness		-3,800		-3,800
	Unjustified Request			-3,800	0

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
650	RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY			
1000	MARINE CORPS GRND CMBT/SUPT SYS	---	10,000	5,000
1050	TACTICAL CRYPTOLOGIC SYSTEMS	5,000	---	5,000
1060	OTHER HELO DEVELOPMENT	13,000	13,000	13,000
1070	H-1 UPGRADES	---	18,000	18,000
1100	V-22A	3,800	---	---
1150	ELECTRONIC WARFARE (EW) DEV	1,245	1,245	1,245
1200	MARINE CORPS PROGRAM WIDE SUPT	---	5,000	2,000
1250	HARM IMPROVEMENT	---	2,230	---
1300	AVIATION IMPROVEMENTS	---	500	500
1350	MARINE CORPS COMMS SYSTEMS	41,540	68,800	41,540
1400	MC GROUND CMBT SPT ARMS SYS	---	4,000	2,000
1450	MARINE CORPS CMBT SERVICES SUPT	15,566	14,851	14,851
1500	CLASSIFIED PROGRAMS	150,500	105,500	130,500
1550	MANNED RECONNAISSANCE SYS	65,086	65,086	65,086
1600	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	295,737	308,212	298,722

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

R-1		Budget Request 1/	House 2/	Senate	Conference
58	**Marine Corps Ground Combat/Support System**	**36,800**	**0**	**10,000**	**5,000**
	Joint Light Tactical Vehicle (JLTV)		-36,800	-26,800	-31,800
140	**Tactical Cryptologic Systems**	**5,000**	**5,000**	**0**	**5,000**
	Unjustified request			-5,000	0
84	**Other Helo Development**	**0**	**13,000**	**13,000**	**13,000**
	DIRCM Integration (ASE for USMC)		1,000	1,000	1,000
	NRE for LW/DIRCM (ASE for USMC)		12,000	12,000	12,000
93	**H-1 Upgrades**	**0**	**0**	**18,000**	**18,000**
	Aircraft survivability (DIRCM) for H-1(ASE for USMC)			18,000	18,000
95	**V-22A**	**3,800**	**3,800**	**0**	**0**
	Excess to need			-3,800	-3,800
158	**Marine Corps Program Wide Supt**	**10,100**	**0**	**5,000**	**2,000**
	Program Wide Support		-10,100	-5,100	-8,100
179	**Harm Improvement**	**2,230**	**0**	**2,230**	**0**
	Defer Thermobaric Modification		-2,230		-2,230
183	**Aviation Improvements**	**500**	**0**	**500**	**500**
	Aircraft mooring		-500		0
186	**Marine Corps Communications Systems**	**165,348**	**41,540**	**68,800**	**41,540**
	C2PC		-14,000		0
	Commom Operations Center		-18,000		0
	Battle Tracking Identification Systems		-1,500		0
	G-BOSS (funded in JIEDDO)		-30,000		0
	GCSS-MC		-8,900		0
	CREW (funded in JIEDDO)		-7,000		0
	G/ATOR		-19,508		0
	MCEITS		-2,400		0
	CAC2S		-29,500		0
	Funds near-term deliverables			-96,548	-123,808
187	**Marine Corps Ground Combat Support Arms System**	**4,000**	**0**	**4,000**	**2,000**
	Ground Weaponry PIP		-4,000		-2,000
188	**Marine Corps Cmbt Services Supt**	**15,566**	**15,566**	**14,851**	**14,851**
	Funds near-term deliverables			-715	-715
xx	**Classified Programs**	**150,500**	**150,500**	**105,500**	**130,500**
	Classified Program Adjustment			-45,000	-20,000

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
2/ House action relative to the official fiscal year 20007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
1650	RESEARCH, DEVELOPMENT, TEST & EVAL, AF			
1700	INTEGRATED BROADCAST SERVICE	9,000	4,000	4,000
1750	B-1B	17,030	17,030	17,030
1800	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	2,000	2,000	2,000
1850	B-52 SQUADRONS	---	24,500	24,500
1900	A-10 SQUADRONS	---	10,000	10,000
1950	MISSION PLANNING SYSTEMS	13,300	13,300	13,300
2000	DRAGON U-2 (JMIP)	---	660	---
2050	AIRBORNE RECONNAISSANCE SYSTEMS	---	6,000	---
2100	MANNED RECONNAISSANCE SYSTEMS	20,540	20,540	20,540
2150	PREDATOR UAV (JMIP)	20,000	20,000	20,000
2200	GLOBAL HAWK UAV	---	19,033	---
2250	CLASSIFIED PROGRAMS	51,058	96,806	75,806
2300	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF	132,928	233,869	187,176

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1	Budget Request [1/]	House [2/]	Senate	Conference
50 Integrated Broadcast Service	**9,000**	**9,000**	**4,000**	**4,000**
CO-GINS Funding ahead of need			-5,000	-5,000
121 B-52 Squadrons	**24,500**	**0**	**24,500**	**24,500**
ATP Integration		-24,500		0
129 A-10 Squadrons	**10,000**	**0**	**10,000**	**10,000**
Hellfire II		-10,000		0
199 Dragon U-2 (JMIP)	**660**	**0**	**660**	**0**
SYERS-2 Qualification and Certification Testing		-660		-660
200 Airborne Reconnaissance Systems	**6,000**	**0**	**6,000**	**0**
TARS Integration on Block 40/50 F-16 Aircraft		-6,000		-6,000
204 Global Hawk UAV	**19,033**	**0**	**19,033**	**0**
MASINT and SIGINT Capability Development		-19,033		-19,033
999 Classified Programs	**78,658**	**51,058**	**96,806**	**75,806**
Program Adjustment		-27,600	18,148	-2,852

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2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
2350 RESEARCH, DEVELOPMENT, TEST & EVAL, DW			
2400 CRITICAL INFRASTRUCTURE PROGRAM (CIP)	15,700	15,700	15,700
2450 CLASSIFIED PROGRAMS	530,204	507,104	497,104
2500 TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW	545,904	522,804	512,804

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

R-1	Budget Request [1/]	House [2/]	Senate	Conference
999 Classified Programs	**635,164**	**530,204**	**507,104**	**497,104**
Classified Program Adjustment		-104,960	-128,060	-138,060

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
2/ House action relative to the official fiscal year 20007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

The conference agreement provides $1,315,526,000, as proposed by both the House and the Senate.

NATIONAL DEFENSE SEALIFT FUND

The conference agreement provides $5,000,000 as proposed by both the House and the Senate.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)		
	House	Senate	Conference
Defense Health Program (emergency)	2,789,703	2,466,847	3,251,853
Operation and maintenance (emergency)	(2,289,703)	(2,277,147)	(2,802,153)
Procurement (emergency)	---	(118,000)	(118,000)
Research, development, test and evaluation (emergency)	(500,000)	(71,700)	(331,700)
Medical support fund (emergency)	---	---	---

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request	House	Senate	Conference
OPERATION AND MAINTENANCE	**1,073,147**	**2,289,703**	**2,277,147**	**2,802,153**
Amputee Care	28,600	61,950	28,600	61,950
Bethesda Emergency Preparedness Plan		5,000		5,000
Blast Injury Prevention, Mitigation & Treatment	7,100	14,800	7,100	14,800
Improved Identification and Access to Mental Health/PTSD Treatment		200,000	40,000	300,000
Improved Identification and Access to Traumatic Brain Injury Treatment		200,000	20,000	300,000
Care Givers Support Program		12,000		12,000
Burn Care	7,800	14,800	7,800	14,800
Comprehensive Combat Casualty Care (C5)	6,500	6,500	6,500	6,500
BAMC Infrastructure (Elevators)		1,500		1,500
WRAMC Infrastructure (Building 18 & other infrastructure)		20,000	20,000	20,000
Efficiency Wedge			382,000	382,000
Restores Funding for Legislative Proposal not adopted		730,000	742,000	660,750
PROCUREMENT			**118,000**	**118,000**
Efficiency Wedge				118,000
RESEARCH, DEVELOPMENT, TEST, AND EVALUATION		**500,000**	**71,700**	**331,700**
Peer Reviewed Post Traumatic Stress Disorder Research				150,000
Peer Reviewed Traumatic Brain Injury Research				150,000
Peer Reviewed Burn, Orthopedic, and Trauma Research				31,700
MEDICAL SUPPORT FUND	**50,000/1**		**0**	**0**

/1 Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007

The conference agreement provides $3,251,853,000 for the Defense Health Program, instead of $2,789,703,000 as proposed by the House and $2,466,847,000 as proposed by the Senate.

TRAUMATIC BRAIN INJURY (TBI) AND POST TRAUMATIC STRESS DISORDER (PTSD) TREATMENT AND RESEARCH

The conferees believe that, if a service member is correctly diagnosed with TBI or PTSD, the better chance he or she has of a full recovery. It is critical that health care providers are given the resources necessary to make accurate, timely referrals for appropriate treatment and that service members have high priority access to such services. Therefore, the conference agreement provides $900,000,000 for access, treatment and research for TBI and PTSD. Of the amount provided, $600,000,000 is for operation and maintenance and $300,000,000 is for research, development, test and evaluation to conduct peer reviewed research.

By increasing funding for TBI and PTSD, the conferees believe that the Defense Department now will have significant resources to dramatically improve screening for risk factors, diagnosis, treatment, counseling, research, facilities and equipment to prevent or treat these illnesses.

If the Secretary of Defense determines that funds made available within the operation and maintenance account for the treatment of TBI and PTSD are excess to the requirements of the Department of Defense, the conference agreement provides the authority to transfer excess amounts to the Department of Veterans Affairs to be available only for the same purpose.

CARE GIVER SUPPORT PROGRAMS

The conference agreement provides $12,000,000 for care giver support programs, to be allocated as recommended in House Report 110–60, in order to assist the military medical facilities' nurses and doctors who are treating the wounded by ensuring they have sufficient stress prevention and management programs.

AMPUTEE HEALTH CARE

The conference agreement provides a total of $61,950,000 for amputee health care. The additional monies, to be allocated consistent with House Report 110–60, will enhance health care services and operations at Walter Reed, Brooke Army Medical Center/Center for the Intrepid, Landstuhl Regional Medical Center and National Naval Medical Center—Balboa.

SUSTAINING THE MILITARY HEALTH CARE BENEFIT

When the fiscal year 2007 budget request was submitted, it assumed savings anticipated from legislation that would have significantly increased fees and premiums paid by military members. The legislation was not enacted by Congress. The conference agreement provides $660,750,000 to fully fund the Defense Health Program for fiscal year 2007. The conferees strongly urge the Department to examine other ways to sustain the benefit without relying on Congress to enact legislation that would increase the out-of-pocket costs to the beneficiaries.

MILITARY HEALTH CARE BUDGET—''EFFICIENCY WEDGE''

The conference agreement provides $500,000,000 in operation and maintenance and procurement funding to reverse ''efficiency wedge'' savings mandated by the Department of Defense. The monies are to be allocated consistent with Senate Report 110–37 and will return funding to appropriate levels within the Direct Care system and allow the services to address critical needs.

HEALTH CARE IN SUPPORT OF ARMY MODULAR FORCE CONVERSION AND GLOBAL POSITIONING

The conferees are concerned that the Army has been directed to cover costs associated with health care support of Army modular force (AMF) conversion and global positioning. The cost of these movements is estimated at $68,000,000 and will enable the Army to provide the capacity to meet increases in the demand for health care created as the Army repositions forces. This necessary funding is required to ensure that soldiers, particularly those returning from combat, and their families are able to access military health care.

The conferees direct the Assistant Secretary of Defense for Health Affairs and the Surgeon General of the Army to coordinate an effort and report back to the congressional defense committees by June 29, 2007, on how these anticipated costs will be funded to ensure soldiers and their families affected by AMF and global positioning will have access to the health care they deserve.

TRAUMATIC BRAIN INJURY

The conferees direct the Assistant Secretary of Defense for Health Affairs to submit a report to the congressional defense committees regarding the extent of, treatment of, and outreach to patients with traumatic brain injury, through military hospitals and outpatient clinics and their families. The report shall be submitted within 120 days after enactment of this Act, and it shall describe the Department's diagnosis and screening processes, communication procedures and policies for family members, and provide an accounting of funds budgeted and expended for this type of injury.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement provides $254,665,000, as proposed by the Senate, instead of $259,115,000 as proposed by the House.

The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request	House	Senate	Conference
Afghan National Interdiction Unit Counternarcotics Police (Training/Equipment/Facilities)	108,515	108,515	108,515	108,515
Afghan National Interdiction Unit Counternarcotics Police (Air Mobility)	12,000	12,000	12,000	12,000
Intelligence Fusion Centers	500	500	500	500
Afghan Counternarcotics Border Policy (Training/Equipment)	15,500	15,500	15,500	15,500
Intelligence and Technology	45,700	45,700	45,700	45,700
Other Program Support	5,000	5,000	5,000	5,000
Other Nation Support				
Tajikistan	9,000	9,000	9,000	9,000
Turkmenistan	9,400	9,400	9,400	9,400
Yemen	1,000	1,000	0	0
Pakistan	41,950	41,950	41,950	41,950
Kyrgyzstan	5,000	5,000	5,000	5,000
Kazakhstan	2,100	2,100	2,100	2,100
Turkey	1,000	1,000	0	0
Horn of Africa	2,450	2,450	0	0

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

The conference agreement provides $71,726,000 as proposed by the Senate instead of $57,426,000 as proposed by the House.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement retains a provision (Section 1301), as proposed by both the House and Senate, which provides for the obligation of appropriations made available in this chapter until September 30, 2007.

The conference agreement includes a provision (Section 1302), as proposed by the Senate, relating to general transfer authority.

The conference agreement retains a provision (Section 1303), as proposed by both the House and Senate, which provides for the obligation and expenditure of funds related to activities pursuant to section 504(a)(1) of the National Security Act of 1947.

The conference agreement retains a provision (Section 1304), as proposed by both the House and Senate, which prohibits funds provided in this chapter to finance programs or activities denied by Congress, or to initiate a new start program without prior notification to the congressional defense committees.

The conference agreement includes a provision (Section 1305), as proposed by the Senate, relating to amounts transferred or credited to the Defense Cooperation Account.

The conference agreement modifies a provision (Section 1306), as proposed by both the House and Senate, which provides funds for support for counter-drug activities of the Governments of Afghanistan and Pakistan.

The conference agreement includes a provision (Section 1307), as proposed by the Senate, relating to the Commanders' Emergency Response Program.

The conference agreement includes a provision (Section 1308), as proposed by the House, relating to submission of the Measuring Stability in Iraq report.

The conference agreement includes a provision (Section 1309), as proposed by the Senate, relating to supervision and administrative costs associated with construction contracts in Iraq and Afghanistan.

The conference agreement retains a provision (Section 1310), as proposed by both the House and Senate, relating to U.S. contributions to NATO common-funded budgets.

The conference agreement retains a provision (Section 1311), as proposed by both the House and Senate, relating to permanent bases in Iraq.

The conference agreement includes a provision (Section 1312), as proposed by the Senate, which prohibits funds to contravene laws or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The conference agreement deletes a provision, as proposed by the House (Section 1312), permitting the transfer of up to $100,000,000 from Operation and Maintenance, Defense-Wide to the Department of State ''Economic Support Fund'' to support provincial reconstruction teams in Iraq and Afghanistan. The conference agreement includes funds for this activity within the appropriation for the Iraq Freedom Fund.

The conference agreement modifies a provision (Section 1313), as proposed by the House, relating to the withholding of funds appropriated under certain headings until the Department of Defense and the Office of Management and Budget submit certain reports relating to Iraq and Afghanistan security forces.

The conference agreement modifies a provision (Section 1314), as proposed by the House, relating to contractor award fees.

The conference agreement modifies a provision (Section 1315), as proposed by the House, relating to the cost of Department of Defense contracts and number of contracted personnel in Iraq and Afghanistan by deleting the reduction of $815,000,000, increasing the amounts withheld pending a DoD report on contract costs and personnel, and clarifying the reporting requirements.

The conference agreement includes a provision (Section 1316), as proposed by the House, which provides temporary authority to allow service members to designate a portion of their death gratuity benefit to someone other than next of kin.

The conference agreement includes a provision (Section 1317), as proposed by the Senate, which provides up to 287 heavy armored vehicles for force protection purposes in Iraq and Afghanistan.

The conference agreement modifies a provision (Section 1318), as proposed by the Senate, which requires the Secretary of Defense to inspect all military medical treatment facilities and military quarters housing medical hold and medical holdover personnel.

The conference agreement does not include a provision, as proposed by the House (Section 1320), relating to the legal representation for soldiers pursuing claims through the Army Physical Disability Evaluation System. The conference agreement addresses this matter elsewhere in the joint explanatory statement.

The conference agreement includes a provision (Section 1319), as proposed by the Senate, regarding the disarming of militias.

The conference agreement modifies a provision (Section 1320), as proposed by the Senate, relating to an independent assessment of the capabilities of the Iraqi security forces.

The conference agreement includes a provision (Section 1321) which provides a one-time waiver of time limitations for the award of the Medal of Honor.

The conference agreement includes a provision (Section 1322) that from funds appropriated in ''Other Procurement, Army'', in the Department of Defense Appropriations Act, 2006, $6,250,000 shall be transferred to ''Military Construction, Army''.

The conference agreement includes a provision (Section 1323) permitting the transfer of up to $110,000,000 from various appropriations to the Department of State ''Economic Support Fund'' to support programs in Pakistan.

The conference agreement deletes a provision, as proposed by the House (Section 1319), which would have amended section 1403(a) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (as amended).

The conference agreement deletes a provision, as proposed by the Senate (Section 1318), relating to the redevelopment of the industrial sector in Iraq. The conference agreement addresses this issue within the appropriation for the Iraq Freedom Fund.

The conference agreement deletes a provision, as proposed by the Senate (Section 1319), to provide $1,500,000,000 for Mine Resistant Ambush Protected Vehicles. This matter is addressed within various appropriations in this chapter.

CHAPTER 4

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides $150,000,000 for Defense Nuclear Nonproliferation activities by the National Nuclear Security Administration, as proposed by the House instead of $63,000,000 as proposed by the Senate. Within the amounts provided, $136,000,000 is included for the International Nuclear Materials Protection and Cooperation program, including $25,000,000 for Rosatom Weapons Complex activities to begin comprehensive security upgrades at Mayak plutonium facilities where Russia recently agreed to allow access to U.S. teams for cooperative security work; $87,000,000 for the Megaports initiative to accelerate activities in host countries with seaports that have signed implementation agreements but are currently not funded to complete deployment of radiation detection equipment for scanning cargo containers; and $24,000,000 for additional high priority activities. Further the recommendation includes $14,000,000 for the Global Threat Reduction Initiative for Kazakhstan spent fuel security activities.

Sec. 1401. The conference agreement includes a provision regarding National Nuclear Security Administration transfer authority.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The conferees agree with the Senate's concern that the management and administrative challenges facing the Department will increase unless a stronger focus is placed on hiring, training, and maintaining career leaders. In particular, the conferees are concerned that the Department and its components will not be able to function effectively when the change in administration occurs in 2009. The conferees direct the Department to provide, by July 20, 2007, a report on senior staffing, as proposed by the Senate. The conferees further direct the Government Accountability Office to assess the strengths and weaknesses of the report within 90 days after the Department submits the report. In addition, the conferees provide $900,000 in title IV of the bill for the Under Secretary for Management to award a grant or contract to the National Academy of Public Administration (NAPA) to undertake a study to compare the Department of Homeland Security's reported senior career and political staffing levels and senior career training programs with those of similarly structured cabinet-level agencies. NAPA is an independent, non-partisan organization chartered by Congress to assist Federal, State, and local governments in improving their effectiveness, efficiency, and accountability. The conferees direct the Department to execute such grant or contract no later than the July 20, 2007, report submission date, and for NAPA to submit its report within six months thereafter.

OFFICE OF THE CHIEF INFORMATION OFFICER

The Chief Information Officer is directed to submit to the Committees on Appropriations no later than 30 days after the date of enactment of this Act a report on the full costs to transition information to the Department of Homeland Security's primary data center. This report is to include, by departmental component: a schedule for data transition; costs for each fiscal year required to complete the transition; identification of items associated with the transition required to be procured and related procurement schedule; and identification of any transition costs provided in fiscal year 2007 or requested in the fiscal year 2008 President's budget. A report on the same elements for the data center to be selected in the summer of 2007 shall be submitted to the Committees on Appropriations no later than 30 days after a final selection has been made.

ANALYSIS AND OPERATIONS

The conferees provide an additional $15,000,000 in support of the State and local fusion center program, instead of $35,000,000 as proposed by the House. The Senate bill

contains no similar provision. These funds, along with amounts made available to date in fiscal year 2007, will allow DHS to support 35 fully-operational centers by the end of 2008.

Consistent with the House report, the conferees direct the Department's Chief Intelligence Officer to provide on-going, quarterly updates to the Committees on Appropriations, starting on July 1, 2007, that detail progress in placing DHS homeland security intelligence professionals in State and local fusion centers. These reports shall include: the qualification criteria used by DHS to decide where and how to place DHS intelligence analysts and related technology; total expenditures to support each center to date and during the most recent quarter of the current fiscal year, in the same categorization as materials submitted to the Committees on Appropriations on March 23, 2007; the location of each fusion center, including identification of those with DHS personnel, both operational and planned; the schedule for operational stand-up of planned fusion centers; the number of DHS-funded employees located at each fusion center, including details on whether the employees are contract or government staff; the privacy protection policies of each center, including the number of facility personnel trained in Federal privacy, civil rights, and civil liberties laws and standards; and the number of local law enforcement agents at each center approved or pending approval to receive and review classified intelligence information.

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conferees provide an additional $115,000,000 for Salaries and Expenses, instead of $100,000,000 as proposed by the House and $140,000,000 as proposed by the Senate. Included in this amount are funds to:

(1) implement Security and Accountability For Every Port Act of 2006 (Public Law 109–347) requirements and advance goals of the Secure Freight Initiative to improve significantly the ability of United States Customs and Border Protection (CBP) to target and analyze U.S.-bound cargo containers; expand the screening of such cargo overseas and the capacity to physically inspect containers; procure and integrate non-intrusive inspection equipment into inspection and radiation detection operations; and improve supply chain security, to include enhanced analytic and targeting systems using data collected via commercial and government technologies and databases;

(2) support hiring of not less than an additional 600 CBP Officers, and additional intelligence and trade specialist and support positions for targeting and screening on the Northern Border, at overseas locations, and at the National Targeting Center, and staffing required for Northern Border Air and Marine Operations; and

(3) transfer up to $5,000,000 to the Federal Law Enforcement Training Center for basic training costs associated with the additional personnel funded in this Act.

The conferees direct CBP to submit expenditure and staffing plans for these additional funds to the Committees on Appropriations no later than 30 days after the date of enactment of this Act and prior to the obligation of the funds.

The conferees direct CBP to sustain the current level of Border Patrol staffing on the Northern Border and to inform the Committees on Appropriations immediately if CBP does not expect to achieve its plan of having at least 1,179 Border Patrol agents permanently deployed to the Northern Border by the end of fiscal year 2007.

ALIEN SMUGGLING TRACKING

The conferees are aware that CBP has established an Office of Alien Smuggling Interdiction (ASI), including three field-level Regional Carrier Liaison Groups. According to CBP, ASI facilitates the exchange of intelligence and information within CBP and between CBP and external agencies related to alien trafficking and smuggling; coordinates such efforts within CBP; and maintains close working relationships with other offices, including the Human Smuggling and Trafficking Center (HSTC), the Border Patrol, and the U.S. Coast Guard. The conferees agree such efforts are consistent with the CBP mission to interdict smuggling, but also coordination requires active CBP participation in the multi-agency HSTC. The conferees direct CBP and ICE jointly to brief the Committees on Appropriations no later than 60 days after the date of enactment of this Act on the role each agency plays in enforcing laws against human smuggling, how those missions are coordinated, and the timeline for placement of CBP detailees at the HSTC.

CONSTRUCTION

The conferees have recently become aware of significant CBP construction program management lapses that may adversely impact deployment of new Border Patrol agents and endanger the successful implementation of border security initiatives. The conferees direct CBP to review and assess the staffing levels committed to facilities management and oversight and submit the Construction Master Plan required by Public Law 109–295 to the Committees on Appropriations as expeditiously as possible.

PERMANENT BORDER PATROL CHECKPOINT

The conferees understand that CBP agrees that no permanent checkpoint will be planned for Southern Arizona without significant and direct community involvement. Any planned permanent checkpoint must: (1) be part of an overall network of border security technology and infrastructure, as well as an increase in personnel; (2) be designed to significantly reduce the number of illegal immigrants and the amount of contraband entering the U.S. through Arizona, and increase the security of our nation by employing technology and capabilities to detect individuals or implements associated with terrorism; and (3) contain attributes that reduce to a minimum the impact on the commerce and quality of life of communities. Prior to the operation of a possible permanent checkpoint in Southern Arizona, CBP must ensure that any temporary checkpoint be administered in a manner consistent with current case law, and address the checkpoint's impact on residents, legitimate travelers, and public safety.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The conferees provide an additional $120,000,000 for Air and Marine Interdiction, Operations, Maintenance, and Procurement, instead of $150,000,000 as proposed by the House and $75,000,000 as proposed by the Senate. Included in this amount are funds to accelerate planned deployment of Northern Border Air and Marine operations. This includes: establishment of the final Northern Border air wing; procurement of assets, such as fixed wing aircraft, helicopters, unmanned aerial systems, marine and riverine vessels, and other equipment; relocation of aircraft; site acquisition; and the design and building of facilities. The conferees direct CBP to submit an expenditure plan for the use of these funds to the Committees on Appropriations no later than 30 days after the date of enactment of this Act and prior to the obligation of the funds.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The conferees provide an additional $10,000,000 for Salaries and Expenses instead of $20,000,000 as proposed by the Senate. The House bill contains no similar provision. Of this amount, $5,000,000 is provided to create a security advisory opinion review unit within the Visa Security Program consistent with the Senate report. The remaining $5,000,000 is provided for the Human Smuggling and Trafficking Center (HSTC). The conferees intend that U.S. Immigration and Customs Enforcement (ICE) serve as the Department's lead at the HSTC, but also direct CBP, given its border protection, inspection, and interdiction missions, to fully participate in the HSTC. The conferees direct ICE to submit an expenditure plan for the use of the HSTC funds to the Committees on Appropriations no later than 30 days after the date of enactment of this Act and prior to the obligation of the funds.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

The conferees provide an additional $970,000,000 for Aviation Security instead of $1,250,000,000 as proposed by the House and $660,000,000 as proposed by the Senate. Within this total, $815,000,000 is for the procurement and installation of checked baggage explosives detection systems; $45,000,000 is for the expansion of checkpoint explosives detection pilot systems; and $110,000,000 is for air cargo security. Funding for the procurement and installation of checked baggage explosives detection systems and checkpoint explosives detection pilots is available until expended. Funding for air cargo security is available until September 30, 2009.

The conferees direct the Transportation Security Administration (TSA) to utilize funding for explosives detection systems at airports that would derive significant security benefits, consistent with the optimal screening solutions prioritized in TSA's strategic plan for electronic baggage screening. As directed by the Senate, TSA shall submit a revised fiscal year 2007 explosives detection system expenditure plan to the Committees on Appropriations no later than 90 days after the date of enactment of this Act.

The conferees provide $45,000,000 for the deployment and pilot testing of advanced checkpoint explosives detection equipment and screening technologies to determine preferred operational and equipment protocols. The fiscal year 2008 budget request identifies a number of emerging technologies that could be expedited so that airline passengers and carry-on baggage are screened for explosives, weapons, and other threat objects by the most advanced equipment currently under development. TSA has lagged behind in this area and should use this funding to accelerate this work. The conferees are disappointed that TSA failed to meet a January 23, 2007, deadline to submit a strategic plan for deployment of checkpoint technologies and direct TSA to expeditiously submit that strategic plan, as directed in the joint explanatory statement of managers accompanying the fiscal year 2007 conference report (Report 109–699), and include these additional funds as part of this effort.

The conferees provide $110,000,000 for air cargo security. This funding sets a path for all cargo carried on passenger aircraft to be screened. Within the amount provided, the conferees direct TSA to: (1) hire no fewer than 150 additional air cargo inspectors to establish a more robust enforcement and compliance regime; (2) complete air cargo vulnerability assessments, as described in TSA's recent report on air cargo security for

all Category X airports; (3) expand the National Explosives Detection Canine Program by no fewer than 170 additional canine teams; and (4) procure and install explosives detection systems, explosives trace machines, and other technologies to screen air cargo. The conferees permit a portion of these funds to be used for proprietary canine teams led by TSA, as proposed by the Senate. In addition, the conferees direct TSA to pursue canine screening methods utilized internationally, which focus on air samples taken from air cargo for explosives detection. Within 90 days after the date of enactment of this Act, TSA shall provide an expenditure plan detailing how it will utilize the $110,000,000 to increase the screening of air cargo carried on passenger aircraft.

FEDERAL AIR MARSHALS

The conferees provide an additional $8,000,000 for Federal Air Marshals instead of $15,000,000 as proposed by the Senate. The House bill contains no similar provision. Funding shall be used to support higher coverage on critical flights that would otherwise have had insufficient coverage. The conferees direct TSA to report back within 30 days from the date of enactment of this Act on how these additional funds will be allocated.

NATIONAL PROTECTION AND PROGRAMS

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

The conferees provide an additional $37,000,000 for Infrastructure Protection and Information Security instead of $25,000,000 as proposed by the House and $18,000,000 as proposed by the Senate. Of this total amount, $25,000,000 shall be to develop State and local interoperability plans in support of the state interoperable grant program; and $12,000,000 shall be to support implementation of new chemical security regulations.

As outlined in the House report, the conferees direct the Office of Emergency Communications to work in conjunction with the Science and Technology Office of Interoperable Communications and the Federal Emergency Management Agency to support the efforts of State and local governments as they develop state interoperable communications plans. Within 30 days from the date of enactment of this Act, DHS is directed to provide the Committees on Appropriations a detailed expenditure plan for execution of a nationwide state interoperable communications planning effort, including key milestones for achievement of the decisions necessary to support the Public Safety Interoperable Communications Grant Program. The conferees encourage the Department to allow States that do not use reallocated public safety spectrum to be eligible for the Public Safety Interoperable grant funds as long as their systems are compatible with those using reallocated spectrum.

The conferees provide $12,000,000 to ensure that DHS is able to implement chemical facility security regulations efficiently and effectively as described in the Senate report.

The conferees are concerned with the process used by the Office of Cyber Security to acquire access to a facility for a Secret Service-led computer forensics training program. While the conferees strongly support the Department's efforts to fight cyber-crime, the Department's first notification to Congress of this program was via a press release announcing the Secretary's ribbon cutting at the planned center. This approach represents a violation of the spirit, if not the letter, of section 503 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295). Within 30 days from the date of enactment of this Act, the Secretary is directed to submit to the Committees on Appropriations a report providing a detailed description of the source and amount of funds to be used in support of the new program, the original purpose of each of the funding sources, a legal opinion providing the legal basis for the actions taken in establishing this activity, and the process that will be used in the future to ensure that Congress is informed in advance of any activity that could be construed as either creating new programs or making awards that do not involve an appropriate competitive solicitation of participants or service providers. In addition, the report shall include a justification outlining why this activity is properly undertaken by the Secret Service and DHS rather than the Federal Bureau of Investigation and the Department of Justice.

OFFICE OF HEALTH AFFAIRS

The conferees provide $15,000,000 for the Office of Health Affairs instead of $18,000,000 as proposed by the Senate. The House bill contains no similar funding. Of this amount, $4,000,000 is to support medical readiness, planning, and other activities tasked to this Office.

The remaining $11,000,000 is for nuclear event public health assessment and planning. The Office of Health Affairs, in conjunction with appropriate agencies and national labs, shall: expeditiously develop plans for the response to, and model the effects of, a 0.1, 1.0 and 10 kiloton nuclear explosion on each tier one Urban Area Security Initiative (UASI) city, where such analysis has not already been completed; assess whether current response and recovery plans of all levels of government provide the greatest public health benefit; document what modifications and appropriate practices for responding to such an event would improve health outcomes; assess if identified affected distribution systems would be sufficient to support the proposed response; and set a strategy, in consultation with the Federal Emergency Management Agency and other appropriate agencies, to ensure consistent and sufficient delivery of information to the public, medical community, and first responders on appropriate protective actions to prepare for and respond to a nuclear attack.

The Office of Health Affairs shall provide quarterly briefings to the Committees on Appropriations on the status of this assessment beginning three months after the date of enactment of this Act.

In addition, of the amount made available for the assessment, up to $2,000,000 is for the National Academy of Sciences (NAS) to evaluate the Department's estimates of the effects of a nuclear attack and the current level of preparation in tier one UASI cities. NAS shall report on: available healthcare capacity to treat the affected population; treatments available for pertinent radiation illnesses; efficacy of medical countermeasures; the likely capability of the Federal, State, and local authorities to deliver available medical countermeasures in a timely enough way to be effective; and the overall expected benefit of available countermeasures and those in the development pipeline. NAS shall also assess the availability, quality, and benefit of public and medical education in reducing the illness and death associated with a nuclear attack. NAS shall submit its report to the Committees on Appropriations within 18 months after the date of enactment of this Act.

The conferees note the Department has not finalized its Protective Action Guides for Radiological Dispersal Devices and Improvised Nuclear Device Incidents for Federal agencies, State and local governments, emergency responders, and the general public. This guidance would be critical in planning and responding to radiological incidents. The conferees direct the Department to finalize this guidance as quickly as possible.

The conferees direct the Office of Health Affairs to submit an expenditure plan prior to the obligation of any funds provided under this heading. Funds are available until September 30, 2008.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

The conferees provide $25,000,000 for Management and Administration instead of $25,000,000 as proposed by the House for Salaries and Expenses and $20,000,000 as proposed by the Senate for Administrative and Regional Operations. Within the funding provided, $10,000,000 is for disaster communications equipment to be placed in Federal Emergency Management Agency (FEMA) regions across the country; $2,500,000 is to strengthen interstate mutual aid agreements; $5,000,000 is for regional strike teams; $6,000,000 is for improvements for financial and information systems; $500,000 is for the Law Enforcement Liaison Office; $500,000 is for the Disability Coordinator; and $500,000 is for the National Advisory Council. The conferees include bill language prohibiting the obligation of this $25,000,000 until the Committees on Appropriations receive and approve an expenditure plan. Such plan should be submitted within 45 days after the date of enactment of this Act. Funds are available until September 30, 2008.

The ''Management and Administration'' account combines the former ''Administrative and Regional Operations'' and ''Readiness, Mitigation, Response, and Recovery'' accounts. A provision is included to transfer all funds in the ''Administrative and Regional Operations'' and ''Readiness, Mitigation, Response, and Recovery'' accounts into the new ''Management and Administration'' account.

NUCLEAR PREPAREDNESS

The conferees are concerned that cities have little guidance available to them to better prepare their populations to react in the critical moments shortly after a nuclear event. The conferees direct FEMA, in conjunction with the Office of Health Affairs, to report on the general status and adequacy of public fallout shelters and other protective measures, as appropriate, and pre-planned guidance to the public in the tier one UASI cities. Further, FEMA shall report on how it is coordinating with State and local governments and the Department of Health and Human Services for delivery of prepackaged announcements with major radio and television outlets to assure immediate and helpful guidance after a nuclear attack.

STATE AND LOCAL PROGRAMS

The conferees provide an additional $552,500,000 for State and Local Programs instead of $415,000,000 as proposed by the House and $850,000,000 proposed by the Senate. Within the funding provided, $190,000,000 is for port security grants pursuant to the Security and Accountability For Every Port Act of 2006 (Public Law 109–347); $325,000,000 is for intercity rail passenger transportation, freight rail, and transit security grants; $35,000,000 is for regional catastrophic event planning grants and regional technical assistance; and $2,500,000 is for technical assistance programs.

The conferees continue to be concerned about the Department's poor track record for awarding security grants on a timely basis. The additional funding provided in this Act for port security and rail and mass transit security grants shall be awarded by September 30, 2007. The conferees direct the Department to provide potential grant recipients with pending applications an opportunity to apply for these additional funds.

The conferees provide $35,000,000 for all-hazard regional catastrophic event planning grants and regional technical assistance as proposed by the Senate. These funds are provided for grants and technical assistance to tier one UASI cities and other participating governments for the purpose of developing all-hazard regional catastrophic event plans and preparedness. FEMA Regional Offices are directed to work with the UASI areas in this effort. Plans and preparedness efforts must address every risk and include logistics, response (including mass evacuation and shelter-in-place), recovery, public education, and business outreach. The conferees include bill language prohibiting the obligation of funds for regional catastrophic event planning grants and regional technical assistance until the Committees on Appropriations receive and approve an expenditure plan. The conferees direct FEMA to provide the expenditure plan by July 1, 2007, so as not to delay this important initiative. The Department shall report to the Committees on Appropriations no later than January 15, 2008, regarding the results of this effort.

The conferees recognize that the majority of grant dollars are spent on first responder equipment at the State and local level. To be effective, it is imperative that first responders are also trained to properly use and maintain the equipment. Therefore, the conferees provide $2,500,000 to the technical assistance program for operation and maintenance training on detection and response equipment. The program must be competitively awarded. Funds are available until September 30, 2007.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

The conferees provide an additional $100,000,000 for Emergency Management Performance Grants. The conferees do not include bill language proposed by the Senate to provide funds for expenses related to the Nationwide Plan Review.

The conferees are concerned by the findings of the Department's Plan Review, which found that emergency management plans across the country are not up-to-date or systematic. State and local emergency management agencies use Emergency Management Performance Grants to enhance their emergency management capabilities and to link efforts regionally and nationwide. The conferees direct FEMA to provide guidelines encouraging State and local governments to address the findings identified in the Nationwide Plan Review. The conferees also direct FEMA to brief the Committees on Appropriations regarding the status of successfully addressing the Nationwide Plan Review findings no later than June 29, 2007.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

The conferees agree to provide an additional $10,000,000 for United States Citizenship and Immigration Services instead of $30,000,000 as proposed by the Senate. The House bill contains no similar provision. The conferees understand that there are approximately 170,000 immigration applications and petitions awaiting security checks by the Federal Bureau of Investigation. These funds are provided under the terms and conditions listed in the Senate report, including a restriction from obligation until the Committees on Appropriations receive a specific plan that describes how this security check backlog will be addressed comprehensively.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

The conferees provide an additional $10,000,000 for Research, Development, Acquisition, and Operations instead of $15,000,000 as proposed by the Senate. The House bill contains no similar provision. The conferees direct that this funding be used for research on improved air cargo screening technologies to protect aircraft from explosives and other harmful materials, as discussed in the Senate report. None of the funds shall be used to continue, beyond the current timeframe, ongoing air cargo pilots. The benefits and findings from these pilots should be made available to all stakeholders as quickly as possible.

DOMESTIC NUCLEAR DETECTION OFFICE

RESEARCH, DEVELOPMENT, AND OPERATIONS

The conferees provide an additional $39,000,000 for Research, Development and Operations as proposed by the Senate. The House bill contains no similar provision. Within the funding provided, $5,000,000 is to enhance detection links between seaports and railroads as authorized in Section 121(i) of Security and Accountability For Every Port Act of 2006 (Public Law 109–347); $8,000,000 is to accelerate development and deployment of detection systems at international rail border crossings; and $26,000,000 is for development and deployment of a variety of screening technologies at aviation facilities as discussed in the Senate report. Funding is available until expended.

SYSTEMS ACQUISITION

The conferees provide an additional $223,500,000 for Systems Acquisition instead of $400,000,000 as proposed by the House. The Senate bill contains no similar provision. Funding shall be used to acquire and deploy additional radiation portal monitors at all locations DHS determines necessary. No funds shall be used to acquire advanced spectroscopic portal monitors until the Secretary of Homeland Security certifies that these systems will achieve a significant increase in operational effectiveness. If the Secretary is unable to certify an increase in operational effectiveness, the conferees direct the Domestic Nuclear Detection Office to acquire currently available radiation portal monitors. Funds are available until expended.

GENERAL PROVISIONS

Section 1501.—The conferees modify a provision proposed by both the House and Senate that clarifies Federal preemption of State and local chemical site security regulations. The conferees also modify a House provision on information security standards for chemical facility vulnerability information.

Sec. 1502.—The conferees include a provision proposed by the Senate that precludes the Department from using funds in this Act or provided by P.L. 109–295 to carry out reorganization authority. The House bill contains no similar provision.

Sec. 1503.—The conferees include a provision proposed by the Senate that mandates that the Department of Homeland Security require all contracts that provide award fees to link such fees to successful acquisition outcomes. The House bill contains no similar provision.

The conferees do not include a provision proposed by the Senate regarding the Domestic Preparedness Equipment Technical Assistance Program.

CHAPTER 6

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

The conferees agree to provide $6,437,000 for the House of Representatives for business continuity and disaster recovery. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendment of the House.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

The conference agreement provides $374,000 to the Government Accountability Office to remain available until September 30, 2008. This is the same amount as proposed by the Senate. The House bill carried no such provision.

CHAPTER 7

DEPARTMENT OF DEFENSE

NATO Security Investment Program (NSIP) reimbursement for military construction in Afghanistan.—The conferees understand that military construction projects carried out in Afghanistan may be eligible for reimbursement under NSIP. The conferees therefore direct the Department of Defense to aggressively pursue NSIP funding for military construction in Afghanistan and review all future projects for NSIP eligibility.

MILITARY CONSTRUCTION, ARMY

The conferees agree to provide $1,255,890,000 for Military Construction, Army, instead of $1,329,240,000 as proposed by the House and $1,261,390,000 as proposed by the Senate. The funds are provided as follows:

Location	Project description	Request	Conference Agreement
CO Fort Carson	Unit Operations Facilities		18,000,000
GA: Fort Stewart	Unit Operations Facilities		30,500,000
KS: Fort Riley	Site Prep, Accelerated BCT	1,500,000	1,500,000
KS: Fort Riley	Unit Operations Facilities		24,000,000
KY: Fort Campbell	Unit Operations Facilities		18,000,000
MD: Fort Meade	Military Intelligence Admin/Ops Center	42,000,000	42,000,000
MO: Fort Leonard Wood	Trainee Barracks Complex		77,100,000
NY: Fort Drum	Unit Operations Facilities		14,600,000
NC: Fort Bragg	Unit Operations Facilities		11,800,000
TX: Fort Bliss	Unit Operations Facilities		38,000,000
TX: Fort Hood	Unit Operations Facilities		
WW: Unspecified	Growing the Force Projects, Various Locs	250,000,000	
Afghanistan: Bagram AB	Bulk Fuel Storage, Phase 1	9,500,000	9,500,000
Afghanistan: Bagram AB	Bulk Fuel Storage, Phase 2	25,000,000	25,000,000
Afghanistan: Bagram AB	CMU Barracks	17,000,000	17,000,000
Afghanistan: Bagram AB	Communications System Facility	8,200,000	8,200,000
Afghanistan: Bagram AB	Electrical Distribution/Utility Chase	17,500,000	17,500,000
Afghanistan: Bagram AB	New Roads	26,000,000	
Afghanistan: Bagram AB	Perimeter Fence and Guard Towers	8,900,000	8,900,000

Location	Project description	Request	Conference Agreement
Afghanistan: Bagram AB	RSOI Surge Area	14,000,000	14,000,000
Afghanistan: Bagram AB	Storm Water Collection	5,600,000	5,600,000
Afghanistan: Bagram AB	Water Treatment and Distribution	22,000,000	22,000,000
Afghanistan: Bagram AB	WWTP and Sewer Collection	16,500,000	16,500,000
Afghanistan: Various Locations	Road—Freedom/Asabalad to Blessing	17,500,000	17,500,000
Afghanistan: Various Locations	Road—Naray to Kamdash	27,000,000	27,000,000
Afghanistan: Various Locations	Road—Asmar to Naray	9,700,000	9,700,000
Afghanistan: Various Locations	Road—Jalalabad to Shali Kot	15,000,000	15,000,000
Afghanistan: Various Locations	Road—South of Jalalabad	6,800,000	6,800,000
Afghanistan: Various Locations	Road—Through Sharana	7,300,000	7,300,000
Afghanistan: Various Locations	Road—West of Orgun-E	7,300,000	7,300,000
Afghanistan: Various Locations	Road—South of Sharana	33,000,000	33,000,000
Afghanistan: Various Locations	Road—Khowst to BSP9	7,900,000	7,900,000
Afghanistan: Various Locations	Road—FB Chamkani to Pakistan Border	13,000,000	13,000,000
Afghanistan: Various Locations	Road—West of Khowst	9,700,000	9,700,000
Afghanistan: Various Locations	Road—North of Waza Kwah	36,000,000	36,000,000
Afghanistan: Various Locations	Road—Qalat to Mazan	30,000,000	30,000,000
Afghanistan: Various Locations	Road—Qalat to Shinkay	57,000,000	57,000,000
Afghanistan: Various Locations	Road—Tarin Kowt to Oshay	34,000,000	34,000,000
Afghanistan: Various Locations	Road—Crossings 1 to 2 (BAF to Kabul)	3,550,000	3,550,000
Afghanistan: Various Locations	Road—Crossings 2 to 3 (BAF to Kabul)	790,000	790,000
Afghanistan: Various Locations	Road—Crossing 3 to 5KM (BAF to Kabul)	3,550,000	3,550,000
Afghanistan: Various Locations	Dry Stream Bed Crossing 1 (BAF to Kabul)	8,300,000	8,300,000
Afghanistan: Various Locations	Dry Stream Bed Crossing 2 (BAF to Kabul)	8,300,000	8,300,000
Afghanistan: Various Locations	Dry Stream Bed Crossing 3 (BAF to Kabul)	34,000,000	34,000,000
Iraq: Al Asad	Detainee Interrogation Facility	5,500,000	
Iraq: Al Asad	Electrical Infrastructure Upgrades	14,600,000	14,600,000
Iraq: Al Asad	Heavy Aircraft Apron	14,400,000	14,400,000
Iraq: Al Asad	Runway With Shelters	13,600,000	13,600,000
Iraq: Al Asad	Transient Aircraft Apron	4,150,000	4,150,000
Iraq: Al Asad	Water Storage Tanks	14,000,000	14,000,000
Iraq: Camp Anaconda	CJSOAC Operations Center	3,450,000	3,450,000
Iraq: Camp Anaconda	North Entry Control Point	7,400,000	7,400,000
Iraq: Camp Anaconda	POL Tanks	9,900,000	9,900,000
Iraq: Camp Anaconda	South Entry Control Point	7,500,000	7,500,000
Iraq: Camp Anaconda	Truck Lane Access Road	2,600,000	2,600,000
Iraq: Camp Anaconda	Water Storage Tanks	10,000,000	10,000,000
Iraq: Camp Anaconda	Water Wells	2,200,000	2,200,000
Iraq: Various Locations	Facilities Replacement	96,000,000	
Iraq: Al Asad	Facilities Replacement		23,000,000
Iraq: Camp Adder	Facilities Replacement		1,800,000
Iraq: Camp Anaconda	Facilities Replacement		7,000,000
Iraq: Camp Speicher	Facilities Replacement		19,000,000
Iraq: Qayyarah West	Facilities Replacement		1,800,000
Iraq: Scania	Facilities Replacement		2,400,000
Iraq: Victory Base	Facilities Replacement		33,000,000
Iraq: Various Locations	Facilities Replacement—AT/FP		8,000,000
Iraq: Various Locations	Life Support Areas	75,000,000	
Iraq: Al Asad	Life Support Areas		16,500,000
Iraq: Camp Adder	Life Support Areas		8,500,000
Iraq: Camp Anaconda	Life Support Areas		8,500,000
Iraq: Camp Speicher	Life Support Areas		8,500,000
Iraq: Victory Base	Life Support Areas		33,000,000
Worldwide: Unspecified	Planning and Design (Growing the Force)	151,700,000	151,700,000
Worldwide: Unspecified	Planning and Design (GWOT)	23,900,000	22,000,000
Total		1,289,290,000	1,255,890,000

Coordination of military road construction in Afghanistan.—The conferees agree to include a provision, as proposed by the House, to prohibit the obligation or expenditure of $369,690,000 in funds until the Secretary of Defense submits a detailed report on the coordination of military road construction in Afghanistan with NATO and coalition nations. The Senate bill contained no similar provision.

Growing the Force, Army.—The conferees agree to provide $401,700,000 for construction and planning and design efforts in support of the Army's proposed permanent end-strength increase of up to 65,000 soldiers. The conferees are concerned, however, about the lack of an overall plan to station and accommodate these increases with the necessary facilities. The conferees therefore agree to include language that prohibits the obligation and expenditure of these funds until the Secretary of Defense submits a Grow the Force Stationing Plan that includes the following for the entire 65,000–soldier increase: the new units to be created and the number of soldiers in each such unit; the specific increases in the number of soldiers to existing units; the installation where each new unit or augmented unit will be located; the estimated dates of initial operational capability and full operational capability of each new unit; the types of temporary and permanent facilities required (including family housing) and the estimated cost; and any other pertinent information. This report also shall provide the same information, where appropriate, for the proposed increase of 8,200 personnel to the Army National Guard and the proposed increase of 1,000 personnel to the Army Reserve.

Permanent bases in Iraq.—The conferees agree to include a provision, as proposed by the Senate, to prohibit the obligation or expenditure of $274,800,000 in funds until the Secretary of Defense certifies that none of these funds are to be used for the permanent basing of U.S. military personnel in Iraq. The House bill contained no similar provision.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conferees agree to provide $370,990,000 for Military Construction, Navy and Marine Corps, instead of $389,300,000 as proposed by the House and $347,890,000 as proposed by the Senate. The funds are provided as follows:

Location	Project description	Request	Conference Agreement
AZ: MCAS Yuma	Grow the Force Interim Facilities Site Prep	—	1,200,000
CA: MCAS Miramar	Grow the Force Interim Facilities Site Prep	—	4,800,000
CA: Camp Pendleton	Grow the Force Interim Facilities Site Prep	—	39,730,000
CA: Twentynine Palms	Grow the Force Interim Facilities Site Prep	—	27,340,000
HI: MCB Hawaii	Grow the Force Interim Facilities Site Prep	—	2,170,000
NC: Camp Lejeune	3/9 Maintenance/Operations Complex	41,490,000	41,490,000
NC: Camp Lejeune	BEO, Hadnot Point	40,560,000	40,560,000
NC: Camp Lejeune	EOD Building FC292 Addition	2,570,000	2,570,000
NC: Camp Lejeune	Mess Hall	16,100,000	16,100,000
NC: Camp Lejeune	MP Company Operations Complex	5,800,000	5,800,000
NC: Camp Lejeune	Regimental Headquarters Addition	8,600,000	8,600,000
NC: Camp Lejeune	Truck Company Maintenance/Ops Complex	9,150,000	9,150,000
NC: Camp Lejeune	Grow the Force Interim Facilities Site Prep	—	50,660,000
NC: MCAS Cherry Point	Grow the Force Interim Facilities Site Prep	—	27,050,000
NC: MCAS New River	Grow the Force Interim Facilities Site Prep	—	850,000
Djibouti: Camp Lemonier	Electrical Power Plant	17,990,000	17,990,000
Djibouti: Camp Lemonier	Wastewater Treatment	19,700,000	19,700,000
Djibouti: Camp Lemonier	Water Production	18,310,000	—
Djibouti: Camp Lemonier	Water Storage	5,630,000	5,630,000
Worldwide: Unspecified	Unspecified Construction	153,800,000	—
Worldwide: Unspecified	Planning and Design (GWOT)	4,600,000	3,400,000
Worldwide: Unspecified	Planning and Design (Growing the Force)	46,200,000	46,200,000
Total		390,500,000	390,500,000

Growing the Force, Marine Corps.—The conferees agree to provide $324,270,000 for construction and planning and design efforts in support of the Marine Corps' proposed permanent end-strength increase of up to 27,000 marines. The conferees are concerned, however, about the lack of an overall plan to station and accommodate these increases with the necessary facilities. The conferees therefore agree to include language that prohibits the obligation and expenditure of these funds until the Secretary of Defense submits a Grow the Force Stationing Plan that includes the following for the entire 27,000-marine increase: the new units to be created and the number of marines in each such unit; the specific increases in the number of marines to existing units; the installations where each new unit or augmented unit will be located; the estimated dates of initial operational capability and full operational capability of each new unit; the types of temporary and permanent facilities required (including family housing) and the estimated cost; and any other pertinent information.

MILITARY CONSTRUCTION, AIR FORCE

The conferees agree to provide $43,300,000 for Military Construction, Air Force, instead of $60,200,000 as proposed by the House and $34,700,000 as proposed by the Senate. The funds are provided as follows:

Location	Project description	Request	Conference Agreement
Afghanistan: Bagram AB.	Hot Cargo Pad and Access Road.	7,300,000	7,300,000
Afghanistan: Bagram AB.	Parallel Taxiway	49,000,000	33,000,000
Worldwide: Unspecified.	Planning and Design	3,900,000	3,000,000
Total		60,200,000	43,300,000

Parallel Taxiway, Bagram, Afghanistan.—The conferees agree to provide $33,000,000 to extend the existing parallel taxiway at Bagram, rather than the $49,000,000 requested to build a new taxiway. One of the justifications for this project provided by the Deparment of Defense is to allow for parking expansion to accommodate wide-body aircraft. The conferees note, however, that the Administration's March 9 revisions deleted the Strategic Aircraft Ramp from the original request, indicating that it no longer considers such expansion to be a priority.

BASE REALIGNMENT AND CLOSURE ACCOUNT 2005

The conferees agree to provide $3,136,802,000 for the Base Realignment and Closure Account 2005 as proposed by both the House and the Senate.

GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to include a modified general provision related to the Walter Reed Army Medical Center.

The conferees agree to include a general provision proposed by the Senate related to the Armed Forces Institute of Pathology. The House bill contained no similar provision.

CHAPTER 8

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $870,658,000 for Diplomatic and Comular Programs, instead of $966,954,000 as proposed by the House and $815,796,000 as proposed by the Senate. Within the total under this heading, $96,500,000 is for World Wide Security Upgrades and is available until expended, instead of $102,155,000 as proposed by the House and $70,000,000 as proposed by the Senate.

The conference agreement includes the transfer of $258,000 to the United States Commission on International Religious Freedom from within the funds provided under the heading as proposed by the House. The Senate included no similar provision.

The conference agreement includes $20,000,000 under this heading for public diplomacy programs, as proposed by the Senate. The House included the same amount for this purpose, but did not include the language in the bill.

The conferees recognize that public diplomacy activities, when effectively implemented, engage and inform foreign audiences, communicate and advocate policies of the United States, and convey shared interests and values across the globe. These activities are important in building the goodwill and cooperation that is necessary for the United States to achieve our foreign policy and national security goals. The conferees believe that although there has been increased attention on public diplomacy efforts since the terrorist attacks of September 11, 2001, a more focused interagency effort is necessary. Therefore, the conferees direct that the Secretary of State develop a comprehensive, interagency strategy for public diplomacy programming in predominantly Muslim countries, as proposed by the Senate, including programming efforts via various media. The conferees expect the plan to include planned expenditures, by category, of funding available in fiscal year 2007 for public diplomacy activities, as proposed by the House. The conferees direct the report to be provided to the Committees on Appropriations not later than 45 days after the enactment of this Act.

The conference agreement includes $750,000,000 for Diplomatic and Consular Programs relating to Iraq, instead of $790,641,000 as proposed by the House and $723,896,000 as proposed by the Senate. The conferees understand that a Memorandum of Agreement between the Departments of State and Defense was finalized on February 27, 2007, specifying operational requirements, authorities, and responsibilities shared between the U.S. Mission in Iraq and the Multi-National Forces in Iraq. The conferees recognize that the assumptions on which the request was based may have changed. Therefore, the conference agreement includes bill language withholding from obligation twenty percent of the amount made available under this heading for Iraq operations until the Committes on Appropriations receive and approve a detailed expenditure plan of funding for such operations, similar to language proposed by the House. The Senate bill included no similar provision.

The fiscal year 2005 Emergency Supplemental Appropriations Act (P.L. 109–13) included $592,000,000 for the construction of a new embassy compound in Baghdad, Iraq, based on a number of 1,157 desks and 619 beds. The conferees are dismayed to learn that the Department of State continues to plan for an increase in staffing of thirty percent in desks and an increase of ninety-six percent in beds above the amount approved by the Congress. Therefore, the conferees direct the Secretary of State, in consultation with the U.S. Chief of Mission in Iraq, to undertake a review of the current personnel plan for the Mission in Iraq and provide justification for the deviation from the 2005-approved plan prior to obligation of funding under this heading. The conferees expect a report on the new embassy compound personnel requirements in light of the available office space, including a housing plan from the Overseas Buildings Operations Bureau, not later than 45 days of enactment of this Act.

The conference agreement does not include language under this heading included in the House bill providing up to $50,000,000 to establish and maintain a civilian reserve corps. Instead, the conference agreement includes a modified general provision similar to language in section 1712 of the Senate bill.

The conference agreement includes a provision directing the Office of Management and Budget to apportion $15,000,000 appropriated in the fiscal year 2006 Emergency Supplemental Appropriations Act (P.L. 109–148) for Emergencies in the Diplomatic and Consular Service funding, as proposed by the Senate. The House included no similar provision.

The conference agreement includes a provision similar to that proposed by the Senate authorizing the transfer of up to $20,000,000 from funds made available under this heading to the Emergencies in the Diplomatic and Consular Service account only for the payment of terrorism rewards. The House bill included no similar provision.

The conferees concur with language included in the House report denying funds requested for salaries and allowances for new domestic staff positions and to lease additional space.

Funds under this heading are provided on an emergency basis.

The conference agreement allocates funding as follows:

DIPLOMATIC AND CONSULAR PROGRAMS

(In thousands)

Account	Request	House	Senate	Conference
Afghanistan	$47,155	$82,155	$55,000	$79,000
World Wide Security Upgrades (non-add)	47,155	82,155	55,000	79,000
Iraq	823,941	790,641	723,896	750,000
Sudan	21,900	21,900	16,900	19,400
World Wide Security Upgrades (non-add)	20,000	20,000	15,000	17,500
Public Diplomacy	20,000	20,000	20,000	20,000
Bureau of Intelligence and Research	0	2,000	0	2,000
U.S. Commission on International Religious Freedom	0	258	0	258

DIPLOMATIC AND CONSULAR PROGRAMS—Continued

(in thousands)

Account	Request	House	Senate	Conference
Civilian Reserve Corps (up to authority) [1]	0	50,000	[50,000]	[50,000]
Total—Diplomatic and Consular Programs	912,996	966,954	815,796	870,658

[1] Note: Numbers in brackets are "non-adds".

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $36,500,000 for the Office of the Inspector General as proposed by the Senate, instead of $46,800,000 as proposed by the House. Within the amount provided under this heading, $35,000,000 is for a transfer to the Special Inspector General for Iraq Reconstruction (SIGIR) to conduct oversight work on reconstruction projects in Iraq, $1,300,000 is for the Department of State Inspector General's oversight work related to operations in Iraq, and $200,000 is for the Department of State Inspector General's oversight work related to operations in Afghanistan.

The conferees direct the SIGIR to report to the Committees on Appropriations not later than 90 days of enactment of this Act on the number of personnel, contract services, and budgetary needs of SIGIR at the time of the report and the projected operational requirements for the remainder of fiscal year 2007 and fiscal year 2008. The conferees intend that the report specifically address the personnel and resource requirements of section 2 of P.L. 109–440. The SIGIR shall inform the Committees on Appropriations regarding the enactment of any legislation subsequent to the submission of the report which imposes additional oversight responsibilities on SIGIR or which otherwise affects its operational requirements.

Funds under this heading are provided on an emergency basis.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $20,000,000 for Educational and Cultural Exchange Programs as proposed by the House, instead of $10,000,000 as proposed by the Senate.

The conferees concur with language in the Senate report regarding support for a pilot program, which would create a two-way exchange component of the Youth Exchange and Study program.

Funds under this heading are provided on an emergency basis.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $50,000,000 for Contributions to International Organizations, instead of $59,000,000 as proposed by the Senate. The House bill included no similar provision.

These funds are intended to pay arrears to organizations that are involved in global efforts to combat international terrorism and to prevent the spread of avian influenza.

Funds under this heading are provided on an emergency basis.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides $288,000,000 for assessed costs of U.N. peacekeeping operations as proposed by the House instead of $200,000,000 as proposed by the Senate. Within the total provided under this heading, $184,000,000 is for the U.N. Interim Force in Lebanon, $16,000,000 is for the U.N. Mission in Timor Leste, and $88,000,000 is intended for a potential U.N. mission in Chad, as proposed by the House. The Senate bill included funding for Chad under the Peacekeeping Operations account.

The conferees direct that if funds are not obligated for a U.N. mission in Chad by August 15, 2007, the Department of State should consult with the Committees on Appropriations on the funding needs for other priority missions within the Contributions for International Peacekeeping Activities account.

Funds under this heading are provided on an emergency basis.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $10,000,000 for International Broadcasting Operations as proposed by the House and the Senate.

Funds under this heading are provided on an emergency basis.

BILATERAL ECONOMIC ASSISTANCE

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $161,000,000 for the Child Survival and Health Programs Fund account, as proposed by the House and the Senate.

The conference agreement includes language, similar to that proposed by the Senate, providing authority to the President to use funding under the Millennium Challenge Corporation and Global HIV/AIDS Initiative accounts to combat an avian influenza pandemic, if he determines that the human-to-human transmission of the avian influenza virus is efficient and sustained, and is spreading internationally. The conferees note that this is the highest threat level of the World Health Organization's Global Influenza Preparedness Plan. The conferees expect the Office of Management and Budget to request reimbursement of any funds used from the Millennium Challenge Corporation and Global HIV/AIDS Initiative accounts in the event the President exercises this authority.

The conferees endorse House report language requiring a report on planned expenditures not later than 45 days of enactment of this Act.

Funds under this heading are provided on an emergency basis.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

The conference agreement includes $165,000,000 for International Disaster and Famine Assistance, instead of $135,000,000 as proposed by the House and $187,000,000 as proposed by the Senate.

Within the total provided under this heading, not less than $45,000,000 is for Iraq, not less than $44,000,000 is for Sudan, not less than $20,000,000 is for Somalia, and not less than $16,000,000 is for assistance for internally displaced persons in and near Kabul, Afghanistan. The remaining $40,000,000 is included for unmet or unforeseen humanitarian assistance requirements in countries such as the Central African Republic, Chad, the Democratic Republic of the Congo, and Uganda.

Funds under this heading are provided on an emergency basis.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement includes $8,700,000 for operating expenses of the United States Agency for International Development (USAID), instead of $10,700,000 as proposed by the House and $5,700,000 as proposed by the Senate. The conferees provide additional funding for security and other operating costs associated with USAID personnel in Afghanistan.

Funds under this heading are provided on an emergency basis.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $3,500,000 for operating expenses of the USAID Office of Inspector General as proposed by the House instead of $4,000,000 as proposed by the Senate. The conferees intend that the additional funding is for expenses associated with oversight of the expanded programs in Afghanistan and Iraq.

Funds under this heading are provided on an emergency basis.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The conference agreement includes $2,649,300,000 for Economic Support Fund, instead of $2,953,000,000 as proposed by the House and $2,602,200,000 as proposed by the Senate.

The conference agreement includes $1,574,000,000 for Iraq under this heading, instead of $1,887,000,000 as proposed by the House and $1,524,000,000 as proposed by the Senate.

Of the amounts provided for Iraq, the conferees include $57,400,000 for economic and social development programs in areas of conflict in Iraq, and intend these funds to be used to counter extremist elements in that country. The conferees provide the U.S. Chief of Mission in Iraq with the responsibility for policy decisions and justification for the use of these funds. The conferees do not support the Department of State proposal to provide assistance directly to Iraqi political parties, as contained in the budget request justification materials, and note that these funds are in lieu of those requested for the Political Participation Fund and the National Institutions Fund.

The conference agreement includes not less than $95,000,000 for the Community Action Program, instead of $75,000,000 as proposed by the House and $100,000,000 as proposed by the Senate. Of the funds provided for the Community Action Program under this heading, the conferees instruct that not less than $5,000,000 be provided for the Marla Ruzicka Iraqi War Victims Fund as proposed by the Senate. The House did not include a similar provision.

The conferees concur with language in the House report requiring a report on the ethnic and geographic distribution of U.S. assistance programs in Iraq, specifically to the Nineveh Plain region.

The conference agreement includes $737,000,000 for assistance for Afghanistan, instead of $743,000,000 as proposed by the House and $686,000,000 as proposed by the Senate. Of the funds provided for Afghanistan, the conference agreement provides

$10,000,000 for the Afghan Civilian Assistance Program as proposed by the Senate. The House included no similar provision.

The conference agreement provides $295,000,000 for assistance for Lebanon, instead of $300,000,000 as proposed by the House and $265,000,000 as proposed by the Senate. The conferees note that language establishing conditions on assistance for Lebanon is included under the general provisions for this chapter.

The conference agreement includes $3,000,000 for environmental remediation and health activities in Vietnam, instead of $3,200,000 as proposed by the Senate. The House did not include a similar provision. The conferees endorse language in the Senate report regarding this matter, and stipulate that prior to the obligation of these funds the Committees on Appropriations be consulted on the planned use of the funds. The conferees recommend that these funds be matched, to the maximum extent possible, with contributions from other public and private sources.

The conference agreement includes $2,000,000 for assistance for Uganda as proposed by the Senate. The House did not include a similar provision. The conferees endorse language in the Senate report regarding this matter, and stipulate that prior to the obligation of these funds the Committees on Appropriations be consulted on the planned use of the funds.

The conference agreement includes $5,000,000 for assistance for Nepal, instead of $6,000,000 as proposed by the Senate. The House did not include a similar provision. The conferees intend these funds be used to support elections and for demobilization and reintegration of former combatants. The conferees endorse language in the Senate report regarding this matter, and stipulate that prior to the obligation of these funds the Committees on Appropriations be consulted on the planned use of the funds.

The conference agreement includes $5,000,000 for typhoon reconstruction assistance for the Philippines, instead of $6,000,000 as proposed by the Senate. The House did not include a similar provision.

The conference agreement includes $10,300,000 for assistance for Jordan under this heading. The conferees intend these funds to be used to improve basic education, health, water and sanitation services in Jordanian communities that have experienced a significant influx of Iraqi refugees.

The conference agreement does not provide $110,000,000 for Pakistan under this heading, as proposed by the Senate. The House did not include a similar provision.

Funds under this heading are provided on an emergency basis.

The conference agreement allocates funding as follows:

ECONOMIC SUPPORT FUND

Account ($ in thousands)	Request	House	Senate	Conference
Iraq:				
Security:				
Provincial Reconstruction Teams (PRTs)	720,000	620,000	660,000	620,000
Community Action Program (CAP)	50,000	75,000	100,000	95,000
Marla Ruzicka Iraqi War Victims Fund	0	0	5,000	5,000
Community Stabilization Program (CSP)	384,000	354,000	384,000	354,000
Local Governance Program	100,000	100,000	90,000	90,000
Subtotal Security	1,254,000	1,149,000	1,234,000	1,159,000
Economic:				
Private Sector Agribusiness Development	75,000	75,000	70,000	70,000
Strengthen Financial Markets	12,500	12,500	10,000	10,000
Financial Market Development	12,500	12,500	10,000	10,000
Targeted Development Programs	—	—	—	57,400
Subtotal Economic	100,000	100,000	90,000	147,400
Political:				
National Capacity Development	180,000	160,000	140,000	140,000
Policy, Subsidy, Legal and Regulatory Reform	110,000	90,000	60,000	60,000
Democracy	428,000	388,000	—	—
Civil Society Development	—	—	—	67,600
Subtotal Political	718,000	638,000	200,000	267,600
Provided under Democracy Fund	—	—	[385,000]	[250,000]
Subtotal—Iraq ESF	2,072,000	1,887,000	1,524,000	1,574,000
Afghanistan:				
Provincial Reconstruction Teams (PRTs)	117,000	217,000	144,000	174,000
Rural Development	120,000	160,000	125,000	155,000
Agriculture	13,000	13,000	25,000	19,000
Governance Capacity Building	21,000	21,000	[25,000]	25,000
New Power Generation Construction	40,000	40,000	40,000	40,000
Rural Road Construction	342,000	292,000	342,000	314,000
Civilian Assistance Program	—	—	10,000	10,000
Subtotal—Afghanistan ESF	653,000	743,000	686,000	737,000
Lebanon:				
Budget Support	250,000	250,000	250,000	250,000
Project Assistance	50,000	50,000	15,000	45,000
Provided under Democracy Fund	—	—	[35,000]	[5,000]
Subtotal—Lebanon ESF	300,000	300,000	265,000	295,000
Sierra Leone Special Court	—	3,000	—	3,000
Jordan:				
Basic Education and Health Activities	—	—	—	10,300
Permissive Transfer from Iraq PRT Funding (non-add)	—	—	(100,000)	—
Subtotal—Jordan ESF	—	—	—	10,300
Nepal Elections and Peace Process	—	—	6,000	5,000
Democratic Republic of the Congo Governance and Peace Process	—	15,000	—	15,000
Liberian Presidential Personal Security	—	5,000	—	[1]
Uganda Peace Process	—	—	2,000	2,000
Vietnam Environment and Health Programs	—	—	3,200	3,000
Philippines Reconstruction	—	—	6,000	5,000
Total—ESF	3,135,000	2,953,000	2,602,200	2,649,300

[1] Funding for this purpose is included under the Nonproliferation, Anti-Terrorism, Demining and Related Programs account.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement includes $229,000,000 for Assistance for Eastern Europe and the Baltic States for assistance for Kosovo, instead of $239,000,000 as proposed by the House and $214,000,000 as proposed by the Senate. The conferees endorse the reporting requirement included in the House report regarding the proposed pledge of funds.

Funds under this heading are provided on an emergency basis.

DEPARTMENT OF STATE

DEMOCRACY FUND

The conference agreement provides $260,000,000 for Democracy Fund, instead of $465,000,000 as proposed by the Senate. The House provided funding for this purpose under the requested accounts. The conference agreement includes the following amounts in the accounts requested: $125,000,000 for assistance for Iraq; $25,000,000 for assistance for Afghanistan; $15,000,000 for assistance for Kosovo; and $30,000,000 for assistance for Lebanon.

The conference agreement provides a total of $250,000,000 for democracy, human rights and rule of law programs in Iraq, of which $190,000,000 is for the Human Rights and Democracy Fund (HRDF) of the Department of State's Bureau of Democracy, Human Rights, and Labor, and $60,000,000 is for USAID. The conferees direct that funds included under this heading for assistance for Lebanon be made available to the HRDF, and that of the funds included for media and democracy programs in Somalia, $3,000,000 be made available to USAID, and $2,000,000 to the HRDF.

The conference agreement includes language, similar to that proposed by the Senate, requiring the Secretary of State to submit a report to the Committees on Appropriations not later than 60 days after enactment of this Act describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq. This report should be developed in consultation with USAID, and should include the anticipated funding required for successful implementation of the strategy in subsequent fiscal years.

The conferees endorse language in the Senate report regarding the conduct of appropriate rule of law programs concurrently with activities to professionalize the Afghan National Police.

Funds under this heading are provided on an emergency basis.

The conference agreement allocates funding as follows:

DEMOCRACY FUND

Account ($ in thousands)	Request	House	Senate	Conference
Afghanistan	[21,000]	[1]	25,000	[2]
Iraq				
Continuation of Democracy Programs	[181,600]	[1]	200,000	200,000
Political Participation Fund	[42,800]	[1]	19,400	[2]
National Institutions Fund (including Parliament)	[76,000]	[1]	38,000	[2]
Human Rights	[40,000]	[1]	40,000	40,000
Women's Programs	[10,000]	[1]	10,000	10,000
Provincial Funds via PRTs	[32,000]	[1]	32,000	[2]
Security for International Election Monitors	[17,600]	[1]	17,600	[2]
International Visitors Program	[8,000]	[1]	8,000	[2]
Support for Media	[20,000]	[1]	20,000	[2]
Subtotal—Iraq	[428,000]	[388,000]	385,000	250,000
Kosovo				
Legislative Reform	[2,000]	[1]	2,000	[2]
Conflict Mitigation	[5,000]	[1]	5,000	[2]
Institution/Capacity Building	[8,000]	[1]	8,000	[2]
Subtotal—Kosovo	[15,000]	[1]	15,000	[2]
Lebanon				
Strength the Rule of Law		[1]	10,000	[2]
Municipal Capacity Building		[1]	20,000	[2]
Promote Consensus Building		[1]	5,000	
Democracy Programs				5,000
Subtotal—Lebanon	[35,000]	[1]	35,000	5,000
Somalia				
Media and Democracy Programs			5,000	5,000
Subtotal—Somalia			5,000	5,000
Total—DF			465,000	260,000

[1] The House included these funds in the accounts requested.
[2] The conference agreement includes these funds in the accounts requested.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes $257,000,000 for International Narcotics Control and Law Enforcement, instead of $334,500,000 as proposed by the House and $210,000,000 as proposed by the Senate. The conference agreement includes the rescission of $13,000,000 in prior appropriations as proposed by the Senate. House bill did not include a similar provision.

The conferees endorse language included in the Senate report denying funding for construction of corrections facilities.

Funds under this heading are provided on an emergency basis.

The conference agreement allocates funding as follows:

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

Account ($ in thousands)	Request	House	Senate	Conference
Iraq	200,000	180,000	150,000	150,000
Afghanistan		94,500		47,000
Lebanon	60,000	60,000	60,000	60,000
Total—INCLE	260,000	334,500	210,000	257,000

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement includes $130,500,000 for Migration and Refugee Assistance, instead of $111,500,000 as proposed by the House and $143,000,000 as proposed by the Senate.

The conference agreement provides not less than $5,000,000 to rescue Iraqi scholars, as proposed by the Senate. The House bill did not include a similar provision. The conferees endorse language on this matter in the Senate report and urge the Department of State to act expeditiously to develop and implement a plan for resettling Iraqi scholars.

Funds under this heading are provided on an emergency basis.

The conference agreement allocates funding as follows:

MIGRATION AND REFUGEE ASSISTANCE

Account ($ in thousands)	Request	House	Senate	Conference
Afghanistan			18,000	16,000
Iraq	15,000	15,000	65,000	45,000
Allocated to Other Countries	0	0	60,000	0
Unallocated for Unforeseen Requirements	56,500	96,500		69,500
Total—MRA	71,500	111,500	143,000	130,500

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement includes $55,000,000 for the United States Emergency Refugee and Migration Assistance Fund as proposed by the Senate, instead of $35,000,000 as proposed by the House.

Funds under this heading are provided on an emergency basis.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement includes $57,500,000 for Nonproliferation, Anti-Terrorism, Demining and Related Programs, instead of $87,500,000 as proposed by the House and $27,500,000 as proposed by the Senate. The conferees $25,000,000 for border security programs in Jordan, and include $5,000,000, as proposed in the House bill under ''Economic Support Fund'', for the protection of the Liberian President.

The conferees direct the Secretary of State to submit to the Committees on Appropriations not later than 30 days after enactment of this Act a report on strengthening the personal security of President of South Sudan. This report shall include a spending plan for the use of funds appropriated in fiscal year 2007, including from Peacekeeping Operations or Nonproliferation, Anti-Terrorism, Demining and Related Programs.

Funds under this heading are provided on an emergency basis.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement includes $2,750,000 for International Affairs Technical Assistance as proposed by both the House and the Senate.

Funds under this heading are provided on an emergency basis.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement includes $265,000,000 for the Foreign Military Financing Program, instead of $260,000,000 as proposed by the House and $220,000,000 as proposed by the Senate. The conference agreement includes $220,000,000 for assistance for Lebanon and $45,000,000 for assistance for Jordan.

The conferees recognize that Jordan is a key ally of the United States in the region and affirm the special transfer authorities of the President under section 614(a) of the Foreign Assistance Act of 1961 should additional emergency security assistance for Jordan be required.

Funds under this heading are provided on an emergency basis.

PEACEKEEPING OPERATIONS

The conference agreement includes $230,000,000 for Peacekeeping Operations, instead of $225,000,000 as proposed by the House and $323,000,000 as proposed by the Senate.

The conferees endorse language in the House report directing the Department of State to report on the status of implementation of the African Union Mission in Sudan (AMIS) mandate and to provide a timetable for a hybrid U.N./AMIS peacekeeping force in Darfur.

The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 30 days after enactment of this Act, and every 30 days thereafter until September 30, 2008, detailing the obligation and expenditure of funds made available under this heading. The conferees request that this information be provided on a country-by-country basis, with descriptive information on activities supported.

Funds under this heading are provided on an emergency basis.

GENERAL PROVISIONS—THIS CHAPTER

Section 1801. Authorization of Funds—The conference agreement includes a general provision authorizing the expenditure of funds provided by this title, as proposed by the Senate (sec. 1701). The House bill did not include a similar provision.

The conference agreement does not include a general provision proposed by the Senate extending the availability of funds (sec. 1702).

Sec. 1802. Extension of Oversight Authority—The conference agreement includes a general provision extending the authority of the Special Inspector General for Iraq Reconstruction through fiscal year 2007, as proposed by the Senate (sec. 1703). The House proposed a similar provision (sec. 1801) extending the authority for both fiscal years 2007 and 2008.

Sec. 1803. Lebanon—The conference agreement includes a general provision restricting certain assistance for Lebanon, similar to language proposed by the House (sec. 1802) and the Senate (sec. 1706).

Sec. 1804. Debt Restructuring—The conference agreement includes a general provision permitting the use of funds made available in fiscal year 2007 for debt restructuring to assist Liberia, as proposed by both the House and Senate.

The conference agreement does not include a general provision authorizing the transfer of funds under the Economic Support Fund account to other accounts for assistance for Jordan, as proposed by the Senate (sec. 1705).

Sec. 1805. Government Accountability Office—The conference agreement includes a new provision requiring that the Department of State support personnel from the Government Accountability Office (GAO) for periods of not less than 45 days to conduct oversight in Iraq. The conferees expect that housing and office space, appropriate for handling classified materials, for three GAO personnel would be provided in Baghdad's International Zone.

Sec. 1806. Human Rights and Democracy Fund—The conference agreement includes a general provision regarding the management responsibilities of the Assistant Secretary of State for Democracy, Human Rights, and Labor, as proposed by the Senate (sec. 1707). The House bill included no similar provision.

Sec. 1807. Inspector General Oversight of Iraq and Afghanistan—The conference agreement modifies a general provision from the Senate bill (sec. 1708) regarding certain authorities of the Department of State's Inspector General. The House bill included no similar provision.

Sec. 1808. Funding Tables—The conference agreement modifies a general provision from the Senate bill (sec. 1709) requiring that certain funds provided in this chapter be made available for programs and countries in the amounts contained in the respective tables included in this Statement of Managers, subject to the regular notification procedures of the Committees on Appropriations. The House bill included no similar provision.

Sec. 1809. Spending Plan and Notification Procedures—The conference agreement modifies a general provision included in the Senate bill (sec. 1711) regarding the submission of a report detailing planned expenditures for funds appropriated under the headings in this chapter. The House bill included no similar general provision.

Sec. 1810. Conditions on Assistance for Pakistan—The conference agreement includes a provision requiring the Secretary of State to submit an implementation plan to the Committees on Appropriations before any nonproject assistance is made available to the Government of Pakistan. This report shall detail the process by which the use of these funds will be determined and overseen, as well as outline the benchmarks for the use of these funds. The report shall also detail the United States and Pakistani entities responsible for implementation and oversight, and assess their operational capacity. The conferees expect the spending plan to include detailed information on assistance by sector and program, project, and activity. This report shall also indicate which ''FATA Sustainable Development Plan'' sub-sector is supported by each program, project, or activity. The conferees also direct that $5,000,000 of the funds made available for Pakistan under the heading ''Economic Support Fund'' be provided for political party development and election observation programs to the Human Rights and Democracy Fund.

Sec. 1811. Civilian Reserve Corps—The conference agreement modifies language proposed by the House (under the heading ''Diplomatic and Consular Programs'') and by the Senate (sec. 1712) authorizing the Secretary of State to make available up to $50,000,000 to support and maintain a civilian reserve corps.

Sec. 1812. Coordinator for Iraq Assistance—The conference agreement includes a provision concerning the appointment and duties of a new Coordinator for Iraq Assistance, as proposed by the House. The Senate bill included no similar provision. The conferees expect the Coordinator to consult on a regular and ongoing basis with the U.S. Chief of Mission in Iraq.

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

The conference agreement includes a provision proposed by the House related to the mission capabilities of units deployed to Iraq.

The conference agreement includes a provision proposed by the House related to the deployment of units in Iraq.

The conference agreement includes a provision proposed by the House related to the early redeployment of troops to Iraq.

The conference agreement includes modified House and Senate language establishing benchmarks and timetables for the redeployment of U.S. combat forces from Iraq.

TITLE II—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY

Funding in this title provides continuing support for hurricane disaster relief and recovery. One of the groups that has been most adversely affected are the children in the Gulf Coast region. The conferees provide additional funding of $4,610,000,000 to the Federal Emergency Management Agency Disaster Relief fund. This funding can help continue to address the needs of the estimated 372,000 students affected by Hurricane Katrina. The Disaster Relief fund includes support for public assistance grants to repair and reconstruct school buildings, replace contents in schools including books and desks, and provide portable classrooms. A provision included in this legislation mandates that the full cost of the assistance to affected States, applied for prior to enactment of this Act, is borne by the federal government.

The supplemental also provides $30,000,000 in emergency assistance for the public elementary and secondary schools most severely impacted by the 2005 Gulf Coast hurricanes in order to help them recruit and retain high quality classroom teachers for the children returning to these communities.

The supplemental also extends the availability of $550,000,000 in emergency funds provided for the Title XX Social Services Block Grant in 2006 that will otherwise expire on September 30, 2007. A portion of these funds will be used to provide behavioral health services, foster care, protective, and day care services for children.

CHAPTER 1

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION—THIS CHAPTER

Sec. 2101. The conference agreement includes a general provision that would allow the Secretary of Agriculture to continue to enroll eligible participants into the Emergency Forestry Conservation Reserve Program (EFCRP) as proposed by the Senate. The EFCRP was created in the aftermath of Hurricane Katrina to assist forest landowners with the restoration of damaged timber stands.

The conference agreement does not include additional hurricane disaster assistance for livestock, irrigated crops, or citrus as proposed by the House. Qualifying losses are covered under the Agriculture Assistance title.

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes $50,000,000 for Edward Byrne Discretionary Grants for State and local law enforcement, instead of $170,000,000 as proposed by the Senate. The House did not include this funding. This funding is provided for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricanes Katrina and Rita. The conferees agree that funding shall be distributed to the States in relation to their level of violent crime as estimated by the Federal Bureau of Investigation's Uniform Crime Report for 2005.

The conference agreement does not include $100,000,000 for Edward Byrne Discretionary Grants for State and local law enforcement for security related to the 2008 Presidential Conventions. As proposed by the Senate, the funds would have been distributed equally between the host cities of Denver, Colorado and St. Paul, Minnesota. The House proposed no funding.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $110,000,000 under this heading, instead of $120,000,000 as proposed by the House and $165,900,000 as proposed by the Senate. Within this amount, the Senate proposal included $60,400,000 for a salmon fishery disaster along the Klamath River. The House provided funding for this purpose in a different title. The conferees agree to provide funding for the consequences of this disaster in Title III of this Act.

The conferees provide: $24,000,000 for the Office of Coast Survey and the Office of Response and Restoration to conduct scanning and mapping as well as to provide debris removal in Louisiana's traditional fishing grounds; $85,000,000 for assistance programs authorized under section 115 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, of which funding shall be distributed to eligible

recipients in States most affected by Hurricanes Katrina and Rita; and $1,000,000 for real-time observations and forecasts for critical marine navigation at the next highest priority seaports along the northern Gulf of Mexico, and to continue to repair and replace tide gauge stations throughout the entire region which are critical components to coastal shipboard navigation and storm surge information.

The conferees direct the Department of Commerce to work with the States of Louisiana, Mississippi, and Alabama and other appropriate entities to distribute assistance funding based on an assessment of the needs of the fishing industries in those States. The conferees direct the Department of Commerce to notify the Committees on Appropriations on the allocation of funds provided under this heading for the above activities no later than 15 days prior to obligaion of such funds.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

The conference agreement includes $35,000,000 for risk mitigation projects at the National Aeronautics and Space Administration (NASA), as proposed by the House. The Senate did not include funding under this heading.

GENERAL PROVISION—THIS CHAPTER

The conference agreement includes language to allow NASA to use previously appropriated emergency funds to cover hurricane response expenses incurred in fiscal year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

The conference agreement provides $25,300,000 for ''Construction'', instead of $37,080,000 as proposed by the House and $150,000,000 as proposed by the Senate. These funds are provided for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement provides $1,407,700,000 for ''Flood Control and Coastal Emergencies'' as proposed by the Senate instead of $1,300,000,000 as proposed by the House. Additional funding for this account is provided under title III.

The Conferees include $107,700,000 to construct interim flood and storm damage reduction measures recommended in the Chief of Engineers report dated December 31, 2006, entitled'' Mississippi Coastal Improvements Program, Interim Report'', at full federal expense.

Funds provided in Public Law 109–148, the third emergency supplemental appropriations act of 2006, were intended to complete the West Bank and vicinity and Lake Pontchartrain and vicinity, Louisiana, projects. However, the magnitude of the effort required to provide the pre-Katrina authorized levels of protection is now recognized to be much greater than originally anticipated. Accordingly, $1,300,000,000 is included to complete the pre-Katrina authorized level of protection for the West Bank and vicinity project as well as make progress toward providing authorized protection for the remaining portions of the Lake Pontchartrain and vicinity project.

The Conferees are aware that the Corps of Engineers is considering the placement of interim protective structures at the Inner Harbor Navigation Canal to provide an enhanced measure of protection against storm surges traveling up the Mississippi River Gulf Outlet or the Gulf Intracoastal Waterway until authorized permanent protective measures can be designed and built. The Conferees support this use of Flood Control and Coastal Emergency funds made available under P.L. 109–234. The Corps is reminded that a potentially catastrophic emergency situation continues to exist at the Inner Harbor and encourages the Corps to employ all legitimate emergency means and authorities to ensure that some enhanced level of interim protection can be put into place during 2007, and that permanent protective structures can be completed by 2010.

Additionally, a provision is included to allow the reallocation of funds provided in chapter 3 of Public Law 109–234 under the heading ''Flood Control and Coastal Emergencies'' for projects in the greater New Orleans area. The provision requires any reallocation of funds be approved by the House and Senate Committees on Appropriations. The Conferees are aware of only one instance where the reallocation of funds is advisable, the provision of permanent protection at the Inner Harbor Navigation Canal. While the Conferees recognize there may be future circumstances where the use of this authority will be desirable, the Corps is instructed to use it judiciously.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2301. The conference agreement includes a provision relating to reimbursements to local governments for expenses incurred for eligible storm and flood damage reduction activities.

Sec. 2302. The conference agreement includes a provision related to the utilization of funds provided under Public Law 109–234.

Sec. 2303. The conference agreement includes a provision directing the study of the effectiveness of pumping stations and other alternatives at specific sites in New Orleans.

Sec. 2304. The conference agreement includes a provision directing the acceleration of the Mississippi River Gulf Outlet study, as practicable.

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement modifies the House and Senate proposals and provides for the use of $25,069,000 in unobligated balances of the Disaster Loans Program Account to be used for administrative expenses. The House and Senate recommended $25,069,000 as a new appropriation.

The conference agreement also provides that $25,000,000 in unobligated balances shall be used for the Small Business Administration Disaster Loans Program for Economic Injury Disaster Loans. Not more than $8,750,000 may be used for administrative expenses. The Senate proposed a direct appropriation as part of section 2401. The House did not include similar language.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement does not include language proposed as Senate section 2401 regarding Economic Injury Disaster Loans.

The conference agreement does not include language proposed as Senate section 2402 to extend the HUBZone program and to terminate the Small Business Competitive Demonstration Program.

The conference agreement does not include language proposed as Senate section 2403 to modify the Reservist Program.

CHAPTERS

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

The conferees understand the Office of the Federal Coordinator for Gulf Coast Rebuilding is working on several initiatives, such as working with the Federal Emergency Management Agency (FEMA) to advance public assistance projects, including those that focus on education and criminal justice; working with the Department of Housing and Urban Development (HUD) on a public housing plan; and developing a plan to transition evacuees into permanent housing. The conferees agree that the housing problem in the Gulf Coast is especially daunting and expect the Office of the Federal Coordinator for Gulf Coast Rebuilding to take a leadership role in order to ensure progress is made. The focus of the Office of the Federal Coordinator for Gulf Coast Rebuilding should not only be on public housing but also on other HUD programs including Section 202, Section 811, and rental assistance. The conferees expect that a near-term goal is to develop housing solutions for all evacuees. The conferees direct the Office of the Federal Coordinator for Gulf Coast Rebuilding to provide quarterly progress reports to the Committees on Appropriations outlining monthly progress on ongoing initiatives, factors delaying progress, and the goals and expectations against which progress is being measured.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

The conferees provide $4,610,000,000 for Disaster Relief instead of $4,310,000,000 as proposed by the House and Senate. The conferees agree with the House report requiring the Government Accountability Office to review how FEMA develops its estimates of the funds needed to respond to any given disaster.

The conferees provide that $4,000,000 of the amount provided be transferred to the Office of Inspector General to increase oversight of Hurricanes Katrina, Rita, and Wilma expenditures and eliminate waste, fraud and abuse, as proposed by the House.

GENERAL PROVISIONS

Section 2501.—The conferees include provisions proposed by the House and Senate eliminating the State and local match requirement for certain Federal assistance applied for prior to enactment of this Act pursuant to Title IV of the Stafford Act in response to Hurricanes Katrina, Rita, Wilma, and Dennis in Louisiana, Mississippi, Texas, Florida, and Alabama. The conferees direct FEMA to apply the cost share waiver to all eligible projects for which a ''request for public assistance from'' has been submitted and for other needs assistance that has been applied for by an individual prior to enactment of this Act.

Section 2502.—The conferees include a provision proposed by the House and Senate restoring FEMA's ability to forgive Community Disaster Loans that were issued in response to Hurricanes Katrina and Rita. This is consistent with previous disasters. This provision is retroactive to the date of enactment of P.L. 109–234 and P.L. 109–88, as proposed by the House.

Section 2503.—The conferees include a provision proposed by the House and Senate extending the availability of utilities assistance for those leases negotiated by State and local governments and reimbursed by FEMA. This provision is retroactive to the date of enactment of P.L. 109–234, as proposed by the House.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

The conference agreement provides $10,000,000 for the historic preservation fund instead of $15,000,000 as recommended by the Senate and no funding recommended by the House. The agreement includes the bill language and instructions recommended by the Senate.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

Section 2601. The conference agreement modifies language proposed by the Senate. The conference agreement makes a technical correction to P.L. 109–234 permitting $500,000 of emergency Hurricane Katrina disaster funds provided in fiscal year 2006 to be transferred from the National Park Service Historic Preservation Fund account to the National Recreation and Preservation account. These funds will be used for hurricane related reconstruction activities.

CHAPTER 7

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

The conference agreement includes $30,000,000 for grants to institutions of higher education impacted by Hurricanes Katrina or Rita. The House bill and Senate amendment also proposed $30,000,000 for grants to institutions of higher education, but used different eligibility criteria to define how the funds should be allocated. The conferees direct the Secretary to allocate funds to interested eligible institutions based on their share of unreimbursed expenses, including tuition and fees revenue lost, expenses incurred in remediating the effects of the hurricanes, and estimated construction costs for repairing and replacing campus buildings. These data should reflect revenue lost and expenses incurred through the current semester of this academic year.

The conferees direct the Department to disburse these funds within 60 days of the date of enactment of this act. The conferees also direct the Department to brief the Committees on Appropriations of the House of Representatives and Senate on the proposed methodology for allocating these funds prior to any action notifying the public of the availability of these funds.

HURRICANE EDUCATION RECOVERY

The conference agreement provides $30,000,000 for grants to hurricane-impacted States and local educational agencies to build the capacity of public schools that were forced to suspend operations due to Hurricane Katrina or Hurricane Rita. The House bill and Senate amendment also proposed $30,000,000 for this purpose, but used different criteria regarding the use and distribution of the funds. The conferees request that the Department of Education provide quarterly reports to the House Committee on Education and Labor; the Senate Committee on Health, Education, Labor, and Pensions; and the House and Senate Committees on Appropriations on the use of this emergency assistance, including amounts paid for recruitment incentives such as performance pay, relocation, and housing.

PROGRAMS TO RESTART SCHOOL OPERATIONS

The conference agreement modifies bill language proposed by the House and Senate to expand the uses of funds provided for emergency aid to restart school operations appropriated in Public Law 109–148 to include costs associated with recruitment and retention of educators and other activities to assist in building the capacity of public schools that were forced to suspend operations due to Hurricane Katrina or Hurricane Rita. The House bill and Senate amendment had similar language.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2701. The conference agreement modifies bill language proposed by the House and Senate providing flexibility to eligible States and local educational agencies in the use of emergency aid to restart school operations appropriated in Public Law 109–148.

Sec. 2702. The conference agreement includes a provision similar to that proposed by the House and the Senate that extends until September 30, 2009, the availability of emergency title XX Social Services Block Grant funds provided to the States affected by the 2005 Gulf Coast hurricanes under the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006.

Sec. 2703. The conference agreement includes language permitting the Secretary of Health and Human Services to grant waivers modifying three provisions of the Ryan White State HIV/AIDS grants for four States affected by the 2005 Gulf Coast hurricanes. The Senate amendment included similar language. The House bill did not include a similar provision.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes $682,942,000 for the Emergency Relief Program, instead of $388,903,000 as proposed by the Senate. The House had no similar funding provision. The conference agreement also includes language that waives the per-State per-disaster limitation for the 2005–2006 winter storms which severely impacted forty counties in the State of California. In taking this action, the conferees make eligible the costs associated with this disaster that exceed the statutory limitation but do not prioritize them above the costs associated with any other disaster eligible for emergency relief assistance. The conference agreement eliminates the total current backlog of formal and pending requests for emergency relief funding.

The cost of providing these funds is offset by a rescission of an equal amount of the unobligated balances of funds apportioned to the states under chapter 1 of title 23, United States Code, excluding safety programs and funds set aside within the state for population areas. The conferees direct the FHWA to administer the rescission by allowing each state maximum flexibility in making adjustments among the apportioned highway programs.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

The conference agreement includes $35,000,000, instead of $75,000,000 as proposed by the Senate, for the Federal Transit Administration's formula grant program for emergency expenses associated with the continuation of transit services in communities severely impacted by Hurricanes Katrina and Rita. The conferees direct that funding shall be allocated by the Secretary both for operating expenses necessary to keep transit services affordable for local residents as well as for capital costs associated with the replacement of rolling stock destroyed by the hurricanes. The conferees direct the Federal Transit Administration to make this assistance available without requirement for local match. The House included no similar appropriation.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $7,000,000 for the Office of the Inspector General instead of $10,240,000 as proposed by the House and $5,000,000 as proposed by the Senate. These funds shall be used to meet the necessary HUD OIG expenses related to the auditing and oversight of HUD funds provided previously to address the consequences of Hurricanes Katrina and Rita. These funds shall remain available until expended, as proposed by the Senate. The conferees believe that the oversight of emergency CDBG funds is an important responsibility for the HUD IG to ensure that disaster funds provided for the Gulf are used efficiently and effectively. The conferees expect the OIG to establish benchmarks to identify the effective use of these funds.

Since this is a substantial increase of funding for the OIG, the conferees direct that these supplemental funds not be used solely to increase the number of OIG staff. The conferees cannot be certain that resources will be available to annualize the costs of such a substantial staffing boost. Rather, the conferees expect the OIG to view these supplemental resources as non-recurring and focus these resources on a multi-year effort targeted solely on HUD-related investigations and audits related to the emergency CDBG and other HUD funds provided to rebuild the Gulf region and house low-income tenants.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes a general provision as proposed by the House to extend until December 31, 2007 the existing authority to waive Section 8 income eligibility and tenant contribution requirements for the Disaster Voucher Program. The Senate did not include a similar provision.

The conference agreement modifies a general provision proposed by both the House and Senate that temporarily exempts specific categories of public housing authorities from the new 12–month formula for the Tenant-Based Rental Assistance program. To the extent a demonstration of need is made, the specific categories are as follows: 1) public housing agencies impacted by Hurricanes Katrina and Rita; and 2) public housing agencies that are under receivership or declared to be in breach of their Annual Contributions Contract. Public housing agencies that spent more than the total of their allocated funds for 2005 and 2006 may not receive a higher allocation. The conference agreement does not include an exemption for public housing authorities operating under the Moving to Work program as proposed by the House.

The conference agreement includes a new general provision that extends until December 31, 2007, the provision of Sec. 901 of Public Law 109–148. This provision will continue to allow public housing authorities in the most heavily impacted areas in Mississippi and Louisiana the flexibility to combine separate funding streams to assist tenants and reconstruct and rehabilitate low-income rental housing.

The conference agreement does not include language proposed by the House to extend the funds associated with the Disaster Voucher Program because Congress has been assured by senior level officials from the Department of Housing and Urban Development (HUD) that HUD will obligate all remaining funds prior to September 30, 2007.

TITLE III—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conferees provide $60,400,000, as proposed by the House and the Senate, for disaster relief for commercial salmon fishermen and other eligible entities along the coasts of California and Oregon due to the 2006 salmon fishery failure in the Klamath River as designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE

The conference agreement provides $3,000,000 for ''Operation and Maintenance'' as proposed by the Senate. Funds are provided for emergency dredging needs due to the effects of hurricanes of the 2005 season.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement provides $150,000,000 for ''Flood Control and Coastal Emergencies'' as proposed by the Senate in title II. Funds are provided for repairs to eligible Federal facilities damaged by natural disasters and emergency drought assistance.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

The conference agreement provides $18,000,000 for ''Water and Related Resources'' as proposed by the Senate.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $100,000,000 of emergency funding for wildland fire management activities of the Department of the Interior as proposed by both the House and the Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $7,398,000 of emergency funding for activities related to avian flu within the resource management account as recommended by both the House and the Senate.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $525,000 of emergency funding for activities related to avian flu within the Operation of the National Park System account as recommended by both the House and the Senate.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $5,270,000 of emergency funding for activities related to avian flu within the Surveys, Investigations, and Research account as recommended by both the House and the Senate.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

The conference agreement includes $12,000,000 of emergency funding for the national forest system as recommended by the Senate instead of no funding as recommended by the House. The conference agreement is consistent with the Senate proposal to increase drug eradication on national forest system lands and clarifies that these funds should be used for law enforcement against all types of drug traffickers. The managers agree that funding should be directed for increased staffing, equipment, training and cooperative agreements to increase protection of national forest lands in areas that face the highest concentration of drug-trafficking activity.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $400,000,000 of emergency funding for wildland fire management activities of the Forest Service as proposed by both the House and the Senate.

GENERAL PROVISIONS—THIS CHAPTER

Section 3301. The conference agreement replaces language recommended by the House in section 4501 and language recommended by the Senate in Title II, section 2601, dealing with payments for county schools and other purposes. The agreement makes one-time payments to States in the same amounts and in the same manner, to the maximum extent practicable, as were done in 2006 under the Secure Rural Schools and Community Self-Determination Act of 2000. The agreement allows certain revenues, fees, penalties or miscellaneous receipts for both the Forest Service and the Bureau of Land Management, not to exceed $100,000,000, to be distributed, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act. The agreement also appropriates $425,000,000 of emergency funding to cover any shortfall for payments made under this section from funds not otherwise appropriated. Lastly, the agreement amends this Act to allow the resource advisory committees to function for another full year.

CHAPTER 4

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH AND TRAINING

The conference agreement provides $13,000,000, to remain available until September 30, 2008, for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories as proposed by the Senate. The House bill did not include a similar provision.

The conference agreement includes a bill language provision, as proposed by the Senate, that quarterly progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations, the House Committee on Education and Labor, and the Senate Committee on Health, Education, Labor and Pensions. The House bill did not include a similar provision.

The conference agreement also includes $50,000,000 to remain available until expended for health monitoring and treatment of rescue and recovery workers who responded to the attacks of September 11, 2001 as specified under section 5011 (b) of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006. These funds will continue baseline and follow-up screening, clinical examinations, long-term medical health monitoring, and analysis for rescue and recovery personnel who were exposed to toxins during their service in response to the attacks, and support treatment services for those rescue and recovery personnel suffering illness or injuries related to their exposure. The Senate amendment proposed $3,589,000 for this purpose. The House bill had no similar provision.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW—INCOME HOME ENERGY ASSISTANCE

The conference agreement provides $400,000,000 for the Low-Income Home Energy Assistance Program, including $200,000,000 for State block grants and $200,000,000 for the contingent emergency reserve. The Senate amendment included $640,000,000 (equally divided between the State block grants and the emergency reserve) and the House bill included $400,000,000 (also equally divided).

The conference agreement does not include bill language proposed by the House permitting a State, or other grantee, to obligate the block grant through September 30, 2008, to address home energy needs in the event of an emergency or for crisis intervention. The Senate amendment did not contain similar language.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $625,000,000, to remain available until expended, for the Department of Health and Human Services to prepare for and respond to an influenza pandemic. The House bill included $969,650,000 and the Senate amendment included $820,000,000 for this purpose. These funds are intended to be used to purchase antivirals, establish high-volume domestic surge capacity through vaccine purchases and retrofitting of production facilities, and accelerate development of cell-based vaccine capabilities as proposed by the Administration.

The conference agreement includes bill language provisions proposed by both the House and Senate giving the Secretary various authorities to purchase goods for the.stockpile, enter into contracts for the construction or renovation of privately owned facilities for the production of pandemic vaccine or other biologicals, and to transfer funds to other HHS accounts.

The conferees direct the Secretary to provide on a monthly basis to the Committees on Appropriations of the House of Representatives and the Senate a table identifying the obligation, as well as any unobligated balances, of funds received for pandemic influenza preparedness. The level of detail provided in the report should be at the program level identified in the table on the second page of the December 29, 2006, report to Congress on pandemic influenza preparedness spending. This table should be in addition to the semi-annual report to the House and Senate Committees on Appropriations that identifies the disbursement of pandemic influenza preparedness funds at the level of detail specified in the statement of managers accompanying the conference report for the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006.

COVERED COUNTERMEASURE PROCESS FUND

The conference agreement includes $25,000,000, to remain available until expended, for the compensation fund established by the Public Readiness and Emergency Preparedness (PREP) Act. The House bill and the Senate amendment had proposed $50,000,000 for this purpose.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING RESCISSIONS)

Sec. 3401. (a) The conference agreement includes three provisions rescinding unobligated balances from the Training and Employment Services account under the Department of Labor: $3,589,000 from the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–8); $834,000 from the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211); and $71,000 from the Emergency Supplement Act, 2002 (Public Law 107–117). The Department of Labor has indicated that these balances are no longer needed for their original purposes. The Senate amendment included only the rescission of $3,589,000 from Public Law 107–38. The House bill did not contain any rescissions of Training and Employment Services funds.

(b) The conference agreement rescinds $4,100,000 from unobligated balances available from the State Unemployment Insurance and Employment Service Operations account under the Department of Labor pursuant to Emergency Supplemental Act, 2002 (Public Law 107–117). Neither the House bill nor the Senate amendment included this rescission.

Sec. 3402. The conference agreement includes a provision similar to one proposed by the Senate providing $8,594,000 for Safe and Drug-Free Schools to address youth violence and related issues in schools that are identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965. The House bill did not contain a similar provision.

CHAPTER 5

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

The conference agreement includes $50,000,000 to the Architect of the Capitol for utility tunnel repairs and asbestos abatement. The conferees agree to language that the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives, as proposed by the Senate. This is the same amount as proposed by the House for asbestos abatement and other improvements, instead of $25,000,000 as proposed by the Senate for emergency utility tunnel repairs and asbestos abatement. The conferees direct the Government Accountability Office to assist the Committees on Appropriations in their oversight of the project through monitoring the Architect of the Capitol's strategic planning and use of resources related to this project.

CHAPTER 6

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

The conferees have not included funding in this account for a pilot program of benefits medical examinations as proposed by the House. The Senate bill contained no similar provision. Instead, the conferees have included funding under General Operating Expenses for authorized examinations to assist in claims processing.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

The conferees have agreed to provide $466,778,000 for Medical Services, instead of $414,982,000 as proposed by the House and $454,131,000 as proposed by the Senate. The conference agreement includes $228,982,000 for treatment of OIF/OEF veterans; $30,000,000 for at least one new Level I polytrauma care center; $25,000,000 for prosthetics; $100,000,000 for enhancement to mental health services; $9,440,000 for the establishment of residential transitional rehabilitation programs; $10,000,000 for additional caseworkers to facilitate seamless transition; $20,000,000 for substance abuse treatment programs; $20,000,000 for readjustment counseling efforts; $10,000,000 for blind rehabilitation services; $8,000,000 for polytrauma support clinic teams; and $5,356,000 for additional polytrauma points of contact.

The conferees direct the Secretary to provide a report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act detailing the number of Level I polytrauma centers to be opened and sites selected. The report should include an analysis of projected demand in areas of the country where Level I polytrauma centers are not readily accessible.

MEDICAL ADMINISTRATION

The conferees have agreed to provide $250,000,000 for Medical Administration as proposed by the Senate instead of $256,300,000 as proposed by the House.

MEDICAL FACILITIES

The conferees have agreed to provide $595,000,000 for Medical Facilities as proposed by both the House and the Senate. The amount provided includes $45,000,000 for facility and equipment upgrades at existing polytrauma care centers. In addition, $550,000,000 is provided for non-recurring maintenance and is to be allocated in a manner not subject to the Veterans Equitable Resource Allocation model.

The conferees have included language in the bill which requires the Department to submit an expenditure plan within 30 days for the use of the non-recurring maintenance funding appropriated. In addition, the Department is to provide semi-annual updates on the expenditure of these funds.

MEDICAL AND PROSTHETIC RESEARCH

The conferees have agreed to provide $32,500,000 for Medical and Prosthetic Research, instead of $35,000,000 as proposed by the House and $30,000,000 as proposed by the Senate.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conferees have agreed to provide $83,200,000 for General Operating Expenses, instead of $62,000,000 as proposed by the House and $46,000,000 as proposed by the Senate. The amount provided includes $20,000,000 for disability medical examinations. Additionally, $60,750,000 is to be used for the expenses related to hiring and training additional disability claims processors and $1,250,000 is to be for digitization of military service records.

The conferees are concerned that effective management structures and inter-agency coordination processes must be in place to ensure that services of the Department of Veterans Affairs are provided in a timely and efficient manner, especially to returning OEF/OIF veterans. In particular, the conferees are concerned about the bureaucratic process many OEF/OIF veterans are encountering in transition from active duty to veteran status. Therefore, the conferees have included funding for the Secretary of Veterans Affairs to award a grant or contract to the National Academy of Public Administration, an independent, non-partisan organization, which was charted by Congress to assist Federal, State, and local governments in improving their effectiveness, efficiency, and accountability. Such grant or contract shall be to conduct a study of Department management structures in place to provide health care to veterans and active duty personnel of OEF/OIF, and benefits to veterans of OEF/OIF. The study also should look at the organization and management structure of the Department as it relates to providing health care and benefits to the approximately 7.9 million veterans currently enrolled in the system. The conferees direct the Department to execute such grant or contract no later than 30 days after enactment of this Act.

INFORMATION TECHNOLOGY SYSTEMS

The conferees have agreed to provide $35,100,000 for Information Technology Systems, instead of $35,000,000 as proposed by the House and $36,100,000 as proposed by the Senate. The amount provided includes $15,100,000 for electronic data breach remediation and prevention as proposed by the Senate. Also included in the bill is $20,000,000 for system improvements for processing OIF/OEF veterans.

CONSTRUCTION, MAJOR PROJECTS

The conferees have included no funding for Construction, Major Projects, as proposed by the Senate instead of $23,800,000 as proposed by the House.

CONSTRUCTION, MINOR PROJECTS

The conferees have agreed to provide $326,000,000 for Construction, Minor Projects, instead of $260,000,000 as proposed by the House and $355,907,000 as proposed by the Senate. Of the amount provided, up to $36,000,000 may be used for construction of polytrauma residential transitional rehabilitation facilities.

GENERAL PROVISIONS—THIS CHAPTER

The conferees have agreed to include a general provision which directs the Congressional Budget Office to report on the future funding projections for costs associated with providing necessary health care to OIF/OEF veterans, as proposed by the Senate.

The conferees have not included a general provision, proposed by the Senate, which would direct the Department of Veterans Affairs to contract with the National Academy of Public Administration for a study of management practices. The conferees have included similar language in the General Operating Expenses paragraph of the bill.

The conferees have included a general provision which permits the Secretary of Veterans Affairs to transfer facilities to the State of Texas, as proposed by the Senate.

The conferees have included a modified general provision, proposed by the Senate, which provides for contributions to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund to remain available until expended.

TITLE IV—OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement provides $37,500,000 for 'Salaries and Expenses' of the Farm Service Agency instead of $48,000,000 as proposed by the House and $75,000,000 as proposed by the Senate.

The conference agreement includes language that these funds shall only be used for network and database/application stabilization to address immediate needs identified by the Department. The conferees direct the Secretary to provide a monthly update to the Committees on Appropriations of the House of Representatives and the Senate on the progress of this project, including usage of funds as proposed by the Senate.

The conferees note that the Farm Service Agency computer system that is responsible

for processing payments for all Farm Bill programs administered by the Farm Service Agency has been experiencing periodic shutdowns due to capacity overload, causing the efficiency of thousands of Farm Service Agency county office employees to decrease dramatically. The conferees are aware that a plan to upgrade this system is being developed by USDA. The conferees direct the Secretary to submit to the Committees on Appropriations of the House of Representatives and the Senate, and the agriculture authorizing committees of the House of Representatives and the Senate a report that has been approved by the Office of Management and Budget and reviewed by the Government Accountability Office. The report shall include: (1) an enterprise architecture; (2) an Information Technology Human Capital Plan; (3) a capital investment plan for implementing the enterprise architecture; (4) a description of the information technology capital planning and investment control process; and (5) a spending plan. The spending plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected savings or cost avoidance to be achieved by the project.

GENERAL PROVISIONS—THIS CHAPTER

Section 4101. The conference agreement includes language regarding the Food and Drug Administration as proposed by the House.

Section 4102. The conference agreement includes language to prevent the Food Safety and Inspection Service (FSIS) from implementing a risk-based inspection program in any Iocation until the USDA Office of the Inspector General (OIG) has studied the program, including a review of the adequacy of the FSIS plan for evaluating pilot projects, and reported its findings to FSIS and the Committees on Appropriations of the House of Representatives and the Senate; and FSIS has addressed and resolved issues identified by the OIG.

The conferees emphasize that FSIS should continue other activities related to the implementation of the program, such as data collection and public meetings. The conferees recognize that moving forward with the risk-based inspection program without comprehensive and accurate scientific data to rank product risk and an unbiased system for determining establishment risk would have the potential of jeopardi21ing public health.

The conference agreement does not include a rescission of unobligated balances from the Trade Adjustment Assistance program as proposed by the Senate.

The conference agreement does not include language regarding the implementation of the Wetlands Reserve Program and the Farmland Protection Program as propose by the Senate.

The conference agreement does not include language regarding the Rural Utilities Service Guaranteed Underwriting Program as proposed by the Senate.

CHAPTER 2

GENERAL PROVISIONS—THIS CHAPTER

Section 4201. The Committee has included a provision designating all Federal employees at the National Energy Technology Laboratory as inherently governmental.

Section 4202. The Committee has included a provision related to the Bonneville Power Administration.

CHAPTER 3

GENERAL PROVISIONS—THIS CHAPTER

Section 4301. The conference agreement modifies a provision proposed by the House (section 4301) to amend section 102(a)(3)(B) of the Help America Vote Act of 2002 by striking ''January 1, 2006'' and inserting ''March 1, 2008''. The Senate bill did not include similar language.

Section 4302. The conference agreement includes a provision proposed by the Senate (section 3301) requiring the components of the Office of National Drug Control Policy to remain as they were on October 1, 2006, and requiring approval of the Committees on Appropriations to implement a reorganization. The House bill did not include similar language.

Section 4303. The conference agreement includes language proposed by the Senate (section 3304) authorizing the National Archives and Records Administration to spend fiscal year 2007 funds for activities of the Public Interest Declassification Board. The House bill did not include similar language.

Section 4304. The conference agreement includes language proposed by the Senate (section 3307) to provide flexibility to reallocate $1,000,000 in fiscal year 2007 funds for the District of Columbia Courts. The House bill did not include similar language.

Sec. 4305. The conference agreement includes modified language proposed by the Senate (section 3307) requiring that the Treasury Department, in coordination with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, prepare and submit a report, with a classified annex as necessary, to Congress concerning companies known to conduct business operations relating to natural resource extraction in Sudan. The language further directs the General Services Administration to notify Congress of any existing Federal contracts with the identified companies. The House bill did not include similar language.

Section 4306. The conference agreement modifies a provision proposed by the Senate (section 3308) extending the availability of $4,500,000 in fiscal year 2007 funding for the General Services Administration, Office of Inspector General. The House bill did not include similar language.

Section 4307. The conference agreement includes language proposed by the Senate (section 3309) which allows the District of Columbia to use funds made available for foster care improvements according to a spending plan submitted to Congress within 60 days. The House bill did not include similar language.

The conference agreement does not include language proposed as Senate section 3302 concerning funds made available in section 21075 of the Continuing Appropriations Resolution, 2007.

The conference agreement does not include language proposed as Senate section 3303 to make a technical correction to a recipient of funds under section 613 of P.L. 109–108.

The conference agreement does not include language proposed as Senate section 3305 to require the resubmission of a fiscal year 2007 spending plan by the General Services Administration within 7 days.

The conference agreement does not include language proposed as Senate section 3310 to authorize a cost of living adjustment for federal judges and justices for fiscal year 2007.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING RESCISSIONS OF FUNDS)

Section 4401.—The conferees modify a provision proposed by the Senate to address a funding shortfall in the United States Coast Guard ''Retired Pay'' appropriation. The House bill contains no similar provision. The conferees note that estimates for this appropriation have been woefully inaccurate over the past several years and direct the Coast Guard to take immediate action to improve the quality and reliability of the data used in its estimates. Within 45 days after the date of enactment of this Act, the Coast Guard shall submit a report on steps being taken to improve the accuracy of its estimates for the ''Retired Pay'' appropriation. In addition, the conferees direct the Coast Guard to submit quarterly information to the Committees on Appropriations on the use of unobligated balances made available by this Act to address the projected shortfall in this appropriation, as well as updated estimates for fiscal year 2008.

Sec. 4402.—The conferees modify provisions proposed by the House and Senate regarding Coast Guard contracting and the Integrated Deepwater Systems program.

Sec. 4403.—The conferees include a provision proposed by the Senate regarding Coast Guard's Civil Engineering Program. The House bill contains no similar provision.

Sec. 4404.—The conferees modify a provision proposed by the House and rescind $30,900,000 from unobligated balances made available pursuant to section 505 of Public Law 109-90. The House bill rescinds $89,800,000. The Senate bill contains no similar provision. The conferees note the Department's poor planning and slow use of funds available pursuant to section 505. In addition, to address an urgent operational need, the conferees provide $30,000,000 for Coast Guard ''Acquisition, Construction, and Improvements'' to help mitigate the patrol boat operational gap. No additional appropriation was included in either the House or Senate bills. The Coast Guard is currently operating 25,000 hours, or twenty-five percent, short of its needed patrol boat mission hours. This ''gap'' means that undocumented migrants, drugs, and other unlawful activity are less likely to be intercepted by the Coast Guard. Funding provided in this section is to be used to acquire four new Coastal Patrol Boats, as was requested by the Department of Homeland Security via official correspondence on March 11, 2007. This includes the production, warranty, training, spares, outfitting and project management costs for all four patrol boats. The Coast Guard has indicated these new Coastal Patrol Boats will partially relieve the burden on existing 110′ patrol boats until a replacement patrol boat can be placed in service. Currently, Florida-based 110′ patrol boats average more than 5,500 mission hours annually which can be performed by the smaller 87′ Coastal Patrol Boats operating out of the three primary Florida ports of Tampa, Miami and Key West. This will allow the 110′ patrol boats currently operating in these areas to be utilized farther south where undocumented migrant traffic and drug smuggling are more prevalent. In addition, the conferees provide $900,000 for the Under Secretary for Management to award a grant or contract to the National Academy of Public Administration to compare the Department of Homeland Security's reported senior career and political staffing levels and senior career training programs with those of similarly structured cabinet-level agencies.

Sec. 4405.—The conferees include a provision proposed by the House regarding limitations on lead system integrators. The Senate bill contains no similar provision.

The conferees do not include a provision proposed by the House regarding Border Patrol checkpoints. The Senate bill includes no similar provision.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

Sec. 4501 includes a technical correction to the Bureau of Indian Affairs language in P.L. 110–5 as recommended by the Senate in Title III, section 3501 so the Bureau may pay certain contract support costs. The House had a similar provision in section 4502.

Sec. 4502 includes a technical correction to P.L. 110–5 as recommended by the Senate in Title III, section 3502, to allow the Indian Health Service to pay certain contract support costs and transfer $7,300,000 from ''Services'' to ''Facilities''. The House had a similar provision in section 4503.

Sex. 4503 provides a technical correction to P.L. 110–5 designating the funding level for the Save America's Treasures program of the National Park Service, Historic Preservation Fund which was recommended by both the House and the Senate.

Sec. 4504 modifies a provision recommended by the Senate in Title III, section 3504 that allows the Fish and Wildlife Service to use land acquisition funds for land conservation partnerships authorized by the Highlands Conservation Act of 2004. The House had no similar provision.

The conference agreement does not include the proposal in Senate Title II, Chapter 6, section 2601 to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000. The conference agreement deals with this issue in Title III.

The conference agreement does not include Senate recommended sections 3505, regarding the Water Environment Research Foundation, and 3506 related to EPA grant funding.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH, NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

The conference agreement includes language proposed by the House transferring $49,500,000 from the National Institutes of Health, National Institute of Allergy and Infectious Diseases, to the Office of the Secretary, Public Health and Social Services Emergency Fund, to support advanced research and development of biodefense countermeasures. This work is to be conducted by the Assistant Secretary for Preparedness and Response, consistent with the authority provided in the Pandemic and All-Hazards Preparedness Act. The Senate amendment included similar language.

OFFICE OF THE DIRECTOR

(TRANSFER OF FUNDS)

In addition to the funds transferred above, the conference agreement includes language which transfers $49,500,000 from the National Institutes of Health, Office of the Director, to the Office of the Secretary, Public Health and Social Services Emergency Fund. These funds would further increase funding for advanced research and development of biodefense countermeasures, consistent with the authority provided in the Pandemic and All-Hazards Preparedness Act. Neither the House bill nor Senate amendment included this component of the advanced development transfer.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

The conference agreement includes $300,000, to remain available until expended, for expenses related to meeting the requirements of the Post-Katrina Emergency Management Reform Act, pertaining to emergency preparedness planning to address the needs of individuals with disabilities. Neither the House bill nor the Senate amendment included this provision.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFERS OF FUNDS AND RECISSION)

Section 4601. The conference agreement includes language authorizing the transfer of $7,000,000 from the Pension Benefit Guaranty Corporation to the Employee Benefits Security Administration (EBSA) for the development of the EFAST2 electronic Form 5500 filing system, as proposed by both the House bill and Senate amendment. These funds, together with not less than $5,000,000 available from the fiscal year 2007 appropriation for the EBSA, shall be available for obligation for the EFAST2 system until September 30, 2008. The House bill required that $7,500,000 from EBSA's fiscal year 2007 appropriation be used for the EFAST2 system and allowed the funds to be available for obligation for two years, while the Senate amendment proposed funding of not less than $5,000,000, without extended availability.

The conferees expect EBSA to contribute an additional amount of $2,500,000 from its fiscal years 2007 and 2008 appropriations for this system, generated by one-time cost savings proposed in the last two years' budget requests. The conferees also expect EBSA to minimize any potential negative impact of the project's financing on enforcement activities, and compliance outreach and education programs. The conferees request a briefing on EBSA's plans for the EFAST2 system prior to the announcement of the availability of funds for its development.

Sec. 4602. The conference agreement includes a provision amending the Continuing Appropriations Resolution, 2007 that designates $9,666,000 for the Women's Bureau within the appropriation for ''Departmental Management, Salaries and Expenses'' under the Department of Labor. Neither the House bill nor the Senate amendment included this provision.

The conferees are concerned that the progress being made by International Labor Organization's International Program to Eliminate Child Labor (IPEC), which is aimed at eradicating the most abusive forms of child labor could be jeopardized by the Department of Labor's plans not to make the United States contribution to this program for FY 2007. Last May the ILO reported that the number of exploited children fell by 11 percent between 2000 and 2004, and that the organization believes that if the current pace of decline were to be sustained, the global commitment to stop child labor could feasibly eliminate most of the worst forms of this practice within 10 years. This is a longstanding program with a unique approach that relies on the obligations of ILO Member States under the requirements of ILO Convention 182 on the Worst Forms of Child Labor. The conferees are concerned that if the United States—the largest contributor—pulls its funding commitment to this program, that action would set back the global partnership and have real consequences in specific countries where IPEC projects are underway.

The conferees believe the Department has the flexibility to continue this program under its own procurement guidelines. The conferees expect that any alternative approach should yield equal or better results. Therefore, the conferees direct the Department to submit a report to the Committees on Appropriations of the Senate and the House of Representatives that justifies any proposed approach for the use of these funds by providing information to demonstrate that the alternative approach will be as effective as the IPEC tripartite program before any of these funds are obligated to alternative entities.

Sec. 4603. The conference agreement includes a provision that designates $23,000,000 for poison control centers within the appropriation for ''Health Resources and Services'' under the Department of Health and Human Services. Neither the House bill nor the Senate amendment included this provision. The conferees direct HRSA to submit a revised operating plan within fifteen days of enactment of this Act to the Committees on Appropriations of the House of Representatives and the Senate with respect to any changes to that plan that result from this provision.

Sec. 4604. The conference agreement rescinds $1,000,000 from the Office of the Secretary in the Department of Health and Human Services as proposed by the Senate and deletes a Senate provision pertaining to Public Law 108–406. The House bill did not include these provisions.

The conferees are concerned about delays in receiving technical assistance from the Department of Health and Human Services. There have been several instances in which the Department has not responded to Committee requests for information in a prompt, timely fashion. In addition, after repeated complaints, communications between the Department and the Committee staff continue to be a major problem. The conferees direct the Department to expedite future information requests through the Office of Resources and Technology and request that the Office of Legislative Affairs and the Office of Resources and Technology coordinate their efforts to keep Committee staff fully informed on matters concerning the Committee.

Sec. 4607. The conference agreement includes bill language permitting the Chief Executive Officer of the Corporation for National and Community Service (CNCS) to transfer not more than $1,360,000 from ''National and Community Services Programs, Operating Expenses'' to CNCS ''Salaries and Expenses'' as proposed by the Senate. The House bill did not include a similar provision.

The conferees direct that this funding be taken from the Innovations, Assistance, and Other Activities budget line to complete the Service Center Consolidation Plan rather than the National Service Trust.

Sec. 4608. The conference agreement includes a provision proposed by the Senate modifying section 1310.12(a) of title 45 of the Code of Federal Regulations with respect to Head Start transportation vehicles. The conferees expect that the ultimate regulation governing the safety of Head Start transit vehicles will be consistent with the National Highway Traffic Safety Administration study on occupant protection on Head Start Transit vehicles. The conferees intend the interim rule to be in effect only until the Department has reviewed such study and has made any necessary revisions to be consistent with the study outcomes.

The conference agreement does not include language proposed by the Senate which would have created exceptions for two hospitals in Minnesota and Mississippi so that they could be certified as Medicare critical access hospitals. The House bill contained no similar provision.

The conference agreement does not include a provision proposed by the Senate rescinding $2,000,000 from student aid administration in the Department of Education and providing $2,000,000 for a grant to the University of Vermont or the provision also proposed by the Senate repealing the former provision. The House bill did not include similar provisions.

The conference agreement does not include a provision proposed by the Senate to create an authorization of appropriations for a grant to the Delta Health Alliance. The House bill did not contain a similar provision.

The conference agreement does not include a provision proposed by the House extending the availability of a portion of funds previously appropriated for veterans employment and training activities with the Department of Labor. The Senate amendment

did not include this provision. The conferees agree that the House provision is not needed because the Department already has the authority to incur obligations for this program through December 31, 2007.

CHAPTER 7

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The conference agreement provides $165,200 for payment to Gloria W. Norwood, widow of Charles W. Norwood, late a Representative from the State of Georgia, as proposed by the House. Inasmuch as this item relates solely to the House, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendment of the House.

CHAPTER 8

DEPARTMENT OF STATE

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION,

UNITED STATES AND MEXICO

CONSTRUCTION.

The conference agreement does not include an appropriation to augment funding in fiscal year 2007 for the Rio Grande Flood Control System Rehabilitation project, as proposed by the House. The Senate included no similar provision.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement does not include a provision proposed by the Senate (sec. 3901) concerning the United States-China Economic and Security Review Commission. The House bill included no similar provision.

Sec. 4801. Technical Amendment—The conference agreement includes a provision clarifying the availability of certain funds in fiscal year 2007, making a technical change to the composition of the Board of the Middle East Foundation and clarifying the availability of funding in fiscal year 2007 for the Foreign Military Financing Program, as proposed by the Senate. The House bill included the same provision regarding the Middle Foundation.

Sec. 4802. Funding Limitation—The conference agreement includes a provision proposed by the House (sec. 4802) concerning the modification of funding limitations on the Department of State's Bureau of Legislative Affairs for fiscal year 2007. The Senate bill included no similar provision.

The conferees direct that funding for the Bureau not exceed $11,383,000, the amount requested in the fiscal year 2007 budget.

CHAPTER 9

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $6,150,000 for the Office of Federal Housing Enterprise Oversight instead of $7,568,000 as proposed by the House and $4,800,000 as proposed by the Senate. The conference agreement includes language as proposed by the Senate that reduces this appropriation to zero dollars through offsetting collections.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes a general provision proposed by the Senate regarding a pilot program on cross-border trucking between the United States and Mexico. The House did not include a similar provision.

The conference agreement modifies a general provision proposed by the House that allows funds provided in fiscal year 2007 for the National Transportation Safety Board to be used to make capital lease payments due in fiscal year 2007. The Senate did not include a similar provision.

The conference agreement includes a general provision proposed by both the House and the Senate to clarify the fiscal year 2007 levels of funding for the Tenant-Based Rental Assistance account.

The conference agreement includes a general provision proposed by the House to allow housing projects subsidized with project-based certificates to be renewed under the Project-Based Rental Assistance program. The Senate did not include a similar provision.

The conference agreement does not include a provision proposed by the House making a technical change to a proviso regarding the ''Moving to Work'' program.

The conference agreement does not include a provision proposed by the Senate regarding asset-based management because the Department of Housing and Urban Development has administratively changed the compliance date to October 1, 2007.

TITLE V

AGRICULTURAL ASSISTANCE

The conferees direct the Secretary to adhere to all existing federal statutes, program regulations, executive orders and program guidance or directives to ensure that compensation is provided only where appropriate and allowed under such reglations, orders or guidance and that the integrity of the program is maintained without exception.

Section. 5101. The conference agreement includes language regarding Crop Disaster Assistance providing financial assistance to producers on a farm who incurred qualifying quantity or quality losses for a 2005, 2006 or 2007 crop before February 28, 2007 due to damaging weather or any related condition.

The conference agreement does not include a separate provision for sugar beet and sugar cane disaster assistance as proposed by the Senate. Qualifying losses are covered under the Crop Disaster Assistance provision.

Sec. 5102. The conference agreement includes language providing financial assistance through the Livestock Compensation Program and the Livestock Indemnity Program for livestock losses and livestock indemnity payments to producers on farms that have incurred livestock losses between January 1, 2005 and February 28, 2007.

Sec. 5103. The conference agreement provides $20,000,000 for the Emergency Conservation Program as proposed by the House instead of $35,000,000 as proposed by the Senate.

The conference agreement does not include a separate provision for the tree assistance program as proposed by the Senate. Qualifying losses are covered under the Emergency Conservation Program provision.

Sec. 5104. The conference agreement includes language regarding payment limitations.

Sec. 5105. The conference agreement includes provisions regarding the administration of the foregoing sections.

Sec. 5106. The conference agreement includes language regarding the National Dairy Market Loss Payment program.

Sec. 5107. The conference agreement provides $20,000,000 instead of $95,000.00 as proposed by the Senate for payments to dairy producers for losses in counties designated as disaster areas.

Sec. 5108. The conference agreement includes language to clarify the use of claims adjustors.

Sec. 5109. The conference agreement does not provide funding for the Small Business Economic Loss Grant Program. Instead, the conference agreement provides $21,000,000 to carry out activities authorized under section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a) to provide emergency grants to assist low-income migrant and seasonal farmworkers. The conferee are aware that storms and other natural disasters have caused serious disruption to local economies and individuals who are involved in agriculture but will not otherwise qualify for assistance under this title.

Sec. 5110. The conference agreement includes language regarding the Conservation Security Program as proposed by the Senate. In fiscal year 2007, producers hold previously executed contracts with the Department of Agriculture on which they have relied for undertaking various conservation measures. As a consequence of current federal funding levels, many producers will be unable this fiscal year to recover costs already incurred that are associated with their contract performance. The conference agreement will allow the Department of Agriculture to meet the intended outcome of contracts executed between the Department and the affected producers, and to take other measures as appropriate under existing authorities.

Sec. 5111. The conference agreement provides $30,000,000, as proposed by the Senate, to cover necessary costs related to the administration of programs, of which $8,500,000, as identified by the Farm Service Agency, is for information technology upgrades to assist in carrying out the agricultural disaster assistance provisions of this title.

Sec. 5112. The conference agreement includes language to clarify participation in a crop Insurance pilot program.

The conference agreement does not provide funding for fresh spinach growers and first handlers as proposed by the House.

The conference agreement does not include language regarding payments to fresh spinach growers and first handlers as proposed by the Senate.

The conference agreement does not provide funding for the peanut storage costs program as proposed by the House.

The conference agreement does not provide funding for aquaculture losses as proposed by the House.

The conference agreement does not provide funding for flooded crop and grazing land as proposed by the Senate.

The conference agreement does not provide funding for insect infestations as proposed by the Senate.

TITLE VI

ELIMINATION OF SCHIP SHORTFALL AND OTHER MATTERS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

STATE CHILDREN'S HEALTH INSURANCE FUND

The conference agreement includes an appropriation of $650,000,000 to eliminate anticipated State Children's Health Insurance Program (SCHIP) funding shortfalls for fiscal year 2007 for 14 States. The House bill provided $750,000,000; the Senate amendment included an appropriation of such sums as necessary.

Sec. 6001. The conference agreement includes language similar to provisions in both the House bill and Senate amendment which amend the authorizing law to describe the States considered to be in shortfall.

Sec. 6002. The conference agreement includes language which prohibits the Secretary of the Department of Health and Human Services from taking action in the next year to finalize or otherwise implement a proposed regulation affecting the Medicaid program or any regulation restricting payments for graduate medical education under

the Medicaid progam. The Senate amendment had similar language prohibiting implementation of the rules for two years. The House bill did not contain a similar provision.

The bill includes a provision to offset the estimated cost of blocking the Medicaid rules in this section. This provision: (1) requires States, as a condition of receiving Federal matching funds in Medicaid, to require all providers to use tamper-proof prescription drug pads when writing prescriptions for Medicaid beneficiaries; and (2) extends certain Pharmacy Plus waivers under the Medicaid program. The Senate amendment contained a different offset, which increased the required rebate for drugs sold through the Medicaid program. The House bill contained no similar provision.

TITLE VII

FAIR MINIMUM WAGE AND TAX RELIEF

SUBTITLE A—FAIR MINIMUM WAGE

The conference agreement includes provisions to increase the Federal minimum wage in the United States to $7.25 an hour over two years as proposed by both the House and the Senate. The conference agreement also provides for Federal minimum wage increases of $0.50 per hour, beginning 60 days after enactment, and annually thereafter, in the Commonwealth of the Northern Mariana Islands and American Samoa, until their minimum wage reaches that of the United States. In addition, the agreement requires that the Department of Labor, through the Bureau of Labor Statistics, transmit a report to Congress assessing the impact of wage increases in the Commonwealth of the Northern Mariana Islands and American Samoa not later than 32 months after enactment.

The House bill included a phased increase of $0.50 upon enactment, and $1.00 annually thereafter, in the Federal minimum wage for both the Commonwealth of the Northern Manana Islands and American Samoa until their minimum wage reaches that of the United States, while the Senate amendment provided a phased increase of $0.50 upon enactment, and $1.00 annually thereafter, in the Federal minimum wage for the Commonwealth of the Northern Mariana Islands, but no increase in American Samoa.

SUBTITLE B—SMALL BUSINESS INCENTIVES

The conference agreement modifies small business and work opportunity provisions in the Senate amendment that provide enhanced compliance assistance for small businesses, authorize a program for small business child care grants at the Department of Health and Human Services, require a study on certain aspects of the Earned Income Tax Credit, authorize renewal grants for women's business centers, and require a report under the Buy American Act. The House bill did not contain similar provisions.

SUBTITLE C

SMALL BUSINESS TAX INCENTIVES

The conference agreement modifies provisions in the House bill and Senate amendment regarding small business incentives. The conference agreement extends the Work Opportunity Tax Credit (''WOTC'') through August 31, 2011, later than the House proposed but sooner than the Senate proposed. The conference agreement expands WOTC to include more veterans with service-connected disabilities, ''high risk youth,'' and employees in ''outward migration counties.'' The House and the Senate had proposed various enhancements.

The conference agreement enhances the tip credit for certain small businesses by freezing the minimum wage level for purposes of calculating the credit. The House had similar language, but the Senate did not.

The conference agreement permanently waives both individual and corporate alternative minimum tax limitations on WOTC and tip credits. The House had similar language, but the Senate did not.

The conference agreement extends small business expensing under section 179 through 2010 and increases the expensing limit from the current $112,000 to $125,000, as the House had proposed. The Senate had similar language.

The conference agreement extends and expands several tax provisions affecting Gulf Opportunity Zones affected by hurricanes Katrina, Rita and Wilma. The agreement modifies language proposed by the Senate. The House did not include similar language.

The conference agreement makes several changes to the treatment of Subchapter S corporations. The Senate had proposed similar language. The House did not include similar language.

The conference agreement raises the age of children whose unearned income is taxed as their patents' income. The House and Senate both had similar language.

The conference agreement modifies IRC section 6404(g) which provides for suspension of interest and certain penalties, from the current 18 months after filing to 36 months. The House had proposed 22 months and the Senate had proposed repeal of suspensions.

The conference agreement increases the penalty for bad checks and money orders, creates a new penalty on claims for refunds filed without any reasonable basis, and expands the penalties on tax return preparers. Both House and Senate proposed similar language.

The conference agreement increases the estimated tax payments due July through September, 2012 for corporations with assets in excess of $1 billion. The House had similar language, but the Senate did not.

CONTRACTING REFORM

The conference agreement does not include language proposed by the House (as title V of the House bill) relating to federal contracting reform.

NOTIFICATION OF EMERGENCY LEGISLATION

The congressional budget resolution (H. Con. Res. 95) agreed to by Congress for fiscal year 2006, and both the House and Senate versions of the congressional budget resolution for fiscal year 2007 include provisions relating to the notification of emergency spending. These provisions require a statement of how the emergency provisions contained in the conference agreement meet the criteria for emergency spending as identified in the budget resolution.

The conference agreement contains emergency funding for fiscal year 2007 for the global war on terror, hurricane recovery in the gulf coast region, emerging threats to homeland security, pandemic influenza prevention, unmet veterans' healthcare needs, and agriculture disaster relief. The funding is related to unanticipated needs and is for situations that are sudden, urgent, and unforeseen, specifically the global war on terror and thy hurricanes of 2005. These needs meet the criteria for emergencies.

EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, this conference report contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2007 recommended by the Committee of Conference, comparisons to the 2007 budget estimates, and the House and Senate bills for 2007 follow:

(In thousands of dollars)

Budget estimates of new (obligational) authority, fiscal year 2007	103,015,427
House bill, fiscal year 2007	124,315,636
Senate bill, fiscal year 2007	122,807,084
Conference agreement, fiscal year 2007	124,173,007
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2007	+21,157,580
House bill, fiscal year 2007	−142,629
Senate bill, fiscal year 2007	+1,365,923

DAVID R. OBEY,
ROSA L. DELAURO,
JOHN P. MURTHA,
PETER J. VISCLOSKY,
NITA LOWEY,
CAROLYN KILPATRICK,
NORMAN D. DICKS,
CHET EDWARDS,
ALAN B. MOLLOHAN,
JOHN OLVER,
JOSÉ E. SERRANO,
DEBBIE WASSERMAN SCHULTZ,
JAMES E. CLYBURN,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
PATRICK J. LEAHY,
TOM HARKIN,
BARBARA A. MIKULSKI,
HERB KOHL,
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
RICHARD J. DURBIN,
TIM JOHNSON,
MARY L. LANDRIEU,
JACK REED,
FRANK R. LAUTENBERG,
BEN NELSON,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the 5-minute voting will continue.

There was no objection.

10,000 TEACHERS, 10 MILLION MINDS SCIENCE AND MATH SCHOLARSHIP ACT

Mr. GORDON of Tennessee. Madam Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 362, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Amend section 204 to read as follows:

SEC. 204. CURRICULA.

Nothing in this Act, or the amendments made by this Act, shall be construed to limit the authority of State governments or local school boards to determine the curricula of their students.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. GORDON of Tennessee. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 389, nays 22, not voting 21, as follows:

[Roll No. 254]

YEAS—389

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

NAYS—22

Barrett (SC)
Blackburn
Campbell (CA)
Cannon
Conaway
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Hensarling
King (IA)
Lamborn
Mack
Manzullo
Miller (FL)
Paul
Pence
Poe
Sali
Shadegg
Tancredo

NOT VOTING—21

Bilirakis
Boucher
Brady (PA)
Buyer
Cubin
Davis (KY)
Davis, Jo Ann
Farr
Fattah
Fossella
Gohmert
Hastings (FL)
Kennedy
King (NY)
Kirk
Lampson
Myrick
Rangel
Ryan (OH)
Sutton
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1708

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FARR. Madam Speaker, on rollcall No. 254, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. KIRK. Madam Speaker, had I been present, I would have voted as follows: on rollcall No. 245—"yes"; 246—"yes"; 247—"yes"; 248—"no"; 249—"no"; 250—"yes"; 251—"yes"; 252—"yes"; 253—"yes"; and 254—"yea".

PERSONAL EXPLANATION

Mr. BILIRAKIS. Madam Speaker, unfortunately, I was unavoidably detained and missed rollcall votes Nos. 253 and 254.

I take my voting responsibility seriously, and if I had been present, I would have voted "yes" on rollcall No. 253 and "yes" on rollcall No. 254.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill, H.R. 363, as amended.

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

There was no objection.

SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH ACT

The SPEAKER pro tempore. Pursuant to House Resolution 318 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 363.

□ 1710

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 363) to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes, with Mr. WATT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

(Mr. GORDON of Tennessee asked and was given permission to revise and extend his remarks.)

Mr. GORDON of Tennessee. Mr. Chairman, we spent quite a bit of time on the last bill talking about ''Rising above the Gathering Storm,'' the report. It charts a course for continuing American prosperity in the decades to

come. I recommend that my colleagues heed the warning of this report and pursue policies to implement its four major policy recommendations.

One of those recommendations is to ''sustain and strengthen the Nation's traditional commitment to long-term basic research that has the potential to be transformational, to maintain the flow of new ideas that fuel the economy and provide security and enhance the quality of life.'' The Gathering Storm report goes on to propose specific high-priority action items to realize this recommendation.

In this bill, H.R. 363, we have identified several of these action items that have broad bipartisan support. We call the bill the Sowing the Seeds Through Science and Engineering Act.

I want to thank my colleague, Mr. HALL from Texas, ranking minority member of the Committee on Science and Technology, who helped craft the current version of this bill.

Six weeks ago, the committee voted unanimously to favorably report this bill. We have heard from such groups as The Business Roundtable and the Council of Competitiveness expressing their support for the bill. These organizations represent a broad spectrum of business interests, understand that new technology ideas are necessary for the U.S. prosperity in a global 21st century economy. In fact, some economists have estimated that half of the economic growth in the United States since World War II can be attributed to technological innovation. H.R. 363 is needed to prevent the United States from falling behind other nations whose national commitments to research are increasing, just as ours have been decreasing. The fear is not just about falling behind scientifically, it's about falling behind economically.

The first two provisions of H.R. 363 focus on support for early-career scientists and engineers through grant programs at the National Science Foundation and the Department of Energy. These grants will identify and support our best and brightest young researchers who are engaged in high-risk, high-reward research that is transformational or highly innovative. By focusing on young researchers, we promote new ideas and research on the frontiers of knowledge.

The bill also supports graduate student training grants for individuals interested in research areas relative to industry's technological needs, establishes a Presidential Award for Innovation, creates a planning mechanism for maintaining the Nation's major research facilities, authorizes the National Science Foundation to support research on innovation, directs reports on Federal efforts to recruit new scientists and engineers, identifies NASA as a key player in the national competitiveness policy.

This bill doesn't merely seek to fund all of science, it focuses on fostering the most innovative elements of a scientific enterprise. It is through research such as these that we lay a foundation for future of global economic competitiveness. In the future, a healthy scientific and technological enterprise spawns innovation, creating jobs that pay good wages and produces products that make our lives better.

□ 1715

We must pave the way to that future, and I urge my colleagues to support this bill.

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

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

Mr. Chairman, I rise today to support what is essentially the second piece of the Science Committee's innovation and competitiveness agenda package. I am pleased that this Congress continues to advance the innovation agenda that the President laid out 2 years ago.

Primarily, this bill enhances the Faculty Early Career Development Program at NSF to help researchers establish a lab and pursue risky research in emerging fields. It establishes a similar program at the Department of Energy. It also ensures that funding increases proportionately to the overall NSF budget for the Integrative Graduate Education and Research Traineeship, which supports graduate students in cutting-edge interdisciplinary fields.

Again, most of this bill was part of a Republican-led effort in the last Congress to incorporate many of the suggestions and various innovation and competitiveness reports without necessarily reinventing the wheel to do so. While H.R. 363 is similar to what we did last year, it does have some additions that were never vetted at the committee level, and I have some concern with that process. I hope as we continue the reauthorization process for NSF, the chairman will work with me, as he always has and as he does, and we can thoughtfully pass good legislation as we move forward.

With specific regard to H.R. 363, I do thank the chairman for working with us to restore a few of the provisions that had been previously accepted by the committee, particularly in NIST report language and a sense of the Congress that NASA also has a role to play in United States innovation and competitiveness.

It is important, Mr. Chairman, that our Nation continue to lead the world in technological innovation. To that end, we should support legislation that advances basic science research at the National Science Foundation and the Department of Energy. Research conducted by these young scholars will yield countless advantages. Americans understand that if we are to become energy independent, we will need solutions that promote clean, affordable and reliable American energy resources. That is why we introduced the competitiveness agenda last year and that is why I continue to support this initiative. America's solutions for the future begin today.

This is a good bill. I thank the chairman for helping make it a good bill, and I urge my colleagues to vote in favor of H.R. 363.

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

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself 30 seconds to absolutely concur with Mr. HALL in that we will work as a partnership as this bill works its way through. He has been a constructive partner, and I want to continue that partnership.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Arizona (Ms. GIFFORDS), a valued member of our committee.

Ms. GIFFORDS. Thank you, Mr. Chairman, and thank you Ranking Member HALL.

Mr. Chairman, I rise today to express my support for H.R. 363, the Sowing the Seeds Through Science and Engineering Act. In 2005, a bipartisan group of congressional legislators came together and asked the National Academies for a list of the top 10 action items that policymakers must take in order to assure that America stays globally competitive.

Their report, which was reduced, called ''Rising Above the Gathering Storm,'' found that the U.S. would stand to lose our global competitiveness if we did not act immediately. One of their recommendations was to invest in research in an effort to ''sustain and strengthen the Nation's traditional commitment to long-term basic research that has the potential to be transformational to maintain the flow of new ideas that fuel the economy, provide security, and enhance the quality of life.'' This bill does exactly that.

This legislation provides early-career awards for scientists and engineers at the National Science Foundation and at the Department of Energy. Young researchers and scientists can shift paradigms, break out of traditions, and think of new ideas within their field; and it is this outside-of-the-box thinking that we must promote.

The early-career awards in this bill awards young scientists for engaging in both high-risk, but also high-reward, research that is transformational and innovative.

This bill does not fund all science. This bill focuses on fostering the most innovative of elements in the scientific enterprise. With countries such as India and China becoming more and more competitive, we have to take every action possible to ensure that the United States of America stays globally competitive.

Thank you, Mr. Chairman, for bringing this bill forward. I am honored to be a sponsor.

Mr. HALL of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentleman for yielding, and I do rise today in strong support of

H.R. 363, the Sowing the Seeds Through Science and Engineering Research Act.

This legislation, just like H.R. 362 which we just passed, is a fantastic opportunity for bipartisanship to support math and science education in this country. Taken in combination with that bill, 10,000 Teachers, 10 Million Minds, we lay a crucial foundation in maintaining America's competitiveness worldwide.

The National Academies released a report entitled ''Rising Above the Gathering Storm.'' It looked at ways in which the Federal Government could enhance our country's science and technology enterprise so we can continue to compete and prosper in this global marketplace. In addition to its recommendations with respect to K–12 education, the commission came to the conclusion that there is a general lack of research in science and engineering in America.

Our country must face the reality that China and India are making significant strides and pouring major resources into science and engineering. Therefore, in order to stay competitive, we need to not only encourage young students to get excited by the possibilities that exist with technology advances, but we also need to support young scientist research. Since younger scientists are more likely to do innovative and transformative work, it is in our country's best interest to ensure that these young scientists indeed have the support that they need.

Mr. Chairman, the Sowing the Seeds Through Science and Engineering Act offers rewards for younger students in order to encourage them to continue their work in the fields of science and engineering.

This legislation also strengthens Federal support for science and engineering researchers at the early stages of their career by expanding the Integrative Graduate Education and Research Traineeship program at NSF, establishing a Presidential Innovation Award, and authorizing NSF to authorize research on innovation.

Again, I want to emphasize that I truly believe in order for our great Nation to remain competitive in the ever-advancing global marketplace, we need to sustain and strengthen our commitment to long-term basic research. This is research that has the potential to be transformational in maintaining the flow of new ideas that fuel our economy, provide security and enhance the quality of life for all Americans.

Mr. Chairman, I firmly believe this legislation is a great first step to address this impending crisis, both in America's workforce and our country's research institutions, and I am proud to support the bill, and I ask all of my colleagues to do the same.

Mr. Chairman, before I conclude, and hopefully I will not run out of time, but I did want to at this point say that as much as I am for this bill, I have to oppose one of the amendments that is going to be offered by the gentlelady from New York, Mrs. GILLIBRAND, the Gillibrand amendment. It is duplicative. We already do that under the Department of Education in regard to providing scholarships, merit scholarships for advanced students in our high schools. We already do that through the Department of Education, and it is a very well-funded program.

But more importantly, Mr. Chairman, the reason I am opposed to the amendment, in a way it contradicts what we just did in H.R. 362, where we said we will give these grants to these students to encourage them to study and pursue math and science and engineering types of advanced degrees in college with a payback, a two-for-one payback if they go into the teaching profession in a community where we have that great need for outstanding math and science teachers.

With that, Mr. Chairman, again, I support the bill. I am opposed to the Gillibrand amendment for the reasons outlined.

Mr. GORDON of Tennessee. Mr. Chairman, let me thank my friend, Dr. GINGREY, for his support for this good bipartisan bill, and I yield 2 minutes to another active member of our committee, the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Chairman, I rise today in strong bipartisan support of H.R. 363, Sowing the Seeds Through Science and Engineering Research. Before my election to Congress, I spent my entire academic and professional career as a scientist, as a mathematician and an engineer.

I was particularly concerned when I read the sobering conclusions of the National Academies' ''Rising Above the Gathering Storm'' about America's declining competitiveness in a science and technology-based global economy. The report calls for an immediate action to maintain America's competitive advantage, and I agree with those recommendations.

We are already moving forward to carry out some of the report's recommendations in an effort to renew interest in scientific development. H.R. 363 will provide grants to support young researchers in the early stages of their careers to engage in the high-risk, high-reward innovative research that challenges existing assumptions. The bill also establishes a Presidential Innovation Award to stimulate scientific and engineering advances in the public interest.

As a Nation, we face many daunting and almost overwhelming challenges, the solutions to which will require serious and dedicated scientific research. Conclusive research can take years, so we must work now to inspire today's students and researchers to take up such scientific pursuits. This bill provides just the right kind of specific incentives to compel young researchers to do the kind of pioneering and groundbreaking research that will yield dividends for the public interest.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Chairman, I rise today to support this bill and thank Chairman GORDON and Ranking Member HALL, a fellow Texan, for their hard work and leadership on this issue.

I think we can all agree on the importance of ensuring America is competitive in science and engineering. As the National Academy of Sciences report ''Rising Above the Gathering Storm'' warned, this country is in danger of losing its leadership role in these fields.

Last year I sponsored the Research For Competitiveness Act to address this issue. Unfortunately, that legislation did not come to the floor of the House after being passed by the Science Committee. However, I am pleased in this Congress in a bipartisan fashion to note that H.R. 363 incorporates sections from last year's bill that establish early-career grants for young scientists and engineers. These grants will encourage scientists and engineers in the early stages of their academic careers to establish innovative lines of research. This approach continues the successful model of partnership between the Federal Government and America's universities.

As you know, many of the technologies we enjoy today, such as breakthroughs that enabled e-commerce to become a reality in the 1990s, are based on research initially conducted at universities like the University of Texas in my hometown of Austin.

When we fund programs such as these, we are investing in minds and helping create the next generation of America's high-tech workforce. Therefore, I strongly support this legislation and urge my colleagues to vote ''yes'' on this bill.

Mr. GORDON of Tennessee. Mr. Chairman, I thank Mr. MCCAUL for his support for this good bipartisan bill, and I yield 3 minutes to another Texan (Ms. EDDIE BERNICE JOHNSON), who is an active member of the Science and Technology Committee.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, thank you for our committee leadership.

Mr. Chairman, I rise in support of H.R. 363, the Sowing the Seeds Through Science and Engineering Research Act. This legislation was based on policy recommendations from the ''Rising Above the Gathering Storm'' report to Congress by the National Academy of Sciences.

One of the greatest challenges new researchers face is getting grant funding for their research. In Dallas, the University of Texas Southwest Medical School has four Nobel laureates, where they earned them right there, and UT-Dallas has at least one. Baylor University and others are stellar research institutions, and they compete at the national level for grants and perform award-winning scientific research.

□ 1730

These universities depend on Federal research funding.

When new faculty are hired at research universities in Texas and elsewhere, they are expected to be able to write grant proposals and successfully win funding from Federal agencies such as the National Institutes of Health, National Science Foundation, Department of Energy, and others.

According to NIH, the average age at which the investigator first obtains RO1 major grant funding is age 42. If students are earning Ph.D.s in their late twenties, that means there are many years of struggle before they can establish themselves and eventually become full professors at these universities.

As a result, many scientists have dropped out of science. It is too hard to get funding. The stress level is too high.

Mr. Chairman, grant support targeted at new investigators is an important step toward resolving this problem. If Congress would fund Federal research as vigorously as our competitors overseas are doing, we wouldn't have such a problem.

H.R. 363 targets young investigator grant support at the National Science Foundation, Department of Energy, and other scientific research agencies under the purview of the Committee on Science and technology.

This is a good bill and I encourage my colleagues to support it.

Mr. HALL of Texas. Mr. Chairman, I yield as much time as he may consume to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding, and I rise with pleasure to support this bill.

The National Science Foundation for years has been one of the primary sources of research funding for outstanding research in this Nation. In addition, the Department of Energy Office of Science has been a leader in certain areas, particularly high energy or particle physics, but also in a number of other physics areas, including the high energy light sources such as we have at Berkeley and a few other labs.

I strongly support these programs, but a difficulty that has developed over the past few years is that we have some early career researchers, some young people just entering the field, and they really have difficulty obtaining funding because the tendency of the reviewers at the National Science Foundation and the Department of Energy Office of Science is to say well, we have this group of very well-known good researchers. We know their backgrounds and we know they can produce and how well they can do; we should just give them the money because we don't know for sure about the early researchers. Now, I don't think they actually say that, but, unfortunately, I think it is in the back of the minds of the peer review folks as they consider proposals.

I experienced this personally with my son, who as a young scientist had trouble breaking into the field and had a number of proposals denied before he finally received funding. Even though he had made some national strides and was well-known in the field, yet it was difficult to get the funding.

These programs will be very, very helpful to support the early career researchers. But there is another aspect about which we need some new thinking and some change, and that is the fact that more and more science is becoming interdisciplinary, where you may have biology and physics, or biophysics; and you have relationships between biology and chemistry or chemistry and physics. You can go on and on. There are all sorts of different variations. Sometimes you may need five or six different disciplines represented in the research program to really cover all of the aspects of the research. When you submit a proposal, usually you are required to specify one field and if you specify interdisciplinary, sometimes the other fields are not adequately represented on the peer review panel.

I admit these are perhaps exceptions; but, nevertheless, we have to make sure that all of these bright young scientists or those wishing to branch out into another discipline, for example, having a very good background in physics and deciding they can really do some good work in biophysics. So we need to take account of that, and this bill will provide that within both the National Science Foundation and the Department of Energy.

I strongly support this bill. I believe both agencies, I know NSF supports it, and I am sure that the Department of Energy Office of Science also supports this bill because they have also noted the need for these changes.

Mr. GORDON of Tennessee. Mr. Chairman, I thank Dr. EHLERS for his support for this bill, and his help in bringing it to the floor today.

Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD), the chairman of the Subcommittee on Research and Science.

Mr. BAIRD. Mr. Chairman, I thank my friend and chairman.

This is a good day for science and research, and that means it is a good day for the United States of America and for our economic prosperity and for our children's future.

As Chair of the Research and Science Subcommittee, I rise today in support of H.R. 363, the Sowing the Seeds Through Science and Engineering Act, and I want to commend Chairman GORDON for his strong leadership on this bill that we are considering now, and on the one that passed earlier today.

I share Chairman GORDON's absolute commitment and belief that we must take bold steps now to ensure that American students and workers are prepared for the careers of the future and so our Nation is equipped to compete in the global economy.

To accomplish this, however, we must make sure our young scientists receive the support they need. That is why, as many of our prior speakers have pointed out, it is critically important to invest in the minds of young researchers now, because not only are they highly productive, but one day they will fill the ranks of our senior established and groundbreaking scientists on which our country's economy, competitiveness, and indeed our national security depend.

That is why I am so pleased we are considering H.R. 363 today. The bill will ensure continued innovation by supporting outstanding researchers in early career stages, and ensuring that graduate students in research fields of particular importance to our future competitiveness receive adequate funding. I also share Ranking Member EHLERS' commitment to the importance of interdisciplinary scientific studies which he so well articulated.

This bill and the one before it that we considered already and passed today, are critically important to the future prosperity of our country. I share Chairman GORDON's commitment to them, and I urge passage.

I also would like to take this opportunity briefly to express support for the amendment soon to be offered by Mrs. GILLIBRAND of New York. Her amendment will require the National Science Foundation to institute a program to award scholarships in science, technology, engineering, or mathematics to undergraduate scholars. As a former teacher of undergraduate scholars and researchers, I know how important this stage is to career development and I support her commitment to it, applaud her offering the amendment. I urge passage of that, as well as final passage of the bill.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished chairman of the Science Committee, as well as the ranking member. We have had a long and I like to think of it as a productive relationship, and it is an honor to come and acknowledge that we are finally listening to the voices of the 21st century.

I want to hold up this document that claims the 110th Congress is a Congress that will move the innovation agenda. As a former member of the Science Committee I remember, as the century turned in 2000, listening to CEOs who indicated the crisis in both teaching, understanding and creative in math, science and technology.

Let me rise and belatedly say I have certainly supported the last legislative initiative dealing with 10,000 Teachers, 10 Million Minds that we just passed, and I am delighted to be able to support the Sowing the Seeds Through Science and Engineering Research Act of 2007 and to say this: Science is in fact the work of the 21st century, but we are falling behind.

We don't need to hear the statistics again of how many engineers China graduates, for example, compared to the United States. This workforce cannot be prepared for the 21st century without actual investment by this country, and understanding that without researchers and scientists and engineers, we do not create work.

Clearly, even though these might be considered passe and simple, but the light bulb, the typewriter, the car, all innovative aspects of our work, the airplane, created eons and years and decades of work.

This legislation in particular provides an opportunity for research, and the amendment provides an opportunity for research for undergraduate scholars.

At Texas Southern University, we have a transportation study program. It has a pharmacy school, all small aspects of science. It has a solar energy project that I was proud to take Members of Congress to in 2001.

There are budding opportunities all over America, but what must we do to ensure that it works? We have to invest and provide the resources. We have to encourage not only students, but teachers, and then researchers that their work is valued. NASA and our move to the moon all concentrate on having those who will be researchers, technologists, readers of software, and yes, we hope, astronauts.

I applaud this legislation for what it does for engineers and scientists and physicians who are pioneers of the work of the 20th century and now can be pioneers of the work of the 21st century.

I believe that we have a step further to go. We need geologists. As we look at global warming, we must find ways to be efficient in the securing of energy, balancing what we call the resources of the ground as well as nuclear as well as solar.

I think this is an outstanding bill, and I ask my colleagues to support it. I thank the distinguished chairman.

I rise in strong support of H.R. 363, the "Sowing the Seeds Through Science and Engineering Research Act," of which I am proud to be a cosponsor. This bill is the second component of the new Democratic majority's Innovation Agenda, which is designed to make our nation more able to compete successfully in the global economy.

Mr. Chairman, it is essential that we invest in a workforce ready for global competition by creating a new generation of innovators and make a sustained commitment to federal research and development. We need to spur and expand affordable access to broadband, achieve energy independence, and provide small business with tools to encourage entrepreneurial innovation. H.R. 363 a critical first step.

Charles Drew, Benjamin Banneker, Clarence Elder, and David Crosthwait, Jr. are only a few of the names associated with great American scientific history. These engineers, scientist, and physicians were pioneers in their respective fields, and have touched all our lives in ways that we probably never consider. Whether it is enjoying the comfortable atmosphere of Radio City Music hall, navigating the streets of Washington, DC, or having a loved one receive a blood transfusion these men have all made significant contributions to America and the world. Yet, the beautiful thing about science is its' evolutionary nature. Innovation never sleeps, and great minds are always at work.

Therefore to continue the legacy of these great men, and to ensure that America is at the forefront of new technological and scientific discoveries, I rise in support of H.R. 363. Representing Houston, I realize the importance of institutions like NASA and the sense of national pride that NASA can produce when they are leading the global effort in advancing science and technology.

Mr. Chairman, according to the National Academies, the most important thing we can do for our future economic health is to increase the nation's expertise in science, technology, math, and engineering. H.R. 363 represents a critical down-payment toward achieving this goal. Therefore, I strongly urge my colleagues to support this bill.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I just quickly yield myself the balance of my time to say this truly has been a collaborative, bipartisan effort. I thank Mr. HALL and his very able staff. We have worked together. We have a good bill, and we need to pass this bill.

Mr. HALL of New York. Mr. Chairman, tonight the House took a critical step in the effort to ensure that America remains at the leading edge of the global economy by passing H.R. 363, the Sowing the Seeds Through Science and Engineering Act. The provisions in the bill, including expanded grants through the National Science Foundation and Department of Energy for early career researchers, support for research in fields of national importance, and government recruitment of young scientists build on the recommendations of the National Academy of Sciences and will help to rebuild our knowledge infrastructure. By doing so, the legislation will help America maintain its leadership in scientific research and allow American innovators to strengthen our economy by finding solutions to achieve energy independence, greater environmental protection, the development of new medical treatments, and a host of other goals. It is for these reasons that I voted to support H.R. 363.

However, I am deeply opposed to language, added to the bill through a motion to recommit, that prioritizes support for research into advanced nuclear reprocessing. Although supporters of nuclear power have renewed their efforts to increase America's reliance on nuclear power, the reality is that there are significant safety and environmental concerns associated with nuclear energy. The storage of spent nuclear fuel is a growing problem facing individual power plants and communities throughout the nation. At the Indian Point Energy Center, there is an ongoing leak of radioactive material from spent fuel pools into the Hudson River, and throughout the country communities that host nuclear facilities are being forced to contemplate the cleanup and security costs associated with the storage of nuclear waste.

We must also clearly understand that, at a time when nuclear terrorism is one of the greatest threats facing our nation, the process used to recycle spent fuel would create a significant proliferation risk by resulting in the production of plutonium that can be used in nuclear weapons. The language prioritizing support for a technology that threatens to damage our environment and undermine our national security is misguided, and tarnishes an otherwise laudable piece of legislation. I am hopeful that this language will not be included in the conference report.

Mr. HOLT. Mr. Chairman, I rise today in support of the Sowing the Seeds Through Science and Engineering Research Act. Taking its name from the sixth chapter of the National Academies Report "Rising Above the Gathering Storm," H.R. 363 is part of an ambitious legislative portfolio that is part of the Innovation Agenda. I was proud to help craft the Innovation Agenda, on which our nation is dependent for its future prosperity.

Fifty thousand people hold postdoctoral appointments in the United States. In 1999, postdocs were 43% of the first authors in articles in the prestigious journal Science. Postdoctoral appointments are temporary by design and are compensated poorly. Postdocs are generally motivated by the idea of becoming professors, a goal to which three quarters of postdocs aspire. However, only 20 percent will attain faculty positions. This had led to an increasingly dramatic and problematic holding pattern which could select more for flexibility and perseverance than for talent and performance.

As science funding has become tighter, it's become more difficult for postdocs to find permanent academic positions and to remain in science. The availability of positions is entirely dependent on the likelihood of a new professor finding funding. As of 2002, the median age at which one receives a first NIH grant as a primary investigator is 42. In 1981, the median age was 35. In the biological sciences, in 1980, researchers under 40 years old received more than half of all competitive research grants. By 2003, this had fallen to less than 17 percent. At NSF, the funding rates for first-time grant recipients fell from 25 percent in 2000 to 17 percent in 2004.

H.R. 363 addresses this problem by setting aside funds specifically for early career researchers, which are defined as assistant professors or the equivalent thereof. Assistant professor is the role to which most postdocs aspire as their next step. It is one step short of having a tenured, permanent position in a research institution. H.R 363 also requires DOE and NIST to report on how they are doing with recruitment and retention of early career engineers and scientists.

H.R. 363 supports the early career part of the science and technology professional pipeline in other ways, as well. The act requires NSF to set aside at least 1.5 percent of funds appropriated for research and related activities to the Integrative Graduate Education and Research Traineeship (IGERT) program and permits the NSF to research the process of innovation and the teaching of inventiveness.

At present, the United States research infrastructure is deficient. In 2001, more than 60 percent of the Department of Energy Office of Science lab space was over 30 years old. This requires $2 billion to correct. In 1998, the NSF estimated that $11.4 billion were needed to

renovate U.S. academic research facilities. In 2001, the NIH estimated $5.6 billion in health research infrastructure needs.

This problem is in part caused by a 26 percent cap on reimbursement to universities from research grants for infrastructure costs. Since this cap was created in 1991, universities have been unable to find sufficient sources of funding to keep their scientific facilities competitive or, in some cases, adequate. At the same time, they are using these facilities to attempt to compete internationally for scientists.

H.R. 363 addresses this problem by instructing the Office of Science and Technology Policy to create a National Coordination Office for Research Infrastructure. This office would prioritize deficiencies in research facilities at universities and national labs and then work to coordinate a response to these deficiencies.

I encourage my colleagues to support this resolution. Without its reforms to our research infrastructure and science talent pipeline we will continue to deteriorate.

Mr. CARNAHAN. Mr. Chairman, I rise today in strong support of H.R. 363, the Sowing the Seeds Through Science and Engineering Research Act.

I first want to thank Chairman GORDON for his leadership on the important issue of innovation, and commend our Committee's work towards investing in our research communities.

This past August, I invited Chairman GORDON to join me in a panel to discuss the subject of Innovation back in St. Louis. The Event was a tremendous success and sparked a conversation about competitiveness, STEM education and innovation that still continues with enthusiasm in St. Louis.

While this is an issue that warrants much discussion, the time has come for bold action.

Unfortunately, our nation's standing as the global leader in science and technology has slipped in recent years.

H.R. 363 will counteract this worrying trend by investing in long-term scientific research and encouraging young scientists and researchers to pursue high-risk and high-reward research.

Specifically, the bill administers awards to outstanding early-career researchers in academia and in nonprofit research organizations, provides graduate research assistantships in areas of national need and establishes a national coordination office to prioritize university and national research infrastructure needs. By investing in our young researchers, we invest in the ideas that will shape our country's future.

I urge my colleagues to support this bill to advance our nation's status as a leader in the global economy.

Mr. COSTELLO. Mr. Chairman, I rise in strong support of H.R. 363, the Sowing the Seeds through Science and Engineering Research Act.

The bill authorizes appropriations for basic research in science and engineering, and provides support of graduate fellowships, as well as research grants, to scientists and engineers in the early phases of their careers.

As a member of the Science and Technology Committee, I commend Chairman GORDON for crafting this important legislation and bringing it to the House floor today.

We must take bold steps now to insure that American students and workers are prepared for the careers of the future and that our nation is equipped to compete in the global economy.

The bill is based on the recommendations of the National Academies' widely-acknowledged ''Rising Above the Gathering Storm'' report, which found that the U.S. stands to lose its competitive edge in the international economy unless immediate action is taken.

Statistics show that U.S. 12th-grade students performed below the international average of 21 countries on a test of general knowledge of math and science.

In 2004, America graduated 70,000 engineers, while China turned out 10 times as many.

We know that American high-tech companies often look abroad for workers who are willing to work for less pay.

I am very concerned about the issue of offshoring and outsourcing, and it troubles me when companies say they need to go overseas just to find employees who are skilled in math and science.

I believe there is a clear link between offshoring and outsourcing and how these trends relate to future employment opportunities and career choices of students in the science and engineering fields.

I believe we have to raise awareness of this issue and work together in a bipartisan manner in order to keep high-wage science and engineering jobs here in the U.S. and maintain our competitive edge.

H.R. 363 puts us on the right path and demonstrates our commitment to strengthening our science, technology, engineering, and mathematics educational programs in order produce a skilled and knowledgeable workforce here at home.

Maintaining U.S. innovation and leadership demands hard work and investment. While there are no quick fixes, we can take steps, like H.R. 363, now to accomplish these important goals.

With that, I urge my colleagues to support this bill.

Mr. MITCHELL. Mr. Chairman, today we are considering several bills to implement the Innovation Agenda including H.R. 363, the Sowing the Seeds Through Science and Engineering Research Act.

In February I was pleased to support this legislation in Committee. H.R. 363 provides merit-based grants for researchers early in their careers, establishes a Presidential innovation award, and creates a national office to identify, prioritize, and coordinate research infrastructure needs at universities and national laboratories.

America needs innovators and leaders if we want to remain competitive in the global economy. This is especially true when it comes to science and engineering.

Retaining scientists and engineers, however, is often difficult, because they receive such low pay early-on in their careers.

If we don't invest early in our future innovators, we will fall behind.

H.R. 363 supports an important goal and I look forward to its passage today.

Mr. WU. Mr. Chairman, I rise today in support of H.R. 363, a piece of legislation that is desperately needed to enhance tomorrow's scientific research.

We all know what it's like to start out on our own—the uncertainty of your financial footing, but with great faith in yourself and your ideas. Imagine that feeling on an exponential scale and that might be how a young, talented researcher feels as they work on a cure for autism, or traumatic brain injury for our troops, or a new source of cleaner, renewable energy.

The field of research is high-risk and high-yield, and the federal government is right to invest in research that benefits us all. H.R. 363 will help ''sustain and strengthen the nation's traditional commitment to long-term basic research . . . to maintain the flow of new ideas that fuel the economy, provide security, and enhance the quality of life,'' as prescribed by the National Academies report, Rising Above the Gathering Storm, that has been the focus of our work in the Science and Technology Committee, and mentioned many times today.

Young researchers are the key to innovation, as they are more likely than established researchers to shift paradigms, break with tradition, or bring new ideas to a discipline or to a combination of disciplines. The early-career awards outlined in this bill reward young researchers for engaging in high-risk/high-reward research that is likely to be transformative or highly innovative. The establishment of a presidential innovation award is designed to identify and recognize people who develop the unique scientific and engineering innovations in the national interest at the time they occur. This bill doesn't simply seek to fund all science; it focuses on fostering the most innovative elements of the scientific enterprise.

I would also like to thank Chairman GORDON, as well as Ranking Member HALL, on their hard work on this legislation, and the bipartisan manner in which the Science and Technology Committee is run to produce such substantial legislation.

Mr. GORDON of Tennessee. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 363

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sowing the Seeds Through Science and Engineering Research Act''.

SEC. 2. NATIONAL SCIENCE FOUNDATION EARLY CAREER AWARDS FOR SCIENCE AND ENGINEERING RESEARCHERS.

(a) IN GENERAL.—The Director of the National Science Foundation shall carry out a program to award grants to scientists and engineers at the early stage of their careers at institutions of higher education and organizations described in subsection (c)(2) to conduct research in fields relevant to the mission of the Foundation. The existing Faculty Early Career Development (CAREER) Program may be designated as the mechanism for awarding such grants.

(b) SIZE AND DURATION OF AWARD.—The duration of awards under this section shall be 5 years, and the amount per year shall be at least $80,000.

(c) ELIGIBILITY.—Award recipients shall be individuals who are employed in a tenure-track

position as an assistant professor or equivalent title, or who hold an equivalent position, at—

(1) an institution of higher education in the United States; or

(2) an organization in the United States that is a nonprofit, nondegree-granting research organization such as a museum, observatory, or research laboratory.

(d) SELECTION.—Award recipients shall be selected on a competitive, merit-reviewed basis.

(e) SELECTION PROCESS AND CRITERIA FOR AWARDS.—An applicant seeking funding under this section shall submit a proposal to the Director at such time, in such manner, and containing such information as the Director may require. In evaluating the proposals submitted under this section, the Director shall consider, at a minimum—

(1) the intellectual merit of the proposed work;

(2) the innovative or transformative nature of the proposed research;

(3) the extent to which the proposal integrates research and education, including undergraduate education in science and engineering disciplines; and

(4) the potential of the applicant for leadership at the frontiers of knowledge.

(f) AWARDS.—In awarding grants under this section, the Director shall endeavor to ensure that the recipients are from a variety of types of institutions of higher education and nonprofit, nondegree-granting research organizations. In support of this goal, the Director shall broadly disseminate information about when and how to apply for grants under this section, including by conducting outreach to Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))).

(g) AUTHORIZATION OF APPROPRIATION.—For each of the fiscal years 2008 through 2012, the Director shall allocate at least 3.5 percent of funds appropriated to the National Science Foundation for Research and Related Activities to the grants program under this section.

(h) REPORT.—Not later than 6 months after the date of enactment of this Act, the Director shall transmit to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report describing the distribution of the institutions from which individuals have participated in the Faculty Early Career Development Program since fiscal year 2001 among each of the categories of institutions of higher education defined by the Carnegie Foundation for the Advancement of Teaching and the organizations in subsection (c)(2).

(i) EVALUATION.—Not later than 2 years after the date of enactment of this Act, the Director shall transmit to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report evaluating the impact of the program carried out under this section on the ability of young faculty to compete for National Science Foundation research grants.

SEC. 3. DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE AND ENGINEERING RESEARCHERS.

(a) IN GENERAL.—The Director of the Office of Science of the Department of Energy shall carry out a program to award grants to scientists and engineers at the early stage of their careers at institutions of higher education and organizations described in subsection (c)(2) to conduct research in fields relevant to the mission of the Department.

(b) SIZE AND DURATION OF AWARD.—The duration of awards under this section shall be up to 5 years, and the amount per year shall be at least $80,000.

(c) ELIGIBILITY.—Award recipients shall be individuals who are employed in a tenure-track position as an assistant professor or equivalent title, or who hold an equivalent position, at—

(1) an institution of higher education in the United States; or

(2) an organization in the United States that is a nonprofit, nondegree-granting research organization such as a museum, observatory, or research laboratory.

(d) SELECTION.— Award recipients shall be selected on a competitive, merit-reviewed basis.

(e) SELECTION PROCESS AND CRITERIA FOR AWARDS.—An applicant seeking funding under this section shall submit a proposal to the Director of the Office of Science at such time, in such manner, and containing such information as the Director may require. In evaluating the proposals submitted under this section, the Director shall consider, at a minimum—

(1) the intellectual merit of the proposed work;

(2) the innovative or transformative nature of the proposed research;

(3) the extent to which the proposal integrates research and education, including undergraduate education in science and engineering disciplines; and

(4) the potential of the applicant for leadership at the frontiers of knowledge.

(f) COLLABORATION WITH NATIONAL LABORATORIES.—In awarding grants under this section, the Director shall give priority to proposals in which the proposed work includes collaboration with the Department of Energy National Laboratories.

(g) AWARDS.—In awarding grants under this section, the Director shall endeavor to ensure that the recipients are from a variety of types of institutions of higher education and nonprofit, nondegree-granting research organizations. In support of this goal, the Director shall broadly disseminate information about when and how to apply for grants under this section, including by conducting outreach to Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out the Director's responsibilities under this section $25,000,000 for each of the fiscal years 2008 through 2012.

(i) REPORT ON RECRUITING AND RETAINING EARLY CAREER SCIENCE AND ENGINEERING RESEARCHERS AT THE NATIONAL LABORATORIES.—Not later than 3 months after the date of enactment of this Act, the Director of the Office of Science shall transmit to the Committee on Science and Technology of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a report on efforts to recruit and retain young scientists and engineers at the early stages of their careers at the Department of Energy National Laboratories. The report shall include—

(1) a description of Department of Energy and National Laboratory policies and procedures, including financial incentives, awards, promotions, time set aside for independent research, access to equipment or facilities, and other forms of recognition, designed to attract and retain young scientists and engineers;

(2) an evaluation of the impact of these incentives on the careers of young scientists and engineers at Department of Energy National Laboratories, and also on the quality of the research at the National Laboratories and in Department of Energy programs;

(3) a description of what barriers, if any, exist to efforts to recruit and retain young scientists and engineers, including limited availability of full time equivalent positions, legal and procedural requirements, and pay grading systems; and

(4) the amount of funding devoted to efforts to recruit and retain young researchers and the source of such funds.

SEC. 4. INTEGRATIVE GRADUATE EDUCATION AND RESEARCH TRAINEESHIP PROGRAM.

(a) FUNDING.—For each of the fiscal years 2008 through 2012, the Director of the National Science Foundation shall allocate at least 1.5 percent of funds appropriated for Research and Related Activities to the Integrative Graduate Education and Research Traineeship program.

(b) COORDINATION.—The Director shall coordinate with Federal departments and agencies, as appropriate, to expand the interdisciplinary nature of the Integrative Graduate Education and Research Traineeship program.

(c) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Director is authorized to accept funds from other Federal departments and agencies to carry out the Integrative Graduate Education and Research Traineeship program.

SEC. 5. PRESIDENTIAL INNOVATION AWARD.

(a) ESTABLISHMENT.—The President shall periodically present the Presidential Innovation Award, on the basis of recommendations received from the Director of the Office of Science and Technology Policy or on the basis of such other information as the President considers appropriate, to individuals who develop one or more unique scientific or engineering ideas in the national interest at the time the innovation occurs.

(b) PURPOSE.—The awards under this section shall be made to—

(1) stimulate scientific and engineering advances in the national interest;

(2) illustrate the linkage between science and engineering and national needs; and

(3) provide an example to students of the contribution they could make to society by entering the science and engineering profession.

(c) CITIZENSHIP.—An individual is not eligible to receive the award under this section unless at the time such award is made the individual—

(1) is a citizen or other national of the United States; or

(2) is an alien lawfully admitted to the United States for permanent residence who—

(A) has filed an application for naturalization in the manner prescribed by section 334 of the Immigration and Nationality Act (8 U.S.C. 1445); and

(B) is not permanently ineligible to become a citizen of the United States.

(d) PRESENTATION.—The presentation of the award shall be made by the President with such ceremonies as he may deem proper, including attendance by appropriate Members of Congress.

SEC. 6. NATIONAL COORDINATION OFFICE FOR RESEARCH INFRASTRUCTURE.

(a) IN GENERAL.—The Office of Science and Technology Policy shall establish a National Coordination Office for Research Infrastructure. Such Office shall—

(1) identify and prioritize the deficiencies in research facilities and major instrumentation located at academic institutions and at national laboratories that are available for use by academic researchers; and

(2) institute and coordinate the planning by Federal agencies for the acquisition, refurbishment, and maintenance of research facilities and major instrumentation required to address the deficiencies identified under paragraph (1).

In prioritizing the deficiencies identified under paragraph (1), the Office shall consider research needs in areas relevant to the Nation's economic competitiveness.

(b) STAFFING.—The Director of the Office of Science and Technology Policy shall appoint individuals to serve in the Office established under subsection (a) from among the principal Federal agencies that support research in the sciences, mathematics, and engineering, and shall at a minimum include individuals from the National Science Foundation and the Department of Energy.

(c) REPORT.—The Director of the Office of Science and Technology Policy shall provide annually a report to Congress at the time of the President's budget proposal—

(1) describing the research infrastructure needs identified in accordance with subsection (a);

(2) listing research facilities projects and budget proposals, by agency, for major instrumentation acquisitions that are included in the President's budget proposal; and

(3) explaining how these facilities projects and instrumentation acquisitions relate to the deficiencies and priorities arrived at in accordance with subsection (a).

SEC. 7. RESEARCH ON INNOVATION AND INVENTIVENESS.

In carrying out its research programs on science policy and on the science of learning, the National Science Foundation may support research on the process of innovation and the teaching of inventiveness.

SEC. 8. REPORT ON NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY EFFORTS TO RECRUIT AND RETAIN EARLY CAREER SCIENCE AND ENGINEERING RESEARCHERS.

Not later than 3 months after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall transmit to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on efforts to recruit and retain young scientists and engineers at the early stages of their careers at the National Institute of Standards and Technology laboratories and joint institutes. The report shall include—

(1) a description of National Institute of Standards and Technology policies and procedures, including financial incentives, awards, promotions, time set aside for independent research, access to equipment or facilities, and other forms of recognition, designed to attract and retain young scientists and engineers;

(2) an evaluation of the impact of these incentives on the careers of young scientists and engineers at the National Institute of Standards and Technology, and also on the quality of the research at the National Institute of Standards and Technology's laboratories and in the National Institute of Standards and Technology's programs;

(3) a description of what barriers, if any, exist to efforts to recruit and retain young scientists and engineers, including limited availability of full time equivalent positions, legal and procedural requirements, and pay grading systems; and

(4) the amount of funding devoted to efforts to recruit and retain young researchers and the source of such funds.

SEC. 9. NASA'S CONTRIBUTION TO INNOVATION.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) a balanced science program as authorized by section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155) contributes significantly to innovation in and the economic competitiveness of the United States; and

(2) a robust National Aeronautics and Space Administration, funded at the levels authorized under sections 202 and 203 of that Act, would offer a balance among science, aeronautics, exploration, and human space flight programs, all of which can attract and employ scientists, engineers, and technicians across a broad range of fields in science, technology, mathematics, and engineering.

(b) PARTICIPATION IN INNOVATION AND COMPETITIVENESS PROGRAMS.—The Administrator of the National Aeronautics and Space Administration shall fully participate in any interagency efforts to promote innovation and economic competitiveness through scientific research and development within the spending levels cited in subsection (a).

Amend the title so as to read: ''A bill to authorize programs for support of the early career development of science and engineering researchers, and for support of graduate fellowships, and for other purposes.''.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–99. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HALL OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–99.

Mr. HALL of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HALL of Texas:

Page 4, line 15, insert '', except to the extent that a sufficient number of meritorious grant applications have not been received for a fiscal year'' after ''under this section''.

The CHAIRMAN. Pursuant to House Resolution 318, the gentleman from Texas (Mr. HALL) and the gentleman from Tennessee (Mr. GORDON) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

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

I rise to encourage my colleagues to support my amendment. One of the key elements of this bill is a grant program at NSF designed to help scientists and engineers at early stages of their careers at institutions of higher learning.

Eligible applicants are tenure-track faculty, and allow the existing faculty early career development program to be designed and designated as the mechanism for awarding such grants that we are talking about here.

We also require the director of the NSF to allocate at least 3.5 percent of funds appropriated to the NSF research and related activities account for the purposes in the bill.

This amendment would modify the 3.5 percent allocation provision to include the following clause: ''except to the extent that a sufficient number of meritorious grant applications have not been received for a fiscal year.''

I did this out of concern that the bill required the allocation of 3.5 percent of the funds appropriated to the earlier career awards for science and engineering, without taking into account there may be years in which there are not sufficient meritorious grant applications in that area and NSF could use the funds more effectively maybe in another area.

I hope my good friend, Chairman GORDON, and my colleagues will join me in support of this amendment.

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

□ 1745

Mr. GORDON of Tennessee. Mr. Chairman, this is a good amendment and a thoughtful amendment and I recommend its passage.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished chairman, and I thank the distinguished ranking member.

If I might inquire of Mr. HALL, your amendment does not cut funds, it just refines the use? That is what I was trying to understand. Does your amendment cut funds?

Mr. HALL of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. HALL of Texas. No, absolutely not.

Ms. JACKSON-LEE of Texas. It just sends it back if they are not utilized?

Mr. HALL of Texas. Yes. It really provides a way for them to use the funds in other areas if they are not used up.

Ms. JACKSON-LEE of Texas. Reprogrammed?

Mr. HALL of Texas. Yes.

Ms. JACKSON-LEE of Texas. Let me thank you. I know this is not in the bill, but I just wanted to mention a school district I have been working with where I tried to draw in private interests in helping with math and science labs.

I know that as you look at the Innovation Agenda, I want to make sure we do not frighten away the private financiers as well. This happens to be a large energy company, and I am going to openly say to them, I hope you have not abandoned the commitment to the North Forest Independent School District where we were committed to science labs and math labs and math scholar teachers. So it is tracking the same innovativeness of this particular bill, and I think we can work together as a partner.

I want to support the gentleman's amendment.

Mr. GORDON of Tennessee. Mr. Chairman, I thank Ms. JACKSON-LEE for her addition to this informational session here; and once again, let me say that I think Mr. HALL has a good amendment, and I support that amendment.

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

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HALL).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MRS. TAUSCHER

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–99.

Mrs. TAUSCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mrs. TAUSCHER:

Page 4, line 10, insert ''In awarding grants under this section, the Director shall give special consideration to eligible early-career researchers who have followed alternative career paths such as working part-time or in nonacademic settings, or who have taken a significant career break or other leave of absence.'' after ''(20 U.S.C. 1067k(3)).''.

Page 10, line 9, strike ''needs; and'' and insert ''needs;''.

Page 10, line 10, redesignate paragraph (3) as paragraph (4).

Page 10, after line 9, insert the following new paragraph:

(3) show the potential of such innovation to substantively enhance the economic competitiveness of the United States through development of commercializable intellectual property; and

The CHAIRMAN. Pursuant to House Resolution 318, the gentlewoman from California (Mrs. TAUSCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. TAUSCHER. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I want to thank my friend Chairman GORDON for reporting these two critical bills out of the Science Committee, one focused on math and science education and the second on science and engineering.

Taken together, these two bills are a critical step toward restoring our American technological base as well as giving students, engineers, and researchers the tools they need to compete in a global economy.

And they are a great way to kick off the Innovation Agenda, an effort that is vital to America's competitiveness, economy and security, and an effort the New Democrat Coalition, which I chair, is proud to be leading.

I am very proud to offer a bipartisan amendment with my good friend, Congresswoman JUDY BIGGERT of the Science Committee. Our amendment would expand eligibility for National Science Foundation Early Career Awards to thousands of scientists and engineers previously deemed ineligible. These men and women have followed alternative career paths such as working part-time or in non-academic settings, or have taken a significant career break or other leave of absence.

In particular, our amendment would level the playing field for women scientists who have taken maternity leaves, and for all scientists and engineers who have taken internships, worked in industry, or who have pursued entrepreneurial efforts.

The amendment would also expand the scope of the Presidential Innovation Award to recognize and reward innovations that result in intellectual property that significantly enhances the economic competitiveness of the United States.

I strongly support Speaker PELOSI and Chairman GORDON's efforts to promote a strong Innovation Agenda that grows our economy and creates more jobs.

I appreciate working with JUDY BIGGERT on this issue and ask my colleagues to support our amendment.

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

Mrs. BIGGERT. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of the Tauscher-Biggert amendment to H.R. 363, the Sowing the Seeds Through Science and Engineer Research Act.

While I am pleased to have worked with my colleague from California (Mrs. TAUSCHER) in developing this amendment, she deserves the credit for the substance of it. I just happen to think she had a great idea, and I am honored to lend my support.

Mr. Chairman, we face a world in which our economic competitors in Asia and Europe are making significant new investments in their own research capabilities, in terms of both infrastructure and human capital. These investments are beginning to pay off, as Asia and European countries challenge U.S. leadership in the sciences no matter how it is measured, by number of patterns won, articles submitted to scientific journals, Nobel Prizes won, the percentage of gross domestic product dedicated to research and development, and even the number of degrees awarded.

Report after report from the National Academies to the Task Force on the Future of American Innovation has concluded that we need more people with scientific expertise and engineering talent if we are to counter this threat. Only our national security and our economic competitiveness are at stake.

Unfortunately, the number of undergraduate degrees and Ph.D.s awarded in the U.S. in science and engineering has been flat or stagnant for over a decade; and of those undergraduates who have obtained a degree in science or engineering, only 28 percent actually go on to get their graduate degree or pursue a career in science and engineering.

That is why this amendment is so important. It expands eligibility for the NSF Early Career Awards to the thousands of scientists and engineers who have followed alternative career paths, such as working part-time or in non-academic settings, or who have taken a significant career break but want to get back into the lab.

For instance, over 12,000 men and women with doctorates in science or engineering currently are not working because of family responsibilities, according to the most recent statistics compiled by NSF. Of those, over 11,000 are women who may be raising children or caring for a sick parent. Imagine the countless benefits of just getting these 11,000 women back into the lab.

But this amendment has the potential to do so much more than that. It provides an opportunity for thousands of other people with scientific expertise and training, men and women, to get the support they need to reenter the scientific and engineering workforce and get back to doing the scientific work that is so important to the competitiveness of our Nation.

This amendment also recognizes and rewards those scientist and engineers whose innovative ideas enhance the economic competitiveness of the United States. It does so by making them eligible for the Presidential Innovation Award created by this bill.

Mr. Chairman, by creating additional opportunities to expand the ranks of scientists and engineers and rewarding them for innovative ideas that make the Nation more economically competitive, this amendment strengthens our ability to innovate.

It is our ability to innovate that has made and will make America the envy of the world in terms of our freedoms, our security and our culture, health and prosperity.

I thank the ranking member, Mr. HALL, for his support for this amendment. I urge my colleagues to support it as well.

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

Mrs. TAUSCHER. Mr. Chairman, I am happy to yield 1 minute to the gentleman from Tennessee (Mr. GORDON), the chairman of the Committee on Science and a great leader on innovation.

Mr. GORDON of Tennessee. Mr. Chairman, I thank my friend for yielding, but more importantly, I thank her for bringing this amendment before us.

It really is an example of why diversity of collaboration helps you make better decisions. This was a niche that we simply overlooked; and with her help, as well as our fellow member of the Science Committee, Mrs. BIGGERT, we have a better bill.

We thank you for the amendment. We thank you for another example of, again, why diversity helps us make better decisions. This is a good amendment. I support it.

Mrs. TAUSCHER. Mr. Chairman, I thank the chairman for his support of the bill. I appreciate the ranking member's support of the bill. I really want to thank my colleague from Illinois (Mrs. BIGGERT) for her friendship and her support.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MRS. GILLIBRAND

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–99.

Mrs. GILLIBRAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mrs. GILLIBRAND:

At the end of the bill, add the following new section:

SEC. 10. UNDERGRADUATE SCHOLARSHIPS FOR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

(a) ESTABLISHMENT.—The National Science Foundation shall establish a program, to be known as the Undergraduate Scholarships for Science, Technology, Engineering, and Mathematics, or US-STEM, program, for awarding scholarships to undergraduate scholars in science, technology, engineering, and mathematics.

(b) ELIGIBILITY.—A student is eligible for a scholarship under this section only if the student—

(1) is enrolled at a public, 4-year college or university;

(2) will have completed at least one-half of the credit requirements for an undergraduate degree before beginning studies to be funded by the scholarship;

(3) has maintained a grade point average in undergraduate studies of at least 3.0 on a scale of 4.0, or an equivalent level as calculated by the National Science Foundation, except that if the student's institution appeals this criterion on the basis of undue hardship on the student, the National Science Foundation may waive this paragraph;

(4) has a total family income of less than $75,000 per year, with such amount to be adjusted annually by the National Science Foundation for inflation;

(5) has not been convicted of a felony; and

(6) is a citizen or permanent resident alien of the United States.

(c) SELECTION CRITERIA.—Scholarship recipients shall be selected on the basis of merit and such other criteria as the National Science Foundation shall establish.

(d) AWARDS.—The National Science Foundation shall announce awards before April 1 for each upcoming academic year, and may make up to 2,500 awards per year. Awards may be made for a maximum of 2 academic years for each student, and scholarship amounts shall be paid to the institution.

(e) ADVISORY BOARD.—The Director of the National Science Foundation shall establish an advisory board, which shall make recommendations to the Director for selection criteria for scholarship recipients, and provide guidance and oversight for the program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for carrying out this section—

(1) $30,000,000 for fiscal year 2009;

(2) $60,000,000 for fiscal year 2010;

(3) $61,800,000 for fiscal year 2011;

(4) $63,600,000 for fiscal year 2012; and

(5) $65,500,000 for fiscal year 2013.

The CHAIRMAN. Pursuant to House Resolution 318, the gentlewoman from New York (Mrs. GILLIBRAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. GILLIBRAND. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, first I want to thank the chairman of the Committee on Science and Technology, Mr. GORDON, for putting forward H.R. 363, which will increase America's competitiveness in the world by strengthening our science and research base.

I offer this bipartisan amendment to build the pipeline for our country's future teachers, scientists, engineers and researchers by proposing 2,500 scholarships each year of full tuition to any State university or college.

My amendment is based on the National Academies' strong recommendation for the Federal Government to develop an undergraduate scholarship program for students studying science, technology, engineering, and mathematics. This amendment will create the recommended scholarship program through the National Science Foundation.

Under the amendment, an undergraduate student who comes from a family with an income of less than $75,000, maintains at least a 3.0 grade point average and is studying science, technology, engineering, or mathematics may receive up to 2 years of paid tuition at that State university.

Since the year 2001, tuition at State universities has risen by 41 percent, making the task of paying for college much more difficult. Scholarships for bright students will increase the number of students who will have the resources to go into the STEM field and achieve their God-given potential.

Having a home-grown, educated workforce will be crucially important to the future strength of America's economy, not only by allowing families and students who are financially stretched to continue their education at high-quality programs such as the nanotechnology program in SUNY Albany, SUNY-Delhi's College of Technology, or the Cytotechnology program at SUNY Plattsburgh, all colleges that are very important to my district in upstate New York, but because by educating America's students in these fields, we will ensure that America retains our competitive advantage in the science field around the world.

My upstate New York district is beginning an exciting new economic revival based on the high-tech sector, and we need to maintain a local workforce that is skilled in engineering and mathematics.

Investments in higher education and science are some of the most important investments our government can make, and I urge everyone to vote ''yes.''

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

Mr. HALL of Texas. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

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

The amendment would create a new merit scholarship program at NSF for undergraduate scholars pursuing science, technology, engineering, or mathematics degrees, the STEM degrees. To receive a scholarship, a student has to be a junior or a senior at a 4-year public institution, have at least a 3.0 grade point average, come from a family with an income of $75,000 or less, and be a citizen or a permanent resident alien with no felony conviction.

Generally, I am supportive of merit scholarships, and while this particular concept sounds good, it is duplicative. An almost identical program already exists at the Department of Education. It is called the Science and Mathematics Access to Retain Talent Grant and is part of the President's American Competitiveness Initiative.

□ 1800

Therefore, our 2008 budget request for this scholarship program is $1.2 billion. We don't need to add another $281 million scholarship program at another agency that achieves essentially the exact same thing.

The other main reason I oppose this amendment is its effect on the bill we just debated, H.R. 362. The driving force between H.R. 362 is to expand the Noyce Scholarship Program for undergraduates to entice them to enter the STEM K–12 teaching profession. A requirement for this scholarship is that they give back to society by obligating to teach 2 years for every year of scholarship money they receive. This amendment includes no commitment of any kind from these proposed awardees.

What kind of a message are we sending if we require Noyce scholarship recipients to give back to society with a teacher service obligation, when the recipients of scholarships under this amendment have nothing to repay?

In addition to the two bills before us today, the Science Committee is also working on NSF's reauthorization, which also includes quite a bit of undergraduate STEM education improvements. I just think the amendment currently before us is not only recreating a scholarship program that is already in existence, but it's entirely inappropriate for this legislation we are considering today. I encourage my colleagues to vote against it.

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

Mrs. GILLIBRAND. Mr. Chairman, I yield 1 minute to my distinguished colleague from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Chairman, I rise in strong support of Mrs. GILLIBRAND's amendment to H.R. 363.

Our universities and research institutes lead the world in innovation. Today we stand at the cusp of new breakthroughs in fields ranging from medicine, to computer technology and renewable energy.

Unfortunately, too few of our undergraduates are choosing to enter

science-related fields. In order to continue our remarkable record of achievement, we must do a better job of encouraging students to pursue careers in science, mathematics and engineering. This amendment will provide scholarships for science students from low- and moderate-income families, and will help young Americans realize their potential.

We have a chance today to open new doors for our children, and we should seize this opportunity. This amendment will benefit students and our Nation. I hope that all of my colleagues will join me in support of this amendment.

Mr. HALL of Texas. Mr. Chairman, I yield the balance of my time to Dr. EHLERS, the gentleman from Michigan.

The CHAIRMAN. The gentleman is recognized for 2½ minutes.

Mr. EHLERS. I thank the gentleman for yielding.

Mr. Chairman, I also rise in opposition to this amendment, although I would say I would be delighted to support it if we could also be guaranteed that the budget of the National Science Foundation would be increased by another $1 billion.

I say that because the National Science Foundation has not been treated well in its budgets over the last 12 or 13 years. It has increased very slowly. We even had a decrease 2 years ago for the first time in many, many years. It's a shame that we have not treated the National Science Foundation adequately. It has hurt our Nation, it has hurt our economy, and we certainly have to improve that situation.

We are in a catchup mode. I am reminded of former Speaker Newt Gingrich, who was instrumental in getting the doubling of the National Institutes of Health, who today has told me, and I have heard him tell audiences in speeches a number of times, that he regards one of his great mistakes, perhaps the greatest, the failure to double the National Science Foundation at the same time that we doubled the NIH.

Nevertheless, that didn't happen, so we are in a period of poverty for the National Science Foundation. Therefore, I oppose adding a new program. Even though at this point it's only $281 million, I am sure it will be a popular program and end up costing well over $1 billion. We simply cannot afford it at this time. I would be happy to consider this proposal at some time in the future if we, in fact, do double the NSF as we hope. But even that will leave us with a skimpy budget there.

The other factor is that this program does already exist in the Department of Education. It's a very good program. It has been in operation for several years.

I hope that we will keep that in mind, that we will turn down this amendment at this point, and perhaps consider it sometime in the future when we are bound to have an abundance of money at the National Science Foundation.

Mrs. GILLIBRAND. Mr. Chairman, I yield 1 minute to the distinguished chairman, Mr. GORDON.

Mr. GORDON of Tennessee. Mr. Chairman, let me say I can understand the concerns of the opponent of this amendment. There are programs that are similar in the Department of Education.

Let me point out only 15 percent of the graduates in the United States receive a degree in engineering, where in China it's 50 percent; in Singapore it's 67 percent. It would seem there is still room to improve this statistic in the United States.

I support the gentlelady's amendment.

Mrs. GILLIBRAND. Mr. Chairman, I would like to briefly respond to my colleague's arguments.

I appreciate the remarks of the gentleman from Michigan (Mr. EHLERS). I thought they were very thoughtful, and I appreciate your long-term vision for the growth of science and technology deficit in the Nation.

I disagree with the analysis of the gentleman from Texas (Mr. HALL). Primarily his argument seemed to say that this program is too expensive. But this is about our national security, it's about our economic security, and what is so necessary right now in our vision for America's future is the investment in the next generation. What we need to be is producing graduates who have science, math and technology expertise so that we can be competitive with both China and India in the generations and decades to come. We need to begin to fund the pipeline. I think the argument of being too expensive is misplaced.

Second, I would like to say this is a priority for our Nation, and I think we can all agree to strengthen our economy, and our national security has to be number one.

Mr. BAIRD. Mr. Chairman, as Chairman of the Subcommittee on Research and Science Education, I rise in support of Ms. GILLIBRAND's amendment.

This amendment will require the National Science Foundation to institute a program to award scholarships in science, technology, engineering, or mathematics to undergraduate scholars.

Congresswoman GILLIBRAND and I share a commitment to recruiting and educating our young people to meet the growing need for a larger science and engineering workforce. I commend Congresswoman GILLIBRAND for her leadership on this issue and, as Chairman, look forward to continuing to work with her to strengthen math and science education in this country and ensure our future competitiveness.

I urge adoption of this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from New York (Mrs. GILLIBRAND).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 165, not voting 18, as follows:

[Roll No. 255]

AYES—254

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

NOES—165

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)

Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—18

Bilbray
Boehner
Brady (PA)
Buyer
Christensen
Clarke
Cubin
Davis, Jo Ann
DeFazio
Fattah
Fossella
Hunter
Jones (NC)
King (NY)
Lampson
Latham
Sutton
Westmoreland

□ 1832

Mr. FORBES, Mr. COBLE and Mrs. MILLER of Michigan changed their vote from ''aye'' to ''no.''

Ms. KILPATRICK, Mr. JOHNSON of Illinois, Mr. ROTHMAN and Ms. PRYCE of Ohio changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SNYDER) having assumed the chair, Mr. WATT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 363) to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes, pursuant to House Resolution 318, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

PARLIAMENTARY INQUIRIES

Mr. PRICE of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, isn't it true that under the rules of the House adopted in this 110th Congress, the five Delegate Members are allowed to vote in the Committee of the Whole, but not in the whole House?

The SPEAKER pro tempore. The gentleman is correct.

Mr. PRICE of Georgia. Further parliamentary inquiry, Mr. Speaker.

Isn't it true that the number of eligible Members to vote in the whole House is 435 when all seats are filled?

The SPEAKER pro tempore. That is correct.

Mr. PRICE of Georgia. Isn't it further true, Mr. Speaker, that the number of eligible votes in the Committee of the Whole is 440?

The SPEAKER pro tempore. Currently it is 438 because of absences due to two deaths. But normally it is 440, that is correct.

Mr. PRICE of Georgia. Four hundred forty if all seats were filled.

The SPEAKER pro tempore. That is correct.

Mr. PRICE of Georgia. Isn't it further true, Mr. Speaker, that the vote in the Committee of the Whole on the Gillibrand amendment was adopted by a vote of 254–165?

The SPEAKER pro tempore. That is correct.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SULLIVAN

Mr. SULLIVAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SULLIVAN. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Sullivan of Oklahoma moves to recommit the bill H.R. 363 to the Committee on Science and Technology, with instructions to report back the same forthwith with an amendment. The amendment is as follows:

Page 5, line 19, insert '', giving priority to grants to expand domestic energy production and use through coal-to-liquids technology and advanced nuclear reprocessing'' after ''mission of the Department''.

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. SULLIVAN. Mr. Speaker, today I stand before Congress to offer this motion to recommit because we must encourage new innovations in domestic energy supply. This motion to recommit gives priority to grants to expand domestic energy production through the use of coal-to-liquids technology and advanced nuclear reprocessing.

H.R. 363 already emphasizes the need for increased science and engineer research grants, especially with regard to our Nation's young people. What it does not emphasize is the need for further diversification of our energy sources that will help achieve American energy independence and energy security. World energy demand is expected to increase by over 50 percent by the year 2030, a startling statistic, for sure. In America alone, energy demand is expected to increase by one-third.

There is no one simple solution to arrive at energy independence and energy security. There are, in fact, several pieces to the energy puzzle. It is vital that we wean America off unstable foreign sources of energy.

Congress must urge researchers to invest time and money into the rich technology of coal-to-liquid and nuclear reprocessing. We must commit to support coal-to-liquid technologies for the total life cycle, from coal extraction, through benefaction, processing, refining, packaging, distribution and end product consumption.

It has been said that the United States is the Saudi Arabia of coal. If we can economically produce liquid transportation fuel from coal, we could displace barrels of unstable foreign oil with barrels of domestically produced fuel. As America's most abundant domestic energy source, coal is an obvious choice to diversify our transportation fuels mix and to reduce our dependence on foreign energy sources. If we invest in coal-to-liquid fuels technology in the early stages, we can take one more step towards energy independence.

Several countries, including France and Japan, are already reprocessing their spent nuclear fuel. It is important for our young scientists and engineers to learn how to develop this progression of reprocessing nuclear fuel.

In 20 years, the number of university nuclear engineering programs has declined from 65 to 29. These young engineers should be encouraged to reuse nuclear fuel in an efficient and cost-effective way. This motion to recommit will promote our colleges to train our future scientists and engineers. In an aging nuclear workforce it is important that these young people are properly trained.

It is time to encourage American energy supply through the development

of coal-to-liquid and advanced nuclear technologies. With these technologies we can achieve this energy independence we so desperately need.

This motion to recommit will allow us to meet this energy demand on our own terms by giving priority to grants to expand domestic energy production through the use of coal-to-liquids technology and advanced nuclear reprocessing.

Mr. Speaker, I would like to yield some time to the gentleman from Illinois, Congressman SHIMKUS.

Mr. SHIMKUS. Mr. Speaker, I want to thank my colleague from Oklahoma for bringing forth this motion to recommit.

I have been down here a couple of times on other motions to recommit, and they are very similar to what we are addressing now. This is a call to my fossil fuel Democrats, my coal Democrats, to address the need of our energy security issues and help us with this motion to recommit to say that what we need to do is address, in this bill, and prioritize coal-to-liquid research and development. And just as important, the global security needs and the global warming with carbon sequestration. This motion to recommit will help prioritize these educational funds to do that.

Likewise, for those who support nuclear power, especially those who feel that there is a concern of high-level nuclear waste, that we learn how to properly reprocess that fuel so we can use that to help our energy independence.

I appreciate my colleague from Oklahoma, and I hope I have my friends on the other side support this motion to recommit.

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

Mr. GORDON of Tennessee. Mr. Speaker, unfortunately, we were not given the courtesy of seeing this motion to recommit until a matter of seconds before it was introduced.

But, with that said, we will accept this motion, and we will consider it in conference where it can be considered under the light of more scrutiny.

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

There was no objection.

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

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

RECORDED VOTE

Mr. SULLIVAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 264, noes 154, not voting 14, as follows:

[Roll No. 256]

AYES—264

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellsworth
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hobson
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Kaptur
Keller
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lantos
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Ortiz
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walz (MN)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—154

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boyda (KS)
Braley (IA)
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Clay
Cleaver
Clyburn
Conyers
Cooper
Crowley
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Ehlers
Ellison
Emanuel
Engel
Farr
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Green, Al
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Langevin
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Price (NC)
Rangel
Reichert
Rothman
Roybal-Allard
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Solis
Spratt
Stark
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu

NOT VOTING—14

Bilbray
Brady (PA)
Clarke
Cubin
Davis, Jo Ann
Fattah
Fossella
Hastert
King (NY)
Lampson
Miller (NC)
Sutton
Westmoreland
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1903

Mrs. BOYDA of Kansas, Mrs. MALONEY of New York, Ms. HARMAN and Messrs. BACA, PRICE of North Carolina, WALSH of New York, REICHERT, MITCHELL, GILCHREST, MEEHAN, HOYER and EMANUEL changed their vote from ''yea'' to ''nay.''

Messrs. SENSENBRENNER, GONZALEZ, CUMMINGS and BUYER changed their vote from ''nay'' to ''yea.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. GORDON of Tennessee. Mr. Speaker, pursuant to instructions of the House on the motion to recommit, I report the bill, H.R. 363, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Page 5, line 19, insert '', giving priority to grants to expand domestic energy production and use through coal-to-liquids technology and advanced nuclear reprocessing'' after ''mission of the Department''.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. GORDON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 20, not voting 15, as follows:

[Roll No. 257]

YEAS—397

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

NAYS—20

Akin
Barrett (SC)
Blackburn
Campbell (CA)
Duncan
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Hensarling
Johnson, Sam
Lamborn
Manzullo
Paul
Pence
Rohrabacher
Royce
Sali
Shadegg
Tancredo

NOT VOTING—15

Bilbray
Brady (PA)
Clarke
Cubin
Davis, Jo Ann
Fattah
Fossella
Gilchrest
Hastert
King (NY)
Lampson
Sullivan
Sutton
Westmoreland
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1912

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to authorize programs for support of the early career development of science and engineering researchers, and for support of graduate fellowships, and for other purposes.''.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 362, 10,000 TEACHERS, 10 MILLION MINDS SCIENCE AND MATH SCHOLARSHIP ACT

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to conform the table of contents to the text of H.R. 362.

The SPEAKER pro tempore (Mr. LINCOLN DAVIS of Tennessee). Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 363, as amended.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1332, SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–108) on the resolution (H. Res. 330) providing for consideration of the bill (H.R. 1332) to improve the access to capital programs of the Small Business Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 249, WILD FREE-ROAMING HORSES AND BURROS SALE AND SLAUGHTER PROHIBITION

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–109) on the resolution (H. Res. 331) providing for consideration of the bill (H.R. 249) to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1591, U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–110) on the

resolution (H. Res. 332) waiving points of order against the conference report to accompany the bill (H.R. 1591) making energy supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNIVERSARY OF ARMENIAN GENOCIDE

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

Mr. COSTA. Mr. Speaker, I rise today to commemorate the 96th anniversary of the Armenian genocide.

On March 24, 1915, 300 Armenian leaders were rounded up and deported and killed under the orders from the young Turk Government. And so began the genocide that lasted for 7 years, resulting in an estimated over 1.5 million Armenian deaths. To this day, unfortunately, the Turkish Government denies that this occurred.

Ladies and gentlemen, Members of the House, I just returned from Darfur with a group of our colleagues 2 weeks ago. Over 450,000 people have been killed and millions displaced in Darfur; yet government officials claim there in Darfur and Sudan that there is no genocide, that the situation is overblown.

Yesterday Rwanda, today Darfur. And we can remember the Holocaust. Clearly, silence is genocide's best ally. It is time that the Congress end this silence and pass the Armenian genocide resolution. The message will be clear: the United States of America will never forget and never stand for those who support genocide.

□ 1915

PROTECT IMPORTANT TAX RELIEF

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise tonight to express my concern that Democrats will not extend tax relief measures critical to the American people. Residents in my State are at risk. Floridians currently have the ability to deduct their sales tax from their Federal tax returns. However, this deduction expires after 2007.

As Democrats set the agenda for the coming year, there is talk of offsetting increases in Federal spending by raising taxes for millions of Americans. Frankly, I worry that they will use this important provision to pay for additional spending.

Listen up America: Congress needs to make sure that taxpayers do not face unnecessary tax increases. I appeal to my colleagues on both sides of the aisle to ensure that our constituents can keep more of their hard-earned money.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LINCOLN DAVIS of Tennessee). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DO NOT FORGET IMPRISONED TEXAS LAW ENFORCEMENT OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the 98th day since a great injustice took place in this country. On January 17, 2007, two U.S. Border Patrol agents entered Federal prison to begin serving 11 and 12 year sentences respectively.

Agents Compean and Ramos were convicted last spring for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas. These agents never should have been prosecuted, yet the U.S. Attorney's Office prosecuted the agents and granted immunity to the drug smuggler, who claimed he was unarmed. The illegal drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is suing the Border Patrol for $5 million for violating his civil rights.

Mr. Speaker, he is not an American citizen. He is a criminal.

The same U.S. Attorney's Office in western Texas also prosecuted another law enforcement officer, Deputy Sheriff Gilmer Hernandez, who was doing his job to protect the American people. This makes no sense. Citizens across this country and many of us in Congress want to know why does the Federal prosecutor in western Texas choose to go after law enforcement officers while protecting illegal aliens who commit crimes.

The American people have not forgotten agents Ramos and Compean, who should never have been sentenced to jail. Instead, they should be commended for trying to protect the American people. I encourage citizens across this country to continue calling the White House and asking the President to use his authority to immediately pardon these two heroes.

Many of us in Congress are concerned about the Federal prosecutor in this case and the justification for the criminal charges brought against these agents. Senate Judiciary chairman PATRICK LEAHY has already approved Senator DIANNE FEINSTEIN's request for an investigation of this case; and just last week in testimony before the Senate Judiciary Committee, Attorney General Gonzales responded to Senator JOHN CORNYN's call for an oversight hearing by promising to fully cooperate.

Mr. Speaker, I am hopeful that the House, under the leadership of House Judiciary chairman JOHN CONYERS, will soon hold hearings to look into this injustice.

Mr. Speaker, I hope that the House will continue to encourage the chairman of the Judiciary Committee, Mr. CONYERS, to look into this case, and I ask the American people to continue to call the White House and to complain about this injustice.

MOURNING THE PASSING OF DAVID HALBERSTAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, yesterday this Nation lost one of its most gifted journalists and authors in a car accident in California, David Halberstam.

As a reporter for The New York Times, his coverage of the Vietnam War earned him a Pulitzer Prize and the enduring respect of his colleagues. This man embodied the spirit of a thoughtful, free, and independent press.

President Kennedy was so frustrated by the truth of his reporting on Vietnam that he once called The New York Times and demanded David be fired. The New York Times did not back down, and neither did David. He was labeled unpatriotic because the stories he wrote did not flatter the administration. But he reported what he saw, regardless of the consequences. Now we see the value of his great insight in the history of that conflict.

I have often said that without the members of the press, the civil rights movement would have been like a bird without wings. In David's reporting at the Nashville Tennessean and later in his book on the Nashville student movement, called ''The Children,'' he delivered the message of injustice in the South.

We trusted David. We knew that he was determined to report the truth. We trusted that he would get the story right, and we believed he would be fair. He was deeply moved and affected by the dizzy dint, the commitment and the dedication of the young people in the Nashville student movement because they were prepared to face violence with non-violence and peace.

I feel that we have lost one of the greatest minds in America, who understood the deepest ramification of violence and war. I only wish that he were here today for Members of this body to consult as we try to find answers in Iraq.

David was a sympathetic referee in the cause of civil rights and social justice. He helped convince the Nation that the price of segregation and racial discrimination was too high. He used his pad and his pen to answer the calling of his conscience. He stood up for what he believed to be right.

This Nation will always be indebted to him and people like him, who are

willing to speak the truth regardless of the consequences.

I have known David for almost 50 years. In him the Nation has lost one of its prolific writers, but I feel like I have lost a very good friend. I feel like I have lost a companion in the struggle for civil rights and social justice in America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PREDATORY LENDING PRACTICES IN THE SUBPRIME MORTGAGE INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to express my deep concern with regard to predatory lending practices in the subprime mortgage industry and to emphasize the need for Congress to act swiftly in addressing this critical issue.

Owning a home is an essential component of the American Dream. Simply put, homeownership has the power to transform lives. I still remember the day 45 years ago when my family first moved into our own home. I was only 10 years old, but I will never forget that momentous event.

Homeownership changed life for me and my seven brothers and sisters. We were able to go to better schools, and our family was able to build wealth. Over the years, my parents worked hard to make the mortgage payments every month, building equity, and eventually paying it off. My mother at 81 still lives in that house, mortgage-free. Because my parents invested in their home, my mother can now live out her final years in dignity and with a sense of security.

Every American family deserves the benefits of homeownership that transformed my life. That is why I am outraged by reports of predatory lending practices in the subprime mortgage industry and the upsurge in foreclosures that have occurred as a result thereof.

The national foreclosure rate has been increasing at an alarming rate. According to RealtyTrac, a realty research firm, foreclosures increased by 42 percent from 2005 to 2006, to 1.2 million. That translates into one foreclosure for every 92 households.

Much has been made of the impact these foreclosures will have on Wall Street. However, I am equally concerned with the impact that they will have on the hundreds of thousands of Americans who are losing their homes.

Increasing foreclosures are directly related to the subprime mortgage industry, which has grown from less than 8 percent of the total mortgage market in 2001 to approximately 20 percent of the market today. Subprime mortgages, which target borrowers with low credit scores, often cost more than prime mortgages, and include terms that allow payments to balloon or grow exponentially over time.

Predatory lending practices are common in the subprime mortgage industry, where borrowers are more likely to either have limited options available to them or be unaware of their options. Disturbingly, African Americans and Latinos are more likely to get higher rates than white borrowers with the same qualifications, and borrowers over the age of 65 have five times the odds of receiving a subprime loan than younger borrowers.

This trend is illustrated in the congressional district that I represent, the Seventh Congressional District of Maryland.

If you look at these maps, it is clear. In the map on the left, the red indicates the concentration of low-income African American and Latino populations. In the map on the right, the red area is the highest concentration of subprime loans.

Note that the two areas are nearly identical, indicating that subprime loans in the Seventh District are more likely to be given to African Americans and Latinos and lower-income people. This is simply unconscionable. Somebody is making big bucks off of vulnerable families in my district who are losing their homes. For those of us who remember redlining, this is simply more of the same. We must end discrimination in lending practices now.

Mr. Speaker, I want to conclude by urging my colleagues to continue to work on this issue. Today I introduced a resolution expressing the sense of the Congress that issues related to the subprime market must be addressed.

Specifically, the legislation identifies the following goals for reform: strengthening Federal regulations, banning unfair and deceptive practices, requiring lenders to establish a borrower's ability to pay, increasing the disclosure of alternative mortgage products, reducing or eliminating the prepayment penalty, eliminating mandatory arbitration, identifying brokers and lenders with high rates of foreclosure, and mandating preloan counseling.

As a member of the Baltimore Home Ownership Preservation Coalition and the Joint Economic Committee, I urge all of my colleagues to support this resolution and join with our chairman of the Committee on Financial Services, the gentleman from Massachusetts (Mr. FRANK), in addressing this critical issue.

Finally, I want to thank all of my colleagues who have come to the floor this evening to address this issue.

□ 1930

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PREDATORY LENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, American families are hardworking, good people and deserve financial security. American families do not deserve to have their physical, emotional and financial security compromised by predatory lending practices engaged in by the subprime mortgage industry.

Subprime mortgage lending includes a wide range of loan products. What these loans have in common is they are marketed to hardworking people made vulnerable by credit scores that disqualify them from traditional loans, or who have limited credit history, thereby limiting their borrowing power.

Subprime lending is associated with significantly higher levels of foreclosure than prime lending. Subprime lenders make excessive mortgage loans of up to $1 million, and often the borrower can obtain ''cash out'' refinancing. Additionally, subprime lenders offer 100 percent financing to those with poor or limited credit.

Subprime lenders are known for their forceful marketing techniques which have included ''stated income'' loans in which the borrower is not required to provide documentation. This places American families in danger of borrowing a substantially greater amount that what is reasonably affordable and places them in danger of being unable to meet their mortgage payments.

These predatory lending practices are forcing large numbers of American families into foreclosure. Said another way, American families are losing their homes, homes they worked hard for. They are enduring undue stress and emotional instability when confronted with this prospect.

In 2002, approximately 2.2 million American families who had borrowed money from a subprime lender had either lost their home to foreclosure or were thought to be in danger of foreclosure. The Center for Responsible Lending conducted a study in which they found that millions of American households will lose their homes and as much as $164 billion due to foreclosures in the subprime market.

In Ohio, my home State, Ohio leads the Nation in the rate of foreclosure.

Ohio's foreclosure rate is roughly three times the national rate, according to the Mortgage Bankers Association.

Cuyahoga County, which includes Cleveland, my hometown, had 11,000 foreclosures in 2005, more than triple the number a decade earlier. In Cleveland in 1995, local depositories held about 60 percent of the market share of mortgages. By 2005, that number dropped to 20 percent. What has happened to my city in the past decade is a story that is reflected nationwide.

Furthermore, foreclosure has a detrimental effect on the greater community. Neighborhoods with foreclosed properties are likely to experience declining property values. These lower property values and the corresponding decline in owner equity can contribute to additional incidents of foreclosure. Foreclosed homes are often left vacant for extended periods of time and can subsequently attract crime to neighborhoods.

I began my political career as a representative in the inner city. Later I became the mayor of Cleveland, and during my tenure, Cleveland became the first city to sign the Community Reinvestment Act agreement pursuant to the newly enacted CRA of 1977. The Community Reinvestment Act was passed to prevent lending institutions from withholding home loans or insurance from communities labeled as economically risky. The act was intended to expand credit and depository services to low- and middle-income communities.

The CRA extends and clarifies the longstanding expectation by hardworking Americans that financial institutions will serve the convenience and needs of their local communities. The CRA established a regulatory regime to monitor the lending, investment and services offered by banks in low- and moderate-income neighborhoods, and has resulted in significant benefits.

Lenders and community organizations have signed 428 CRA agreements totaling $4.1 trillion in reinvestment dollars between the CRA's enactment in 1977 and the beginning of 2005. The CRA has also facilitated a surge of home loans to low-income and minority households.

Despite these positive gains, significant financial problems continue to exist in low- and moderate-income communities.

When you look at a map of Cleveland, a pattern begins to emerge that is not unlike that being experienced by other communities. The pattern is this: In geographical areas where the number of subprime mortgage loans is the highest, the number of foreclosures for the same geographical area will also be high, while the number of prime loans made by depository banks will be relatively few.

Looking at the same geographical area, we find that neighborhoods experiencing these trends are predominantly African American neighborhoods. Lack of access to prime loans, a high frequency of subprime loans and a high rate of foreclosures are by no means specific to any racial group, but the pattern certainly carries an overtone of America's historic denial of equal rights based on race.

A recently published report entitled ''Paying More for the American Dream'' found that Citigroup, Countrywide, GMAC, HSBC, JP Morgan Chase, Washington Mutual and Wells Fargo all originated a substantial volume of both higher-cost subprime and lower-cost prime loans.

Mr. Speaker, this is an issue that I am proud to join my colleagues, including my friend and colleague from Cleveland, Mrs. TUBBS JONES, and I thank her for the work she has done on this issue.

American families are hard-working, good people who deserve financial security. American families do not deserve to have their physical, emotional and financial security compromised by predatory lending practices engaged in by the subprime mortgage industry.

Subprime mortgage lending includes a wide range of loan products; what these loans have in common is that they are marketed to hardworking people made vulnerable by credit scores that disqualifies them from traditional loans or who have a limited credit history thereby limiting their borrowing power.

Subprime lending is associated with significantly higher levels of foreclosure than prime lending.

Subprime lenders make accessible mortgage loans of up to $1 million and often the borrower will be able to obtain ''cash out'' refinancing. Additionally, subprime lenders offer 100 percent financing to those who have poor or limited credit.

Subprime lenders are known for their forceful marketing techniques which include ''stated income'' loans in which the barrower is not required to provide documentation supporting claims of income.

This places American families in danger of borrowing a substantially greater amount than what is reasonably affordable and places them in danger of being unable to meet their mortgage payments.

These predatory lending practices are forcing large numbers of American families into foreclosure. Said another way—American families are loosing their homes; homes that they have worked hard for. They are enduring undue stress and emotional instability when confronted with this prospect.

As 2006 came to an end, approximately 2.2 million American families who had borrowed money from a subprime lender had either lost their home to foreclosure or are thought to be in danger of foreclosure at some point in the near future.

The Center for Responsible Lending conducted a study in which they found that ''millions of American households will lose their homes and as much as $164 billion due to foreclosures in the subprime mortgage market.''

My home state of Ohio leads the nation in the rate of foreclosure. Ohio's foreclosure rate (3.3 percent) is roughly three times the national rate, according to the Mortgage Bankers Association.

Cuyahoga County, which includes Cleveland, my home town, had 11,000 foreclosures in 2005, more than triple the number a decade earlier.

In Cleveland in 1995, local depositories held about 60 percent of the market share of mortgages. By 2005, that number had dropped to 20 percent.

What has happened to my city in the past decade is a story that is reflected nationwide.

Furthermore, foreclosure has a detrimental effect on the greater community. Neighborhoods with foreclosed properties are likely to experience declining property values. These lower property values and the corresponding decline in owner equity can contribute to additional incidents of foreclosure in our communities.

Foreclosed homes are often left vacant for extended periods of time and can subsequently attract crime to our neighborhoods which further hurts our communities and threatens our families.

I began my political career as a representative of Slavic Village in the Cleveland City Council. Later I became the mayor of Cleveland and during my tenure, Cleveland became the first city to sign a Community Reinvestment Act Agreement pursuant to the newly enacted Community Reinvestment Act of 1977.

The Community Reinvestment Act, or CRA, was passed to prevent lending institutions from withholding home loans or insurance from communities labeled as economically risky.

Additionally the Act was intended to expand credit and depository services to low and middle income communities.

The Community Reinvestment Act both extends and clarifies the long standing expectation by hardworking Americans that financial institutions will serve the convenience and needs of their local communities.

The CRA established a regulatory regime to monitor the lending, investment and services offered by banks in low and moderate income neighborhoods and has resulted in significant benefits.

Lenders and community organizations have signed 428 CRA agreements totaling more than $4.1 trillion in reinvestment dollars between the CRA's enactment in 1977 and the beginning of 2005.

The CRA has also facilitated a surge of home loans to low-income and minority households.

Despite these positive gains, significant financial problems continue to exist in low and moderate income communities.

When you look at a map of Cleveland, my home town, a pattern begins to emerge that is not unlike what is being experienced by cities around the country.

The pattern is this: In geographical areas where the number of subprime mortgage loans is the highest, the number of foreclosures for the same geographical area will also be high, while the number of prime loans made by depository banks will be relatively few.

Looking at this same geographical area we find that the neighborhoods experiencing these trends are predominately African-American neighborhoods.

Lack of access to prime loans, a high frequency of subprime loans and a high rate of foreclosures are by no means specific to any racial group, but the pattern certainly carries an overtone of America's historic denial of equal rights based on race.

A recently published report entitled Paying More for the American Dream found that Citigroup, Countrywide, GMAC, HSBC, JP Morgan Chase, Washington Mutual and Wells Fargo all originated a substantial volume of both higher cost subprime and lower cost prime loans.

The report also found that for these seven lenders, the percentage of total home purchase loans to African Americans that were higher-cost was six times greater than the percentage of higher cost home purchase loans to whites. (41.1 percents vs. 6.9 percent).

Loans to Latinos that were higher-cost loans were 4.8 times greater than the percentage of higher cost home purchase loans to whites (32.8 percents vs. 6.9 percent).

In each of the cities examined, the seven lenders combined showed larger African American/white and Latino/white disparities than those exhibited in the overall lending market.

Foreclosure and discrimination in lending practices are serious problems for America's cities. We are now on the brink of a massive wave of foreclosures in this country.

Although there are a significant number of individuals and organizations working to reverse existing problems in the lending system and create viable alternatives to foreclosure and subprime mortgages, the tide will not be turned because the magnitude of the problem outstrips even the best of their abilities and efforts.

To turn the tide of foreclosure in America's cities, leadership at the federal government level is necessary as well. We must examine the problem and the steps that can be taken before it becomes bigger and beyond us all.

PREDATORY LENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I am glad to join my colleague, Mr. CUMMINGS, as he organizes this hour around predatory lending.

I rise today to speak out against the issue of predatory lending within the subprime lending industry.

I came to Congress in 1999, served on the Committee on Financial Services, and started instantly raising the issue of predatory lending practices. One of the things that we have learned is that all subprime lenders are not predatory lenders, but all predatory lenders are subprime lenders.

Let me say it again. All subprime lenders are not predatory lenders, but all predatory lenders are subprime lenders. In fact, subprime lending has been a way in which many people who have been locked out of and left out of the credit area, or having an opportunity to have credit, have been able to come in. But what has come in with that practice are these predators who prey on our communities.

I have heard from countless constituents in my district regarding this issue. As you know, as the gentleman from Ohio (Mr. KUCINICH) said, Ohio has one of the highest rates of foreclosure in the country. Members of my community who have owned homes for years are being forced with foreclosure, after owning a home for more than 40 years in some cases.

Seniors are being affected at a disproportionate rate. Lenders prey on seniors who have been in their homes all of their lives and have a substantial amount of equity in their home. They get them on the phone and say: ''Oh, Ms. Jones, do you need a new kitchen? Oh, I can help you get a new kitchen and it won't cost you any money. But, Ms. Jones, you might need a driveway also. Let me help you out.''

And it goes on. So they enter into this agreement. They enter into these balloon and adjustable rate mortgages that look attractive and are affordable in their initial stages. However, after 2 years or more, these loans readjust to much higher payments with higher interest rates.

For instance, one of my constituents is currently in an adjustable rate mortgage which locked in a payment of $1,088 for 2 years. After 2 years, the mortgage payment increased to $1,488. And 3 months later, the payment increased to $1,715. This payment increase has had a significant impact on this individual's budget, and because they are not in a position to refinance, they are currently facing foreclosure. And that was one of the deals made in the early predatory lending situations.

''Oh, get it now. The interest rate is going to go down, and you will be able to refinance or purchase your house.'' The thing they don't say is often the appraisal far exceeds the value of the home, and if it exceeds the value of the home, by the time they get ready to refinance, they owe more on the home than the home is worth.

Creating wealth is the most fundamental goal of minorities that seek economic equity. One of the first steps towards creating wealth is home ownership. The equity from owning a home is often the only means to secure funding for a new business, college tuition or retirement. I know my girlfriend, Barbara Lee, talked about her home was the way in which she started her first business.

Predatory lending targets low-income and minority communities. It compromises the opportunity to own a home, and hinders economic stability, creating greater disparities in wealth.

Mr. KUCINICH went through a lot of the statistics with regard to predatory lending and issues that came through the Nonprofit Center for Responsible Lending, so I won't try and go after that again. But what I will say, predatory lending has expanded its reach beyond mortgage lending. Predatory practices are becoming increasingly prevalent in refund anticipation, auto and payday loans. There were over 12 million refund anticipation loan borrowers in 2003. That is where you go into the place and they say, ''Oh, you are going to file your taxes. Let me give you a loan on your taxes and you can get your money right now,'' and the interest rate is outrageous.

Tax preparers and lenders strip about $1.57 billion in fees each year from the earned income tax credit paid to working families, according to a 2005 study.

It is also estimated that predatory payday lending practices cost American families $4.2 billion annually. Understand that the reason that the payday loan people have been able to come into our community is because often some of the traditional lending institutions have left the community and people have nowhere to operate. There are people who never get a checking or credit account. They pay their bills in cash. How can that be in the United States of America, but it is true. They walk up and want to pay the phone bill and the light bill and gas bill.

Anyway, I have been hollering, screaming, dancing about this issue since 1999. It is unfortunate that the only way we come to pay attention to this issue is when it begins to have an impact or threat to corporations and financial mortgage security industries in our country.

The nonprofit Center for Responsible Lending projects that as this year ends, 2.2 million households in the subprime market will either have lost their homes to foreclosure or hold subprime mortgages that will fail over the next several years. These foreclosures will cost homeowners as much as $164 billion, primarily in lost home equity.

It is also projected that one out of five (19 percent) subprime mortgages originated during the past two years will end in foreclosure. This rate is nearly double the projected rate of subprime loans made in 2002, and it exceeds the worst foreclosure experience in the modern mortgage market, which occurred during the "Oil Patch" disaster of the 1980s.

The nonprofit Center for Responsible Lending analyzed 15.1 million subprime loans from 1998 through 2006 and found that only about 1.4 million were for first-time home buyers. Most were for refinancing. To date, more than 500,000 of those subprime borrowers have lost their homes to foreclosures. An additional 1.8 million are likely to follow as the market deteriorates. That's nearly 2.4 million lost homes.

In Ohio the foreclosure epidemic went from bad to much worse last year as the number of new cases grew by nearly 24% from 2005. Cuyahoga county led the state in new cases with 13,610 new filings last year. This ranking has attracted national attention with Ohio's foreclosure rate currently at 18% which is higher than the national average of 17%. The problem has gone from bad to worse and from worse to regress in Ohio, with $7,479 filings in February 2007 alone.

Predatory lending has expanded its reach beyond mortgage lending. Predatory practices are becoming increasingly prevalent in refund anticipation, auto, and payday loans.

There were over 12 million Refund Anticipation Loan borrowers in 2003. Tax preparers and lenders strip about $1.57 billion in fees each year from the earned-income tax credits paid to working parents, according to a 2005 study by the National Consumer Law Center.

It is also estimated that Predatory payday lending practices cost American families $4.2 billion annually. In addition, research indicates that minorities pay on average $2,000 more

per vehicle purchased than nonminorities. Predatory auto lending is taking an estimated $2 billion dollars a year out of African American communities alone.

PREDATORY LENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, first let me just thank the gentleman from Maryland (Mr. CUMMINGS) for organizing these 5-minute speeches tonight, and for his leadership in fighting for home ownership and opportunity and against predatory lending practices.

As my colleague Congresswoman JONES just said very eloquently, it is a real shame and disgrace that we once again have to take to the floor to raise the issue of predatory and deceptive lending practices.

As many of us can attest, which you are hearing tonight once again, these practices are out of control and on the rise, and they are leaving many, many people out in the cold and in foreclosure.

The statistics regarding the current subprime lending debacle are staggering. It is estimated that bad loans have forced 1.5 million homeowners into foreclosure this year alone, according to ACORN. In 2006, the number of foreclosures stood at 2.6 million, topping the prior year total of 900,000 people. The problem is only getting worse.

The subprime industry's practice of higher rates, teaser rates, higher fees, prepayment penalties, payday loans, check cashing facilities and other unfavorable and hidden costs combine to create conditions that push homeowners into hopelessness. We must remember that foreclosures not only devastate individuals and families, but they also depress communities and decrease property values.

This does not have to be the case for many subprime customers. The assumption that subprime loans are for people who cannot qualify for a prime loan at a good rate is false. Fannie Mae, and this is really unbelievable, Fannie Mae and Freddie Mac have assessed that one-third to one-half of subprime borrowers could have qualified for better loan rates but were not given that option. They just weren't given that option. The education and the information were simply not provided to these customers, and I wonder why.

Regulators haven't done enough to protect consumers against predatory lending. Because of the Bush administration's lack of regulatory rigor and oversight of the subprime mortgage industry and their tendency to pander to the business industry at the expense of hardworking middle- and low-income Americans, we are in the mess we are in today.

Sadly, many of the victims of predatory lending are the elderly, single parents, and people of color. In fact, communities of color continue to be the target of predatory lenders. I call them loan sharks. They are all over my community, and these unscrupulous financial service schemes prey on the dream of home ownership and the prospect for generational wealth building.

Within the last year, investigations of real estate agents were designated by HUD for testing, they uncovered an 87 percent rate of racial steering and a 20 percent denial rate for African Americans and Latinos.

A Federal Reserve study showed that African American and Latino borrowers are more likely to receive higher cost subprime loans than their white counterparts. However, the likelihood of receiving a higher cost loan to buy a house than a white borrower for African Americans is 3.7 times more likely and for Latinos, 2.3 times more likely.

So we must put an end to this type of lending discrimination and predatory practice. Enough is enough.

Sometimes people ask me what is institutional racism. They do not quite get it. Well, let me tell you, this is a very glaring and unfortunate clear example of institutional racism, and so we must support all of the efforts by Congressman CUMMINGS and other efforts by Congressman MEL WATT, BRAD MILLER, BARNEY FRANK, members of the Financial Services Committee to put forth legislation that provides a floor, not a ceiling, for a policy such as this. We have got to face reality. That means we must take a look at these, and I just call them exotic loans, and they are exotic, and adjustable rate mortgages that soon become unaffordable, as Congresswoman TUBBS JONES said, after a couple of years.

To entice borrowers to take on risks that they may not be aware of is just plain setting them up to fail, and this is just wrong. It is a shame. It is a disgrace.

We need to provide relief, first of all, to victims of these loan sharks and protect the national economy from the consequences of a mortgage industry crisis which I believe is looming. We must act immediately to protect a generation of homeowners. They are counting on us. They deserve an opportunity to achieve the American Dream of homeownership which is quickly turning into a nightmare for many.

For the majority of Americans, like for myself, purchasing a home is the only way, I mean the only way, you can build any type of equity to be able to just send your kids to college or to buy a house or to do some of the things that you want to do, start a small business. So we have got to clamp down and we have got to clamp down hard on these loan sharks.

□ 1945

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. JOHNSON) is recognized for 5 minutes.

(Mr. JOHNSON of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO THE LATE RALPH FORD, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, first of all, I would like to associate myself with the remarks of my former colleagues who have talked about foreclosures and predatory lending.

As a matter of fact, I also want to thank the committee that I established a few weeks ago, made up of about 50 people, including State Representative LuShawn Ford, who has agreed to chair. I come from the community that pretty much led the movement for community reinvestment in this country under the leadership of a woman named Gail Cincotta who was the head of the Organization for a Better Austin, and then Gail came to Washington and went ahead and founded the National Training and Action Committee which still exists to this day.

So I simply want to associate with those comments made by my colleagues.

But, Mr. Speaker, I really also rise with a great level of sadness to pay tribute to a good son, a good husband, a good father, a good citizen and one of Chicago's finest of the men and women in blue, Police Sergeant Ralph Ford, Jr.

It has been my pleasure and that of my wife to know the Ford family for many years. I first knew Ralph's mother, Mrs. Jacqueline Ford, when she was a pioneer community activist serving on the board of the Martin Luther King, Jr, neighborhood health center. She and my wife Vera have attended Carey Tercentenary AME Church together, and I say forever.

I first knew Ralph well when he was a young Chicago police officer. I had begun to run for public office. He was a diligent and enthusiastic volunteer who was not afraid to be associated with our campaign, even though I was running as what we call an Independent against the existing political machine.

The fact that Ralph had attended the University of Arkansas at Pine Bluff added another star to his crown because I had attended the same school when it had another name, Arkansas AM&N College, before it attained university status.

Being the excellent police officer that he was, Ralph made sergeant and outdistanced many of his peers. He was jovial, a great talker, had a great personality and a wonderful sense of humor.

Family meant everything to Ralph. He was totally devoted to his wife and children, and he had a great affinity for other members of his family, and of course, he and his mother Jackie had an absolute long-standing love affair.

Of course, Ralph passed away a few days ago. Mr. Speaker, Sergeant Ralph Ford, Jr, was an absolute credit to his law enforcement profession, the apple of his wife and family's eyes and a joy to humanity. He shall be sorely missed.

SUBPRIME LENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. CUMMINGS) for reserving this time tonight to bring to the attention of the American people our deep concern about subprime lending and the rising foreclosure rate across our Nation.

Last week, we learned that the foreclosure rate jumped 47 percent in March of 2007 from just 1 year ago. Several weeks ago, Freddie Mac, which buys loans from lenders and sets underwriting standards, stopped purchasing 2/28 and 3/27 loans, or loans on which interest rates are fixed for only the first 2 years or 3 years of a 30-year loan.

Freddie Mac, recognizing the increase in number of defaults on these exotic loans because of rising rates and falling real estate prices, cut its losses short and got out of the subprime business.

Within the last month, the Nation's second largest subprime lender, New Century Financial Corporation, suspended making any new subprime loans because of the huge number of defaults on subprime mortgage loans and has since filed for bankruptcy protection. Incidentally, the executives of First Century have asked for an exit package of some $6.5 million.

Countrywide, the largest subprime lender in the United States, also has problems with its subprime and prime portfolios.

Numerous subprime lenders have been forced into bankruptcy or have been sold to larger lenders.

General Motors Acceptance Corporation is out of the subprime business altogether. The list continues to grow with each passing day.

Defaults on subprime mortgage loans have prompted investors to turn their backs on mortgage-backed securities, making it more difficult for subprime lenders to sell their loans and to raise the cash for new loans. This has created a liquidity trap for many borrowers who want to refinance out of the nontraditional mortgage products. Huge amounts of cash that once sought the high yields tied to mortgage-backed securities creating easy money for borrowers, many of whom had less than stellar credit, or lacked loan documentation, or sought zero down payment products, is no longer available. No one knows for sure what the extent of the exposure is and exactly who is exposed because the way mortgages are packaged into pools and sold to investors makes it difficult to determine who owns the loans and how much money is lost.

One estimate by Lehman Brothers suggests that approximately $19 billion in losses are parked in loan pools put together in 2005, 2006 and this year, representing 5.5 percent of all mortgages.

The Center for Responsible Lending December 2006 report entitled, ''Losing Ground: Foreclosures in the Subprime Market and Their Cost to Homeowners,'' documents the relationship between subprime lending and foreclosures and suggests that by the end of 2006, 2.2 million households in the subprime market either will have lost their homes to foreclosure or hold subprime mortgages that will fail over the next several years. These foreclosures will cost homeowners as much as $164 billion, primarily in home equity.

One out of five, or 20 percent, of the subprime mortgages originated during the first 2 years will end in foreclosure. So rather than wealth creation that we expect with homeownership, we will witness wealth evaporation tied to foreclosures.

Federal regulators issued guidance last year acknowledging that subprime loans were a problem. The guidance speaks to loans where the rates can change dramatically after the second or third year of the mortgage, such as from 7 percent to 11.5 percent. That guidance suggests that lenders be required to take into account the borrower's ability to make monthly payments at higher rates and also property taxes and homeowners insurance which are often not escrowed in the subprime loans.

I applaud the guidance, but what we really need is for there to be forbearance on the part of lenders while we get this mess straightened out and before it leads to something catastrophic in the financial markets. It has already spilled over into the home building industry, and the fallout is far from over.

Congress must still balance the interest of assisting home buyers who are low- and moderate-income first-time buyers, while ensuring that they avoid the pitfalls of the subprime market and that they have safe options. Providing assistance to existing subprime borrowers who are in danger of losing their homes is key.

I believe that FHA modernization is part of the solution, and so we will mark up H.R. 1852, the Expanding American Homeownership Act of 2007, a bill that I have introduced, next week in the Committee on Financial Services. Reasonable workout plans represent another mechanism that can assist homeowners from falling into foreclosure.

In effect, the lenders know that they are better off not losing these borrowers to foreclosure since it is very costly to the lenders. It only creates a ripple effect in the communities where the properties are located, creating vacancies, blight, arson and other social ills. In addition, the cycle of predatory lending activity continues with investors purchasing foreclosed property at depressed prices only to turn around and sell the properties quickly at inflated prices.

I have asked Freddie to take a look at prohibiting the use of its resources to finance this type of mortgage lending.

A big plus is that Freddie Mac just took proactive steps, announcing that it will make $20 billion available to assist borrowers by the summer with refinancing. Fannie Mae will join this effort. I can not predict what will happen in the subprime lending market, but I do believe that we can stem the tide of foreclosures by working closely with Freddie, Fannie and the lenders. One thing that I do know is that we will have to correct this problem if the markets can not fix it. We can not sit by and watch Americans, many through no fault of their own, lose their homes. Every time there is a victim to foreclosure, the rate of homeownership in American falls and the gap between the rich and the poor worsens. No one wants to reverse the progress that we have made in this country on homeownership, certainly not me.

OUT IN THE COLD: OHIOANS HIT HARDEST BY HOME FORECLOSURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WILSON) is recognized for 5 minutes.

Mr. WILSON of Ohio. Mr. Speaker, being from Ohio and speaking on this issue is really quite easy because Ohio leads the Nation in predatory lending and in foreclosures, an unfortunate statistic that we are not proud of.

As a new Member of Congress and one that has worked very hard in the Ohio House and the Ohio Senate to pass legislation against predatory lending, I feel it a real calling to be one who speaks up strongly here in the Congress on the same type of issue that people are being taken advantage of in a big way.

So, Mr. Speaker, Ohio's working families are paying the price, and in many cases, they are paying with their homes. In fact, Ohio leads the Nation, as I said, in foreclosures.

In my district, Mr. Speaker, in southeastern Ohio, from the suburbs of Youngstown to the small rural communities along the West Virginia and the Kentucky borders, predatory lenders are targeting honest Ohioans who only want one thing: they want a chance to purchase a home of their own and live the American Dream.

For millions who struggle with bad credit, these subprime and adjustable rate mortgages seem like the perfect opportunity to correct their problems. But in reality, when it sets in, it is the worst solution that they could choose.

Rates begin to skyrocket, late fees pile up, and before long it is too late. Too many families are losing their homes to foreclosure. Too many families are being left out in the cold.

The numbers are alarming. These subprime loans account for 63 percent of Ohio's foreclosures.

Mr. Speaker, this is a problem that has spread far beyond Ohio to our

major cities all across America. In fact, two-thirds of the subprime loans are used in non-urban areas as well.

Today's working families are being challenged in so many ways. While wages stay flat or decline, we have seen people's gas prices and health care costs continue to soar. It's time that our working families finally get the relief they deserve, and taking on predatory lenders has to be a part of the solution.

As a member of the Senate, as I said, I joined colleagues to work on Ohio's predatory lending laws. I work on this important issue here in Washington also, because I believe it's an important one for the people of this country.

One of the things I did was to take a first step in introducing House Resolution 1723. It's a bill that I introduced that targets FHA home loans. It clearly outlines unacceptable practices that could be used in an attempt to influence an appraisal on a home. It also puts in place a blind draw, a system that would randomly select the appraiser, rather than having loan companies have favorites that they use to make unrealistic appraisals.

Ensuring that homes are appraised fairly is an important piece of the puzzle. Many borrowers cannot refinance or sell to avoid defaulting because their property is not worth what they owe on the home. Too often, the original mortgage is based on the inflated appraisal, and H.R. 1723 will keep that from happening when it comes to FHA loans.

Families across the Nation are now feeling the kind of pain that we in Ohio have suffered; 2.2 million subprime home loans made in recent years have already failed, or will in foreclosure. These foreclosures will cost homeowners as much as $164 million, and that figure only begins to describe the cost to the families.

Our sons and daughters, our mothers and fathers, are losing their homes, and in the process they are losing their hold on the American dream. Our working families deserve real relief, not just empty words.

I urge this Congress to take a strong stand on predatory lending. We must make sure that Americans' dream of home ownership does not turn into a nightmare for even more families.

□ 2000

SUBPRIME LENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Speaker, the best news for the American middle class is our home ownership rates. Wages are stagnant for the middle class. They are not keeping up with inflation. Health care costs just keep going up. Folks do not know what their health insurance is going to pay for until they get sick. They don't know if their pension is really going to be there when it comes time for them to retire, or their employers take a quick dip in bankruptcy so they can short the promises they made to their employees.

Almost 70 percent of American families own their own homes. We heard Mr. CUMMINGS speak just a few minutes ago, powerfully, of what it meant to his family when he was 10 years old and they bought a home for the first time.

The deed to a home is the membership card in the middle class. For the middle class, the equity they build in their home becomes the bulk of their life savings. What they build by paying a mortgage faithfully month after month becomes the bulk of their life savings.

When they need to borrow money, when they have one of life's rainy days, when they want to send the kids to college, or someone in the family gets sick, or they lose their job or they go through a divorce, or they need to repair their homes or they get in over their head in credit card debt, they have to borrow money against their homes. Too often when they borrow money against their homes, they are having their trust betrayed.

Several Members tonight have talked about subprime lending as lending that goes to those who have problems with their credit. Some is, but more of it, more of it, has to do with who places it with which borrowers, which homeowners put their trust in the wrong people and have their trust betrayed. According to Freddie Mac, a quarter of mortgages, subprime mortgages, are made to people who qualified for prime loans, who didn't have problems with their credit, but they went to the wrong person and they had their trust betrayed.

Subprime loans, or predatory loans, take fees and costs that cannot be justified by the cost of the loan or the risks that are posed that the borrower will not make their payments. Those loans strip equity and steal the life savings of the borrower. Lenders even pay more to brokers who bring them loans where the borrower has agreed to pay more than what they qualified for based upon their own credit history and what they own of their home, their equity in their home.

They put borrowers in loans, in mortgages, they cannot possibly pay back. They will have to refinance again so they can flip the loan. They will have to come back again, often having to pay a prepayment penalty to get out of a bad loan so they can refinance again. They are teaser rates. They are only good for a couple, 3 years, and then the rates are adjusted.

For many borrowers, they can qualify for the teaser rate, but they can't possibly pay their monthly payment when it goes up by 50 percent or more, as happens too often. They refinance again, and every time they refinance, they lose more of their equity in their home. They lose more of their life savings.

People who are in the subprime market for as much as a decade, for as much as 10 years, they have an almost 1 in 3 chance of losing their home to foreclosure. When they lose their home to foreclosure, they lose their membership in the middle class. They fall back into poverty, probably for the rest of their lives.

I have introduced in the last two Congresses, with Mr. WATT from North Carolina, my colleague, and Mr. FRANK, the chairman of the Financial Services Committee, legislation that is based upon successful State laws that protect homeowners from those kinds of abuses, those kinds of predatory loans, and this has not prevented there being good availability of good mortgages, sound mortgages, mortgages that help folks build wealth, not steals their wealth from them.

We need to do a great deal more now to help the people who are facing foreclosure right now, who are facing losing their homes, who are facing falling from the middle class for the rest of their lives. Businesses can go into bankruptcy. They can have obligations, promises they made with their eyes wide open, written. But a middle-class homeowner cannot go into bankruptcy and have a mortgage rewritten, adjusted, mortgages that they entered when their trust was betrayed.

The American middle class needs someone to be on their side. They are facing an uncertain world. They are facing an insecure world where what they need to know is there for them, that they can own their home, that they can pay off their home and live out the balance of their lives in a home that is theirs outright. They need that certainty. They need to know health care is there. They need to know that their pension is there. They need someone on their side.

This Congress needs to be on their side.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE OCCUPATION OF IRAQ: THE VOICES OF AMERICA'S CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, like all of my colleagues, I have received thousands of e-mails, letters, faxes and

phone calls about the ongoing occupation of Iraq. So many of them are touching, and they are impassioned. They urge me, they call on me, and they even beg me to get the administration to bring our troops home, and to allow the Iraqis to restore the security of their Nation.

Last week I received a set of letters that stood out among all of them, from Ms. Rene King's students at Sheppard School in Santa Rosa, California. Most of the children are 9 through 13 years old, yet their thoughts are mature and beyond their age. In fact, their words speak so much truth, a truth which we can absolutely not ignore.

From Marcos, 10 years old, ''Can you please stop the war in Iraq? Because the people in Iraq aren't safe. Their villages and houses are destroyed. I do not like fighting.''

From Arturo, 11 years old. ''Can you please stop the war in Iraq? There is a lot of killing, a lot of people have died. People want to get out of fighting. I feel sad when people die.''

From Freddy, 11 years old. ''Can you please stop the war in Iraq? I do not like fighting and killing people. Some people are dead. Don't send my people, please. We don't like to fight all the people. The people are sad. We need to save money for poor people here in America. Ms. King (my teacher) is sad. Stop sending people into the war.''

From Tony, 11 years old. ''Can you please stop the war in Iraq? There are a lot of sad and crying families. I feel sad in our country. I don't like when people are mad at our country. I do not feel safe and other people do not feel safe.''

From Genaro, age 13, ''Can you please stop the war in Iraq? There is a lot of killing. More than 3,000 Americans have died. Stop sending people to the war. We need to save the money for poor people here in America.''

From Yovany, age 12, ''Can you please stop the war in Iraq? There is a lot of killing. We need to save money for the poor people. More than 600,000 Iraqis have died. Please stop sending people to the war.''

From Jose, 10 years old. ''Can you please stop the war in Iraq? The people of Iraq aren't safe in their villages, and houses are destroyed. More than 3,000 Americans have died. Please stop sending people to war.''

From Tomas, age 9, ''Can you please stop the war in Iraq? There is a lot of killing. A lot of people have died. More than 3,000 Americans have died. Families are being broken apart.''

From Steven, age 12. ''Can you stop the war, please? A lot of people have died. Please, I don't like wars. No one feels safe. If you keep sending soldiers, more people will be sad.''

One student, Angelina, wrote directly to the President, and here is what she wrote. ''I think you are making a big mistake. I like you, but your choices make me mad. You need to ask your people about war. I know these people said they will serve the Army. They never said they wanted to die there. If you were ever able to run again, Mr. President, I would not vote for you. I wish I could say you are helping, but you are not. There is another way to handle things other than guns and bombs. I think you should be more like Martin Luther King, Jr., Mr. President. He thought there was another way to handle things than war. I think the United States needs a different President.''

These words are honest, these words are true. If only more people listen to the children, the future of this Nation may be different. What a better world we could be living in.

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AMERICANS WITHOUT HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) is recognized for 5 minutes.

Ms. SCHWARTZ. Mr. Speaker, the United States is the world's leading, industrial Nation. We are the wealthiest Nation in the world, and we are a country at the cutting edge of medicine and health care, leading the world in discovery of new medicines, treatments and methods of care.

Yet we are a Nation that, despite spending the most per capita on health care, has some of the highest rates of infant mortality, the lowest rates of life expectancy, and the highest proportion of uninsured, when compared to other industrialized nations. We are a Nation where nearly 45 million Americans do not have health insurance. We are a Nation where over one-half of all uninsured are adults working full time, and we are a Nation where 9 million children are without health coverage.

Too many Americans, too many hardworking families, too many children, are without care and they are suffering the consequences. Democrats believe something must be done, and Democrats will lead our Nation in a new direction. We have solutions to drive down the cost of care. We have a plan to expand health coverage opportunities for working families, for small businesses, and for the self-employed. We understand that we must provide Americans with access to affordable health care, and we will start with America's children.

America's uninsured children are twice as likely to forego needed care. They are more likely to use costly emergency services for routine care, and they are more likely to miss school and to underperform, compared to their peers who have health coverage. America's uninsured children come from working families. Six million children have at least one parent who works full time.

America's population of uninsured children is growing. Last year, for the first time since 1998, the number of uninsured children in our country has increased. This trend is alarming, it is unacceptable, and it cannot continue.

That is why Democrats are committed to continuing and expanding the State Children's Health Insurance Program, which is commonly known as SCHIP, by reauthorizing this initiative and dedicating an additional $50 billion over the next 5 years so that we can expand coverage to qualified families. This is a significant and wise investment, and it demonstrates that we as a Nation understand why health coverage matters for families, for the healthy development of children, and for the continued economic competitiveness of our Nation.

More than 14 years ago, the Pennsylvania State legislature enacted legislation establishing one of the Nation's first state-supported public/private children's health insurance initiatives for children of working families. I authored this proposal and I championed its enactment. This is one of my proudest accomplishments in my years of public service. I am proud of this effort not only because it led to a dramatic increase in the access to care for Pennsylvania's children, but also because it inspired Federal action.

Five years after Pennsylvania enacted its CHIP program, the U.S. Congress recognized that providing America's children health coverage is one of the most cost-effective worthwhile investments we can use as a Nation. So using Pennsylvania's law as a model, we enacted SCHIP. SCHIP has been an unqualified success, which is why the Democratic-led Congress wants to significantly strengthen it, and Governors like Ed Rendell of Pennsylvania want to expand it. Unfortunately, President Bush does not.

The President's budget did not include funding to even maintain coverage for those children already enrolled in SCHIP. It would also severely restrict those children who qualify for SCHIP. At a time when there is broad bipartisan support for moving forward and expanding our efforts to cover more children, sadly the President wants to move us backwards and cover fewer children.

Mr. Speaker, every child in America deserves access to health care. Our children deserve access to primary doctors who will help make sure that they enter school healthy and ready to learn, and that their hardworking parents deserve the ability to afford the insurance that provides for their care.

We have a plan to insure all of America's children. I look forward to working with my colleagues, Democrats and Republicans alike, to enact this top priority for this Democratic Congress and for America's families.

HEALTH CARE UNINSURED AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, this is Health Care Uninsured Awareness Week. The number of Americans without health insurance has grown about 5 million since President Bush took office. The health care crisis is America's single largest domestic issue, but the President has offered Band-Aids to cover his lack of leadership. And the people have noticed. Nine out of ten Americans told a recent CBS/New York Times poll that the American health care system needs to be completely rebuilt.

Today, the number of Americans without any health insurance surpasses the combined population of 24 U.S. States: Alaska, Arkansas, Connecticut, Delaware, Hawaii, Idaho, Iowa, Kansas, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Utah, Vermont, West Virginia, and Wyoming. That is the population without health insurance.

But the crisis is even worse than that. Millions of Americans are underinsured, and millions more can't afford the copay, or have to fight constant battles with the big drug companies and the HMOs.

In Seattle, my congressional district, here is what one constituent wrote to Health Care for All Washington, one of the organizations I work closely with:

''My dad has prostate cancer and has taken a turn for the worse. We had to postpone a quarterly injection of his drug because we are having trouble with the health insurance over the cost of the drug. It has been extremely frustrating as the insurance company has the drug in the wrong category. They sent us a letter admitting as much, but every 3 months we have to fight with them again, anywhere from $180 to $1,800. Anyway, since we postponed it, my dad has suffered.''

Does that sound familiar?

The pain inflicted by the health care crisis is hurting families across the United States. According to the Census Bureau, almost one-third of Latinos are uninsured, one-fifth of African Americans, 15 percent of children, 18 percent of full-time employees, and 11 percent of middle-class families.

In other words, only the rich can afford to live without risk. Only the rich are immune, because they have been coddled by the Republican-imposed income tax shelters that can pay for health care. Every other American is one layoff, one major accident, one major illness or divorce away from being uninsured and facing financial ruin.

Since the President took office, health care premiums have risen 87 percent. Have your wages gone up that much?

Here is another personal story from a letter: ''I have always worked and I have never taken welfare or asked for help from anyone. Last month, I was diagnosed with follicular lymphoma. There is no cure for this slow-moving cancer. I will not be able to buy health insurance now because I have a preexisting condition. Even if I can find it somewhere, I would not be able to afford the big premiums. The only solution I can come up with is to leave America and move to another nation where I can get health care coverage.''

When American citizens consider leaving the country as the only viable option, that is not a solution, that is an indictment of a failure to act. The only solution to America's health care crisis is a single payer, universal health care system. We have tried everything else except the right idea.

Under H.R. 1200, my bill, every American would be guaranteed a package of benefits. States would administer their own programs, with decisions made closest to the patient. The health care system today is all about profits, not patients. My bill would put patients back in charge. It would provide predictable and lower cost for American businesses, and everyone would be covered.

The special interests have run the health care system into the ground, and millions of Americans have been ground into financial ruin as a result. The single most common cause for going into bankruptcy in this country is health care costs.

America stands virtually alone in the industrialized world in not caring for its citizens, and being a loner is insensitive, incomprehensible, and intolerable. If all we do is read these poignant stories and ring our hands, we will turned our backs on the people who elected us to serve them by leading. It is time to pass universal health care. We can do it, but it will take some leadership in the White House. Unfortunately, we may have to wait until 2009 to get a President who understands that all Americans should be protected with health insurance.

THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PENCE. Mr. Speaker, I am grateful for the opportunity to come before my colleagues and those that might be looking in to speak about the war in Iraq.

We have heard colleagues speak about the issue tonight in poignant and, no doubt, sincere terms. Mostly, the words of my Democrat colleagues register their objection to the ongoing war in Iraq, and that is expected, as Democrats will prepare to bring to the floor of the House of Representatives by this weekend a war spending bill that will include timetables for withdrawal that will add unconstitutional provisions which will necessitate the beginning of troop withdrawals by July 2007, with the goal of ending U.S. combat operations no later than March of 2008.

I want to leave for a little later, Mr. Speaker, the discussion of whether or not Congress has the constitutional authority that will be contemplated in this legislation, but for now I want to speak specifically to the state of the war. And I want to say, as President Bush said yesterday in the Oval Office, this is a tough time in Iraq.

In my role as the ranking Republican member of the Middle East Subcommittee of the Foreign Affairs Committee here in the House of Representatives, I am regularly and routinely briefed both about our surge strategy, the efforts of U.S. and coalition and Iraqi forces on the ground, and of course regularly briefed on the efforts of insurgents and al Qaeda and those attempting to foment sectarian violence and to generate a civil war in Iraq. It is a tough time in Iraq.

This week, we will hear from our commander in Baghdad. General David Petraeus is on Capitol Hill as we speak, preparing to meet tomorrow with Members of the United States House of Representatives to present his report on the progress of the surge. And that is specifically what I want to speak about tonight, because, Mr. Speaker, I suspect my colleagues will hear tomorrow what I heard from General David Petraeus in Baghdad just 3 weeks ago when I traveled with colleagues in the House and Senate to tour literally the streets of Baghdad and to tour our progress in Ramadi and in al-Anbar province.

I believe what General Petraeus will tell our colleagues on Capitol Hill tomorrow is that despite a recent wave of insurgent and horrific bombings, this war is not lost. In fact, because of the President's surge and the brave and courageous conduct of American soldiers on the ground and brave Iraqis on the ground, we are making modest progress in Iraq in the early months of this surge.

But, as General Petraeus will say, while Congress will this week contemplate embracing a resolution that will be built upon the predicate that the war is lost, in fact there is evidence that this new surge strategy both in Baghdad and in the al-Anbar province are beginning to have a good effect.

In Baghdad, for instance, as I will chronicle tonight, despite recent and horrific bombings, sectarian violence is down significantly in the past 2 months. Baghdad is not safe, but it is safer because of the deployment of more than two dozen U.S. and Iraqi joint operating centers throughout the city. And now, perhaps most compellingly, in the al-Anbar province in Ramadi, more than 20 of the Sunni sheik leaders have come together to form what they call the Iraq Awakening Movement. For the first time ever, Sunni leadership in the al-Anbar province are standing with the American soldier and with the government of Nouri al-Maliki.

Again, let me say, this is a tough time in Iraq. But we are in the midst of

a strong backlash and counterattacks by insurgency in al Qaeda. We are beginning to see the seedlings of hope in that war-torn country. I truly believe we are making progress precisely because of the President's surge strategy.

This war is not lost. And before I close tonight, I will reflect on my heartfelt sentiment that I believe the American people know that victory is our only option in Iraq, and I will urge this Congress to give General Petraeus not only a willing ear tomorrow but also the time, the resources, and the authority under his Commander in Chief to secure a victory for freedom in Iraq.

Now, Mr. Speaker, I am aware of the skepticism of my colleagues on this point and perhaps even the skepticism of some who would be looking in tonight. So let me stick tonight not so much with rhetoric or semantics, but let's just talk about the facts on the ground in Baghdad. Because it seems to me just, not as a Congressman, but as an American, that most of the facts that I get in the popular debate in America in the mainstream media have to do with the horrific counterattacks that insurgents and al Qaeda are conducting in response to the surge.

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But I want to focus tonight, in the time that I have been allotted, on the products of the surge, both militarily, both with regard to security in Baghdad and in Ramadi, where I visited just 3 short weeks ago, and also, in the political process which we all know ultimately holds the solution to our impasse in Iraq.

Let me begin by saying, first and foremost, despite the difficulty of our challenge in Iraq, we are seeing positive indicators under the President's new strategy that we hope will turn into positive trends.

General Petraeus has been carrying out this new strategy now for just over 2 months. He will not have the full complement of U.S. forces and reinforcements on the ground in Baghdad for several months yet, which makes all the more questionable those who would be prepared at this point to announce withdrawal before the surge has been even fully implemented in Iraq.

Iraqi and American forces are making incremental gains, specifically in the Iraqi capital of Baghdad. And let me emphasize, President's strategy, from the first time he outlined it to the Nation, from the time, a few days before that what I and a handful of Members were in the Cabinet Room and the President described his strategy for a surge of military reinforcements.

This is not about sending in enough forces to provide military control of the entire country of Iraq. President's strategy, the so-called surge, actually found its origin in the Iraq Study Group report, which, if memory serves, on page 74 in the published edition, actually said that, and I quote, that the Iraq Study Group said that they would support a temporary increase in forces or a surge in U.S. forces in Baghdad to quell violence in the capital city, to make possible a political solution.

Now, I know in the past, and perhaps even before the end of this week, many of my colleagues who oppose the war will cite glowingly the Iraq Study Group. But I will take whatever opportunity I have, informally or formally, to respectfully point them to that page of the Iraq Study Group report. The President's surge is a military strategy designed to quell violence in the capital city of Baghdad, and, to no less extent, in Ramadi and the al-Anbar Province.

The belief is that if we can, U.S. and Iraqi forces in the lead, if we can quell violence in the capital city, we can create an environment where the political process and a political settlement and, ultimately, regionally a diplomatic settlement can take hold. And there is some evidence that that surge strategy is beginning, just beginning to deliver on the security that will make that political and diplomatic settlement possible. The most significant element, therefore, of the new strategy is being carried out in Baghdad.

Baghdad, it is widely known, was the site of most of the sectarian violence in Iraq, and therefore it is the destination for most of our reinforcements. At this point there are three additional American brigades that have reached the Iraqi capital, and while another is in Kuwait preparing to deploy, one more will arrive next month.

The Iraq Government, for its part, when I am home in Indiana I am asked a lot about what are Iraqis doing for their own security as a part of this surge and as a part of this war. Well, the Iraqi Government is meeting its pledge to boost force levels in Baghdad.

Here is a jarring statistic, Mr. Speaker. For every U.S. combat soldier deployed in Baghdad, there are now roughly three Iraqi military forces deployed in Baghdad. Let me say that again. For every one American combat force, for every American soldier, combat soldier deployed in Baghdad, there are now roughly three soldiers as a part of the Iraq Security Force deployed in Baghdad.

And American troops are now living and working side by side with Iraqi forces. I actually had the chance to see it firsthand in our trip to Baghdad; in fact, our trip to a joint operating center with General David Petraeus on April 1. These neighborhood small outposts are called joint security stations.

In fact, on this map, Mr. Speaker, we see the coalition's forward operating bases in the fall of 2006. Here we see in the center of town the international zone, so-called the Green Zone. Of course here is the Baghdad international airport. And at this point, in fall of 2006, roughly, these diagrams, these small triangles, 1, 2, 3 and 4 represented all of the forward operating bases in Baghdad.

Since the beginning of the surge, now, Mr. Speaker, there are 21, 21 combat outposts throughout Baghdad, and 26 joint security stations run together with U.S. and Iraqi forces. These are seen as a key building block in an effort to increase security for Baghdad's residents.

As I mentioned, we traveled out to the al Karada joint security station during my April 1st trip to Baghdad. We helicoptered from the Green Zone. We landed at the al Karada joint security station. These joint stations, for all the world, they are like neighborhood police stations. And U.S. forces, literally, on 2-week rotations, move to these stations.

And it was very compelling to me to see U.S. and Iraqi forces side by side when we arrived in this joint operating security station. And they greeted us warmly, and we spoke with Iraqi military personnel; spoke, of course, with American personnel.

And I remember one of the facts that stuck out in my mind was that when they were building this particular joint operating center at al Karada, right literally in downtown Baghdad, they offered, out of respect to religious traditions, they offered the Iraqi forces, they said, Well, you could have separate living forces from the U.S. forces so that you wouldn't have to essentially bunk together. And it was the Iraqi soldiers who said, Absolutely not. We want to bunk together with the American forces. We want to, essentially, be in the same dorm with them, and we are deploying with them every day.

And there is a tremendous sense for all the world, Mr. Speaker, of esprit de corps that one gets when you see the American soldier and you see the Iraqi soldier, as we did that day at the al Karada joint security station.

Let me say again, I was unable to bring tonight, Mr. Speaker, a diagram that would show all of the locations of the 26 joint security stations that now dot the landscape of Baghdad, 26 stations that were not there in the fall of 2006. Security issues would not permit me to put that on, essentially, global television through C–SPAN coverage, looking in.

But for all the world, if you can imagine, here we had four forward-deployed stations in the Green Zone, and now, literally, I would mark up this map into almost an incomprehensible state if I were to draw the 21 combat outposts and the 26 combat security stations that are now on the ground in Baghdad.

Iraqi and American forces are working together. Specifically, not only living at these stations, but deploying 24/7 to clear out and secure neighborhoods. If a heavy fight breaks out, American forces step in. Iraqi forces learn, side by side, valuable skills in fighting shoulder to shoulder with our troops.

Iraqi and American forces have also, in the past 3 months, received more

tips than during any 3-month period on record.

Baghdad is not safe; can we say that for the RECORD? But Baghdad is safer because of the presence of U.S. and Iraqi forces throughout the capital city. And an evidence of that, number one, is a sharp decline in insurgent sectarian violence within the city of Baghdad, a sharp decline which I mentioned in my opening comments.

But also evidence we can point to is more tips from people in Baghdad than at any 3-month period on record. By living in Baghdad neighborhoods, it is believed that American forces are getting to know the culture, the concerns, the local residents.

I don't understand every operational profile of our presence in Iraq. I have been there five different times. But my sense is, Mr. Speaker, that prior to, essentially, the embedding of these joint security stations throughout the capital city, American forces essentially would deploy from one of our forward operating bases where there was a problem, patrol, deal with the problem and go back to base. Now we go, we stay. And that is what is being widely credited with two facts, one good and one bad.

The first fact, as I have mentioned, and I will say again, there has been a drop in sectarian violence in Baghdad, as well as in Ramadi, which I will get to in a minute. That is the good news.

The bad news is that the enemy is fighting back in the form of horrific bombings. We saw the bridge car bomb. We saw bombings against unsecured marketplaces, particularly recently on the south and west of Baghdad. Heartbreaking, violent acts by the enemy, which I believe give evidence of the fact that we are taking the fight to the enemy and the enemy is responding.

But again, let me say again, sectarian violence overall in Baghdad is down in the first 2 months. And it gives us just an inkling of hope for success of the surge.

Baghdad is not safer. But it is safer because of the presence of 26 joint operating centers where U.S. and Iraqi forces deploy and live together and patrol the neighborhoods 24/7.

Now, let me speak a little bit about the al-Anbar Province, truly an extraordinary experience from our time in Baghdad. Our delegation traveled west into the al-Anbar Province, the capital of which is the city of Ramadi. And Ramadi is a very dangerous place, Mr. Speaker. It is a place where there has been a great and tremendous and consistent insurgent presence.

Ramadi historically is where, frankly, most of the Sunni power in the country was focused. Most of the wealth of Sunnis was concentrated in Ramadi, and therefore the Sunni insurgency against the al-Maliki government found much expression in violence in that city.

Here is a picture on the ground, unclassified, of the insurgent presence in Ramadi, of just 2 months ago, the river passing through the middle of town. I believe the U.S. military base is in this direction.

But just to give you a snapshot here, Mr. Speaker, you can see all of this red area that shows insurgent presence in Ramadi. Quick snapshot, the present picture in Ramadi is this. And again it is in direct connection with the leadership of General Odierno, U.S. forces and Iraqi forces employing exactly the same strategy that I just described is being deployed in Baghdad, the deployment of joint security stations, Iraqis and Americans working together.

Now, the city of Ramadi that was highly compromised 2 months ago with insurgent presence, according to U.S. sources this would represent al Qaeda in Iraq positions, now, according to official U.S. military sources, now has been reduced in its scope to a relatively isolated area of the city of Ramadi.

Well, how is that happening? Is it all about joint operating centers and the military response?

Well, it certainly is a part of that. But I would also add, a great deal has to do with a sea change that is taking place among Sunni sheiks and Sunni leadership.

Remember, in the history of the three successive national elections and referenda that took place in Iraq, for the most part, Sunnis, and particularly Sunnis in al-Anbar Province, not only were opposed to measures, but refused to participate in most cases.

Now, there has been a breakthrough in recent months, and we met with a Sheik Sitar, a courageous man, roughly my age, who ended up, Mr. Speaker, being featured for all the world on a 60 Minutes program a week after we returned from Iraq, for all the world to see and hear his own words.

We sat in a room with Sheik Sitar and we heard them describe what he helped to found. It is called the Iraq Awakening Movement. The Iraq Awakening Movement already includes 22 of 24 Ramadi-area Sunni tribes that are now cooperating with U.S. and Iraqi forces.

Let me say that again; 22 of 24 Ramadi area tribes are now cooperating with U.S. and Iraqi and coalition forces.

□ 2045

Sheikh Sattar himself has an extraordinary and compelling story. His father was killed in his native town of Ramadi by al Qaeda. His two brothers were killed by al Qaeda. And to hear him tell it, Sheikh Sattar just said, That's enough, and began in the process with other sheikhs and other tribal leaders throughout the Sunni population of Ramadi and to say this is not going to happen like this anymore. And they came to the American base in Ramadi and sat down with officials and said, We want to figure out how to move forward.

He made comments that were echoed across the Nation on that ''60 Minutes'' CBS television program. And I commend Scott Pelley and I commend CBS News for replaying his comments.

He looked at us across the table and spoke about the American soldier. And I paraphrase now, Mr. Speaker, but Sheikh Sattar said, Anyone who points a gun at an American soldier in Ramadi is pointing a gun at an Iraqi. It was incredibly moving. He spoke of their gratitude to the American soldier. And then he looked me right in the eye across this small conference table at the U.S. military base in Ramadi, and he said, Congressman, anyone who tells you the Iraqi people don't like Americans is lying to you. And then he said with even greater emphasis, Iraqis love Americans and, particularly, he added, the American soldier. I don't have his words precisely correct, but it was very moving to this small-town boy to hear a man roughly my age living in this war-torn country who was now risking his life to stand with his own nascent government, the al Maliki government, and to stand with U.S. and coalition forces.

We are forward deployed. Much of the strategy that I described in Baghdad we were told in Ramadi is being employed in Ramadi. But I think something else is happening in the al-Anbar province: tribal sheikhs cooperating with American and Iraqi forces to fight al Qaeda, providing highly specific intelligence. We have sent more troops to the al-Anbar province with these significant changes where presence of al Qaeda terrorists in the city has declined significantly in the past 6 months, as evidenced by these charts.

But it would be important to note, as I return to my original graphic, that al Qaeda responds to these changes with sickening brutality. But the local Sunnis in al-Anbar province and in Ramadi are refusing to be intimidated, and they are stepping forward to drive out terrorists.

We are cracking down on extremists also gathering in other parts of Iraq, but as I conceded on a news program this afternoon, one of the concerns that I heard, Mr. Speaker, from General Odierno in Ramadi and General Petraeus in Baghdad was that as we move U.S. and Iraqi forces into those major cities with a special emphasis on Baghdad, number one, the enemy will fight back, and the horrific bombings of the past few weeks are evidence that this enemy will not go quietly. But, number two, the other, and we are seeing evidence of this already, is that the al Qaeda and the insurgent elements, to the extent that we are able systematically neighborhood by neighborhood to drive them out of those major cities, that they will move into the outlying province, and we are seeing evidence of that.

But let me say again the strategy here is not to go neighborhood by neighborhood to secure the entire city of Baghdad. The President's surge strategy is a clear hold-and-build strategy designed to provide enough security in Baghdad and a critical area in

Ramadi to allow a political solution to take hold.

We can assume our enemies will continue to fight back. These are ruthless, blood-thirsty killers who not only desire the power that would come with a nation-state in Iraq, but they desire to do us harm and to do harm to our posterity. They will continue to fight back. But I believe there is evidence that this strategy to clear areas, to hold them with the joint operating centers, again, 26 joint operating centers throughout the city of Baghdad where American forces and Iraqi forces are living and patrolling 24/7 is a strategy where we can provide the kind of stability to facilitate the political and economic progress that will make a lasting peace possible.

And let me speak to that. As we increase our troop levels, it is vital that we also strengthen our civilian presence, provisional reconstruction teams, organizations that restore basic services, stimulate job creation, promote reconciliation.

I was at USAID yesterday. I met with Ambassador Tobias and learned about the extraordinary efforts that are taking place to meet real and human needs on the ground. I met in my office today with the head of the Iraqi Red Crescent organization, an admirable organization modeled in effect after the American Red Cross but built on the Muslim tradition of the Crescent. The Iraqi Red Crescent is an organization that day in and day out is answering the humanitarian crisis on the ground in this violent and war-torn country.

Military operations are beginning to open up a breathing space, though, for political progress, and therein lies the real hope, Mr. Speaker. As we sat down with the foreign minister, seven members of the cabinet, and the Vice President of Iraq over a long and lengthy and brutally frank dinner in the ambassador's headquarters in the Green Zone at the end of our day in Baghdad, we emphasized the need to move forward on reconciliation, to move forward on an agreement that would distribute the oil revenues equitably between all the ethnic groups in Iraq. And, truthfully, as they reminded us, the Iraq legislature has met some key milestones, met one benchmark by passing a budget that commits $10 billion for reconstruction. The Council of Ministers recently approved legislation that would provide a framework for an equitable sharing of oil revenues.

Now that legislation will go before the Iraq Parliament for its approval. The government has formed a committee to organize provincial elections. And I want to say of the al-Anbar province, with Sunnis now in the Iraq Awakening movement beginning to stand with U.S. and Iraqi forces and the al Maliki government, we urged them very strongly to move as quickly as possible toward provincial elections with the expectation that Sunnis in the al-Anbar province and in other provinces of the country would, in many cases for the first time, participate and take ownership in the electoral and the governing process.

The Iraqi cabinet, as they reminded us, are all taking steps to finalize toward agreement on a de-Baathification law. And in a conference in Egypt next month, Prime Minister Maliki will seek increased diplomatic and financial commitments for Iraq's democracy.

Ultimately, let me say as clearly as I can, during these difficult days for the war in Iraq, the answer in Iraq is not exclusively military, but we must provide the military support to give the al Maliki government and this nascent democracy the capacity to defend its capital. To defend its capital is at the very essence of the credibility of any government. And given the opportunity to provide basic services and basic security in Baghdad, we believe that all of these objectives could move forward, not only internally in Iraq. The de-Baathification law, oil revenue sharing agreement, provincial elections, all of which would contribute to a widening sense of ownership in this new democracy, but also it would provide an opportunity where Iraq could begin, as it has just recently begun, to reach out to its neighbors with the United States already at the table. Even with countries greatly antagonistic to our interests in the region, the United States has been willing to sit down and begin to facilitate the achievement of a diplomatic solution.

The truth is that giving up on Iraq would have consequences far beyond Iraq's borders, and there may be time before the end of this week and before the end of this debate to expand on that. But let me just say emphatically, Mr. Speaker, that withdrawal is not a strategy. Withdrawal would do nothing to prevent violence from spilling out across the country and plunging Iraq into chaos and anarchy.

In fact, when I asked the leader of the Iraq Red Crescent movement today what a precipitous and early withdrawal of U.S. forces would mean, he painted a frightening picture of a humanitarian crisis, true civil conflict and strife, potentially widening into a wider regional war generated by the instability and uncertainty in Iraq.

But that being said, let me speak, if I can, in my time remaining, of the proposal that we will consider this week on the floor of the Congress. And that is what I have described in the past as the Democrat plan for retreat and defeat in Iraq. I wanted to come to the floor tonight, Mr. Speaker, to basically share what General David Petraeus shared with me in Baghdad and just the seedlings, the very beginning of hope, that the President's planned surge is beginning to produce modest progress in Iraq.

But let me say again at the outset, it is easy to be understood in this debate, it is a tough time in Iraq; but despite a recent wave of insurgent bombings, this war is not lost, and Congress would do well to reflect very deeply on the real facts on the ground, not the images in the media, but the real facts on the ground that I have recited tonight, that General Petraeus will recite to Members tomorrow, before we make a decision to embrace a plan contemplated by House and Senate agreement, a $124 billion spending plan expected to come to the floor with the goal of bringing U.S. troops home beginning July of this year and ending U.S. combat operations no later than March of 2008.

When I think of the Democrat plan in the midst of this hard-fought effort, street by street, the sacrifices that American and Iraqi soldiers are making, and the fact that both in Baghdad and in Ramadi sectarian violence is down. Despite the horrific bombing, sectarian violence is down. Cooperation in the form of tips is increasing. We are just beginning to see the inklings of hope in Iraq. And yet the Democrat majority will bring forward a proposal that would micromanage it, deadlines for withdrawal. For all the world, that makes me think of George Orwell, who said: ''The quickest way to end the war is to lose it.'' And I really do believe the Democrat plan is a prescription for retreat and defeat.

Now, let me speak about the proper role of Congress in this context. And I think it speaks of the great wisdom of our Founders that Congress, as a body of 435 otherwise well-intentioned men and women, is not particularly well suited to the conduct of war. In fact, at the Constitutional Convention, almost no issue was more summarily dealt with than what our Founders referred to as war by committee. They feared it. Their experience was derived from stories of the Revolutionary War as General Washington was chased from New York all the way across New Jersey, facing almost certain defeat in the Philadelphia suburbs across the river, the Delaware.

□ 2100

Every single night, General Washington would later record that he would sit in his tent and write letter after letter to Congress asking for appropriations, asking for support, asking for details.

As our founders put together the Constitution of the United States, they said there would be one Commander in Chief, and that would be the President of the United States of America; and that we would not have war by committee. And the Constitution is more clear on no other fact. Congress can declare war, Congress can choose to fund or not to fund military operations, but Congress cannot conduct war. In fact, those times in American history where Congress has intruded itself on the purview of the Commander in Chief have been marked as summarily perilous times.

I am recently reading up on the committee in this Congress during the Civil War. I think it was loosely entitled ''The Committee on the Conduct of

the War.'' And it was a committee in Congress that did not just attend itself to President Lincoln's use of public assets and funding of the war, but it involved itself well into recommendations about military operations and the like. It would be none other than Robert E. Lee, the leader of the Army of the Confederacy, who would say, ''That committee in Congress was worth two divisions to me.'' Robert E. Lee, leading the Army of the Confederacy, would say that the Committee on the Conduct of the War, functioning in Congress, was worth two divisions to him. And yet, we will see this majority bring forward a measure that I believe violates both common sense, the Constitution and our history with a plan for withdrawal from Iraq. And a message of withdrawal at a time when we are just beginning, in the midst of horrific counterattacks by the enemy, where we are just beginning to see evidence of modest progress from the surge, I think is precisely the wrong message to send.

But on this constitutional argument it is worth noting that it would not simply be my reading of history and the Constitution that would criticize the plan for a timetable for withdrawal included in the war funding bill this week, but let me quote, if I may, Mr. Speaker, an editorial in the Los Angeles Times that was published in the month of March under the heading, ''Do We Really Need a General Pelosi?'' Their main point was, in effect, ''Congress can cut funding for Iraq, but it shouldn't micromanage the war.'' That newspaper went on to say, and I am quoting now the Los Angeles Times, ''After weeks of internal strife, House Democrats have brought forth their proposal for forcing President Bush to withdraw troops from Iraq by 2008.''

The L.A. Times said, ''The plan is an unruly mess, bad public policy, bad precedent and bad politics. If the legislation passes, President Bush says he will veto it, as well he should.''

They go on. ''It was one thing for the House to pass a nonbinding vote of disapproval, it's quite another for it to set out a detailed timetable with specific benchmarks and conditions for the continuation of the conflict.'' They add, ''Imagine if Dwight Eisenhower had been forced to adhere to a congressional war plan in scheduling the Normandy landings; or if in 1863 President Lincoln had been forced by Congress to conclude the Civil War by the following year.''

''This is the worst kind of congressional meddling in military strategy,'' so wrote the left column lead editorial in the L.A. Times in March. Not exactly a ringing endorsement from the editorial board of record in the home State of Speaker PELOSI.

And about the same time the Washington Post, really another lion of the liberal media in America, wrote in a lead editorial entitled, ''The Pelosi Plan for Iraq,'' the following: ''In short, the Democratic proposal to be taken up this week is now an attempt to impose detailed management on the war without regard to the war itself.'' ''Congress should rigorously monitor the Iraq Government's progress on those benchmarks.'' ''By Mr. Bush's own account, the purpose of the troop surge in Iraq is to enable political progress.'' They wrote, ''If progress does not occur, the military strategy should be reconsidered, but aggressive oversight is quite different from mandating military steps according to a flexible timetable conforming to the need to capture votes in Congress, or in 2008 at the polls.'' So wrote the editorial in the Washington Post.

You know, it really is amazing sometimes how politics, common sense and the Constitution can make such strange bedfellows. I don't think I've ever come to the floor of this House and quoted in any length the lead editorial in either the Washington Post or the L.A. Times, but I do so approvingly this evening. In both cases, these newspapers identified what I asserted at the beginning, that the Democrats should heed the call of the Constitution and common sense and reject the Pelosi plan for retreat-defeat in Iraq. They should reject it on the basis of our history and Constitution, but they should also reject it because, as General Petraeus will describe to our colleagues tomorrow, in the midst of horrific counterattacks by our enemy, there is evidence of modest progress on the ground. Sectarian violence is down in Baghdad and Ramadi. Cooperation among civilians is up. And I say once again, where there once were four forward operating bases in the fall of 2006 in Baghdad proper, now, like the joint security station I visited on April 1st in downtown Baghdad, now there are 26 joint operating stations throughout Baghdad, almost as many, I'm told, in Ramadi, where U.S. and Iraqi forces are living together 2 weeks at a stretch and deploying and patrolling neighborhoods 24/7. This is exactly not the time to embrace arbitrary timetables for withdrawal, or for Congress to tell our generals on the ground how to conduct the war.

I believe in my heart of hearts that the American people know that we have but one choice in Iraq, that victory is our only real option. And let me say this again; if I am repetitive tonight, Mr. Speaker, it is intentional. I mean to be understood.

This is a tough time in Iraq. As General Petraeus comes to Capitol Hill this week, I expect that he will tell our colleagues what he told me and Members of the House and Senate on the streets of Baghdad just 3 short weeks ago. And that is that, despite a recent wave of insurgent bombings, counterattacks by the enemy responding to our surge on the ground, this war is not lost. In fact, because of the President's surge and the brave conduct of U.S. and Iraqi forces on the ground, we are making modest progress in Iraq.

In Baghdad, despite the recent bombings, sectarian violence is down. Baghdad is not safe, but it is safer because of the presence of 26 joint operating stations where U.S. and Iraqi forces are deployed. And as I mentioned earlier, the extraordinary developments in Ramadi, which has seen a precipitous decline in the last 2 months in sectarian violence, and also has seen 22 of 24 Ramadi-area Sunni tribes now cooperating and supporting U.S. forces and supporting the new al-Maliki government is truly an extraordinary development, to say the least.

I believe in my heart that the American people know that victory is our only option. And I just began recently, Mr. Speaker, rereading a biography that you might well approve of. It is the David McCollough biography of President Harry Truman. I have appropriated a few quotes by President Truman that I found particularly compelling and particularly appropriate at this time, and I will quote them with respect because I think they speak to our time, which is a tough time in Iraq, and a hard time for an American people that have little interest, almost at the level of our DNA.

We are not a Nation interested in foreign entanglements. We are not an empire-building Nation. And throughout our history, we have quickly grown weary of long-term foreign entanglements. So this is a hard time at home, it is a hard time on the ground. We are taking the battle with the enemy with the President's surge, and the enemy is fighting back.

President Truman faced such times, difficult days both in his personal career and as a wartime President. So I will reflect on his words and that of a leader of another country in difficult times as I reflect what I think is very close to the character of this Nation. Harry S. Truman said, ''Carry the battle to them. Don't let them bring it to you. Put them on the defensive, and don't ever apologize for anything.'' That was advice he gave to Hubert Humphrey in September of 1964.

In 1945, President Truman said, ''I wonder how far Moses would have gotten if he had taken a poll in Egypt. What would Jesus Christ have preached if he had taken a poll in Israel? Where would the Reformation have gone if Martin Luther had taken a poll?'' President Truman went on to say, ''It isn't polls or public opinion of the moment that counts; it is right and wrong, and leadership, men with fortitude and honesty and a belief in the right that makes epochs in the history of the world,'' President Harry Truman said in 1945.

And for those who would embrace withdrawal as a means of achieving peace, President Truman says out of history, quote, ''A reminder: The absence of war is not peace.'' And I would argue the absence of U.S. forces in Iraq is not peace; it is a prescription for anarchy.

I would also appropriate from history as I speak to what I truly believe in my heart is at the very core of the American identity, and that upon which we

must avail ourselves during this time of testing in the war on terror, and they are the words of Sir Winston Churchill, Prime Minister of England, and a man considered by many to be the greatest leader of the free world in the 20th century. He gives us words that I believe speak to our time. And I quote, ''Never, never, never believe any war will be smooth and easy, or that anyone who embarks on a strange voyage can measure the tides and hurricanes he will encounter. The statesman who yields to the war fever must realize that once the signal is given, he is no longer the master of policy, but the slave of unforeseeable and uncontrollable events.''

Winston Churchill would also say, ''You ask, 'What is our policy?' I will say it is to wage war, by sea, land and air, with all our might and all the strength that God can give us; to wage war against a monstrous tyranny never surpassed in the dark, lamentable catalog of human crime. That is our policy.

''You ask, 'What is our aim?' I can answer with one word: Victory—victory at all costs, victory in spite of terror, victory however long and hard the road may be. For without victory, there is no survival.''

And of our time, where many of our countrymen would wish away this war-torn part of the world, I can't help but think that this quote is appropriate. Sir Winston Churchill said, ''One ought never to turn one's back on a threatened danger or try to run away from it. If you do, that will double the danger; but if you meet it promptly and without flinching, you will reduce it by half.''

These are difficult days in Iraq. Sacrifices that American forces and their families are making are deeply humbling to me and to every Member of Congress and, I believe, of the American people. But I believe that, despite the recent wave of insurgent bombings, this war is not lost. In fact, because of the President's surge and the bold leadership of General David Petraeus in Baghdad and General Odierno in Ramadi, our U.S. forces on the ground, in combination with Iraqi forces, we are beginning to see modest progress in Iraq.

□ 2115

In Baghdad, despite recent bombings, sectarian violence overall is down, and the same is true in Ramadi. Baghdad is not safe, but it is safer because of the deployment of 26 joint operating centers throughout the city. A city where there once were simply an International Green Zone, the Baghdad Victory Base, and four forward-operating bases in Baghdad, now throughout the city, in form when I visited them on April 1 in Baghdad for all the world looked like neighborhood police stations. They call them joint operating centers, where U.S. and Iraqi forces live together, work together, eat together and deploy together, in 2-week rotations. And it is making a difference on the ground.

In the al Anbar province in Ramadi, it is extraordinary to say 22 of the 24 Sunni tribal leaders, led in part by Sheikh Sattar, with whom I spent one of the most memorable hours of my life on April 2 earlier this month, Sunni leadership is standing with the al Maliki government, standing with the American soldier, rejecting the insurgency, rejecting al Qaeda, and reclaiming their city and their country for peace and security.

We have a long way to go, but not that long before we know whether this new surge strategy will work. I believe it is imperative that Congress give General Petraeus not only a willing ear tomorrow when he comes to Capitol Hill, but I think it is high time that we sent the President a clean bill, take out all the micromanagement of the war, all the unconstitutional benchmarks and datelines for withdrawal, for that matter, take out all the pork-barrel spending that has nothing to do with our military, and send General Petraeus and our soldiers on the ground the resources they need to get the job done and come home.

You know, I was asked by a soldier in Ramadi, a soldier from Indiana, he looked at me and he said, Congressman, I just want to ask you an honest question. He said, When is it going to be enough? When are we going to have been here long enough? And I said to him with great humility, I said, Son, I will answer this as straight with you as I can: I think we have to stick around here until these people can defend themselves, and not a minute longer.

That is what we need to accomplish, Mr. Speaker. We need to stick around long enough to help Iraqi security forces provide the basic stability in their capital and in the critical al Anbar province, and particularly in Ramadi, in order that the political process and the diplomatic process regionally can go forward. And then, like Americans of past generations, we can pick up and go home, and only ask for a debt of friendship in return.

It is a time of testing for our country. It is not a time for shrinking back. But based on the evidence, the facts that General Petraeus shared with me in Baghdad and will share with us on Capitol Hill, it is time to give the surge a chance to succeed.

The Congress will likely pass a supplemental bill that will have unconstitutional benchmarks and datelines for withdrawal. The President of the United States will keep his word. He will promptly veto that legislation. But my hope, and, candidly, Mr. Speaker, my prayer, is that after we have gone through this exercise and Congress has made its importance felt, we will get our soldiers the resources they need and we will give them the time and the freedom to succeed in this surge.

But there are no guarantees. We are up against a ruthless and brutal enemy, who even this very day claimed American lives in another ruthless suicide car bomb attack.

I believe it would be a stain on our national character that we would not wipe off for generations if we were to walk away now; if we were simply to say to the good people of Iraq, hundreds of which I have had the chance to meet and to speak with over my five journeys there over the last 4 years of this war, it would be a stain on our national character to that generation of Iraqis to leave them unable to defend themselves, to harvest a whirlwind of sectarian violence, revenge killings, and to leave them to become a part of a country that would become subjugated by the blood-sworn enemies of the United States of America. And it would be a stain on our national character to leave Iraq, in effect, worse off than how we found it.

As bad as it was under Saddam Hussein, I can't help but believe that if those who fight us in the form of the insurgency and al Qaeda today gain the reins of control in that Nation, that we will, as Winston Churchill said, we will double the danger, and our children and our children's children will pay a price we dare not imagine.

So we are faced with choices today, and my challenge to my colleagues and to any looking on is to listen to the facts, not the adjectives, not the ''spin,'' as it is referred to in the popular debate, but listen to the facts. And the facts are that it is a tough time in Iraq. We are facing a determined enemy. But that despite a recent wave of insurgent bombings, this war is not lost.

In fact, because of the President's surge and the extraordinary courage of U.S. and Iraqi forces, we are making modest progress in Iraq. In Baghdad, despite recent bombings, sectarian violence is down. Baghdad is not safe, but it is safer because of the presence of more than two dozen U.S. and Iraqi joint operating centers. And now 22 of 24 Sunni sheikhs and tribal leaders have come together in Ramadi and the al Anbar province to support the al Maliki government and U.S. forces.

Let's give General Petraeus a willing ear. Let's listen to the facts. And then let us reject timetables for withdrawal, pork-barrel-laden spending bills, and simply provide our soldiers the resources they need to get the job done and come home safe.

I believe that we can secure victory for freedom in Iraq, and in so doing we will deliver a victory for freedom, not only for the Iraqi people, but for ourselves and our posterity. We will unleash, as the President has spoken so eloquently, the forces of freedom and stability in a part of the world that has known little of either. That is my hope, and that is my prayer.

ECONOMIC OBSERVATIONS BY THE 43 MEMBER STRONG, FISCALLY CONSERVATIVE DEMOCRATIC BLUE DOG COALITION

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the

Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, this evening, as most Tuesday evenings, I rise on behalf of the 43 member strong, fiscally conservative Democratic Blue Dog Coalition. We are a group of Democrats that believe in restoring common sense, fiscal discipline and accountability to our Nation's government.

As you walk the Halls of Congress, Mr. Speaker, it is easy to know when you are walking by the office of a member of the fiscally conservative, Democratic Blue Dog Coalition, because you will see this poster in the hallway as not only a welcome mat to that Blue Dog member's office, but to remind Members of Congress and the American people on a daily basis that our country is in a fiscal mess.

In fact, today, the U.S. national debt is $8,827,851,749,695, and I ran out of room, Mr. Speaker, but you could add a quarter on to that, 25 cents. You divide that enormous number by every man, woman and child in America, and every one of us, our share of the national debt is $29,262. It is what I commonly refer to as the debt tax, D-E-B-T tax, which is one tax that cannot go away until we get our Nation's fiscal house in order.

The Federal deficit is something we don't have to have, Mr. Speaker. In fact, from 1998 through 2001 our Nation enjoyed a surplus. We had a balanced budget. We lived within our means. That was under President Clinton. He was the first Democrat or Republican to give us a balanced budget in some 30 or 40 years. And the economy was doing pretty good when there was no deficit and when we had a balanced budget.

We all remember those days, how the stock market performed. People had good-paying jobs with good benefits. Many of those jobs today have been shifted to places like China and Mexico and India. It is true that most of the folks have gone on and found other work, but if you really research it and look at it, they have found lesser-paying jobs with lesser benefits or, in many cases, no benefits at all.

In fact, this is Cover the Uninsured Week, Mr. Speaker. Forty-eight million people in America are without health insurance tonight. Who are they? It is not the people that can't work or don't want to work. They qualify for Medicaid, which is health insurance for the poor, disabled, and elderly. It is not our seniors. They are provided coverage through Medicare, which is the only health insurance plan most seniors have to stay healthy and get well.

So who are these 48 million people? It is the folks in this country, working families, Mr. Speaker, that are trying to do the right thing and stay off welfare, but they are working the jobs with no benefits. Ten million of them are children. One in five children will go to bed tonight in America hungry. Ten million will go to bed tonight without health insurance. This is America, and I believe that we have a duty and an obligation to find a way to ensure that health care is affordable, available and accessible for all of God's children and for all of us here in America.

As long as we have got this type of debt and this type of deficit, it is going to be difficult to meet that challenge, as well as others.

The total national debt from 1789 to 2000 was $5.67 trillion; but by 2010, under this administration, the total national debt will have increased to $10.88 trillion. Mr. Speaker, that is a doubling of the 211-year debt in just 10 years. In just one decade.

Interest payments on this debt are one of the fastest growing parts of the Federal budget. In fact, Mr. Speaker, we will spend more of your tax money this year paying interest on the national debt than we will spend on educating our children, providing health care and other benefits to our veterans, and, yes, we will spend more money paying interest on the national debt this year than we will spend protecting our homeland through the Department of Homeland Security.

So many of America's priorities are going unmet. Why? Because this town and this Congress and this administration for the past 6 years have given us record deficit after record deficit, record debt after record debt, to the extent that today, today our Nation is borrowing about $1 billion a day. But what is even more alarming than that is before we borrow $1 billion today, we will spend half a billion dollars paying interest on the debt we already have.

□ 2130

I represent a very rural district in south Arkansas, in the western half of Arkansas. Half of the 29 counties I represent, nearly half of them, are located in what is referred to as the Delta region of this country, one of the poorest regions of America.

We have hope in that area by investing in alternative renewable fuels like ethanol by biodiesel, creating new jobs for our working families and new markets for our farm families and our landowners through cellulosic ethanol, taking the slash, the treetops and the limbs, what is left down in the woods and giving it a value and finding a use for that.

Another way for us to accomplish those things, our government must invest in research and development for cellulosic ethanol. Our government must invest more in research and development for alternative and renewable fuels. The real tragedy is that we will send the Iraqis more money in the next 8 hours than we will spend on research and development for alternative renewable fuels in the next 365 days. That is one example of why the deficit and the debt do matter.

A half a billion dollars a day going to pay interest on the national debt. We could build 200 brand-new elementary schools every single day in America just on the interest that we are paying on the national debt. In southeast Arkansas, we have great hope in Interstate 69, an interstate under construction, sort of. It was announced in Indianapolis 5 years before I was born, that was 50 years ago, and with the exception of 40 miles in Kentucky and a stretch just south of Memphis, none of it has been built south of Indianapolis in 50 years, and yet we have great hope that this road can create jobs and economic opportunities for the people in the Delta region. We need $1.5 billion to finish it.

For a country boy from Prescott and Emmet and Hope, Arkansas, I can tell you that is a staggering amount. But when you look at it this way, we will spend more money paying interest on the national debt in the next 3 days than what it would take to build Interstate 69.

On the western side of my district, there is great hope for Interstate 49. We need about $2 billion to finish it, again a staggering number until you look at it this way: We will spend more money in the next 4 days paying interest on the national debt than what it would take to complete Interstate 49, which would provide the first and only interstate quarter through the middle of the United States of America.

So until this Congress starts standing up to this administration and saying ''no'' to these irresponsible budgets, America's priorities will continue to go unmet.

I am proud to tell you that under this new Democratic majority, they are listening to the 43 of us in the fiscally conservative Democratic Blue Dogs. For the last 6 years, we reached out to the Republicans on the other side of the aisle and asked to work with them on a budget that made sense for the American people. We were told that they didn't need us.

Mr. Speaker, I believe the American people are sick and tired of all of the partisan bickering that goes on in our Nation's Capital. For members of the Blue Dog Coalition, we don't care if it is a Republican or Democrat idea, we want to know if it is a commonsense idea, and does it make sense for the people back home who sent us here to be their voice.

So the Republican leadership turned a deaf ear to us for the past 6 years while they were in power. The American people decided to give the Democrats a chance at being in the majority this past November. I am proud to tell you that we didn't have to offer up a Blue Dog budget this year. Why? Because the new Democratic majority listened to the Blue Dogs and included our key provisions that can restore commonsense fiscal discipline and accountability to our government.

So we are beginning through the budget that passed on the floor of this House just a few weeks ago, we are beginning to develop a path that over

time, in fact by 2012, Mr. Speaker, can get us back to the days we had under President Clinton of a balanced budget in this country.

Why do deficits matter? They matter because they reduce economic growth, they burden our children and grandchildren with liabilities. Again, the debt tax, D-E-B-T, is $29,262 for every man, woman and child in America, and they increase our reliance on foreign lenders who now own 40 percent of our debt.

This President, this administration and, for the past 6 years, this Republican-led Congress up until January borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined. You want to talk about a risk to a national security, there is one for you.

We have got a lot of active Members within the Blue Dogs who come to Washington and stand up and proudly proclaim that they are conservative Democrats with a commonsense vision for the United States. I am absolutely delighted to be joined this evening by several of them. At this time I would yield to an active Member within the Blue Dog Coalition, the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Speaker, I am proud today to be joined by my colleagues of the Blue Dog Coalition to speak about our Nation's problems.

Mr. ROSS brought up the U.S. national debt now being $8.8 trillion, knocking on the door of $9 trillion. I remember the very first day I came to Congress where the actual figure was $7.54 trillion. Not even 2½ years ago, each American's share of the national debt was $26,000 at that time. What a shame. Over $3,000 more in 2 years.

Well, I am proud to join my fellow Blue Dogs today to talk about accountability in government and the gross negligence for taxpayer dollars in Washington. The Blue Dogs have been fighting for greater accountability in Washington for over 10 years. We have argued for a return to a PAYGO system or a balanced budget. We offered a 12-step reform plan to cure our Nation's addiction to deficit spending. We have argued that all earmarks should require written justification from a Member of Congress before being considered.

I am proud that our current leadership has taken into account what the Blue Dogs are saying. The Blue Dogs advocate accountability. Let's consider the facts. In 2004, the Federal Government spent $25 billion that it cannot account for. In that same year, only 6 of 63 Pentagon departments were able to produce a clean audit. For 2005, the GAO reports that 19 of the 24 Federal agencies can't produce a clean audit or fully explain how they spend taxpayer dollars.

In March of 2005, the Veterans Affairs inspector general issued a report calling for the agency's information systems and securities to be upgraded. No action was taken. And since that time, the personal information of millions of our Nation's veterans has been stolen.

Several of our Federal agencies received serious red-flag disclaimers on their 2005 financial statements, including the Office of the Inspector General for the Department of Defense who wrote, ''We are unable to give an opinion on the fiscal year 2005 DOD financial statements because of the limitations on the scope of our work. Thus, the financial statements may be unreliable. Therefore, we are unable to express and we do not express an opinion on the DOD's financial statements.''

Mr. Speaker, the American public deserves the honest truth. The Office of the Inspector General of the Department of Homeland Security wrote, ''Unfortunately, the department made little or no progress to improve its financial reporting during fiscal year 2005. KPMG was unable to provide an opinion on the department's balance sheet.''

The inspector general for NASA in its 2005 financial report in the enclosed report from independent auditors, Ernest & Young, disclaimed an opinion on NASA's financial statement for the fiscal year ending September 30, 2005. The disclaimer resulted from NASA's inability to provide an auditable financial statement and sufficient evidence to support financial statements throughout the fiscal year and at year end.

Federal agencies are treating the taxpayer dollars that fund them like a joke, and the administration is incapable of lifting a finger to manage them effectively.

I believe we need strong enforcement measures in Congress and the Federal Government to make it more accountable for taxpayer dollars. We must ensure that Congress has the tools to hold Federal agencies responsible for their use of taxpayer dollars.

Mr. Speaker, American taxpayers deserve to know how Congress and this administration are spending their money.

I am proud once again to join my Blue Dog colleagues to demand more fiscal accountability in Iraq. The Blue Dogs have a plan for fiscal accountability in Iraq. Our plan calls for transparency on how war funds are being utilized. It creates a commission to investigate how contracts are awarded, and it stops the use of emergency supplementals to fund this war. This is the first administration, Mr. Speaker, that has used emergency supplementals to fund a war year after year after year.

The Blue Dogs also call for American resources to improve Iraq's ability to police themselves. The Blue Dog legislation addresses the glaring lack of oversight and accountability in Iraq. We make sure that taxpayer dollars are accounted for. Government reports have documented waste, fraud and abuse in Iraq. I think it is time to stop that waste. Congressional oversight is desperately needed. The administration must be held accountable for how reconstruction funds are being utilized.

The Blue Dog proposals are commonsense proposals. They ensure transparency and accountability. We have already spent $437 billion in Iraq, according to the Congressional Research Service, and we will spend another $100 billion in Iraq in 2007 alone. That is over $500 billion with virtually no oversight from Congress. We must start showing improvement in Iraq. Accountability leads directly to success, in my opinion. Iraq must begin making progress towards full responsibility by policing their own country. Without progress, it is a waste to continue U.S. investment in troops and financial resources.

We all support our troops. We must support our troops. We will do everything in our power to make sure that they have the equipment that they need. However, we cannot continue to write a blank check to this administration. Until our last troop has returned home, the American people deserve to know how their money is being spent. Accountability is not only patriotic, it often determines success from failure.

The Blue Dog proposal gives us an opportunity to regain that oversight and responsibility. This is the responsibility that we have to all of our men and women in uniform, to their parents, and to the American taxpayer who is footing the bill.

The Congressional Research Service and the Congressional Budget Office have clearly stated that if this continues, our fiscal irresponsibility in Congress, if it continues by the year 2040, every single penny of revenue that the Federal Government receives will go just to fund the interest on our national debt.

Mr. Speaker, we cannot afford to let this happen. We cannot saddle our children with the irresponsibilities of this administration.

Mr. ROSS. I thank the gentleman, Mr. SALAZAR, a member of the fiscally conservative Blue Dog Coalition for joining us this evening.

The gentleman is absolutely correct. Every one of us, Democrat and Republican, we support our troops. All of the troops in harm's way tonight are in our prayers.

Just this week I visited Walter Reed Army Hospital and visited a 19-year-old corporal, John Slatton, from Delight, Arkansas. Most folks have never heard of Delight, Arkansas. It is a town of about 400 people. If you are my age or older, you might remember it as the hometown of Glen Campbell, who was a country singer and had a comedy show on Saturday nights back in the 1960s.

But this young man got to Iraq in October, had to have staples put in his head from a bullet that grazed his head in December. And on Easter, his family received a call that he had been shot by enemy fire and the bullet had entered near his left ear and exited the right side. The good Lord was working overtime that day. It missed his brain and

he is going to survive. He is going to have some challenges, and I ask that everybody join me in keeping him and his family in our hearts and our prayers.

We have all been touched by this. My brother-in-law is in the Air Force. He is serving in the Middle East tonight, and I am so very proud of his service and all of those who serve us in uniform. They do everything that we as a government ask them to do. But it is very important that we not only support them but that we provide them a direction that can ensure victory in Iraq and allow them to return home in the not-too-distant future to their families and loved ones.

□ 2145

I thank the gentleman for standing here with me tonight to demand accountability because we owe it to these brave men and women in uniform who serve our country and who we are so very proud of.

This is not a Democrat or a Republican thing. This is an American thing, and as Americans, we all stand in support of our men and women in uniform, not only while they are serving us overseas, but we have a commitment to them to provide them a new generation of veterans coming home with the very best in medicine and health care and opportunities so that they can be reintegrated into our society as productive citizens, as important citizens who have done so much for this country and for whom we owe so much.

I am very pleased to be also joined this evening by a fellow Blue Dog from the State of Tennessee, Mr. LINCOLN DAVIS. At this time, I would yield to the gentleman from Tennessee.

Mr. LINCOLN DAVIS of Tennessee. I thank my friend from Arkansas (Mr. ROSS).

I have had an opportunity to get to meet a lot of folks that I have served with here in the U.S. House. All of those obviously within the Blue Dog Coalition have become pretty endeared to me because of the commitments we focus on as being deficit hawks and defense hawks. We talk about those issues conservatively. I am going to talk a little bit about each of those issues tonight.

I had a privilege recently to spend considerable time with my good friend JOHN SALAZAR from Colorado. I have become convinced he knows how to hook up a piece of equipment.

I am also convinced in the conversations with him that he and his family have shared in the good Lord's Earth in being farmers with his brothers; and in talking with him, I had a much deeper understanding and certainly a much deeper abiding friendship knowing that as my brother and I both farm, brother doing most of it back home, that all of us come from different parts of the country maybe, but we all have that same spirit and that same heartfelt belief that America is the greatest place in the world to live and raise your family. For those of us who live in rural areas, obviously we believe that is probably the best place for America to raise their families.

I traveled today with a group of young students from both Clark Grange and York Institute, being named after Alvin C. York, Sergeant York, from the hometown of Pall Mall where I live, and as we traveled through the Capitol I could see their eyes light up as we talked about the history of this great building that we serve in, the great Chamber that we are in here this afternoon.

But as you look on the wall in the rotunda, you realize that America in the 1770s, in 1775, at the Boston siege, we convinced with our ragtag Army, the Continental Army, convinced the British soldiers and sailors that we could defeat them, and they set sail late in the winter, early spring and went to New York. We followed them there, and by 1776 we suffered a pretty strong defeat.

The first victory that we received for our independence, for our democracy that we have was in Saratoga in the fall of 1777, which convinced another nation called France to come and join us in our fight for independence, but I can assure you, no one won our independence for us. In this country, we fought until basically the battle at Yorktown where Cornwallis, general of the British forces, decided that he had to surrender, and surrendered.

That basically ended the hostilities until Washington in 1783 resigned his commission to the Continental Congress that existed at that time. So from 1775 basically until hostilities pretty much ceased in 1781, we fought for our independence in this country. We fought so we could establish a democracy that would be a shining example, as Mr. Reagan used to say, on that hill to the rest of the nations of the world that this is what can be accomplished.

That took us 6 years, and 2 years into being sure to sort of protect that fragile peace that we had until Washington gave up his commission and surrendered it in 1783.

I want to remind the people of America and the people of Iraq, we fought for our independence. We fought for this democracy that we have. No one came to this country and forced upon us a democracy. No one came to this country and said this is the gift we want to give you.

The blood and the tears and the hard work and the sweat of our young men and women from this country have been in Iraq now for over 4 years, toiling, and in fact, in many cases going to war with the Iraqis, first of all, to depose a ruthless dictator, we all agree with that, and then we fought with the Iraqis and in many cases against the Iraqis, whether they be Sunni or Shia, to say we want to give you this gift that we fought for over 200 years ago, we want to give you this gift called democracy.

In 2005, in December, we literally sent a surge of our troops over in the midsummer of 2005 to be sure that those brave individuals from Iraq, men and women, over 12 million of them, went to vote to establish the leaders of their country so they could establish their own Constitution. The surge then allowed them to vote. They finalized their commitment, in my opinion, for the democracy.

No one gave us ours. We are trying to give them theirs. And we have tried and we have tried and we have tried and we have spent billions of dollars making it happen.

Mr. SALAZAR. Mr. Speaker, if the gentleman will yield, I often tell this story of my father. I served during the tail end of Vietnam and my father was a World War II veteran. My son served now during Iraqi Freedom. He just finished his tour last December, but I like to tell this story of my father who was a proud veteran.

At the age of 82, my father was diagnosed with Alzheimer's disease; and as was usual on Sunday mornings, I would go over to Mom and Dad's ranch house, and we would have breakfast with my mom and dad. We had been told by the doctors that my dad had Alzheimer's, and it was one day right around, he must have been around 84 when one Sunday morning we heard him fumbling around in his back bedroom. Shortly thereafter, he came out and in his hand he bore his World War II staff sergeant uniform, and he told us, this is the uniform that I want to be buried in. We thought at the time, well, it sounded a little bit self-serving but doctors tell you not to argue with Alzheimer's patients. So we said, sure, Dad, no problem. We will do that.

Well, the disease continued to progress over the next couple of years, but often, often he would bring up the issue of wanting to be buried in his uniform, and it was at the age of 86 that my father suffered a severe heart attack. My mother called me over. We live about a quarter mile away. When I got there, the ambulance was there, and I remember lifting my father off the floor to put him on the gurney to take him to the hospital. And with the last ounce of strength he had in his body, he lifted his arms up around my neck and he said, I love you, and the last word he ever whispered to me was the word ''uniform.''

My father had forgotten almost everything in life, even how to use his bodily functions; but there are two things he had not forgotten, the love that he had for his family and the love that he had for his country and how proud he was to have served his country.

For many veterans, that is the greatest legacy that they have, and so when we propose an Iraqi war supplemental, we are also proposing funding to make sure that the veterans that have served this country are protected.

I tell this story because it is important that we protect those that have

protected us, and I know that we as members of the Blue Dog Coalition are very proud to stand beside our veterans and make sure that they have the things that they need.

The gentleman from Arkansas talks about visiting Walter Reed. I do that on a regular basis, and it is the most disheartening feeling in the world to see our troops without arms and legs. They do not ask for anything. All they ask for is help me get through life. We owe that to our veterans.

Mr. LINCOLN DAVIS of Tennessee. You have to invite me to come out to your home sometime. I invite you to my home in Pall Mall, but I have got to visit more with your family. As I learn more and more, I realize the quality of people that we have here serving. It was such a wonderful yield, the comments you made during that period of time. It is certainly good to be on the floor with you.

But as I talk about that democracy that we fought for, that we fought for, I realize that there has never been a time that a democracy in any country has ever been imposed from without. It has always been from within, the French Revolution, the startings of the Magna Carta where we said we are no longer going to give taxes if you are basically going to squander it on your parties, Mr. KING.

When Israel established a nation in the Middle East, what type was it? It was a democracy.

My fear is that we can keep our soldiers, our young men and women in the battlefields in Iraq for a long, long time, and we can never force a democracy on the people of Iraq or anywhere else. We went into Iraq, and Iraq especially, without realizing the national customs, the traditions, the faith, their family values that are totally different in many cases than ours.

I think everyone loves liberty and freedom. I just believe as we engage that we ought to realize that we cannot impose our will on anyone unless we do it with a much larger force than what we have today.

Let me stay on Iraq for a moment.

Mr. ROSS. The gentleman from Tennessee makes a very important point, and that is, look, I was here on 9/11 and shortly after the plane hit the Pentagon we were evacuated. A few hours later, I would learn a young Navy petty officer named Nehamin Lyons from Pine Bluff, Arkansas, would be among those killed on that tragic day that we now all refer to as 9/11.

And all of us, Democrats and Republicans, for the most part voted to go to Afghanistan to put an end to terrorism.

I will never forget later being invited to the White House September 26, 2002, sitting in a cabinet room: Andy Card, Condoleezza Rice, about 18 Members of Congress and the President. I have still got the notes I took that day, and the President told us that Saddam Hussein has weapons of mass destruction, trains terrorists on weapons of mass destruction, and if military force is used, it will be, in the President's words, swift. September 26, 2002.

And then a few months later, we saw the banner ''Mission Accomplished,'' and we thought, wow, it was swift. But now we know, and I am not one of these conspiracy theorists that believes the President misled us. I think he received bad intelligence and shared it with us; and until proven otherwise, that is what I will believe because anything other than that would be a very unfair and strong attempt at trying to say something that we do not know whether it is true or not. I have to assume he just received bad intelligence.

But I will tell you this: there is not a more difficult decision that Members of Congress have to make than whether or not to send our men and women in uniform into harm's way; and when we are asked and called upon to make those kind of decisions, we have got to know, we must know that our intelligence is correct.

So for the most part, we all voted to go there. We are now there. What do we do about it? You want to talk about supporting the troops, one of the ways that you support the troops is to stop moving the goal post, to stop moving the victory line.

We say we went there because of weapons of mass destruction. They no longer have them. We won.

Then they said, well, we have got to stay until we overthrow Saddam.

□ 2200

We won. They said we have to stay till we capture him. We pulled him out of that spider hole. We won. Then the administration said we have to stay till we assassinate him. We assassinate him until he is executed, put to death, and he was.

So, based on that, we won. Then they said, well, we have got to stay until the Iraqi people can have elections. They did. We won.

Yet, now they are saying that, you know, we have got to stay there, and it's, you know, the line they use now is it's better to fight the terrorists there than here. There weren't terrorists in Iraq. Saddam wouldn't put up with them. He chopped their heads off.

Obviously, there are terrorists there now, and there are those from other neighboring countries wanting to create havoc. But for the most part what we have today, as the gentleman from Tennessee indicated, is civil war. Nobody fought our civil war for us, and it's pretty apparent the Iraqis don't want us fighting their civil war for them.

Now, understand, we had 3,200 U.S. soldiers die there, 25,000 injured, over 10,000 in ways that will forever change their lives. We are sending the Iraqis $12 million an hour. What do they think about us? Seventy-one percent don't want us there and 60 percent of them think it's okay to kill a U.S. soldier.

Contrast that with Afghanistan, where the Taliban is back on the rise. They are back training. We will spend more money in Iraq this month than we will spend in Afghanistan in the next 2½ years. We have 225,000 troops in the Iraqi region today, and the President wants to add 21,000 more. Yet we only have 25,000 in Afghanistan.

The Taliban is back, organizing and getting trained, and the mountains of Afghanistan are nothing more than a breeding ground for terrorists. This administration is so focused on Iraq that they are losing sight of what is going on in Afghanistan, where 84 percent of the people in Afghanistan do want us there.

I just wanted to throw that out there for any comment you might have, because I thought you made an excellent point about how we fought our Civil War, and it's time they accept responsibility and fight their own. We cannot continue to put our men and women in uniform on their front lines and have them standing behind us. It is time for them to step up, accept responsibilities, train their men and women, and put them in uniform. They need to fight this war, if they really want a taste of freedom. No one can give you that. You have got to get it country by country.

Mr. LINCOLN DAVIS of Tennessee. I hear the other side, the minority party in this Chamber, talk about the defeatist Democrats, the retreatist Democrats, whatever terminology they want to use. I find that somewhat repulsive that there are those who would assume that Democrats want to lose a war.

Let me tell you something. I come from Tennessee. Andrew Jackson in the war of 1812 and 1814, when he had that battle, the war was over with. There had already been a surrender of the British. He still fought that war, and I believe he was a good Democrat. In World War I, a fellow named Woodrow Wilson, I happen to believe he was a Democrat, he fought the war until it was over with. We won that war.

In World War II, we went to war and took 16 million people. We call them the Greatest Generation. They came back home, and they started having children like rabbits in the spring. That is 77 million folks we call baby boomers. They give us a huge workforce in this country.

Then we went to Korea, and let me finish, in World War II, we lost Roosevelt during that time. Harry Truman had the forces. We had invaded Normandy and had conquered the Germans and had conquered Europe. We had already put in place the invasion Army that was going into Japan. Harry Truman changed course. You need to replay that message to the White House, Harry Truman changed course. He didn't put the invasion force in the ships. He dropped a couple of bombs, a horrible occurrence that happened, but it saved millions of lives and stopped the war. Then we occupied Germany and Japan, and they now have two thriving democracies in the world because they chose that type of government.

Then in Korea we had a fellow named Truman who got us engaged there as well, happened to be a Democrat. But the person who quit fighting was Eisenhower, a Republican.

In the 1970s, in Vietnam, the President at that time was a Republican named Richard Nixon, when we left Vietnam. We can talk about Democrats not following through. We have never lost a war when we have had Democrats in the White House. Andrew Jackson, when he was in New Orleans, a general, we couldn't keep him from fighting and conquering General Packingham.

I am tired about this talk of the Democratic Party not being strong on national defense. Baloney. That is not the case. Let's stop it. Let's start talking about how we win, and how we stay in Iraq, and that becomes winning for us.

This resolution that we vote on tomorrow still allows several thousand people to stay in Iraq after we have taken our soldiers out of the kill zone and the battle zones in Iraq.

We still will be there with several tens of thousands of troops that will be training, providing security, and protection, quite frankly, for many of the folks in Iraq. We will also keep tens of thousands of troops there that will seek out and search the al Qaeda cells if they exist in Iraq, or any terrorist groups that exist in Iraq.

So I get kind of unhappy when I hear the other side start talking about what great success we are having. It is my hope that this search would work, because then we in America can claim a huge successful victory in Iraq.

Mr. SALAZAR. I was in the Soviet Union during the fall of communism when Gorbachev was still in power in 1989, when we were out there studying international government with the Colorado Agriculture Leadership Program.

It's true, I couldn't agree with you more, that the spirit of democracy has to come from within, from within a country. They want to have it. They want to want it. A perfect example of how you win a war, it's with the spirit of sheer military force, but you also have to have a diplomatic surge as well. That is what Blue Dogs are asking for. They are asking to adopt the Iraqi Study Group recommendations. Sure, we can support a group surge, but coupled with a diplomatic surge. That is how you win wars. But they have to want it.

Mr. LINCOLN DAVIS of Tennessee. As we move now, I want to move briefly to the accusing tone we often hear that Democrats are big government. When Bill Clinton became President in 1992, and was sworn in 1993, the government had grown to 22.4 percent of gross domestic income.

When he became the President, working with the Republican Congress in 1995, we saw a government decrease of 18.1 percent of gross domestic income. We saw over a 4 percent decrease in spending during the 8 years that a Democratic President was in office. It had grown to a little more than 22 percent under Reagan and Bush and had receded to 18.1 percent under Bill Clinton.

It has now grown over the last 5 years, 6 years, to over 21 percent. How can anyone in this Chamber talk about being conservatives or blaming anyone for growth? The growth periods actually have occurred under Reagan, Bush, decreased under Clinton, and increased under this Bush administration.

How do you call that being conservative? I just think that it is time that the American people realized that they are being told a lot of things on this floor that aren't true.

I used to see a truth squad. I really wish they were telling the truth on a lot of issues that they were talking about.

I thank you for allowing me to come visit with you tonight.

Mr. LINCOLN DAVIS of Tennessee. Mr. SALAZAR, it was good to be with you and hear the commitment that your family has made, your father and others, to defend the Nation.

Mr. SALAZAR. May I ask a question? You have some figures on this chart that show that basically through the Iraqi war supplementals we have actually budgeted $378.5 billion. Could I ask the gentleman, is this really the true cost of the war, or is this just what we budgeted through the supplementals?

Mr. ROSS. As you can see from the chart here, let me just work through it with you. With the enactment of fiscal year 2007 appropriations, Congress has approved a total of about $378.5 billion for military operations initiated since the 9/11 attacks. According to the Congressional Research Service, this number will continue to escalate over the next several years.

The cost of Operation Iraqi Freedom alone cost American taxpayers $2.5 billion in 2001 and 2002, $51 billion in 2003, $77.3 billion in 2004, $87.3 billion in 2005, and $104.2 billion in 2006. You see a trend here. The cost of the war continues to go up.

Mr. SALAZAR. But is this the actual, is this an actual true reflection of what the war in Iraq has cost? For example, we see that our troop levels, our military armor, and the equipment that our troops have is not adequate in many cases. So are we actually spending from other sources as well to supplement this?

Mr. ROSS. It's my understanding the cost of Operation Iraqi Freedom is $378.5 billion. That is to date. Now, you have to understand what that means is, at this time we are spending about $2 billion a week, about $9.5 billion to $10 billion a month, or, again, put it another way, if you do the math, that is about $12 million an hour.

The Congress has appropriated $29.9 billion in aid to the Iraqi people. Of this amount, only $16.9 billion of that has been disbursed to the Iraqis, and yet the President is now asking for more.

On February 5, 2007, the Defense Department submitted a $94.4 billion fiscal 2007 supplemental request. If enacted, the DOD's total emergency funding for fiscal year 2007, and, again, for 2006, was $104 billion, this is to date, today, this is $60 billion. But if they get what they asked for, then the spending for $2007 will be $163.4 billion. I will repeat that. In 2006 it was $104 billion. In 2007 it will be $163.4 billion; or, put it another way, 40 percent more from the previous year and 50 percent more than the Office of Management and Budget estimated last summer.

Now, the administration also requested about $3 billion for Iraq, and $1 billion for Afghanistan in emergency foreign and diplomatic operations funds, if that is where you are going with that. If the fiscal year 2007 supplemental request is approved, total war-related funding would reach about $607 billion, including about $448 billion for Iraq, $126 billion for Afghanistan, $28 billion for enhanced security, and $5 billion that is unallocated.

For fiscal year 2008, the Department of Defense has already requested $481.4 billion for its regular budget, and $141.7 billion for war costs. If Congress approves both, the fiscal year 2007 emergency supplemental request and the fiscal year 2008 war request for the fiscal year beginning in October, then total funding for Iraq and the global war on terror would reach about $752 billion, including $564 billion for Iraq, $155 billion for Afghanistan, and $28 billion for enhanced security. Put another way, it almost doubles the number that was prepared January 24 of this year.

In fiscal year 2007 alone, spending on the thousands of government contractors involved in reconstruction has risen to $10 billion per month, including $8.6 billion for Iraq and $1.4 billion for Operation Enduring Freedom in Afghanistan.

Since the war is essentially financed through deficit spending, interest payments over time could amount to another $100 billion or more.

The Congressional Budget Office estimates that additional war costs for the next 10 years could total $919 billion by 2013. If these estimates are added to already appropriated amounts, total funding for Iraq and the war on terror could reach about $980 billion to $1.4 trillion by 2017.

□ 2215

Adding another 21,500 troops alone will cost the American taxpayers another $5.6 billion per year.

Believe me, we have got 225,000 troops in the Iraqi region today. If adding another 21,500, which the President is already doing, would win this thing, we would all be for it. But, again, we have had numerous victories over there. Again, the President and this administration continues to move the goal post, the victory line. And that is not fair to our men and women in uniform who have performed bravely and admirably for our Nation.

We don't need a troop surge in Iraq. We need a diplomatic surge, and we need to demand responsibility from the Iraqi people.

I yield to the gentleman from Colorado.

Mr. SALAZAR. I want to thank the gentleman for his comments. I think it is clear, with the figures that you have given us, that the $378 billion is not really a true reflection of what the Iraqi war has cost us.

And you are absolutely right, we as Blue Dogs, we as Democrats will stand strong with our troops making sure that they have the equipment that they need, and that is one of the things I wanted to talk about tonight was the Iraq war supplemental that our leadership has proposed includes making sure that we take care of our veterans; it includes money for devastated farmers and ranchers across this country due to weather problems and other issues.

So I believe that this is the right thing to do. It is the right thing to do. But I would ask the administration to please look into trying some diplomatic efforts in the Middle East, and hopefully we can move this forward and bring our troops home as quickly and safely as possible. In the meantime, let us not forget the men and women in uniform who serve this country bravely. And I want to thank the gentleman for inviting me today to visit with the American public and tell them the truth about what is going on with America's budget.

Mr. ROSS. I thank the gentleman from Colorado for joining me this evening here on the floor to talk about restoring accountability to our government and demanding responsibility from the Iraqi people.

The American people spoke loud and clear on election day: they are ready for a new direction in Iraq. They don't want more of the same; they want a new direction. And that is what will be voted on on the floor of the House tomorrow. There will be a lot of mischaracterizations of what we are voting on.

Here is the bottom line: we are giving the President every penny he asked for for Iraq. Above and beyond that, we are going to provide funding for Walter Reed Army Hospital and for other VA hospital facilities to ensure that this new generation of veterans coming home, not only from Iraq, but also from Afghanistan, receive the very best in health care available to them, because we owe it to them. We owe a huge debt of gratitude to our brave men and women in uniform who have done everything that has been asked of them.

What this bill also does, I think it is important, Mr. Speaker, that people understand this, the other thing this bill says is that we will have troops in Iraq for another year. And even after the year is up, we will continue to have troops there; but instead of having our men and women in uniform from America on the front lines getting shot at and wounded and killed, we will be there in an advisory role to train Iraqis and demand, a year from now, demand that they step up, that they step up and provide the police and military force for their country.

I think it is very important that the American people understand we are going to send our brave men and women in uniform every dime the President has asked for them, but we are also going to demand accountability and responsibility by the Iraqi people and tell them a year from now it is their turn.

Mr. SALAZAR. I just wanted to thank the gentleman. We see him on the floor every Tuesday trying to get the message out to the American public and trying to make sure that the figures that are being stated here in Congress are the true figures. I think that the American people deserve to know the truth, and I commend the gentleman for his dedication not only to the Blue Dog Coalition but also to the American people. And it is super-important, I believe, that the American people know the truth. Thank you very much. I appreciate your inviting me to speak with you tonight.

Mr. ROSS. I thank the gentleman from Colorado, a fellow Blue Dog member, a member of the 43-member strong fiscally conservative Democratic Blue Dog Coalition, for joining me here on the floor this evening.

Mr. Speaker, if you have any comments, questions, or concerns, I would invite you to e-mail us at BlueDog@mail.house.gov. Again, Mr. Speaker, if you have any comments, questions, or concerns, I would encourage you to e-mail us at BlueDog@mail.house.gov.

In the final 3 minutes that we have in the Special Order this evening, I want to point out that one of the things that has been endorsed by the Blue Dog Coalition that we are 100 percent united on is what is called House Resolution 97, Providing for Operation Iraqi Freedom Cost Accountability. The Blue Dogs have endorsed and introduced House Resolution 97. It was offered by JANE HARMAN, former ranking member of the House Intelligence Committee and Congressman PATRICK MURPHY who was a captain in our Army and served in Iraq. And it provides for Operation Iraqi Freedom cost accountability to address the lack of oversight and accountability with regard to the Federal Government's funding of the war in Iraq.

House Resolution 97, which currently has 61 cosponsors, puts forward tangible commonsense proposals that ensure future transparency and accountability in the funding of Operation Iraqi Freedom. If we are going to send $12 million an hour of your tax money to Iraq, we expect accountability and responsibility for how that money is being spent. We want to know without a shadow of a doubt that it is being spent to protect and equip our brave men and women in uniform. It is an important first step toward making sure that more resources get to our troops in the field.

There is a big debate right now of whether the body armor provided them in 2003, is that the best body armor in 2007. If we are going to send our troops over there, we must provide them with the very best, most advanced equipment that is available.

House Resolution 97 focuses on four crucial points for demanding fiscal responsibility in Iraq:

Number one, a call for transparency on how Iraq war funds are spent;

Number two, the creation of a Truman Commission to investigate the awarding of contracts;

Number three, a need to fund the Iraq war through the normal appropriations process, and not through the so-called emergency supplementals;

And, number four, using American resources to improve Iraqi assumption of internal policing operations, demand more from this new Iraqi Government.

In addition, House Resolution 97 calls for the Iraqi Government and its people to progress toward full responsibility for internally policing their country. Members of the Blue Dog Coalition also believe strongly that funding requests for the Iraq war should come through the normal appropriations process rather than through multiple emergency supplemental requests. Since 2003, the Republican-held Congress has been funding the war through emergency supplemental requests, $166 billion in 2003, $25 billion in 2004, $76 billion in 2005, $50 billion in 2006, and another $70 billion after that and $99 billion for 2007 and $142 for 2008. And the list goes on and on.

If we are going to be there and if we know we are going to be there, let's put it in the budget and quit hiding it in the so-called emergency supplementals. The American people deserve to know that some $12 million an hour of their tax money is going to Iraq. And what the Blue Dogs are asking for in House Resolution 97, we are demanding from this administration and from the Pentagon accountability to ensure that every dime that goes over there is spent protecting and equipping and serving our honorable men and women in uniform who do everything that this country asks of them.

In closing, Mr. Speaker, I ask that you join me in keeping our brave men and women in uniform serving us tonight in Iraq and Afghanistan and other parts of the world in our hearts and in our prayers.

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

COVER THE UNINSURED WEEK

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 60 minutes.

Ms. BALDWIN. Mr. Speaker, I rise tonight during Cover the Uninsured Week to draw attention to a national crisis.

According to the Census Bureau, 46.6 million Americans are without health insurance. Millions more encounter a health care system that is inadequate in meeting their basic medical needs because they are underinsured.

According to a recent Commonwealth Fund study, there are 16 million Americans who are underinsured, meaning that their insurance did not adequately protect them against catastrophic health care expenses. That means, in total, 61 million Americans have either no health insurance or only sporadic coverage, or have insurance coverage that leaves them exposed to high health care costs. Sixty-one million Americans is nearly 21 percent of all Americans, one in five.

The lack of affordable, comprehensive health care affects every congressional district in this Nation. To highlight the issue and the real impact that being uninsured has on the lives of Americans, I have selected some letters that I have received from my constituents who have had difficulty in obtaining and affording comprehensive health care coverage. Too often here in Congress we speak of health care issues in antiseptic jargon of policymakers and lawyers. But people across America are hurting, and these letters tell their stories in their own words.

I represent a district in south central Wisconsin, and while the letters I read may be from the State of Wisconsin, they speak to the difficulties of people all over the United States, difficulties people face every day. I am going to start with a few letters about the ever-increasing price of health care.

Eva from Madison, Wisconsin writes: ''I am contacting you in regards to my desperate need for public health care. I am a grad student. I recently sprained my ankle playing soccer and had to go to the emergency room for x-rays. My bill came out to $1,242.50 because I can only afford measly insurance that only has catastrophic coverage. This is a ridiculous amount of money for such a visit, and it causes me to consider those less fortunate than me who have even more serious injuries and less familial support. This cost can truly make waves in the lives of people.''

Suzanne from Stoughton, Wisconsin writes: ''It is time, time to have the government deal with health care. We are covered under COBRA, which will run out in March. The cost is going from $500 per month to $900 per month. We checked with Blue Cross, and they refused us coverage because of a preexisting condition. They will not even offer a waiver for this preexisting condition. We checked with the Wisconsin State Insurance Program, which will cover us for $1,200 per month. Please, let people over 60 buy into Medicare. It is impossible to find a job that offers health insurance.''

And then there is the story of Sylvia from Fitchburg, Wisconsin. Sylvia was uninsured when she was hospitalized with a need for an appendectomy. Even after the hospital charity program reduced her bill, she still owed over $11,000 to the hospital. Sometimes the bill collectors call her at home five times a day. Sylvia chips away at this bill sending in the most she can, $20 to $50 a month.

Roberta from Janesville, Wisconsin writes: ''I think insurance bills for both medical and dental care are horrendous. Both my husband and I work full time, with two small children, living pay check to pay check. My insurance costs have caused us many heartaches, with us owing more money than what needs to be paid. As a result, I will not get a needed medical procedure done. Something drastically needs to change in the United States of America where hardworking individuals and families can get the treatment they need without going broke.''

Roberta brings up an important point in her letter, because people without health insurance are often not getting the care that they desperately need. A recent study released by the Robert Wood Johnson Foundation found that cost prevented 41.1 percent of uninsured adults from seeking a doctor when they needed to seek care.

But getting needed care is also difficult for Americans who have health insurance because of the financial strain relating to high premiums, high health care costs, increasing copays, deductibles. These place an incredible strain on American families, often forcing them to choose between needed health care and basic necessities like food.

□ 2230

It is no wonder that illness, injury and medical debt is responsible for nearly 50 percent of all personal bankruptcies in the United States. Only about 40 percent of businesses who employ low-wage or part-time workers offer health benefits. And at $11,480 a year, the average family's health insurance premiums now cost more than a minimum wage worker makes in a year. And as we all know, the costs of health care are rising faster than inflation. Between 2000 and 2006, health premiums for employer-sponsored insurance jumped 87 percent, far outpacing inflation's 18 percent overall increase over the same period of time.

Patricia, from Madison, Wisconsin writes: We need to fix health care. I have to choose between heat and food and medications. I have lost 80 pounds because of this. Please help.

Heather, from Waterloo, Wisconsin writes: I am married and together with my husband I own a home. We live a modest, middle-class life, managing to always have what we need except for health care coverage. My husband has excellent health care at his job, but for me to also be covered by his plan, we would need to pay nearly $400 per month. That is two-thirds as much as our home mortgage. Through school, I have worked less and less in order to maintain health coverage, and I have only been able to afford short-term, major medical coverage. I am grateful that we can afford this, and it does make a difference. However, even now, I have a sore throat and I will wait for a few days to see how I feel. And I will wait because if I don't need to go, I will certainly save the money. This is disturbing to me, as a nursing student, because I know about the importance of early treatment and prevention. And it is upsetting to me as a person because I value my health. It is unacceptable to me as a citizen, because I know there are other people just like me who wait and get sicker or can't take the medications they need.

Mr. Speaker, simply put, our health care system is failing, and America knows this. Among the thousands of letters regarding health care that I receive, there is a common thread, a common theme that brings them together, and that common theme is an overwhelming frustration with the system, a system they know is just not working, and a call for us in Congress to take action, bold action.

Brad, from Mount Horeb, Wisconsin writes: I write to you today to urge you to take action on a growing crisis in America: health care. I strongly believe that we need a national health care plan to insure all Americans. My major concern with the current system is that when people attempt to obtain insurance, insurance companies refuse them because of past health history. Let's face it. Insurance companies are in business to make a profit. The best way to make a profit is to insure the healthy so you can minimize the claims you pay out, and not insure those who need medical care or may potentially need medical care.

Brad goes on to write: I am 38 years old, with a family of four. I currently participate in a health savings account. For all practical purposes, I pay all of my own medical needs, including the recent birth of our daughter. I recently attempted to switch insurance providers. The insurance companies will insure me, but they will not insure my daughter for any type of treatment for her asthma for 3 years, along with no drug coverage for life. The policy I was requesting had a $10,000 deductible, yet they still refused the coverage.

Lisa, from Madison, Wisconsin writes: I am a very healthy person, and my husband and children are very healthy. We cannot get insurance. I think everyone should attempt to gain an individual health policy just to see how impossible it is. I am not a risk. Really, I am not. I am terrified right now because we are uninsured.

Carol, from Madison, Wisconsin writes: As someone who has had no health insurance at all for 3 years, I can tell you that it was pretty miserable being one of the millions of people in this country without health insurance. Not long ago, my best friend died

at age 42 because of ovarian cancer because she did not have health insurance and waited too long to see what was causing all of her symptoms. Yes, people in America actually die from not having health insurance.

Darla from Fitchburg, writes me. She says, ''I lost my job because of unpredictable attendance due to my health issues. Upon losing my job I signed up for COBRA. Last week I received a letter indicating that my COBRA eligibility ends soon. In order for me to get health coverage, I would have to work at least 20 hours per week, but my physicians believe that it would do me more harm than good relating to my health issues. If I don't get some sort of health insurance, I will need to stop all treatments, as I have no money to pay for doctors' services. My prescription drugs will have to stop, as I will not be able to pay for them either. What can I do?'' Darla asks.

Kimberly, from Madison, Wisconsin writes to me, ''I am writing today because of my family's frustration and anxiety over health care. Although we hear a lot of rhetoric about making health care more affordable and/or more available for Americans, nothing is happening, at least not soon enough.

''Let me briefly share our story,'' Kimberly proceeds. ''My husband recently started his own business. Obviously, it will take some time for his new company to see any profits, much less income. In the meantime, we are without health insurance. I am 5 months pregnant, and we have a 2-year-old son. Because of my preexisting condition, we cannot buy affordable health coverage. COBRA would cost us $1,200 per month. I am currently applying for Medicaid and other forms of public assistance as a last resort. This is ridiculous.

''As someone with no insurance, I wonder what could possibly be the problem with implementing a public health care system. Oh, I have heard the horrible stories about having fewer choices in doctors or longer waiting lists for procedures and less incentive among doctors and researchers to develop new technologies. But what is most frightening to me is the chance that my son might get sick, or my baby might be born with expensive complications while we are uninsured.

''I am not naive. I know that funding public health care is an issue. But is it wise to sacrifice the health and well-being of American citizens to avoid the challenge of implementing a change? I, for one, would be satisfied to pay more for goods and services if I could rest assured that my family's basic health care needs were being met.''

David, from Cross Plains, Wisconsin writes, ''My wife and I have been self-employed for over 18 years, and have paid thousands of dollars for health insurance premiums. As of a few months ago, we had to drop out and are now without health insurance. The cost is completely out of reach. In fact, it is nuts. Now that I am 50 years old, it is not a matter of if I will have health problems, it is a matter of when. Tammy, we will lose everything we have ever worked for. So much for the American dream. Now we look forward to dying broke and possibly homeless.''

Victor, from Stoughton, Wisconsin, writes, ''My wife can only work part time because of her health. Her employer offers a generic policy that costs only $3.97 per week and requires no background check. This policy covers basically nothing. Medical supplies, check-ups, doctors' visits necessary on a routine basis for my wife to survive are now not covered. My wife is uninsurable because of her health, and we have been turned down for health insurance that we have applied for. We cannot believe that this is happening.''

Ronald, from Deerfield, Wisconsin writes, ''I was on COBRA insurance for 3 years, which ended this past fall. I spent from March until September trying to get private insurance, but could not because of my neck injury. I was, in effect, looked at and dismissed by 33 private insurance companies because of my preexisting condition with my neck injury. Imagine how you would feel, after being dismissed by this many companies. I was finally insured through disability and Medicare. The sad reality of it is that if I want to try to work full-time again, I cannot, because in doing so it would cost me the only insurance options that I have left.

''The truth is that many other countries can and do provide equitable health insurance to all of their citizens, no matter what preexisting conditions they have, or their ability to pay, or what income level they have. I believe this country does have top-notch medical facilities, but not decent or equitable insurance for the poor and middle-income families.

Susan, from Baraboo, Wisconsin writes me, ''I am writing you today regarding health insurance coverage for single people with no children. As of this time, I feel that I am left out of the loop in regards to this topic. I am 42, and last September I was diagnosed with breast cancer. In January of this year, the company that I worked for informed us that they would be closing down. I was laid off in December while I was out due to my cancer treatment. I have been searching for health care coverage everywhere because my COBRA will be going up, and I am on unemployment and barely able to pay the $244.76 for the coverage now. I cannot get insurance because of the breast cancer.

''The High Risk State Insurance Program, which is the Wisconsin program, is too expensive for me to get coverage, since they want 4 months of premiums up front, and as they only cover some things. What are single people supposed to do,'' Susan asks? ''We don't qualify for any government assistance because we are single. We cannot go without insurance. There are no programs to help us out. So when you are working on health care in the House of Representatives, please remember that there are other single people out there also in my shoes. I am at a crossroads because I have no avenue for assistance when it comes to health care. Come November, I will be unable to get coverage when I need it at this point in my life:

Janet from Portage, Wisconsin writes, ''I have a 53-year-old brother who has psoriasis all over his body and arthritis that is caused by this. Three weeks ago he fell and needs surgery on his shoulder to repair it. He has no job, no money, and no insurance. We started looking for a program to help him. There are none that we can find. There is nothing to get him help to get his shoulder fixed. But after it heals wrong and he is disabled because of it, then there are programs to help him. They won't help him get it fixed so he can find a good job. Instead, they would rather support him for the rest of his life instead of trying to help him now:

Gail, from Janesville, Wisconsin writes, ''My husband recently lost his job. He applied for over 100 positions, only to be told that he lacked a college degree, or he is overqualified, or that they can only pay $8 an hour. I was diagnosed with breast cancer in June of 1998, and again in 2003. I have gone through breast cancer twice, and have undergone a mastectomy and reconstructive surgery. COBRA has run out, and without a stable income, we cannot afford to pay the premiums for our own health care policy. My husband is 59 and I am 58, and we have no medical coverage. I have looked into every insurance company and get turned down because of my medical history. All our lives we have paid into these insurance companies, only to be turned away when we need the coverage the most.''

□ 2245

Lastly, I want to relay a story that was shared with me by Laurie. Laurie is a fourth grade teacher in the Madison, Wisconsin, public school system. Laurie recently had a student fall during recess and break his foot. Laurie wrote: ''As he was waiting, in extreme pain and cold, for the school nurse to get to him, he cried to an assistant waiting with him, 'I can't go to the doctor. We don't have insurance.'''

That a 9- or 10-year-old boy should think even something like this is an atrocity.

Mr. Speaker, I hope that as Cover the Uninsured Week continues, my colleagues will join me in recognizing that obtaining comprehensive, affordable health care presents a very real challenge for millions upon millions of Americans. We cannot turn a deaf ear to our constituents' pleas for help. I invite my colleagues to join me in working on this most pressing domestic priority to provide affordable health care for all Americans.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CLARKE (at the request of Mr. HOYER) for today after 6:00 p.m.

Mr. BUYER (at the request of Mr. BOEHNER) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. JOHNSON of Georgia, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. WILSON of Ohio, for 5 minutes, today.

Mr. MILLER of North Carolina, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. SCHWARTZ, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, April 25 and 25.

Mr. POE, for 5 minutes, May 1.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, April 25, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1250. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-37, ''Class Exclusion Standards Temporary Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1251. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-36, ''Quality Teacher Incentive Clarification Temporary Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1252. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-35, ''Retail Service Station Clarification Temporary Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1253. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-34, ''Comprehensive Plan Response to NCPC Recommendations and Technical Corrections Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1254. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-33, ''Nonprofit Organizations Oversight Improvement Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1255. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-38, ''Public Education Reform Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1256. A letter from the Acting Chief Counsel, Department of Transportation, transmitting the Department's final rule — Tariff of Tolls [Docket No. SLSDC 2006-26584] (RIN: 2135-AA25) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1257. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Construction and Maintenance [FHWA Docket No. FHWA-2006-23552] (RIN: 2125-AF18) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1258. A letter from the Acting Chief Counsel, Department of Transportation, transmitting the Department's final rule — Seaway Regulations and Rules: Periodic Update, Various Categories [Docket No. SLSDC 2006-26397] (RIN: 2135-AA24) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1259. A letter from the Secretary, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Maintenance and Repair Reimbursement Pilot Program [Docket No. MARAD-2006-23804] (RIN 2133-AB68) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1260. A letter from the Assistant General Counsel Aviation Enforcement and Proceedings, Department of Transportation, transmitting the Department's final rule — Domestic Baggage Liability [Docket OST-2007-27020] (RIN: 2105-AD62) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1261. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Size and Weight Enforcement and Regulations [FHWA Docket No. FHWA-2006-24134] (RIN: 2125-AF17) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1262. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Statewide Transportation Planning; Metropolitan Transportation Planning [Docket No. FHWA-2005-22986] (RIN: 2125-AF09; FTA RIN 2132-AA82) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1263. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Surface Transportation Project Delivery Pilot Program [FHWA Docket No. FHWA-05-22707] (RIN: 2125-AF13) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1264. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Creston, IA. [Docket No. FAA-2006-25941; Airspace Docket No. 06-ACE-11] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1265. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mineral Point, WI [Docket No. FAA-2006-24448; Airspace Docket No. 06-AGL-02] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1266. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Williamsburg, KY [Docket No. FAA-2006-26040; Airspace Docket No. 06-ASO-13] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1267. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30535; Amdt. No. 3205] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1268. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30537; Amdt. No. 3207] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBEY: Committee of Conference. Conference report on H.R. 1591. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes (Rept. 110–107). Ordered to be printed.

Mr. ARCURI: Committee on Rules. House Resolution 330. Resolution providing for consideration of the bill (H.R. 1332) to improve the access to capital programs of the Small Business Administration, and for other purposes (Rept. 110–108). Referred to the House Calendar.

Mr. SUTTON: Committee on Rules. House Resolution 331. Resolution providing for consideration of the bill (H.R. 249) to restore the prohibition on the commercials sale and slaughter of wild free-roaming horses and burros (Rept. 110–109). Referred to the House Calendar.

Ms. SLAUGHTER: Committed on Rules. House Resolution 332. Resolution providing for consideration of the conference report to accompany the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes (Rept. 110–110). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RAHALL (for himself and Ms. BORDALLO) (both by request):

H.R. 2010. A bill to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS (for himself, Mr. BERRY, Mr. SNYDER, and Mr. BOOZMAN):

H.R. 2011. A bill to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the ''George Howard, Jr. Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. ROSS (for himself, Mr. WHITFIELD, Mr. BOOZMAN, Mr. HALL of Texas, Mrs. DRAKE, and Mr. ALLEN):

H.R. 2012. A bill to amend the Fairness to Contact Lens Consumers Act to require contact lens sellers to provide a toll-free telephone number and a dedicated email address for the purpose of receiving communications from prescribers; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN (for herself, Mr. GORDON, Mr. LINCOLN DAVIS of Tennessee, Mr. DAVID DAVIS of Tennessee, and Mr. GONZALEZ):

H.R. 2013. A bill to provide a technical correction to the Federal preemption of State or local laws concerning the markings and identification of imitation or toy firearms entering into interstate commerce; to the Committee on Energy and Commerce.

By Mr. CROWLEY (for himself and Mr. WELLER):

H.R. 2014. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements and to modify the depreciation rules relating to such leasehold improvements for purposes of computing earnings and profits; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Ms. PRYCE of Ohio, Ms. BALDWIN, Mr. SHAYS, Mr. CROWLEY, Ms. KILPATRICK, Mrs. CAPPS, Mr. WYNN, Mr. CLAY, Mrs. MALONEY of New York, Mr. ACKERMAN, Mr. HONDA, Mr. PALLONE, Mr. LANGEVIN, Mr. PASTOR, Mr. WAXMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. GONZALEZ, Mr. MEEHAN, Mr. ALLEN, Mr. FARR, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. EMANUEL, Mr. HINOJOSA, Mr. MORAN of Virginia, Mr. MOORE of Kansas, Mr. ABERCROMBIE, Mr. LEVIN, Mr. JOHNSON of Georgia, Mr. DOYLE, Ms. ZOE LOFGREN of California, Mr. CUMMINGS, Mr. LOEBSACK, Mr. DINGELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BERMAN, Mr. WEXLER, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. SCHIFF, Mr. WU, Mr. VAN HOLLEN, Ms. ROS-LEHTINEN, Mr. CLEAVER, Mr. DOGGETT, Mr. HINCHEY, Ms. HIRONO, Mr. MATHESON, Mr. ANDREWS, Mr. PASCRELL, Mr. HOLT, Mr. HASTINGS of Florida, Mr. FILNER, Mr. MICHAUD, Mr. NADLER, Mr. MCGOVERN, Mr. CAPUANO, Mr. ENGEL, Mr. DELAHUNT, Mr. MARKEY, Mr. OLVER, Mr. NEAL of Massachusetts, Mr. DEFAZIO, Ms. NORTON, Mr. SIRES, Mr. ELLISON, and Mrs. DAVIS of California):

H.R. 2015. A bill to prohibit employment discrimination on the basis of sexual orientation or gender identity; to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself, Mr. MORAN of Virginia, Mrs. BONO, Mr. RENZI, Mr. UDALL of New Mexico, Mr. HINCHEY, Mr. INSLEE, Mr. PALLONE, Mrs. MALONEY of New York, Ms. BERKLEY, Mrs. CAPPS, Ms. LEE, Mrs. WILSON of New Mexico, Mr. UDALL of Colorado, Mr. DOGGETT, Mr. GILCHREST, and Mr. KIRK):

H.R. 2016. A bill to establish the National Landscape Conservation System, and for other purposes; to the Committee on Natural Resources.

By Mr. HOLT (for himself, Mr. GEORGE MILLER of California, Mr. PAYNE, Mrs. MCCARTHY of New York, Mr. DAVIS of Illinois, Mr. HARE, Mr. SIRES, Mr. CONYERS, Ms. WATSON, Mr. ISRAEL, Ms. LEE, Ms. ZOE LOFGREN of California, Ms. CORRINE BROWN of Florida, Mrs. TAUSCHER, Mr. JEFFERSON, Mr. GENE GREEN of Texas, Mr. RUSH, Mrs. NAPOLITANO, Mr. HONDA, Mr. DELAHUNT, Mr. MCNULTY, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. AL GREEN of Texas, Mr. HOLDEN, Ms. SCHAKOWSKY, Mr. GONZALEZ, and Mr. MCGOVERN):

H.R. 2017. A bill to provide access and assistance to increase college attendance and completion by part-time students; to the Committee on Education and Labor.

By Mr. JEFFERSON:

H.R. 2018. A bill to provide additional authority to the Administrator of the Small Business Administration with respect to disaster surety bonds; to the Committee on Small Business.

By Ms. NORTON:

H.R. 2019. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Education and Labor.

By Mr. PLATTS (for himself, Mr. SHAYS, Ms. MATSUI, and Mr. PRICE of North Carolina):

H.R. 2020. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate for charitable purposes to the standard mileage rate established by the Secretary of the Treasury for business purposes; to the Committee on Ways and Means.

By Mr. RUPPERSBERGER (for himself, Mr. RANGEL, Mr. MCDERMOTT, Mr. GILCHREST, Mr. LEWIS of Georgia, Mr. SHAYS, Mr. VAN HOLLEN, Mr. YOUNG of Alaska, Mrs. MALONEY of New York, Mr. KENNEDY, Mr. CUMMINGS, Mr. WYNN, Ms. NORTON, Mr. BUTTERFIELD, Ms. WATSON, Mr. DAVIS of Illinois, Mrs. GILLIBRAND, Mr. SARBANES, Mr. CUELLAR, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Ms. MCCOLLUM of Minnesota, Mr. COHEN, and Ms. KILPATRICK):

H.R. 2021. A bill to amend the Internal Revenue Code of 1986 to increase the credit for employers establishing workplace child care facilities, to increase the child care credit to encourage greater use of quality child care services, and to provide incentives for students to earn child care-related degrees and to work in child care facilities; to the Committee on Ways and Means.

By Mr. SHULER (for himself, Mr. MCHENRY, Mr. JONES of North Carolina, Ms. FOXX, and Mr. BOREN):

H.R. 2022. A bill to provide for the consideration of a petition for Federal Recognition of the Lumbee Indians of Robeson and adjoining counties, and for other purposes; to the Committee on Natural Resources.

By Mr. TANCREDO (for himself, Mr. HOLT, Mr. BISHOP of Georgia, and Mr. WOLF):

H.R. 2023. A bill to establish a student loan forgiveness program for members of the Sudanese Diaspora to enable them to return to southern Sudan and contribute to the reconstruction effort of southern Sudan; to the Committee on Education and Labor.

By Mr. TANNER (for himself and Mr. CASTLE):

H.R. 2024. A bill to establish the Comprehensive Entitlement Reform Commission; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS:

H. Con. Res. 127. Concurrent resolution supporting home ownership and responsible lending; to the Committee on Financial Services.

By Mr. KUCINICH:

H. Res. 333. A resolution impeaching Richard B. Cheney, Vice President of the United States, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. MILLER of North Carolina (for himself, Mr. GEORGE MILLER of California, Mr. WU, Mr. WICKER, Mr. CASTLE, Mr. MCKEON, Mr. VAN HOLLEN, Mr. HOLDEN, Mr. SPRATT, and Mr. CUELLAR):

H. Res. 334. A resolution supporting the goals and ideals of National Community College Month; to the Committee on Education and Labor.

By Mrs. CAPPS (for herself, Mr. WHITFIELD, and Mrs. CHRISTENSEN):

H. Res. 335. A resolution expressing the sense of the House of Representatives that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program to reduce the lung cancer mortality rate by at least 50 percent by 2015; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H. Res. 336. A resolution expressing the sense of the United States House of Representatives that the United States should adhere to moral and ethical principles of economic justice and fairness in developing and advancing United States international trade treaties, agreements, and investment policies; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

27. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Kentucky, relative to House Resolution No. 169 urging the Congress of the

United States to enact the Employee Free Choice Act; to the Committee on Education and Labor.

28. Also, a memorial of the Legislature of the State of California, relative to a resolution relating to the Medicare reimbursement rates and access to a life saving therapy called Intravenous Immune Globulin Therapy (IVIG); jointly to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. LOEBSACK.

H.R. 65: Mr. FORTUÑO, Mrs. CHRISTENSEN, and Mr. ALTMIRE.

H.R. 176: Mr. LEWIS of Georgia and Mr. MORAN of Virginia.

H.R. 197: Mr. WAXMAN, Mr. MCCARTHY of California, Mr. SMITH of Washington, and Ms. KAPTUR.

H.R. 223: Ms. FOXX.

H.R. 255: Mr. GONZALEZ.

H.R. 322: Ms. FALLIN and Mr. CARTER.

H.R. 359: Mr. COHEN.

H.R. 369: Mr. FILNER.

H.R. 436: Mr. MCCAUL of Texas.

H.R. 464: Mrs. MCCARTHY of New York.

H.R. 508: Mr. MORAN of Virginia.

H.R. 524: Mr. UDALL of Colorado and Ms. SCHAKOWSKY.

H.R. 549: Mr. SIMPSON.

H.R. 550: Mr. RAMSTAD, Mr. WELCH of Vermont, Mr. GRIJALVA, Mrs. CAPPS, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. KLINE of Minnesota, Mr. PRICE of North Carolina, Ms. DELAURO, Mr. VAN HOLLEN, Mr. KNOLLENBERG, Mr. SESTAK, Mr. ROSKAM, Mr. OLVER, and Mr. TIERNEY.

H.R. 570: Mr. GILLMOR.

H.R. 661: Mr. COURTNEY.

H.R. 690: Mr. PICKERING, Mr. PAYNE, and Mr. OBERSTAR.

H.R. 692: Ms. HOOLEY.

H.R. 698: Mr. MCNERNEY, Mr. FILNER, Mr. PEARCE, Mr. ABERCROMBIE, Mr. ADERHOLT, Mr. BLUMENAUER, Mr. MORAN of Kansas, Mr. BARTLETT of Maryland, Mr. HAYES, Mr. GERLACH, and Ms. GIFFORDS.

H.R. 711: Mr. FORBES.

H.R. 718: Mr. PLATTS, Mr. DONNELLY, Mrs. MYRICK, Mr. LINCOLN DAVIS of Tennessee, and Mr. HODES.

H.R. 726: Mr. CROWLEY.

H.R. 736: Mr. DEAL of Georgia.

H.R. 741: MR. CARNEY, Mr. LARSON of Connecticut, Mrs. MCCARTHY of New York, Mrs. MALONEY of New York, and Mr. SERRANO.

H.R. 770: Mr. DAVIS of Illinois and Mr. MARKEY.

H.R. 784: Mr. BLUNT and Mr. MORAN of Kansas.

H.R. 811: Mrs. BONO.

H.R. 821: Mr. HOLDEN, Mr. ELLISON, Mr. MICHAUD, Ms. WATSON, and Mr. GRIJALVA.

H.R. 840: Mr. ROTHMAN.

H.R. 869: Mrs. MYRICK, Mr. BURTON of Indiana, and Mr. UDALL of Colorado.

H.R. 871: Ms. WATSON.

H.R. 879: Mr. AKIN.

H.R. 891: Mr. MCHUGH.

H.R. 933: Ms. JACKSON-LEE of Texas.

H.R. 962: Mr. HONDA and Mr. ALLEN.

H.R. 980: Ms. WOOLSEY, Ms. BALDWIN, and Mr. WALSH of New York.

H.R. 1029: Mr. BOSWELL and Mr. GONZALEZ.

H.R. 1043: Mr. MURPHY of Connecticut, Mr. LAHOOD, Mr. WALBERG, Mr. FOSSELLA, and Mr. MANZULLO.

H.R. 1064: Ms. HERSETH SANDLIN, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. ROSS, Mr. CAPUANO, and Mr. ALTMIRE.

H.R. 1070: Mr. KIND.

H.R. 1076: Mr. JACKSON of Illinois, Mr. KING of Iowa, and Mr. RYAN of Wisconsin.

H.R. 1098: Mr. GONZALEZ.

H.R. 1103: Mr. AL GREEN of Texas.

H.R. 1115: Mr. TURNER.

H.R. 1120: Mr. FORTENBERRY, Mr. GILCHREST, Mr. KINGSTON, Ms. PRYCE of Ohio, Mr. WOLF, Mr. MCCOTTER, Mr. BURGESS, Mr. ENGLISH of Pennsylvania, Mr. FRELINGHUYSEN, Mr. GOODLATTE, Mr. RAMSTAD, Mr. WALSH of New York, and Mrs. CAPITO.

H.R. 1134: Ms. ZOE LOFGREN of California.

H.R. 1153: Mr. NEUGEBAUER.

H.R. 1192: Mr. CLAY and Mr. MCDERMOTT.

H.R. 1198: Mr. ALLEN and Mr. CHANDLER.

H.R. 1225: Ms. SLAUGHTER.

H.R. 1228: Mr. DAVIS of Illinois.

H.R. 1237: Mr. GONZALEZ, Mr. BOSWELL, Mr. SULLIVAN, Ms. BALDWIN, Mr. DOYLE, and Mr. LATHAM.

H.R. 1239: Mr. HIGGINS.

H.R. 1261: Mr. KNOLLENBERG, Mr. RYAN of Wisconsin, and Mr. BISHOP of Utah.

H.R. 1264: Mr. MCCOTTER, Mr. CHANDLER, and Mr. ROSS.

H.R. 1278: Mr. KNOLLENBERG.

H.R. 1291: Mr. MCDERMOTT and Mr. REHBERG.

H.R. 1320: Mr. COOPER, Mrs. MALONEY of New York, and Ms. BERKLEY.

H.R. 1330: Mr. GONZALEZ.

H.R. 1331: Mr. CONYERS, Mr. ROSS, Mr. DELAHUNT, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. LARSON of Connecticut, and Mr. HARE.

H.R. 1350: Ms. BEAN and Ms. BALDWIN.

H.R. 1359: Mr. FEENEY and Mr. BOOZMAN.

H.R. 1379: Mr. MORAN of Virginia.

H.R. 1399: Mr. COSTELLO and Mr. NEUGEBAUER.

H.R. 1413: Mr. GONZALEZ.

H.R. 1414: Mr. WEXLER.

H.R. 1424: Mrs. BOYDA of Kansas.

H.R. 1430: Mr. INGLIS of South Carolina, Mr. GORDON, and Mr. DEAL of Georgia.

H.R. 1435: Mr. FILNER.

H.R. 1439: Mr. CARTER and Mr. LOBIONDO.

H.R. 1440: Mr. HOLDEN.

H.R. 1441: Mr. CRENSHAW.

H.R. 1458: Mr. CARNEY.

H.R. 1474: Mr. WEXLER, Mr. MCHENRY, Mr. PRICE of North Carolina, Mr. JORDAN, Mr. CARNEY, Mr. KANJORSKI, and Mr. LOBIONDO.

H.R. 1481: Mr. ENGLISH of Pennsylvania.

H.R. 1514: Ms. DELAURO, Mr. ROGERS of Kentucky, Mr. MCHUGH, Mr. GERLACH, Mr. GONZALEZ, and Mr. JONES of North Carolina.

H.R. 1527: Mr. PETERSON of Pennsylvania and Mr. MARSHALL.

H.R. 1536: Ms. BALDWIN.

H.R. 1543: Mr. ABERCROMBIE and Mr. LIPINSKI.

H.R. 1551: Mr. LEWIS of Georgia and Ms. SOLIS.

H.R. 1553: Mr. WAXMAN and Mr. MARKEY.

H.R. 1561: Mr. FILNER.

H.R. 1567: Mr. GENE GREEN of Texas and Ms. WATSON.

H.R. 1576: Mr. NUNES.

H.R. 1611: Mr. HOLT.

H.R. 1617: Mr. BLUNT, Mr. HULSHOF, and Mr. GRAVES.

H.R. 1618: Mrs. MILLER of Michigan and Mr. MCCAUL of Texas.

H.R. 1627: Mrs. EMERSON.

H.R. 1645: Mr. OLVER and Mr. MORAN of Virginia.

H.R. 1647: Mr. RANGEL, Mr. FORBES, Mr. YOUNG of Florida, Mr. ENGLISH of Pennsylvania, Mr. SMITH of Nebraska, and Mr. HOLDEN.

H.R. 1653: Mr. TIERNEY, Mr. ELLISON, Ms. NORTON, Mr. DEFAZIO, Mr. OLVER, Mr. DELAHUNT, and Ms. KILPATRICK.

H.R. 1660: Ms. JACKSON-LEE of Texas.

H.R. 1687: Mrs. DRAKE, Mr. KILDEE, Mr. LAHOOD, and Mr. DAVIS of Illinois.

H.R. 1700: Mr. MAHONEY of Florida, Mr. HARE, Mr. GRIJALVA, Mr. ETHERIDGE, Mr. FILNER, and Mr. VISCLOSKY.

H.R. 1707: Mr. MARKEY and Mr. LANTOS.

H.R. 1709: Ms. SLAUGHTER and Ms. HERSETH SANDLIN.

H.R. 1713: Ms. NORTON and Ms. HARMAN.

H.R. 1718: Mr. CONYERS and Mr. MORAN of Virginia.

H.R. 1738: Mrs. EMERSON, Mr. WOLF, Mr. MCCOTTER, Mr. HIGGINS, and Mr. DAVIS of Alabama.

H.R. 1742: Mr. MCCAUL of Texas.

H.R. 1760: Mr. GINGREY.

H.R. 1761: Mr. BARRETT of South Carolina.

H.R. 1772: Mr. FORTENBERRY, Mr. MCCAUL of Texas, Mr. LANTOS, Ms. BALDWIN, and Mr. MCHUGH.

H.R. 1773: Mr. UDALL of Colorado, Mr. ALTMIRE, Ms. MCCOLLUM of Minnesota, Mr. RAHALL, and Mr. SKELTON.

H.R. 1783: Mr. CHANDLER, Ms. WASSERMAN SCHULTZ, and Mr. DAVIS of Illinois.

H.R. 1787: Mr. HENSARLING, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1792: Mr. LEWIS of Kentucky.

H.R. 1801: Mr. MCCAUL of Texas and Ms. WOOLSEY.

H.R. 1865: Mr. PLATTS.

H.R. 1873: Mr. MICHAUD and Mr. LIPINSKI.

H.R. 1880: Mr. ETHERIDGE and Ms. NORTON.

H.R. 1884: Ms. JACKSON-LEE of Texas and Mr. MCHUGH.

H.R. 1926: Mr. ALLEN, Mr. YARMUTH, Mrs. EMERSON, Mr. MCCOTTER, Mr. SESSIONS, Mr. WALZ of Minnesota, Ms. ROS-LEHTINEN, Mr. WOLF, Mr. BOUSTANY, Mr. UPTON, and Mr. CAPUANO.

H.R. 1930: Mr. CARTER.

H.R. 1940: Mr. GOODLATTE.

H.R. 1954: Mr. PASTOR.

H.R. 1964: Mr. PAYNE.

H.R. 1971: Mr. ETHERIDGE, Mrs. TAUSCHER, Mr. HINOJOSA, Mr. SHAYS, Mr. MOORE of Kansas, Mr. SIRES, Mr. GRIJALVA, Ms. MATSUI, Mr. EHLERS, Mr. HASTINGS of Florida, and Mr. WATT.

H.R. 1992: Mr. DEFAZIO and Mr. VISCLOSKY.

H.R. 2005: Mr. RODRIGUEZ, Ms. HOOLEY, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 7: Mrs. CAPPS, Mr. MATHESON, Mr. GUTIERREZ, Mr. MCCOTTER, and Mr. AKIN.

H. Con. Res. 48: Mr. HULSHOF, Mr. WALDEN of Oregon, Mr. DAVIS of Illinois, Mrs. BONO, Mr. HENSARLING, Mr. HALL of Texas, and Mrs. MYRICK.

H. Con. Res. 75: Mr. MARKEY.

H. Con. Res. 80: Mr. FATTAH, Ms. WOOLSEY, Mr. SCOTT of Georgia, Mr. MCGOVERN, and Mr. CHABOT.

H. Con. Res. 108: Ms. BALDWIN.

H. Con. Res. 112: Ms. SCHWARTZ.

H. Con. Res. 115: Mr. WEXLER and Ms. SLAUGHTER.

H. Con. Res. 117: Mr. LAMBORN, Mr. GINGREY, Mr. ENGLISH of Pennsylvania, Mr. LEWIS of California, Mr. SESSIONS, Mr. CALVERT, Mr. BAKER, Mr. ADERHOLT, Mr. GILLMOR, Mrs. MYRICK, Mr. GARY G. MILLER of California, Mr. NUNES, Mr. SMITH of Nebraska, Mr. PITTS, Mr. NEUGEBAUER, Mr. SHUSTER, Mr. COBLE, Mr. SAXTON, Mr. SOUDER, Mr. ROHRABACHER, Mr. CAMP of Michigan, Mr. WAMP, Mrs. SCHMIDT, Mrs. BIGGERT, Mr. ROYCE, Mr. BISHOP of Utah, Mr. PUTNAM, Mr. HASTERT, Mr. CARTER, Mr. WALSH of New York, Mr. TIBERI, Mr. WHITFIELD, Mr. KING of Iowa, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. SHADEGG, Mr. LINCOLN DIAZ-BALART of Florida, Mr. TIAHRT, Mr. SAM JOHNSON of Texas, Mrs. BLACKBURN, Mr. HUNTER, Mr. HAYES, Mr. CANNON, Mr. YOUNG of Florida, Mr. RAMSTAD, Mr. BARRETT of South Carolina, Mr. DENT, Mr. PETRI, Mr. BILIRAKIS, and Mr. PICKERING.

H. Con. Res. 121: Mr. CAPUANO, Ms. WOOLSEY, Mr. PAUL, Mrs. CAPPS, and Mr. HULSHOF.

H. Con. Res. 126: Mrs. LOWEY and Mr. NADLER.
H. Res. 37: Mrs. EMERSON, Ms. VELÁZQUEZ, Mr. GILCHREST, and Mr. FARR.
H. Res. 49: Mr. LOBIONDO.
H. Res. 68: Mr. HOLT and Mr. MARKEY.
H. Res. 71: Mr. DAVIS of Illinois.
H. Res. 100: Mr. VAN HOLLEN and Mr. BLUNT.
H. Res. 101: Mr. ACKERMAN.
H. Res. 111: Mrs. MCCARTHY of New York and Mr. BERRY.
H. Res. 121: Mrs. JONES of Ohio, Mr. ROSKAM, Mr. HINCHEY, Mr. BERMAN, Mr. BRADY OF PENNSYLVANIA, MR. CALVERT, and Mr. MARKEY.
H. Res. 146: Mr. MARKEY.
H. Res. 164: Mr. ISRAEL.
H. Res. 169: Mr. RYAN of Wisconsin.
H. Res. 208: Mr. LANTOS.
H. Res. 223: Mr. ROTHMAN.
H. Res. 227: Mr. MARKEY.
H. Res. 232: Mr. BACHUS.
H. Res. 258: Mr. VAN HOLLEN, Mr. BOSWELL, and Mr. HOLDEN.
H. Res. 282: Ms. HOOLEY, Mr. SARBANES, Mr. INSLEE, Mr. HOLT, Mr. HIGGINS, Mr. MCNERNEY, Mr. HASTINGS of Florida, Ms. CARSON, Mr. FRANK of Massachusetts, Ms. HARMAN, Mr. LOEBSACK, and Mr. GOODE.
H. Res. 283: Mr. JONES of North Carolina.
H. Res. 287: Mr. LAMBORN and Ms. WOOLSEY.
H. Res. 291: Ms. FOXX, Mr. ELLISON, Mr. GARRETT of New Jersey, Mr. WYNN, Mr. REYES, Mr. MCCAUL of Texas, Mrs. MYRICK, Ms. JACKSON-LEE of Texas, Mrs. DRAKE, Mr. GOODE, Mr. GONZALEZ, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. ELLSWORTH, Mr. CANTOR, Mr. FOSSELLA, Mr. LOBIONDO, and Mr. SHAYS.
H. Res. 294: Mr. GRIJALVA, and Mr. MORAN of Virginia.
H. Res. 309: Mr. BERMAN, and Ms. SCHWARTZ.
H. Res. 316: Mr. BAIRD, Mr. HONDA, Mr. MCGOVERN, Ms. ESHOO, Ms. JACKSON-LEE of Texas, Mr. EHLERS, and Mr. ROTHMAN.
H. Res. 320: Mr. ADERHOLT.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Rahall or a designee to H.R. 249 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

9. The SPEAKER presented a petition of Deborah J. Glick, Assemblymember of the State of New York, relative to petitioning the Congress of the United States to stop the implementation of a proposed rule published by the Centers for Medicare and Medicaid Services (CMS) entitled, ''Medicaid Program: Cost Limits for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal-State Financial Partnership''; to the Committee on Energy and Commerce.

10. Also, a petition of Michael Benjamin, Assemblymember of the State of New York, relative to petitioning the Congress of the United States to stop the implementation of a proposed rule published by the Centers for Medicare and Medicaid Services (CMS) entitled, ''Medicaid Program: Cost Limits for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal-State Financial Partnership''; to the Committee on Energy and Commerce.

11. Also, a petition of Rory I. Lancman, Assemblymember of the State of New York, relative to petitioning the Congress of the United States to stop the implementation of a proposed rule published by the Centers for Medicare and Medicaid Services (CMS) entitled, ''Medicaid Program: Cost Limits for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal-State Financial Partnership''; to the Committee on Energy and Commerce.

12. Also, a petition of the Yukon Tribe, California, relative to Resolution No. 07-20 supporting the Johnson O'Malley Program and opposing the elimination or reduction of funding for the Johnson O'Malley Program; to the Committee on Natural Resources.

13. Also, a petition of the San Francisco Board of Supervisors, California, relative to Resolution No. 53-07 urging the Congress of the United States to pass Comprehensive Immigration Reform; to the Committee on the Judiciary.

14. Also, a petition of the Town of Woodbury, Vermont, relative to a resolution requesting an investigation of President George W. Bush and Vice Prsident Richard B. Cheney and supporting the men and women serving in all branches of the United States Armed Forces in Iraq; to the Committee on the Judiciary.

15. Also, a petition of the Town of Warren, Vermont, relative to a resolution requesting that the Congress of the United States investigate the outlined charges and initiate the process of impeachment of President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

16. Also, a petition of the Town of Shaftsbury, Vermont, relative to a Town Meeting Resolution calling for the immediate and orderly withdrawal of American military forces from Iraq; jointly to the Committees on Armed Services and Veterans' Affairs.

17. Also, a petition of the Major County Sheriffs' Association, relative to a resolution urging all levels of the federal government to take immediate action to adequately fund the operations of the United States Immigration and Customs Enforcement (ICE) Agency; jointly to the Committees on the Judiciary and Homeland Security.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 249

OFFERED BY: MR. RAHALL

AMENDMENT NO. 1: Page 2, line 5, strike ''the period'' and insert '''the program authorized' and all that follows''.

Page 2, line 6, insert ''the program authorized by section 3:'' before ''*Provided*,''.

Page 2, strike lines 11 through 13 and insert the following:

(b) CRIMINAL PROVISIONS.—Section 8 of Public Law 92–195 (16 U.S.C. 1338) is amended—

(1) by inserting ''(a)'' before ''Any person''; and

(2) in subsection (a), by striking ''except as provided in section 3(e),''.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, TUESDAY, APRIL 24, 2007 No. 66

Senate

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

PRAYER

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

Let us pray.

Eternal Lord God, who has promised to supply all our needs, strengthen our Senators to honor Your Name. Give them ears open to hear Your word, minds ready to accept Your truth, wills ready to do Your commands, and hearts ready to respond to Your love.

Give them also a sure and certain faith to believe Your promises and never to despair. Infuse them with a love that is ready to forgive, eager to help, and quick to share. Let no disappointment quench their commitment to serve You faithfully. Give them the right and true ambition to find their greatness in serving others. We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 24, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business for 1 hour. The first portion is controlled by the Republicans, the final portion under the control of the majority.

Following this period of morning business, the Senate will resume debate on S. 761, the competitiveness bill. Under an agreement entered last week, Senator COBURN is to be recognized today to speak for up to an hour on the bill. I am also aware of other speakers who have indicated a willingness to speak on the legislation. We hope we can accommodate their schedules because there are a number of people who want to speak.

At noon today, we will switch gears and consider Executive Calendar No. 76, the nomination of a judge from Mississippi, Halil Suleyman Ozerden, to be a U.S. district judge. There will be up to 10 minutes of debate and then a vote on confirmation. This time will be controlled by the chairman and ranking member of the Judiciary Committee. Members can expect a rollcall vote today around 12:10. Once this nominee is confirmed, this will be the 16th district judge we have confirmed this year, 14 districts and 2 circuits. The Senate will recess for our regularly scheduled party conferences following the vote and will reconvene at 2:15 p.m. today.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein, the first 30 minutes under the control of the Republicans and the final 30 minutes under the control of the majority.

The Senator from Utah.

BORIS YELTSIN

Mr. BENNETT. Mr. President, may I, before I begin my comments prepared for today, make two quick comments.

No. 1, I note the passing of Boris Yeltsin, President of Russia and a major figure in the transition between the Communist rule and the present democracy that exists in Russia. Like many Members of the body, I had the opportunity to meet Boris Yeltsin. That is one of the privileges we have as Senators—we get to meet important people from around the world. I can't pretend to know him at all. I simply shook his hand and said hello. But I was in Russia not long after he took power, spent time in the U.S. Embassy there, and noted the impact he had on helping bring Russia into the modern world, the world of democracy, and out of the ancient world, the world of tyranny. He had his faults. He had his problems. But he played a pivotal role, and we should take a moment to recognize that fact.

The one quote attributed to him that I enjoyed personally with respect to our life here has to do with the Library of Congress. When my constituents come to Washington, I tell them: You need to go see the Library of Congress, the Jefferson Building. Aside from the

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

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Capitol itself, it is the most beautiful building on Capitol Hill, and maybe in Washington. Boris Yeltsin is said to have gone into the Library of Congress and looked around at that magnificent lobby and then questioned: How did you get a building like this? You didn't have any czars.

Having been to the buildings in the Kremlin and seeing the kinds of things the czars built, I understand that the Library of Congress probably would have impressed him.

SENATE CHAPLAIN

Mr. BENNETT. Mr. President, my second comment has to do with our Chaplain. I listened with great interest and humility to the prayer he offered this morning. I felt touched by the things he asked on our behalf. They were the kinds of things I need from our Heavenly Father. I was grateful to the Chaplain for his ability to touch on those. I read his biography before it was published. He was gracious enough to give a copy of it to my wife, who has now read it, and I have reread it. We are well served by having a man of his spirituality and intellectual background and learning as our Chaplain in the Senate.

SOCIAL SECURITY

Mr. BENNETT. Mr. President, I rise to turn my attention to a report that was released yesterday, the annual report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Disability Insurance Trust Funds. Those are fancy names for what we call Social Security.

With yesterday's release, they once again changed their projection as to what the future might hold with respect to Social Security, thus underlying a point I have tried to make in my career in the Senate ever since I arrived; that is, all projections about the future are wrong. I don't know whether they are wrong on the high side or on the low side, but they are always wrong. The closer we get to reality, the more we have to adjust those projections and say: Well, it is closer to this, that, and the other.

The most reliable projections are those which are 30 days out. The next most reliable are those which are 3 months out and then those which are 6 months, those which are a year. Those which are 20 years or 30 years out are all very much subject to challenge. We are seeing that here. We have had projections on which we have based our speeches and our actions. Now we are seeing those projections get changed. But there is one projection that is not subject to change that has bearing on the issue of Social Security. I would like to put up a chart which demonstrates that.

The reason this one is not subject to change is that all of the people represented here are already born. These are people who are already alive. These are not projections about demographics. These are not projections about economics. These are the facts with respect to the American population. This is a chart showing the percentage of Americans who are over 65. Back in 1950, it was around 5 percent of Americans who were over 65. Then it increased gradually over the years. Now it is closer to 10 percent. There was a dip in the percentage that occurred between 1990 and now. That dip represented the birthrate back in the Great Depression when people, for their own reasons, curtailed the having of children. One could say it was primarily economic. Children have ceased to be economic assets; they have become consumer goods. When times are hard, you cut back on your consumer goods.

Then we had what we demographers call the baby boom. The GIs came home from World War II. They started families. They started their careers. They were filled with optimism, and they were willing to take on some extra consumer goods. They had larger families. Those children are now reaching retirement age.

Starting in 2008, something is going to happen in America that has never happened before in our history: The percentage of Americans over retirement age is going to double in a 20-year period. Then it will taper off again, after we have absorbed the impact of the baby boom generation, and continue to increase but at a relatively minor rate. It is this phenomenon, this projection, which is a reliable one—because all of these people have been born—that is driving the crisis in Social Security. It is not the Republicans who are driving the crisis. It is not the Democrats who are responsible for the crisis. We should stop talking in partisan terms about this and recognize the reality. This is a demographic reality. This is a demographic projection upon which we can rely.

Social Security is a program that covers everybody who works. It covers the single mom who works as a waitress at the minimum wage, and it covers Oprah Winfrey and Warren Buffett and Bill Gates. The multibillionaires receive Social Security. They receive Social Security on the basis of the amount they pay into the program. The amount they pay into the program is substantially more than the amount the single-mom waitress pays in. Because it is structured in that fashion, Oprah Winfrey will receive more than the single-mom waitress—indeed, significantly more. The question arises, under those circumstances, in order to deal with the shortfall that is described in the report issued by the trustees, do we need to continue that idea; that is, that Oprah Winfrey, with her billions, still should get more Social Security than the single-mom waitress who, when she retires, has no personal safety net whatsoever. I am not suggesting that what we do is penalize Oprah Winfrey or Warren Buffett or Bill Gates. I don't want to pick on Oprah too much, but she is perhaps the most visible all of these billionaires about whom I speak.

There is something in the Social Security system that we should address and that people on both sides of the aisle should address; that is, the way Social Security benefits are currently figured has in that mathematical formula a method of increasing the benefits to compensate for inflation. The formula that is there increases the benefits more than inflation goes up. We don't know that. Americans aren't aware of that. We say: Here is the benefit line, and it should increase by so much with respect to inflation, and that is only fair. It increases more than inflation actually goes up.

The late Senator Moynihan from New York used to say the way to deal with this reality of the doubling of Americans over retirement age is to simply adjust the inflation adjustment to true inflation.

We are paying out more than inflation would justify. If we just back it down to pay out exactly what inflation would justify, then we solve the problem. Then the report from the trustees says there will be enough money. It is the fact we have adjusted it higher than inflation that is causing the money to disappear, causing the projections to be as bad as they are.

Let me show you what happens if we do not make some kind of adjustment. Here is another chart that takes the information that comes from the trustees and puts it in perspective. This flat line is the income coming into the Social Security system. This blue line is the payout. As you will see, starting at about 2014, the amount paid out will be more than the amount coming in.

How do we make up the difference? Well, it is in the trust fund. It is a commitment made by the Congress. So the Congress will put up the money. We will honor the commitment of the trust fund.

Then, around about 2040, 2041, all of a sudden the trust fund is exhausted, and, by law, you cannot pay out more than you have coming in—unless you dip into the trust fund. So if there is no trust fund, and you cannot pay out any more than you have coming in, the amount of benefits drops dramatically back to the level of the income. That is where we are, and that is roughly a 25-percent cut across the board to everybody.

That is a 25-percent cut to the woman who waited on tables as a single mom and is now at retirement age and sees her benefits cut 25 percent. It is a 25-percent cut for Oprah Winfrey, who will not notice it. Indeed, she probably won't even be aware the Social Security check is coming in because in her billions that check gets lost.

This dotted line shown on the chart is what the benefits should have been if we had enough money. But we will not have enough money, and that is where we will be.

Instead of waiting until 2041 to deal with this reality, what we should do now is listen to what Senator Moynihan had to say—but with this amendment, he said: Change the adjustment for inflation to match real inflation, and you get enough money to keep the two together.

I say: Leave the present overly generous adjustment for inflation in place for the single mom; that is, leave the present situation in place for the bottom third of people who pay into the trust fund. Then say to Oprah Winfrey and Bill Gates: You are going to have to struggle by with just inflation as it really is. We are not going to give you the inflation-plus energizer that we give to the bottom third.

Now, for those of us who fall somewhere in between the bottom third and Bill Gates, we can have a blend. We can have a mixture of the more generous benefits paid to the bottom third and the less generous benefits paid to the top 1 percent. By simply making that kind of adjustment now—now, not waiting until 2041—we can avoid the crisis in 2041.

Now, I have had conversations with my friends across the aisle about this proposal for several years. I have introduced it as a piece of legislation and discussed it with people around this Congress of both parties. This is the reaction I get: Bob, this is a good idea. This is something we probably ought to do. But we won't address the problem until after the next election.

Mr. President, the next election never comes. There never is an ''after the next election.'' We are constantly demagoging the Social Security issue for political advantage and putting off the time when we must deal with it.

So triggered by the occasion of the report released by the trustees of the Social Security trust funds, I say today, the time has come for both parties to recognize this is a problem that will not go away. This is a projection we can trust, and it is time for us to put partisan advantage or perceived partisan advantage aside and deal with it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

IRAQ SUPPLEMENTAL

Mr. ALLARD. Mr. President, last night we had our first and only conference committee meeting where all the members from both Appropriations Committees who are on the conference committee, including members on the House side, had an opportunity to come together for their first gathering. I predict it will be the only gathering. Everything else in that supplemental has been worked out behind doors, and a lot of us were not privy to it until legislation was proposed in the conference committee yesterday.

I am very disappointed in that piece of legislation. There is a huge increase in the amount of dollars being spent to try to placate some of those who may otherwise oppose the legislation.

But my main concern with that legislation is it has timelines and benchmarks in it that are going to tend to micromanage the conflict in Iraq. I think that is a bad idea. In fact, I have indicated I am not willing to sign the conference report that is going to come out of that particular committee because of the language in there that does lay down timelines and benchmarks. That creates a problem for our commanders in the field in Iraq.

Mr. President, it was not very many months ago the Senate unanimously approved General Petraeus to head our efforts in Iraq. Many Members have extolled the virtues of the general—his education, his leadership, and his commitment to his soldiers.

Unfortunately, we are still confronted with the reality that some want to tie General Petraeus's hands. Confusingly enough, they want to reject the strategy General Petraeus has proposed in Iraq even before he has been given the full opportunity to perform his mission.

I ask again: Why would we support him and recognize his stellar career with a unanimous nomination vote but not give him the means to get the job done? For what reason did my colleagues agree to send him to Iraq as the commander of our forces? His strategy in Iraq was made very clear, both publicly and privately, and yet we are not willing to support it. It is vexing.

We need to avoid micromanaging the war from the floor of the Senate. Let our Commander in Chief perform his duties, and let our military leaders do their jobs. If we do not support them fully in the supplemental bill, then I must continue to vote against any legislation that sets arbitrary deadlines and thresholds in Iraq—and plead with my colleagues to do the same.

We cannot afford to set a deadline and walk away from Iraq. The cost of failure is too great to our future long-term national security. It is in America's security interests to have an Iraq that can sustain, govern, and defend itself. Too much is at stake to simply abandon Iraq at this point. The price of failure is simply too great.

Let me remind my colleagues that we have seen terrible results from political motives being placed above military necessities—the attempt at rescuing the American Embassy hostages from Tehran, or Beirut in the 1980s, and Somalia in the 1990s. Leaving Iraq in the current situation would be like the ending of our efforts in those areas as well. Our withdrawal from these countries embolden the terrorists. Bin Laden himself is on record after these withdrawals criticizing our lack of will and questioning our commitment to fighting these zealots. We have to learn from our mistakes in the past.

How have we gotten to this point? Well, many of my colleagues in the Senate continue to beat the drum of the Iraq Study Group Report. They continue to state that their withdrawal proposal follows the report's recommendations.

I would simply like to point out something to my colleagues. Unlike the supplemental bill that will soon be voted on—or what I would like to call our surrender document—the Iraq Study Group Report does not call for us to walk away from our mission. They do not call for us to walk away from our mission. In fact, the Iraq Study Group Cochair, James Baker, recently had this to say about artificial deadlines:

> The [Iraq Study Group] report does not set timetables or deadlines for the removal of troops, as contemplated by the supplemental spending bills the House and Senate passed. In fact, the report specifically opposes that approach. As many military and political leaders told us, an arbitrary deadline would allow the enemy to wait us out and would strengthen the positions of extremists over moderates.

So here we are, a must-pass bill that flies in the face of what the Iraq Study Group has recommended. But the Democratic majority is well aware of what effect slowing down passage of the supplemental means to the Department of Defense as a whole. Particularly, the House of Representatives has dragged its feet in appointing conferees to the bill, knowing full well the President intends to veto this legislation. In fact, just yesterday, President Bush stated he would strongly object to any deadlines, stating that:

> An artificial timetable of withdrawal would say to an enemy, ''Just wait them out.'' It would say to the Iraqis, ''Don't do hard things necessary to achieve our objectives.'' And it would be discouraging to our troops.

He also stated he does not want ''Washington politicians trying to tell those who wear the uniform how to do their job.'' I agree with the President wholeheartedly.

By placing the President in the precarious position of vetoing this bill, even in the dire financial straits it places the Department of Defense, the other side of the aisle has chosen to play politics rather than fund a clean bill that gives our soldiers in the field the resources they need.

The question remains, if the other side truly believes the war is lost, then why not cut off funding for the war entirely? The power of the purse is in our constitutional authority as a Congress. If the majority party wants to dictate Iraq policy to the President, rather than put limitations on our military in Iraq, which would be a disaster, they should attempt to no longer fund our efforts.

But I doubt that will happen because they know they do not have the votes or the support for such a precipitous withdrawal. Instead, the ''slow bleed strategy'' will continue from our colleagues in the Senate and the House that will, in my opinion, leave our troops dejected and less safe than before. This ill-advised strategy will clearly hand Al Jazeera its propaganda message.

There is no doubt we face extremely difficult challenges in Iraq. We have not made enough progress. Citizens of Iraq must be willing to fight for their own freedom. The President recognizes this, and his new plan is the result of increased commitments from the Iraqi Prime Minister. The President has developed a new plan with new leadership. We should not jerk the rug out from under those we have put in charge in Iraq.

I ask my colleagues to reject this bill and let us craft a clean funding bill that will meet the priorities and needs of our men and women in Iraq.

Mr. President, that concludes my remarks.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I want to follow on the remarks of my dear friend from Colorado related to the current situation in Iraq. It appears some movement has been made on the war supplemental. Unfortunately, it is a flawed piece of legislation, one the crafters of it well know will be vetoed by the President. It will be vetoed for good reasons—because it contains completely unacceptable language, as was just being pointed out.

It is impossible for us to micromanage what is happening in the field. It is a bad idea for politicians in Washington to tell generals when and how they can move forces in a battle. It is a bad idea for us to slow-bleed our military as they face an unrelenting enemy. It is a bad idea for us to simply not have the wherewithal to stick with the fight at a time when it is difficult. The President this week again reiterated his commitment that he would veto a bill that had artificial timetables for withdrawal and that would empower the enemy. It gives the enemy hope and an opportunity to wait us out. There is no question about that. A deadline simply tells the enemy by what date they need to know that the American commitment is over.

Imagine the confusion for someone in Iraq trying to make a decision whether to cast their lot which, in fact, may mean the death of himself or herself, and their family, to support our effort there toward a democratic country. If they had no anticipation that our commitment was equal to theirs, they might simply wait it out. So how can we ever turn the political tide in our favor in Iraq if we don't show the commitment the people of Iraq must have in order to make a commitment to our stated goals?

General Petraeus is here. He met with the President yesterday; he will be meeting with Members of Congress. It is important that we ask him his assessment of the current situation.

I know there are many who would be ready to suggest that the surge is not working. In fact, the full surge is not in place because all of the troops are yet to be deployed for the surge, but some who already said it wouldn't work are now saying it hasn't worked. I wish to have General Petraeus's assessment of it. I want to know what the general on the ground—not a politician in Washington—thinks about the effort of success we are meeting with our effort at this point in time.

The Iraq Study Group has been mentioned. Congress should drop fixed deadlines for withdrawals of U.S. forces. As Commander in Chief, the President needs flexibility on draft deployments. This is from the cochair of the Iraq Study Group, Democrat Lee Hamilton.

It is important that we recognize the Iraq Study Group not only when it is convenient but also when it might be inconvenient.

I think it is very important that we not sound the voice of defeat. Imagine the surprise that must have come to our enemies—and whether we like it or not, we have enemies—imagine the delight that must have come when, from the halls of the Congress, from the leader of the Senate, they were told that they had, in fact, won; that the war was lost.

This is not the right thing to say at a time when our troops are engaged in battle. Nine U.S. soldiers lost their lives in the last 24 hours alone. This is a difficult time. It is not a pleasant time. It is not an easy assignment. So for us to simply tell our troops in the field they have been defeated when they in fact have not, and for us to tell our enemies that in fact they have won when in fact they have not, is not a good idea. I believe it is terribly important that we attempt somehow in the midst of this rancor and debate that is so classic of modern day Washington that we find it within ourselves to look beyond the current moment of politics, beyond the political advantage that might be gained at any one moment or another, and seek within the depths of our souls the opportunity for us to begin to work together to try to find a solution to this very difficult problem.

It is a sure thing that we, in fact, have a problem on our hands, that Iraq is a difficult situation. There is no question they must reach a political settlement. There is no question that they must do—the Iraqis themselves—the hard work of peace. However, as we do that, we need to also find it within ourselves to find a way of shaping a political consensus, for us to find a way to begin to talk to one another, not past one another, about how we resolve the issues in Iraq in a way that will enhance America's strength. It is not about defeating a point of view. It is not about defeating President Bush. A loss in Iraq would be a defeat for the United States of America. So how do we find a way to empower America to be a stronger country, to be a united country as we seek to defeat the enemies of our country, which surely are there, continuing to fight against us, wishing us to be unsuccessful, and wishing for our country to be defeated? We should pull together, Republicans and Democrats all, to try to find the common ground that will bring us to a sensible solution, to a sensible outcome, so America is not defeated, but the enemies of America are defeated.

Mr. President, I yield the floor.

BIPARTISANSHIP STARTS AT THE TOP

Mr. NELSON of Florida. Mr. President, I say to my good personal friend and colleague from Florida, if we want to solve this and other problems, we have to have some genuine bipartisanship, and that bipartisanship has to start at the top. There has to be an atmosphere of mutual respect and willingness to work together, and it has to start in the White House.

I have shared these comments publicly and privately. Whenever you face something as contentious as the matters we face—matters of war and peace, the making of Medicare financially solvent, the question of prescription drugs and their cost—you simply can't do it by taking a unilateral position over and over on either side of this aisle; it has to be that people have to come together and work it out. There also has to be a sense of mutual trust, of people telling the truth to each other, of doing what the standards were in the old days where a man's word was his bond. Until we get that, we are going to continue to have difficulty.

We see the problems right now in a war that is certainly a difficult one. We all share the same goal: that the interests of America are furthered if we can stabilize Iraq. How do we get there? There has been so much mistrust and suspicion that has been bred because of all the inconsistencies and lack of information and misinformation and massaged information. But that is then; now is now. What do we do? Thus far, it looks as though the White House and the leadership in Congress can't come together. There is too much distrust.

I have said before and I will say again, thank goodness the Secretary of State is out on a new diplomatic initiative. It is not catty to say it is about time, because there certainly have been those forces within the administration that have wanted this much more in the past, but I think the Secretary of State is making a very valiant effort now, because you are not going to solve the problem in Iraq unless you can get all the neighbors in the region involved to make a political solution stick.

Is a political solution viable? This Senator cannot say at this point that it is a viable prospect because of the sectarian hatred we have seen play out over these last several months. But this hasn't just been going on for months; this has been going on for 1,327 years, ever since the Battle of Karbala. I say to my colleague, who is my friend, and the two of us work together very well all the time, that a lot less rhetoric coming from both ends of Pennsylvania Avenue would help this

problem, but I don't see it changing right now. I think that is a sad commentary on the state of affairs.

Mr. MARTINEZ. Will the Senator yield for a moment?

Mr. NELSON of Florida. Certainly.

Mr. MARTINEZ. I appreciate the Senator's comments, and I so much value our relationship and our ability to work across the aisle, because we seem to get a lot done when we do that. It is an encouraging sign on one of the very difficult issues of our day, which is immigration, that we do seem to be working in a bipartisan way, and it is amazing what can be accomplished when we do work bipartisanly.

I can't help but be shaped by my own life experience, and I remember as I came to America and was learning the ways of this country, and I admired so much this new land of mine, that I would marvel at the phrase: ''Politics ends at the water's edge.'' That used to be the standard. There were these towering giants of another day who occupied these very desks we now use as ours who seemed to find it within themselves to reach a little higher to work across party lines in those postwar years, in the Cold War years when it was so essential.

I think what we need to adopt as a country is the understanding that this struggle against this enemy is long term, that we are going to be in this fight for a long time, probably the time of your service and mine. I hope not, but perhaps. If we are going to be successful in that endeavor, we have to set politics aside. We have to find a way that we can think of America first and whatever label we wear in a secondary way. I am not preaching to my colleague from Florida or anyone in particular. Frankly, the blame lies on both sides of the aisle, with Republicans as well as Democrats. We have to find a way we can move beyond the momentary gain we might make over a 24-hour news cycle for the longer term good of the Nation and the longer term good of what America stands for to the world.

Anyway, maybe the Senator and I began a rare moment here this morning in talking about Iraq where we are not yelling at each other and we are actually talking about how we can bridge our differences and find consensus as something that will help the American people.

Mr. NELSON of Florida. Mr. President, I say to my colleague, work in your sphere of influence and this Senator will try to do the same. What we have is an approaching train wreck, because if the Congress passes this emergency funding bill for the war that has this language in it, if that passes this week, then the President is going to veto it next week and that is going to leave us right back where we are, with both sides making a lot of noise and a lot of rhetoric, but that doesn't get us any closer to where we are going. So I say to my colleague, look over the horizon beyond this week and see where we can come together.

I thought the most promising prospect was when Jim Baker and Lee Hamilton came down with the Iraq Study Commission report. They showed, in a bipartisan way among very prominent people of both parties, how you should approach this Iraq situation, and yet, that was last November or December when it came out, and here we are 4 months later and still we have not come together in common ground. So I would encourage my colleague to keep working.

Mr. MARTINEZ. I thank the Senator.

KIDS AND CAR SAFETY ACT

Mr. NELSON of Florida. Mr. President, I want to talk about a sad situation we can do something about. A year ago this little girl, Veronica Rosenfeld, and her mom were walking in their Boca Raton neighborhood. This little girl, Veronica, was about 5 feet ahead of her mother on the sidewalk when a neighbor, not seeing little Veronica, backing out of the driveway, backed out over her and killed her. Her mother was right there, and there was nothing she could do about it. It is every parent's nightmare to certainly see their child die, but how much more horrible to lose them and be totally helpless in preventing a senseless accident—an accident that could be prevented.

Let's talk about that, the prevention of the accident. Look what has happened in the last 6 years. There has been a 138-percent increase in the last 6 years in the number of children killed in these noncrash fatalities in which people back over a child because they can't see the child. Several children are killed every week in the United States, and sadly—and this is why I bring it up again; I have brought it up several times to the Senate—this past weekend in Florida, two more children died in their driveways. In Hollywood, FL, a 3-year-old died when her father accidentally backed over her with his cargo van, and in Fort Myers, a 5-year-old was killed by her 16-year-old brother when he was parking the family car.

Mr. President, this month alone, April, there have been 11 children backed over and killed in this country. These injuries and deaths continue to occur, even though we have the technology to prevent many of them. But we need legislation to put this technology to use. In April alone—and we are not even to the end of April—they have happened in Indiana, New York, Georgia, three in Florida, two in Texas, two in California, and one in Hawaii thus far. And it is only April 24.

This is why a bunch of us have gotten behind the Cameron Gulbransen Kids and Cars Safety Act. It is a bipartisan bill that would provide drivers with the means of detecting a child behind their vehicle. This bill would also ensure that power windows would automatically reverse direction to prevent a child from being trapped and mandate a car's service brake to engage to prevent rollaways. We have this technology in a lot of vehicles. We have been in the vehicles where there is a signal that goes beep, beep, beep, and it becomes more frequent when an object is detected behind the car. The technology is there, and it is already being used. The same thing for windows. A child's head is in a window and suddenly the window goes up. It hits resistance and it reverses, and a parking brake automatically engages to prevent a rollaway on an incline.

Consumer groups have teamed with the parents of victims to suggest ways that are relatively simple and inexpensive in order to ensure that more parents won't have to endure the pain of losing a child. The technology is there. We all want to be safe behind the wheel of a car, especially when we back up. How many times, when we back out of our garage, do we have that nagging thought: Is there a child behind this vehicle I cannot see? Why go through this trauma anymore? Let's pass this Kids and Cars Safety Act, and then we can stop a lot of these needless deaths.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, I will proceed in morning business. I believe I have time allotted to me.

The ACTING PRESIDENT pro tempore. The majority has 15 minutes.

IRAQ

Mr. BIDEN. Mr. President, President Bush has spent the last 2 weeks talking up the ''progress'' we are making in Iraq and talking down the Democrats and some of our Republican colleagues for trying to bring this war to a responsible end. But sometimes that is a problem because you have to deal with the facts. The facts are not as the President wants them to be but as they exist on the ground. The fact is, the President is totally out of touch with reality. He is out of touch with the American people and with America's interests in the region.

I have been here a while, and I can say I have never seen a President as isolated since Richard Nixon. The President appears to be totally removed from reality. He tells us that Attorney General Gonzales has done a great job, when anybody who watched it views it as one of the least impressive appearances of an Attorney General. He tells us that the President of the World Bank, an American, is doing a great job, oblivious to the damage being done to America's reputation around the world. And against the advice of some of the most gifted military men and women in a generation,

he has adopted a policy in Iraq that is a disaster.

The President argues that the surge is succeeding, but with every welcome development he cites there is an equally unwelcome development that gives lie to the claim that we are making any progress. For example, while death squad violence against Iraqis is down in some Baghdad neighborhoods where we have surged, suicide bombings have increased by 30 percent over the last 6 weeks. Violence is up dramatically in the belt ringing Baghdad. The civilian death toll has increased 15 percent from February to March. When we squeeze a water balloon in one place, it bulges somewhere else. Moqtada al-Sadr has not been seen, but he has been heard, rallying his followers with anti-American messages and his thugs to take on American troops in the south. Last week, he pulled his ministers from the coalition government, and intelligence experts believe his militia is simply waiting out the surge.

Closing markets to vehicles has precluded some car bombs, but it also has prompted terrorists to change tactics and walk in with suicide vests. The road to the airport to Baghdad may be safer, but the skies above it are more lethal; witness the ironic imposition of ''no-fly zones'' for our own helicopters.

Tal Affar is the most damaging evidence of the absolute absurdity of this policy. The President cites it as progress.

Architects of the President's plan called Tal Affar a model because in 2005 we surged about 10,000 Americans and Iraqis to pacify the city. Then we left, just as our troops will have to leave the Baghdad neighborhoods after calm is established, if it is.

But what happened in Tal Affar? It was the scene of some of the most horrific sectarian violence to date. A massive truck bomb aimed at the Shiite community led to a retaliatory rampage by Shiite death squads, aided by Iraqi police. Hundreds were killed. The population of Tal Affar, which was 200,000 people just a year or two ago, is down to 80,000.

There is an even more basic problem with the President's progress report, and it goes to the heart of the choices we now face in Iraq. Whatever tactical progress we may be making will amount to nothing if it is not serving a larger strategy for success. The administration's strategy has virtually no prospect for success, and his strategy, in a nutshell, is the hope that the surge will buy President Maliki's government time to broker the sustainable political settlement that our own military views as essential, and that is premised upon the notion of a central government in Baghdad with real power.

But there is no trust within the government, no trust of the government by the people it purports to serve, and no capacity on the part of the government to deliver security or services. There is little, if any, prospect that this government will build that trust and capacity any time soon.

How many times have colleagues heard, beginning in January, how there is an oil agreement, that they have gotten that deal? Has anybody seen that deal, after we heralded it time and again as essential to pulling this country together?

In short, the most basic premise of the President's approach—that the Iraqi people will rally behind a strong central government, headed by Maliki, in fact will look out for their interests equitably—is fundamentally and fatally flawed. It will not happen in anybody's lifetime here, including the pages'.

If the President won't look at a program that is different than he is now pursuing if his plan doesn't work, what will he do? History suggests there are only a couple of ways, when there is a self-sustaining cycle of sectarian violence, to end it, and it is not to put American troops in the middle of a city of 6.2 million people to try to quell a civil war.

Throughout history, four things have worked. You occupy the country for a generation or more. Well, that is not in our DNA. We are not the Persian Empire or British Empire. You can install a dictator, after having removed one. Wouldn't that be the ultimate irony for the U.S. to do that after taking one down. You can let them fight it out until one side massacres the other—not an option in that tinder box part of the world. Lastly, you make federalism work for the Iraqis. You give them control over the fabric of their daily lives. You separate the parties, you give them breathing room, and let them control their local police, their education, their religion, and their marriage. That is the only possibility. We can help Iraq change the focus to a limited central government and a Federal system, which their constitution calls for. I cannot guarantee that my strategy will work, but I can guarantee that the road the President has us on leads to nowhere with no end in sight.

We have to change course to end this war responsibly. That is what we are trying to do in Congress. Later this week, we will send to the President an emergency supplemental bill on Iraq that provides every dollar our troops need and more than the President requested. It also provides what the majority of Americans expect and believe is necessary: a plan to start to bring our troops home and bring this war to a responsible end, not escalate it indefinitely.

If the President vetoes the emergency spending bill, he is the one who will be denying our troops the funding they need. He is the one who will be denying the American people a path out of Iraq. The President's double talk on Iraq is reaching new heights of hypocrisy. I don't say that lightly.

On April 16, the President claimed that setting a timetable to start bringing our troops home would ''legislate defeat.'' Just 2 days after that, 2 days later, his own Secretary of Defense had this to say:

> The push by Democrats to set a timetable for U.S. withdrawal from Iraq has been helpful in showing Iraqis that American patience is limited . . . that this is not an open-ended commitment.

Then, in arguing against the supplemental, the President claimed that by sending him a bill he would somehow be forced to veto, the military would run out of money for Iraq in mid-April—which is not true, by the way—and as a result, he would have to extend the tours of duty of the troops already in Iraq.

Extending those tours, the President said, ''is unacceptable.'' ''It's unacceptable to me, it's unacceptable to our veterans, it's unacceptable to our military families, and it's unacceptable to many in this country.''

Unacceptable? The very next day, the administration announced its plans to do the ''unacceptable'' and extended the tours of every American ground troop in Iraq by 3 months.

Talk about hypocrisy: Telling us the path out of Iraq is a way which is forcing him to veto a bill that will require him then to extend tours because of that veto and that is unacceptable, and the very next day he extends the tour of every person on the ground. Once one gets over the hypocrisy, that announcement is an urgent warning that the administration's policy in Iraq cannot be sustained without doing terrible long-term damage to our military.

If this administration insists on keeping this many troops in Iraq until next year, we will have to send soldiers back for third, fourth, and fifth tours, extend deployment times from 6 months to a year for marines, from 12 months to 16 to 18 months for the Army. The military will also be forced to end the practice of keeping troops at home for at least 1 year between deployments, to fully mobilize the National Guard and Reserve, and to perpetuate this backdoor draft.

This President is breaking—is breaking—the military. We don't have to guess at the impact on this relentless readiness, its impact on retention and recruitment. This month, we learned that recent graduates of West Point are choosing to leave Active-Duty service at the highest rate in more than three decades. This administration's policies are literally driving some of our best and brightest young officers out of the military.

Instead of working with Democrats in Congress in a way forward, this President, divorced from reality, is accusing us of emboldening the enemy and undermining our troops. I have a message for you, Mr. President: The only thing that is emboldening the enemy is your failed policy. Mr. President, the only mission you have accomplished is emboldening the enemy with your failed policy.

Instead of escalating the war with no end in sight, we have to start bringing this to a responsible conclusion. If the administration insists on keeping this many troops next year, we are in serious, serious jeopardy.

I conclude by saying that I believe it is my obligation as a Senator—and I hope the obligation of everyone else—to keep relentless, unending pressure on this President to come to grips with reality, to continually push every single day to say: Mr. President, stop; stop this policy of yours.

It is my hope, even though he is likely to veto this bill, that we will keep the pressure on and ultimately convince at least a dozen of our Republican colleagues it is time to stop backing the President and start backing the troops. It is time, Mr. President, to begin to responsibly bring this war to an end.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

AMERICA COMPETES ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 761, which the clerk will report.

The bill clerk read as follows:

A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

Pending:

Bingaman amendment No. 908, to make certain improvements to the bill.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am waiting on the Democratic manager of the bill, Senator BINGAMAN, who should be here right away. Following that, we hope to go to the Senator from South Carolina, who has some amendments to offer, but it is not appropriate for me to do that until Senator BINGAMAN is here. That will take a moment. Then we will go forward, if that is all right with the Senator from South Carolina.

We had a good discussion yesterday on the America COMPETES Act. To remind all Senators, this is the Reid-McConnell legislation, with 56 cosponsors, which seeks to help our country keep our brainpower advantage so we can keep our jobs. It is the result of 2 years of work within this body through three committees principally but really five or six.

We asked the National Academy of Sciences to tell us exactly what we need to do to keep our competitive advantage in the world in competition with China and India so our jobs don't go there, so we can keep this remarkable situation we have of producing 30 percent of all the money each year for 5 percent of the people, with at least half of that based on our technological advantage. The National Academy of Sciences gave us a list of recommendations in priority order. The Council on Competitiveness formed the basis of a Lieberman-Ensign bill, the President made his own recommendations, and all that now has been worked through into this legislation.

I see Senator BINGAMAN. If I may, I would like to finish 3 or 4 minutes of remarks and then go to Senator BINGAMAN.

Yesterday, Senator INOUYE, Senator STEVENS, Senator DOMENICI, all of whom have been leaders on this legislation, spoke on the floor. Senator CHAMBLISS as well spoke on the floor. Senator BINGAMAN, of course, has been a leader from the very beginning, asking the questions that helped produce this result. So we have before us a leadership bill on a subject that is as important as any.

Almost all Members of the Senate over the last 2 years have had plenty of opportunity to influence this bill, and most have in one way or the other. It has been a remarkable exercise. But there still is time today and tomorrow for us to consider more options.

The President, last night by e-mail—someone in the White House—sent a Statement of Administration Policy to Capitol Hill which outlines the administration's views on the pending legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the President's remarks on January 31, 2006, from his State of the Union Address in which he spoke about the importance of the competitiveness initiative.

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

(See exhibit 1.)

Mr. ALEXANDER. As a courtesy to the administration, I ask unanimous consent to have printed in the RECORD the administration's Statement of Administration Policy following my remarks.

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

(See exhibit 2.)

Mr. ALEXANDER. Mr. President, I know how important the President believes this is. I have talked with him about it at least a half dozen times personally, usually in bipartisan sessions with a number of Senators, sometimes individually. I know the Vice President has been deeply involved.

When there is some more time on the floor this afternoon, if we have a lull in the debate, I will go through the Statement of Administration Policy and talk about it a little bit. Basically, it is very helpful to us. It points out that there is not much difference between the amount of money the President proposes to spend over the next 4 years and the amount we would propose to authorize to spend in this bill. As one might expect, the President likes his new programs but doesn't like some other new programs, and there are some other suggestions that are well taken that we can talk about, perhaps accept amendments, at least discuss with the Democratic majority those amendments, and there will be some amendments that are offered on the Senate floor.

I will reserve my comments on the President's Statement of Administration Policy. It is good to have it. We will make it part of the debate—and taking the President at his word—given the President's statement and the administration policy statement that ''The administration looks forward to working with Congress to address these various policy concerns as the legislative process moves forward.''

I defer to Senator BINGAMAN, if I may. Senator DEMINT is ready to offer amendments and speak about them whenever that is appropriate.

EXHIBIT 1

STATE OF THE UNION ADDRESS BY THE PRESIDENT, JAN. 31, 2006

''And to keep America competitive, one commitment is necessary above all: We must continue to lead the world in human talent and creativity. Our greatest advantage in the world has always been our educated, hardworking, ambitious people—and we're going to keep that edge. Tonight I announce an American Competitiveness Initiative, to encourage innovation throughout our economy, and to give our Nation's children a firm grounding in math and science.

First, I propose to double the federal commitment to the most critical basic research programs in the physical sciences over the next 10 years. This funding will support the work of America's most creative minds as they explore promising areas such as nanotechnology, supercomputing, and alternative energy sources.

Second, I propose to make permanent the research and development tax credit—to encourage bolder private—sector initiatives in technology. With more research in both the public and private sectors, we will improve our quality of life—and ensure that America will lead the world in opportunity and innovation for decades to come.

Third, we need to encourage children to take more math and science, and to make sure those courses are rigorous enough to compete with other nations. We've made a good start in the early grades with the No Child Left Behind Act, which is raising standards and lifting test scores across our country. Tonight I propose to train 70,000 high school teachers to lead advanced-placement courses in math and science, bring 30,000 math and science professionals to teach in classrooms, and give early help to students who struggle with math, so they have a better chance at good, high-wage jobs. If we ensure that America's children succeed in life, they will ensure that America succeeds in the world.

Preparing our Nation to compete in the world is a goal that all of us can share. I urge you to support the American Competitiveness Initiative, and together we will show the world what the American people can achieve.''

EXHIBIT 2

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, April 23, 2007.

STATEMENT OF ADMINISTRATION POLICY

S. 761 AMERICA CREATING OPPORTUNITIES TO MEANINGFULLY PROMOTE EXCELLENCE IN TECHNOLOGY, EDUCATION, AND SCIENCE ACT

(Sen. Reid (D) Nevada and 55 cosponsors)

One of the more important domestic priorities of the Administration over the last two

years has been the American Competitiveness Initiative (ACI), a comprehensive strategy to keep our Nation the most innovative in the world by increasing investments in research and development (R&D), strengthening education, and encouraging entrepreneurship. Thus, the Administration shares the goals of S. 761 to ensure the continued economic competitiveness of the United States through research and education and has been encouraged by the bipartisan support for addressing this vital topic. However, the Administration has serious concerns with S. 761 in its current form. The Administration believes that the bill does not prioritize basic research, authorizes excessive and inappropriate spending, and creates unnecessary bureaucracy and education programs. The Administration looks forward to working with Congress to address these various policy concerns as the legislative process moves forward.

The research component of the ACI is a targeted effort to focus increased funding on enhancing physical sciences and engineering research at the three highest-leverage agencies—the National Science Foundation (NSF), the Department of Energy's (DOE) Office of Science, and the Department of Commerce's National Institute of Standards and Technology (NIST). Unfortunately, the Senate bill creates at least 20 new programs across many agencies that, if enacted, would divert resources from and undermine and delay the priority basic research. The Senate bill would cost over $61 billion over the next four years—about $9 billion more than the President's ACI proposals. The bill conflicts with the Administration's well regarded Research and Development Investment Criteria by diverting funds from critical basic research to commercially-oriented research and other efforts that are less deserving of Federal support.

The education components of the ACI are targeted toward filling clear and specific gaps in the Federal funding portfolio with programs that will improve the quality of math and science education in the Nation's K–12 schools. The Administration appreciates that the bill authorizes most of the Department of Education programs the President called for in the ACI. These include authorizations for: (1) The Advanced Placement Program to increase the number of teachers instructing and students enrolled in advanced placement or international baccalaureate courses in mathematics, science, or critical foreign languages; (2) the Math Now programs to improve instruction in mathematics; and (3) part of the President's National Security Language Initiative proposal to strengthen the teaching and study of critical foreign languages. However, the Administration is disappointed that the bill does not authorize the President's Adjunct Teacher Corps, to encourage math, science, and other professionals to teach in our neediest middle and high schools.

Also, the Administration is concerned that the bill expands many existing science, technology, engineering, and mathematics (STEM) education programs that have not been proven effective and creates new STEM education programs that overlap with existing Federal programs. In its soon-to-be-released report, the Academic Competitiveness Council has identified 105 existing STEM education programs spending over $3 billion annually, including 45 programs that support training of STEM teachers, and found that very few of these programs demonstrated evidence-based effectiveness. Given this, the Administration believes it is premature to expand or begin new STEM education programs that do not have a plan in place for rigorous, independent evaluation or are duplicative of existing Federal programs.

In addition to the excessive authorization levels, lack of focus on basic research, and unnecessary new bureaucracy, created by S. 761, the specific provisions of serious concern include the following:

Advanced Research Projects Agency—Energy (ARPA–E). The Administration supports the conceptual goal of ARPA–E ''to overcome the long-term and high-risk technological barriers in the development of energy technologies.'' However, the Administration continues to strongly object to this provision due to serious doubts about the applicability of the national defense model to the energy sector and because a new bureaucracy at the DOE would drain resources from priority basic research efforts. The Administration believes that the goal of developing novel advanced energy technologies should be addressed by giving the Secretary of Energy the flexibility to empower and reward programs within existing DOE offices to fund unique, crosscutting, and high-risk research.

Innovation Acceleration Research. The Administration strongly objects to requiring each Federal science agency to set aside 8 percent of its research and development budget—a new program of over $10 billion of the Federal R&D budget at dozens of agencies—for projects that are ''too novel or span too diverse a range of disciplines to fare well in the traditional peer review process.'' Such a large earmark of the agencies' ongoing research efforts would certainly have negative, unintended consequences and could well impede the ability of these agencies to carry out their missions.

Equitable Distribution of New Funds. The Administration strongly objects to a requirement specifying particular funding increases for Education and Human Resources (EHR) activities at NSF. This is especially inappropriate while the Administration is responding to the findings and recommendations of the Academic Competitiveness Council to ensure that funding is targeted toward programs with plans to demonstrate effectiveness.

Experimental Program to Stimulate Competitive Technology. The Administration believes that additional resources provided to NIST should focus on existing internal innovation-enabling research activities and strongly objects to creating new programs that would drain resources from such activities.

Specialty Schools for Mathematics and Science. The Administration strongly objects to creating a responsibility for DOE to establish or expand K–12 schools.

Discovery Science and Engineering Innovation Institutes. The Administration strongly objects to using DOE funds to support State and local economic development activities. In addition to diverting funds from priority research areas, such a focus on commercialization is not a priority of the Federal government and could result in putting the government in the position of competing with private investment and influencing market decisions in potentially inefficient and ineffective ways.

Experiential-Based Learning Opportunities. The Administration objects to creating new K–12 education programs unless the need is clear and compelling, which is not the case for this program. As illustrated by the Academic Competitiveness Council's findings, the solution to improving the Federal government's impact on STEM education must come from identifying what works and improving the effectiveness of existing efforts before starting new programs.

Federal Information and Communications Technology Research. The Administration objects to the creation of a new program specifically aimed at ''enhancing or facilitating the availability and affordability of advanced communications services.'' Such an industry- and sector-directed program is well beyond NSF's traditional role of advancing the frontiers of knowledge in the academic disciplines.

National Laboratories Centers of Excellence. The Administration objects to the use of DOE funds to establish Centers of Excellence at K–12 schools. The establishment of school-based centers is not a proper role for DOE and would divert national laboratory resources that currently benefit their surrounding communities. The Administration believes that the President's Adjunct Teacher Corps proposal is a more promising approach to bringing subject experts into our neediest schools.

Experimental Program to Stimulate Competitive Research (EPSCoR). The purpose of the EPSCoR program is to build research capacity; it is not an education program. If EPSCoR funds are diverted for the purpose of hiring faculty or providing supplemental K–12 courses to precollege students, there will be less money available for increasing the research capacity in EPSCoR States.

Robert Noyce Teacher Scholarship Program. NSF's Robert Noyce scholarship program is too new to have been evaluated for its impact on improving the efficacy or retention of teachers who are program graduates. Therefore, it is unreasonable to increase the authorizations of appropriations at the pace and magnitude called for in this provision.

NASA Funding for Basic Science and Research and Aeronautics Research Institute. The Administration objects to the redirection of unobligated balances from existing NASA programs, because it would disrupt funding for ongoing activities. The establishment of an Aeronautics Institute for Research within NASA is objectionable because it would be duplicative of the agency's existing Aeronautics Research Mission Directorate.

Constitutional Concerns. Several provisions of the bill incorporate classifications and preferences based on race, national origin, or gender that are subject to the rigorous standards applicable to such provisions under the equal protection component of the Due Process Clause of the Fifth Amendment. (See sections 1405(d), 2003(a) and (d), 4005(b), and 4009.) Unless the legislative record adequately demonstrates that those standards are satisfied, those provisions are objectionable on constitutional grounds.

Mr. BINGAMAN. Mr. President, I thank my colleague and I thank the Senator from South Carolina for their courtesy.

My understanding is that the Senator from South Carolina wishes to set aside the pending amendment and offer an amendment; is that correct?

Mr. DEMINT. Mr. President, the Senator is correct. I wish to bring up three amendments and briefly speak on them, if I can.

Mr. BINGAMAN. Mr. President, I will have to object to offering three amendments. I have no problem if he wants to set aside the pending amendment and bring one amendment up, whichever amendment he would like, and we will deal with them one at a time. I think that will be the appropriate procedure for us to follow.

Mr. DEMINT. That is fine. I thank the Senator.

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

AMENDMENT NO. 928

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

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

Mr. DEMINT. I ask unanimous consent to bring up amendment No. 928.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT], for himself, Mr. MARTINEZ, Mr. CORNYN, and Mr. ENSIGN, proposes an amendment numbered 928.

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

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

The amendment is as follows:

(Purpose: To amend the Sarbanes-Oxley Act of 2002, with respect to smaller public company options regarding internal controls)

At the appropriate place, insert the following:

SEC. _____. SMALLER PUBLIC COMPANY OPTION REGARDING INTERNAL CONTROL PROVISION.

Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended by adding at the end the following:

''(c) SMALLER PUBLIC COMPANY OPTION.—

''(1) VOLUNTARY COMPLIANCE.—A smaller issuer shall not be subject to the requirements of subsection (a), unless the smaller issuer voluntarily elects to comply with such requirements, in accordance with regulations prescribed by the Commission. Any smaller issuer that does not elect to comply with subsection (a) shall state such election, together with the reasons therefor, in its annual report to the Commission under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)).

''(2) DEFINITION OF SMALLER ISSUER.—

''(A) IN GENERAL.—For purposes of this subsection, and subject to subparagraph (B), the term 'smaller issuer' means an issuer for which an annual report is required by section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)), that—

''(i) has a total market capitalization at the beginning of the relevant reporting period of less than $700,000,000;

''(ii) has total product and services revenue for that reporting period of less than $125,000,000; or

''(iii) has, at the beginning of the relevant reporting period, fewer than 1500 record beneficial holders.

''(B) ANNUAL ADJUSTMENTS.—The amounts referred to in clauses (i) and (ii) of subparagraph (A) shall be adjusted annually to account for changes in the Consumer Price Index for all urban consumers, United States city average, as published by the Bureau of Labor Statistics.''.

Mr. DEMINT. Mr. President, I thank the managers of this bill for giving me time to speak on this important issue. The issue of American competitiveness is very important to me, as I know it is to all Americans. It is the security of our jobs and our economic future. I am here today to propose some amendments. I will begin with one that I think will improve the bill.

I wish to first discuss Sarbanes-Oxley and how it relates to competitiveness in America. The bill we are discussing, which is S. 761, the America COMPETES Act, seeks to improve America's international competitiveness by strengthening the quality of our labor force. However, labor is only one component of economic growth. Capital investment is another critical component of any vibrant and growing economy. America's competitiveness is being challenged by other countries, not only on the labor front but with capital formation as well.

We could say, as Senator ALEXANDER mentioned, this bill focuses on brainpower. What we are trying to do is say brainpower plus capital equals success in America.

In 2000, $9 out of every $10 in stock offerings from foreign companies were invested inside the United States. In 2005, that number completely flipped, and $9 of every $10 in stock offerings from foreign companies were invested outside the United States. Some might argue this is simply the result of foreign companies wishing to list closer to home, but I am afraid that is not the case. Cross-border listings are at an alltime high, and we are losing the competition for foreign capital.

This chart demonstrates how the United States is doing compared to others when it comes to attracting foreign capital. We begin in 2002 when Sarbanes-Oxley took effect. One can see this dark-blue line at the bottom is the U.S. exchanges, which have stayed basically flat, while markets in Hong Kong, London, and Singapore have continued to grow. There is no reason we should continue to lose ground to these other countries when it comes to investing.

We need to remember as Americans that the dollars which are used for research and development come from investment capital. There is no need for us to be spending billions and billions of dollars to encourage Americans to be better at math and science if the research and development is moving to other countries.

Some say these trends are simply the result of more sophisticated markets springing up abroad, but the evidence suggests otherwise. When one speaks with international CEOs making the decisions to list on foreign exchanges, they repeatedly cite Sarbanes-Oxley as the reasons they have listed abroad. That is why a report commissioned by Senator SCHUMER and Mayor Bloomberg cited section 404 of Sarbanes-Oxley as the reason international companies are no longer bringing their capital to the United States.

Section 404 requires public companies to conduct an additional audit on their internal controls. These audits are most expensive for smaller companies. Numerous reports have found that section 404 produced a heavy cost upon small, publicly traded companies without a proportional benefit. As a result, the regulatory burdens of section 404 on small businesses and companies—well, companies are choosing to raise capital in other markets.

A recent GAO study, requested by Senator SNOWE, found the cost for small public companies to comply with Sarbanes-Oxley has been disproportionately higher than for large companies. Small businesses in the United States, afraid of complying with the complicated provisions of Sarbanes-Oxley, are choosing not to grow by listing publicly and are, instead, staying small and remaining private. This prevents capital formation, it stunts job growth, and it makes our country less competitive in the global economy.

This is why Alan Greenspan recently said:

One good thing; Sarbox requires a CEO to certify the financial statement. That's new and that's helpful. Having said that, the rest we could do without. Section 404 is a nightmare.

This is not a politically inspired amendment. This is an amendment that recognizes we are hurting ourselves and we need to fix it. This is why an SEC advisory committee recommended that small businesses be exempt from section 404, and this is why I am offering the amendment today.

My amendment, No. 928, would make section 404 of Sarbanes-Oxley optional for smaller companies with market capitalization of less than $700 million, revenue of less than $125 million, or fewer than 1,500 shareholders. Section 404 reporting would be optional for these smaller companies, but they would have to notify their shareholders in their annual report.

The Senate's Committee on Small Business held a hearing on this topic this past week, and I applaud Senator KERRY for looking into this important issue. As my colleagues may know, both Republicans and Democrats have suggested the need for reform, which makes my amendment consistent with the bipartisan nature of this bill. My proposal has been introduced as a freestanding bill in this Congress as well as the last Congress. It has also been introduced as part of a bill in the House by Representative GREGORY MEEKS, Democrat from New York, and enjoys broad bipartisan support.

Despite broad bipartisan support for my amendment, I expect some will object to it based on timing. They may believe the Securities and Exchange Commission is preparing to deal with this problem, so we should give them more time to work. This is something I believed several years ago. But that is not only a weak excuse, it is a complete copout. It has been 5 years since Sarbanes-Oxley was enacted, and each year that goes by we are chasing more capital out of our country.

The SEC has a responsibility to address this issue, but so do we. We wrote the law. Congress created this problem, and we should not hide behind some regulation when we have the ability to fix it. Furthermore, it is not clear that future action by the SEC will solve the problem. According to the Independent Community Bankers of America, the proposed internal control guidance

under section 404 is unlikely to reduce audit costs, particularly for smaller public companies.

Some may also object because this provision has not been fully examined in the committee of jurisdiction. This is a poor excuse as well. American competitiveness should not suffer because a committee in Congress has failed to do its job. A bill such as Senate Bill 761, which seeks to improve the competitiveness of our labor force but does nothing for capital formation, may result in a highly qualified labor force but without capital to spur economic growth and create the jobs they need to make.

This is a competitiveness issue. It should be debated on this bill and we should all support it. There is no plan to consider this legislation later this year, and it is probably the last opportunity we will have to address it before the next election. My amendment is cosponsored by Senators MARTINEZ, CORNYN, and ENSIGN, and I urge my colleagues to support it.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I appreciate the thought that has gone into the amendment, but, frankly, this is an amendment that is in the jurisdiction of the Banking Committee. Obviously, the Sarbanes-Oxley legislation came out of the Banking Committee and it is squarely within their jurisdiction. We are informed they have not had a chance to review the amendment, have not had a chance to have hearings on the amendment, and wish a chance to come to the floor and discuss it before there is any vote. There is some objection to going to any kind of vote on it at this point, so I am not prepared to discuss the merits of it. I do believe we need to provide an opportunity for those Senators on the Banking Committee who want to come and discuss the merits to come and engage in that debate.

However, I mention to the Senator from South Carolina, I am informed he also has an amendment related to looking at the Tax Code for possible problems with barring innovation; is that correct?

Mr. DEMINT. Yes, I do.

Mr. BINGAMAN. Mr. President, we are not in a position to say yet—we are trying to talk to the Finance Committee, because, of course, they have jurisdiction over tax issues—but we are trying to determine if there is any objection to Senator DEMINT's amendment relating to taxes.

Perhaps the right thing to do, since the majority leader has tried—not just on this bill but as a general matter—to avoid the circumstance where we are bringing up amendments, setting aside amendments; bringing up amendments, setting aside amendments, without ever having disposed of anything for a long period, perhaps the Senator could go ahead and describe this other amendment related to taxes. By the time he has completed that, we might know whether we are in a position to proceed to some kind of action on that.

Mr. DEMINT. So the Senator would prefer my not bringing it up but only describing it?

Mr. BINGAMAN. As I say, if it is another amendment that is going to require a debate and vote here, I think maybe we would want to go ahead and try to get the Banking Committee people here to deal with the Sarbanes-Oxley amendment before we get the Finance Committee people here to deal with the Tax Code amendment.

Perhaps the Senator could put the Senate on notice as to what the amendment entails, and by the time he is through with that discussion, we may know enough to be able to tell him whether we could accept the amendment or whether there is going to be objection.

Mr. DEMINT. Mr. President, I thank the Senator, and I think he will find this amendment has a lot of bipartisan support. It actually was a part of the original bill. It is amendment No. 929, and it expands the study on barriers to innovation, which is in section 1102 of the bill.

What we do is ask that this study include the impact of the IRS Tax Code on innovation. It is very consistent with the bill. My amendment does not remove anything currently called for in the study, it simply adds the provision that allows this study to include the effect of our Tax Code on innovation in America.

Specifically, the amendment calls on the Director of the Office of Science and Technology, through the National Academy of Sciences, to study all provisions of the Internal Revenue Code of 1986, including tax provisions, compliance costs, and reporting requirements that discourage innovation.

The IRS code increasingly overwhelms Americans with its growing complexity. It stymies entrepreneurship and economic growth, and it threatens to prevent future generations of Americans from enjoying the sort of upward mobility their parents and grandparents enjoyed. This important provision was originally included in the study in last year's bill but it was dropped. My amendment puts it back in, and it will help us identify ways the IRS Tax Code is discouraging innovation and weakening American competitiveness.

I ask the Senator if he would still prefer I not bring it up? In the interest of time, it may be helpful to have it on the table, and we could perhaps then agree to it at a later time. Would the Senator still prefer I wait to bring it up?

Mr. BINGAMAN. Mr. President, I know the Senator from Tennessee has some comments on the amendment. Maybe we could continue with that discussion and debate for a few more minutes to see if we can get a little more of a response from people in the Finance Committee.

Mr. DEMINT. I thank the Senator, and I yield the floor for the Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I want to thank the Senator from South Carolina for his amendments and for his initiative for being here and offering them. He is helping us jump-start the discussion, and I want him to know what we are doing is working on ways to get to action on his bills, not the reverse.

In fact, as far as his suggestion about considering the impact of taxes as barriers to innovation, I think he is right about that. That was a part of the original legislation. It had 70 sponsors at one time, the PACE Act. It was the Domenici-Bingaman act at that time. It is also a part of the Augustine report. These were the recommendations of the National Academy of Sciences team, which included 21 individuals who spent the entire summer and early fall of 2005 looking at exactly what we needed to do, and they recommended tax incentives for U.S.-based innovation.

This was a practical group, this Augustine committee. They made 20 recommendations. They knew there were a number of things that, if they recommended them, we wouldn't pass because we would have differences of opinion about them. So they stayed away from some areas. For example, since kindergarten through the 12th grade was their No. 1 priority in terms of improving education and encouraging innovation there, they might have felt giving low-income families scholarships or vouchers to go to private schools would be a good thing to do. But they didn't put that in their top 20 because they knew it was unlikely we would be able to agree on that here.

I think the same is true here with taxes. They specifically said on page 10 of the summary of their ''Rising Above the Gathering Storm'' that while they recommended making permanent the research and development tax credit as one change in tax policy, they realized that wasn't enough to consider it. They mention other alternatives that should be examined to see if it would be beneficial to the United States. These alternatives, the summary said:

> . . . could include changes in overall corporate tax rates and special tax provisions providing research of high-technology and manufacturing equipment, treatment of capital gains, and incentives for long-term investment innovation. The Council of Economic Advisers and the Congressional Budget Office should conduct a comprehensive analysis to examine how the United States compares with other nations as a location for innovation and related activities with a view to ensuring the United States is one of the most attractive places in the world for long-term innovation related investment and the jobs relating from that investment from a tax standpoint.

That is not now the case, is what the Augustine report said. So I believe the Senator from South Carolina is making a real contribution to the debate here. His amendment which he proposes to bring up would improve the bill, in my

opinion. It was once a part of the legislation that was similar, and I am hopeful the Finance Committee will recognize this simply amends a study that is already in the bill so tax barriers can be included as part of that study.

Mr. President, I look forward to the response by the Democratic manager as to how we shall proceed.

Mr. BINGAMAN. Mr. President, I am informed we do not have a clear response from the Finance Committee. I agree with the substance of what the Senator from Tennessee said. I don't see this causes any difficulty in the overall thrust of the legislation, so I would be inclined to urge the Senator from South Carolina to go ahead and ask permission to set aside the pending amendment, bring this up, and then conclude any debate he wants to on this amendment related to the study, and then we can dispose of it—by voice vote, as far as I am concerned, unless the Senator wants a recorded vote.

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

AMENDMENT NO. 929

Mr. DEMINT. Mr. President, I ask unanimous consent to call up amendment No. 929.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 929.

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

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

The amendment is as follows:

(Purpose: To require the study on barriers to innovation to include an examination of the impact of the Internal Revenue Code of 1986 on innovation)

On page 8, strike lines 7 through 9, and insert the following:

(10) all provisions of the Internal Revenue Code of 1986, including tax provisions, compliance costs, and reporting requirements, that discourage innovation;

(11) the extent to which Federal funding promotes or hinders innovation; and

(12) the extent to which individuals are being

Mr. DEMINT. Mr. President, I have explained what this amendment does. It is very simple. In addition to a study, if we are commissioning a study and paying for it, to find out what obstacles we have to innovation, the Tax Code is certainly something that is cited often by folks who invest and do the research and development, who are actually associated with innovation in the marketplace, so it makes sense that we include any obstacles in the Tax Code or any opportunities we may have, as the Senator from Tennessee suggested, to create incentives for investment and innovation.

There is a relationship between this amendment and the first one I brought up. I think we all know that investment, incentives for investment, are the catalyst for the research and development that results in innovation in the marketplace. As a nation, if we do not do more to attract capital, if we do not do more to encourage investment in our country, then those investments are not going to be here.

For many years we have been concerned that because of certain trade policies and other things we do internally, we have lost low-wage jobs. But increasingly we are hearing that because the investment dollars are moving overseas, behind those investment dollars go the high-tech jobs that are involved with research and development.

Both of these amendments are important. I would particularly like votes on this because it was stripped out once. I am concerned that if we do not have a vote and give the Members an opportunity to show support, particularly for this tax study, it will disappear again in conference.

My hope is we can have a vote and the yeas and nays on these amendments.

I yield the floor.

Mr. BINGAMAN. Mr. President, we need to determine when we would want to go ahead since, as I understand the Senator, he wishes a rollcall vote. We want to have a chance to check with our floor managers, the assistant majority leader, and determine when this is appropriate, so I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 930

Mr. DEMINT. Mr. President, in the interest of time—I know we are discussing two other amendments and the bill managers have asked me not to bring up a third. I will not bring it up at this time but I wish to speak on it, if that would expedite procedures here on the floor.

My third amendment, which is amendment No. 930, which we will bring up at a later time, establishes a 60-vote point of order against appropriations bills that contain congressional earmarks for funds authorized in this bill, S. 761, the America COMPETES Act.

The goal of this amendment is to ensure that funds authorized in the bill are allocated according to a competitive or merit-based process. As my colleagues know, congressional earmarks circumvent the normal competitive or merit-based process and award funds based on politics. My amendment is consistent with the stated intent of the bill, which says on page 183 that nothing in divisions A or D shall be interpreted to require the National Science Foundation to "alter or modify its merit-review system or peer-review process" or "exclude the awarding of any proposal by means of the merit-review or peer-review process."

My goal here is to make sure this new fund does not become a new pot for earmarks, that we start directing this new money back to our States or congressional districts because we put new funds on the table. If these and other funds authorized in the bill are going to be allocated in the most efficient and most competitive way, the Senate must take steps to discourage the use of earmarks when appropriating funds for these programs. My amendment will not only preserve the integrity of the competitiveness allocation process but it will make America more competitive by making these programs more effective.

In a bill that is about competition, this amendment makes sure the money is allocated on a merit-based competitive system instead of turning it into a new slush fund for Congress.

Out of respect for the managers, I will not bring that amendment up at this point but I hope to do that at a later time.

I yield the floor.

Mr. BINGAMAN. Mr. President, let me briefly speak to the amendment of the Senator from South Carolina related to earmarks. I obviously would have to object to it. I think he will find probably any and all Senators involved with appropriations would have to object to it. The way I read it, it says it is not in order to consider any bill that proposes a congressional earmark on appropriated funds unless you have 60 votes. The definition of a congressional earmark is contained in the legislation, but any appropriations bill that comes to the floor virtually by definition is going to contain something that falls into this definition of congressional earmark. It is one thing to be concerned about the addition of earmarks once the Appropriations Committee has presented legislation to the Congress or to the full Senate. But to say we cannot bring up a bill, an appropriations bill, if it has anything in it that might meet this definition is substantially more onerous than I would think would be good policy.

Mr. DEMINT. Will the Senator yield?

Mr. BINGAMAN. I am glad to yield.

Mr. DEMINT. For a clarification. The way this amendment is written, it is not all appropriations bills, just appropriations bills that are appropriating money for this act, the America COMPETES Act. We are not bringing in all the appropriations bills that will be brought to the floor.

The point is, we are creating this new fund for competition. Instead of us in the future redirecting these funds in all directions, the bill has been very careful to lay out where this money will go in a way that we think is most efficient. This money will be allocated on a merit-based system. We have seen some of it before, how the National Science Foundation and others are merit based. We want to keep it that

way. What we are trying to do is avoid, in the future, that this new money we have authorized starts being redirected. If something comes up that is important, that we agree on, we can always overcome a 60-vote point of order. But if we allow this to fester, as we have seen in the past, instead of going to create competition in America, it will be going off to special projects. So it focuses on this bill and prevents politically driven earmarks.

Certainly we have directed the money for this whole bill. It doesn't change that. This is all authorized. We are not talking about authorized dollars, we are talking about redirecting it based on political motives in the future.

I thank the Senator for allowing that clarification.

Mr. BINGAMAN. Mr. President, I thank the Senator for the clarification, but I do think the problem remains because this bill is far reaching because this bill covers quite a few Federal agencies and tries to lay out a blueprint for what we hope we will be able to provide by way of appropriations to these agencies in the future, whether it is the National Science Foundation, whether it is the Office of Science in the Department Energy, whether it is the Department of Education, Health and Human Services—there are various agencies that would obtain funding to carry out the purposes of this legislation if we are successful through the appropriations process.

For us to be putting a provision in this authorizing bill saying you cannot bring an appropriations bill to the floor that contains anything we would define as a congressional earmark is unduly restricting the authority and the prerogatives of the Appropriations Committee in putting together legislation they think makes sense.

I am well aware there are three sort of distinct hurdles that need to be surmounted in order for us to actually get funds to be spent on these good purposes that are outlined in this bill. One of those hurdles is the Budget Act. We need to be sure there is room in the Budget Act for the funding we are calling for in this legislation. We offered an amendment to do that. We got very good support here in the Senate. Senator ALEXANDER and I offered that and I think that was a major step forward.

The second hurdle, of course, is trying to authorize these programs so if the funds are appropriated for these purposes nobody can raise an objection that these are not authorized uses of the funds.

Then the third and perhaps most difficult is, each year over the next several years, the period that is covered by the legislation—each year we are going to have to try to see that the funds are properly appropriated for these agencies to carry out the work as outlined in this bill.

I think it would be foolhardy for us to be requiring that before you can bring a bill to the floor that contained funding related to this authorization bill, if it could be construed to fall under this definition of congressional earmark, you would have to have 60 votes to proceed to that appropriations bill. That would be an unprecedented procedure for us in the Senate and one that would be very wrongheaded. As I say, people involved in the appropriations process would probably see it that way as well.

I yield the floor.

Mr. DURBIN. Can I make a comment?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding the Senator is not calling up the amendment but is only speaking to it for the RECORD.

Mr. DEMINT. Could I make one additional comment?

Again, I appreciate the Senator's remarks, and obviously we don't want to tie the hands of Congress unnecessarily, but when we are speaking of earmarks—and we defined it in this amendment ourselves. When we take this bill that was created for the purpose of improving competitiveness in America and we earmark, which means we target it to a specific State, locality, or congressional district other than through a statutory or administrative formula-driven or competitive award process—when we take what we have done and basically pervert it into a system where I want it to go to South Carolina, or the Senator wants it to go to Tennessee, that has nothing to do with the original intent of the bill, we call that an earmark. We would like to prevent that if we could with this one bill, but I appreciate the courtesy of both managers to allow us to explain. I hope we will have an opportunity to bring it up and offer it later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I am honored to be a cosponsor of this legislation. All of us understand we have an obligation in Congress to devise policies and means by which the American economy can compete and create good-paying jobs. Whether one lives in Pennsylvania or Illinois or New Mexico or Tennessee, we have lost a lot of good manufacturing jobs over the last few years. We know there have been growth industries. We can look at the whole Silicon Valley phenomena. Whether it is information technology or computers, the United States has taken a leadership position. But in many areas, we are not in leadership positions.

Senators ALEXANDER and BINGAMAN came together over a year ago to sit down with some of the experts in Washington and talk about what we needed to do to make America more competitive, the next generation of good-paying jobs, the horizons we ought to look to to build for the future. They put together a strong bipartisan bill. If Members read the cosponsors, they will find plenty of support on both sides of the aisle. This may be one of the best examples of bipartisan cooperation we have had in the Senate so far this session. I hope we have more. I am honored to support it and be a cosponsor.

I hope we can move beyond the many amendments that are going to be offered and consider this bill on a timely basis. It is the nature of the Senate that it is a deliberative body. Occasionally, when there is a lapse, we actually break into real debate on the Senate floor. People across the Nation applaud when they hear that happen. In this situation, I am not suggesting that we should not debate amendments to the bill. In fact, I will describe one in a moment. But I am prepared to pull my amendment back because I don't want to stop this bill. I want it to pass the Senate and the House. I want it enacted into law. I hope other Members who have a positive belief about this legislation will think twice about whether they need to gild the lily and add something to a positive and substantive bill.

The issue I would like to speak to is one I believe in very strongly. I have an amendment, but I won't stop this bill to offer it. If it appears to have any objection or resistance, I will save it for another day. It is one that fits into this competitiveness issue.

The United States graduates some of the world's best engineers, scientists, and mathematicians. However, countries such as China and India are catching up. They are educating a higher proportion of their students in these fields.

We have heard the statistics from the National Academy of Sciences report ''Rising Above the Gathering Storm.'' In 2004, China graduated 600,000 engineers. India graduated 350,000 engineers. The United States graduated 70,000. In 2004, only a third of the undergraduate degrees awarded in the United States were in science or engineering. In China, the number was 59 percent; in Japan, 66 percent in science and engineering.

Our country can understand when our economic security and our future are at stake, and we have risen to the occasion. I remember back in the 1950s when the Russians launched Sputnik. We didn't think they were capable of that. When they put the first satellite in space, it caused great fear across the United States. As a result, Congress did something it had never done before: It created Federal assistance to higher education. It created a loan program to encourage students to go to college. I know about that program because that is the way I went to college. It was called the National Defense Education Act. I borrowed enough money to get through college and law school, paid it back at a modest interest rate, and believe it was a good investment. I have had a pretty good life as a result of it and maybe have added something to this great country in the process. Thousands of others went through the same experience. Congress responded.

We knew we needed to invest in our country by first investing in education.

The same thing is true with competitiveness. We can talk about a lot of actions that might achieve our goals, but education is the starting point. We have documented the technological challenges to our country from many different angles. The founder of Microsoft, Bill Gates; the chairman of Intel, Craig Barrett; a journalist, writer Tom Friedman; and the National Academy of Sciences have all told us this. All agree we need to strengthen students' proficiency in science, technology, engineering, math, and foreign languages. The America COMPETES Act invests in the R&D and education our country needs to make sure we remain the world's technological innovator.

In our increasingly global economy, we need more youth to pursue math, science, engineering, technological, and critical foreign language degrees. Our young people also need an appropriate knowledge and understanding of the world beyond our borders. You have heard me speak many times on the floor about one of our Nation's greatest public servants, my predecessor, the late Senator Paul Simon. Paul understood that our country needed to invest in math and science. He also envisioned a United States populated by a generation of Americans with a greater knowledge of the world, a generation of our Nation's future leaders that has been abroad and has a personal connection to another part of the world.

In the months before his untimely death, Senator Simon came to Washington. I met with him. We talked as well with his former colleagues about the need to strengthen our Nation's international understanding in the 21st century. Paul Simon knew that America's security, global competitiveness, and diplomatic effforts in working toward a peaceful society rest on our young people's global competence and ability to appreciate language and culture beyond the United States.

I filed as an amendment to this bill an amendment which we have entitled the ''Senator Paul Simon Study Abroad Foundation Act.'' It is an initiative that honors Paul's commitment to international education and brings his vision one step closer to reality. The Simon Act encourages and supports the experience of studying abroad in developing countries, countries where people with a different culture, language, government, and religion will give a person a different life experience. It aims to have at least 1 million undergraduate students study abroad annually within 10 years and expands study-abroad opportunities for students currently underrepresented.

The Simon Act establishes study abroad as a national priority and provides the catalyst for the education community to commit to making study abroad an institutional priority. An independent public-private entity, the Senator Paul Simon Foundation, would carry out the goal of making studying abroad in high-quality programs in diverse locations around the world routine rather than the exception. Students who were previously unable to study abroad due to financial constraints would be eligible for grants. The grants would also provide colleges and universities and other nongovernmental institutions financial incentives to develop programs that make it easier for college students to study abroad.

We can't afford not to invest in thoughtful Federal initiatives that foster innovation. We must ensure that future leaders understand science and engineering and the world in which they live. The future of our country depends on having globally literate citizens. I believe the Paul Simon Study Abroad Foundation Act would help to achieve that goal.

There is one other area that would be helpful when it comes to competitiveness. Most of us know today what a miracle computers have turned out to be. They really bring so much information to our fingertips which long ago was hard to find. I can recall as a college student walking across the street to the Library of Congress, sending in the little slips of paper and ordering a big stack of books and searching through them to find information which I can now Google in a matter of seconds. That is great. That information is helpful. But if one is going to be able to take advantage of that opportunity, one needs to have access to high-speed computers.

There are many parts of America—Washington and Capitol Hill would be good examples—that have broadband access now. We take it for granted. I represent a diverse State, Illinois, which has the great city of Chicago as our largest city but also has a lot of small towns and rural areas, not unlike Tennessee or New Mexico. It is important for the development of education, health care, and business for us to expand broadband access in America to areas that are currently not served.

I have introduced a bill, which is being considered before the Senate Commerce Committee, on broadband access. I would like to share a statistic which Members might consider. According to the OECD, the United States fell from 4th in the world in broadband access per capita in 2001 to 12th in 2006. As of 2006, the International Telecommunication Union listed the United States 16th worldwide in terms of broadband access. We are now behind South Korea, Belgium, Israel, and Switzerland, among other nations.

In today's highly competitive international markets, our children, businesses, and communities are competing with their peers around the world for jobs, market share, business, and information. It concerns me that with the size and dynamism of our economy, we are falling behind in an area where we should have a natural advantage. As we committed ourselves to a National Defense Education Act to make sure we had trained people, educated people to compete against the Soviet Union in that era and now in the world, we also need to make sure the tools for competition are available.

I will be offering this broadband access act not as an amendment to this bill but at a later date. I hope those representing States across the Nation who believe there are digital divides will join me in making sure this important tool is available to every American.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that at 2:17 p.m., the Senate proceed to vote on or in relation to amendment No. 929; that at 2:15 p.m., there be 2 minutes of debate equally divided between Senators BAUCUS and DEMINT or their designees and that no amendment be in order to the amendment prior to the vote; that upon the conclusion of the vote, Senator KENNEDY be recognized to speak on the bill; that following Senator KENNEDY, Senator COBURN be recognized as provided for under the previous order.

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

The Senator from Mississippi.

Mr. LOTT. Mr. President, let me inquire of the parliamentary situation. I believe, under the agreement, we will now go off this legislation, and we are ready to have some remarks with regard to the judicial nomination for the Southern District of Mississippi.

The PRESIDING OFFICER. Under the previous order, that is to begin at noon.

Mr. LOTT. So are we ready to proceed? I ask unanimous consent that I be allowed to begin my remarks in support of this nominee.

EXECUTIVE SESSION

NOMINATION OF HALIL SULEYMAN OZERDEN TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will proceed to executive session to consider Calendar No. 76, which the clerk will report.

The legislative clerk read the nomination of Halil Suleyman Ozerden, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided between the chairman and ranking member or their designees.

The Senator from Mississippi.

Mr. LOTT. Mr. President, it is my pleasure be here to speak on behalf of the confirmation of Halil Suleyman Ozerden to serve on the U.S. District

Court for south Mississippi. I am truly pleased that the President has nominated this outstanding young attorney to this position in Mississippi. I thank the Judiciary Committee for the expeditious handling of the nomination. I particularly thank the chairman, the Senator from Vermont, Mr. LEAHY, and the ranking member, Senator SPECTER, for moving the nomination forward.

I made it a particular point of pronouncing his name and trying to get it correct because this is a very highly qualified nominee but an unusual one. I believe he will probably be the only Turkish American to serve on the Federal judiciary anywhere in America. We didn't select him because of that, but it is a fact. He has an outstanding record, and he will be an outstanding member of the judiciary.

Long before I knew this young man, I met his father. Sul is the son of a Gulfport, MS, doctor, psychiatrist, a Turkish immigrant, and naturalized U.S. citizen. He was truly a well respected citizen in the community as well as a doctor.

I met him back when I was in the House of Representatives, years ago, in the 1970s, as a matter of fact. His father came to visit my office on the Mississippi gulf coast one day to thank me for a controversial vote I had cast, one that was particularly unpopular with a lot of my constituents. Well, now, House Members are not used to people actually coming to their office and thanking them for casting a vote a lot of people disagree with, so I took a particular liking to this doctor, and I stayed in touch with him and his family over these past 30 years.

But I was particularly impressed, as I watched the doctor's son grow up and achieve such a tremendous record.

I began hearing about Sul, his professional accomplishments, and the impact that he was having on the gulf coast community. Now one of the most respected young lawyers in Mississippi, Sul may soon have the rare opportunity to serve both his community and his country as a Federal judge.

During my time in the Senate, I have had the opportunity to deal with countless judicial nominees. Seldom have I seen a nominee who comes as highly recommended—and who is as highly credentialed—as Sul Ozerden.

This young man graduated from what was then a very large high school in Mississippi, Gulfport High School, in 1985. He was salutatorian in his class. He then attended Georgetown University's School of Foreign Service on a Navy ROTC scholarship, graduating magna cum laude and Phi Beta Kappa in 1989.

Following graduation, he served 6 years active duty as a commissioned officer and naval flight officer in the U.S. Navy, where he achieved the rank of lieutenant as an A–6E Intruder bombardier/navigator. He was awarded the Navy Commendation Medal for missions flown over Iraq during Operation Southern Watch and Somalia during Operation Restore Hope.

After his military service, he earned his law degree from Stanford Law School, where he served as associate editor for the Stanford Law Review. Following law school, he clerked for the Honorable Eldon Fallon, U.S. district court judge in New Orleans, before returning home to enter the private practice of law in Gulfport.

That is an incredible record, outstanding record—in high school, in college, in the military, and law school, and he served as a clerk to a Federal judge. He has all the credentials that will qualify him for this position.

He then returned to the gulf coast as a shareholder in one of the gulf coast's most respected firms, Dukes, Dukes, Keating & Faneca, where his practice has focused on general civil defense litigation, representation of local law enforcement and governmental entities, and commercial transactions and litigation.

In addition to his professional accomplishments, Sul is also involved in his community, as his father was. He has served as a mentor in the Gulfport Public School District. He has been named ''Volunteer of the Year'' by the Gulfport Chamber of Commerce, an area where we have had a lot of voluntarism in the last 2 years to help people and help our communities recover from Hurricane Katrina. He served on the board of directors—and as president—of the Gulfport Chamber of Commerce. He also served as the president of the Gulfport Business Club. He was also named as one of the Sun Herald newspaper's ''Top 10 Business Leaders Under 40'' for the southern part of the State of Mississippi.

He is active in his church, St. Peter's By-the-Sea Episcopal Church, where he is on the church's building committee—an extremely important position within a church seeking to rebuild from devastation caused by Hurricane Katrina.

President Bush has nominated one of south Mississippi's finest to fill one of Mississippi's most important positions. Sul's academic credentials, brilliant mind, analytical ability, legal skills, world experiences and common sense are rare qualities in one person. The Federal judiciary is lucky to have the opportunity to secure the services of Sul Ozerden, and I look forward to his confirmation.

Mr. President, I do not know when I have supported a nominee to be a Federal judge in Mississippi more than I do this one. I am very proud of this nomination, and he will surely be overwhelmingly confirmed in a few minutes. Sul Ozerden, of Gulfport, MS, will be a credit to his parents, the community, and to the Federal judiciary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am very pleased this nomination is now before the Senate. The nominee is very well qualified to serve as a Federal judge. He is a highly respected lawyer with a keen sense of fairness. I think he will reflect great credit on the Federal judiciary.

Sul graduated magna cum laude from the Georgetown University School of Foreign Service, where he was a member of Phi Beta Kappa.

After graduating from Georgetown, he attended the U.S. Navy Flight School in Pensacola, FL, and then served for 5 years as a naval officer. He served as a bombardier and navigator aboard A–6E Intruder aircraft and was awarded the Navy Commendation Medal for missions flown over Iraq and during Operation Restore Hope in 1992 and 1993. He also completed deployments to the Western Pacific and to the Persian Gulf aboard the aircraft carrier USS Kitty Hawk from 1992 to 1994.

Sul is also a graduate of the Stanford University School of Law, where he served as an associate editor on the Law Review.

He then served as a law clerk to the Honorable Eldon E. Fallon, U.S. district judge for the Eastern District of Louisiana.

He then joined the law firm of Dukes, Dukes, Keating & Faneca in Gulfport, MS, a highly respected law firm in our State. He has practiced in State and Federal courts throughout the Southeast and served as lead counsel in a wide range of complex cases.

Sul is ranked by his fellow lawyers at the highest levels of professional accomplishment. He received a unanimous ''qualified'' rating from the American Bar Association's Standing Committee on the Federal Judiciary.

Mr. President, I have come to know this nominee well and his family members who are outstanding citizens of the gulf coast area, of the State of Mississippi. I am very pleased he accepted the nomination and is prepared to take his place on the bench of the Federal court in our State. I am very pleased to urge the confirmation of this nominee.

Mr. LEAHY. Mr. President, today we consider the nomination of Halil Suleyman Ozerden to be a U.S. district judge for the Southern District of Mississippi, which until recently had been considered a judicial emergency. By approving yet another lifetime appointment, we continue to proceed promptly and efficiently to confirm judicial nominees.

With this confirmation, the Senate will have confirmed 16 lifetime appointments to the Federal bench so far this year. There were only 17 confirmations during the entire 1996 session of the Senate. This means we have already confirmed almost the entire total of confirmations for the entire 1996 session, and we are still in April of this year.

The Administrative Office of the U.S. Courts lists 48 judicial vacancies, yet the President has sent us only 27 nominations for these vacancies. Twenty one of these vacancies—almost half—have no nominee. Of the 16 vacancies deemed by the Administrative Office to

be judicial emergencies, the President has yet to send us nominees for 6 of them. That means more than a third of the judicial emergency vacancies are without a nominee.

I have worked cooperatively with Members from both sides of the aisle on our committee and in the Senate to move quickly to consider and confirm these judicial nominations so that we can fill vacancies and improve the administration of justice in our Nation's Federal courts. The nomination we consider today has the support of both Senator COCHRAN and Senator LOTT.

Mr. Ozerden is just 40 years old, quite young for a lifetime appointment to the Federal bench. Mr. Ozerden has worked for the past 8 years as a commercial litigator for the Gulfport, MS, law firm of Dukes, Dukes, Keating & Faneca, P.A. Before pursuing a legal career, he served for 6 years on active duty as an aviator in the U.S. Navy.

I have urged, and will continue to urge, the President to nominate men and women to the Federal bench who reflect the diversity of America. Mr. Ozerden is the son of a Turkish immigrant. I am encouraged when we can reflect positively on the diversity of our Nation and the contributions of immigrants.

The Senate will confirm Mr. Ozerden. It will not repeat the slurs that many used against Senator OBAMA. Whether a person's middle name is Suleyman, Hussein, or Ali, that person should be considered on merit, not through the eyes of prejudice. Our Nation must rise above mean-spiritedness and the short-sighted politics of fear. Consistent with our heritage as a nation of immigrants, we should recognize the dignity of all Americans whose work contributes to building a better America. The diversity of our Nation is a strength for our country and remains one of our greatest natural resources.

That said, I understand the disappointment of members of the African-American and civil rights communities that this administration continues to renege on a reported commitment to appoint an African American to the Mississippi Federal bench. In 6 years, President Bush has nominated only 19 African-American judges to the Federal bench, compared to 53 African-American judges appointed by President Clinton in his first 6 years in office. With an ever-growing pool of outstanding African-American lawyers in Mississippi, it is not as if there is a dearth of qualified candidates.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to add my endorsement for the confirmation of Halil Suleyman Ozerden to the U.S. District Court for the Southern District of Mississippi. The distinguished Senators from Mississippi have already spoken at length about his outstanding qualifications, and I associate myself with their remarks.

It is a matter of considerable distinction to be a magna cum laude graduate from Georgetown University. And a law degree from Stanford is impressive. His service as a lieutenant in the U.S. Navy, with the impressive service he has performed there, has been specified in some detail.

He was unanimously rated ''qualified'' by the American Bar Association. The vacancy to which he has been nominated has been designated as a ''judicial emergency'' by the nonpartisan Administrative Office of the Courts. I urge my colleagues to vote to confirm this very distinguished nominee.

I note we have a significant number of vacancies at the present time. We have 14 vacancies on the courts of appeals. Six nominees have been submitted to the Judiciary Committee, and it is my hope we will process these nominees promptly. There have been a number of blue slips not returned by Senators. Under the practice of the committee, the nomination will not be processed until blue slips are returned by the Senators. So I will be communicating directly with the Senators involved, urging them to return the blue slips so we may go forward.

There are six of those vacancies where nominations have been submitted. There are eight vacancies without nominations. I have discussed this matter personally with the President and have written to him in addition so the letter could be disseminated among the various White House officials who are charged with the responsibility for proceeding there.

On the district courts, there are 34 vacancies. Twenty-two nominations have been received, and it would be my hope they would be processed promptly. Twelve are awaiting nominees. The vacancies constitute a substantial number.

The total number of authorized circuit judges is 179. There are 14 vacancies, for a 7.8 vacancy percentage. The total number of authorized district judges is 674. There are 34 vacancies, for a 5-percent vacancy rate. It is important these vacancies be filled.

Where we do not have judges—and quite a few of these vacancies are judicial emergencies—there cannot be the processing of these cases. As a lawyer with substantial experience in the courts, I can attest firsthand to the importance of having judges on the job. When the vacancies are present, other judges are compelled to do extra duty.

So I urge my colleagues to cooperate in the processing of these nominations and vacancies. I, again, renew my urging of the White House, the President, to submit nominations for these vacancies.

COMPLIMENTING SENATOR CASEY

In conclusion, may I note how much I appreciate the Presiding Officer, the other Senator from Pennsylvania. I do not call him the junior Senator from Pennsylvania, although he has been here a lesser period of time than I have. I think the difference is 26 years and 3 months to 3½ months. But Senator CASEY has already made a distinguished mark on the Senate.

I think it not inappropriate to note for the record that he and I meet on a weekly basis and have held joint hearings on the juvenile gang problem in Philadelphia and on the issue of the proposed merger of Independence Blue Cross and Blue Shield with Highmark from the western part of the State, that we were together in Pittsburgh recently for the induction of a court of appeals judge and a district court judge.

My compliments to Senator CASEY on his distinguished service already.

Mr. President, I note the time has arrived for the vote, so I yield the floor.

The PRESIDING OFFICER. If all time is yielded back, the question is, Will the Senate advise and consent to the nomination of Halil Suleyman Ozerden, of Mississippi, to be United States District Judge for the Southern District of Mississippi?

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Ohio (Mr. VOINOVICH).

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 136 Ex.]

YEAS—95

Akaka	Dole	McCaskill
Alexander	Domenici	McConnell
Allard	Dorgan	Menendez
Baucus	Durbin	Mikulski
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brown	Gregg	Reid
Brownback	Hagel	Roberts
Bunning	Harkin	Rockefeller
Burr	Hatch	Salazar
Byrd	Hutchison	Sanders
Cantwell	Inhofe	Schumer
Cardin	Inouye	Sessions
Carper	Isakson	Shelby
Casey	Kennedy	Smith
Chambliss	Kerry	Snowe
Clinton	Klobuchar	Specter
Coburn	Kohl	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Tester
Collins	Lautenberg	Thomas
Conrad	Leahy	Thune
Corker	Levin	Vitter
Cornyn	Lieberman	Warner
Craig	Lincoln	Webb
Crapo	Lott	Whitehouse
DeMint	Lugar	Wyden
Dodd	Martinez	

NOT VOTING—5

Johnson	Obama	Voinovich
McCain	Stabenow	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

AMERICA COMPETES ACT—Continued

AMENDMENT NO. 929

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided on amendment No. 929 offered by the Senator from South Carolina, Mr. DEMINT.

Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I know Senator BAUCUS intended to be here. I don't see him right now. I know the Senator from South Carolina wishes to use his 1 minute. I am informed that Senator BAUCUS will support the amendment and is urging other Senators to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I appreciate the support of the majority. This is clearly a bipartisan idea. The underlying bill has in it a study to look at obstacles to innovation. This simply adds to that with a study of our Tax Code to see how it might be obstructing innovation and investment in our country.

It sounds as if we have good support. I encourage all my colleagues, Republicans and Democrats, to vote for the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 929. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Ohio (Mr. VOINOVICH).

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—96

Akaka	Dole	McCaskill
Alexander	Domenici	McConnell
Allard	Dorgan	Menendez
Baucus	Durbin	Mikulski
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brown	Gregg	Reid
Brownback	Hagel	Roberts
Bunning	Harkin	Rockefeller
Burr	Hatch	Salazar
Byrd	Hutchison	Sanders
Cantwell	Inhofe	Schumer
Cardin	Inouye	Sessions
Carper	Isakson	Shelby
Casey	Kennedy	Smith
Chambliss	Kerry	Snowe
Clinton	Klobuchar	Specter
Coburn	Kohl	Stabenow
Cochran	Kyl	Stevens
Coleman	Landrieu	Sununu
Collins	Lautenberg	Tester
Conrad	Leahy	Thomas
Corker	Levin	Thune
Cornyn	Lieberman	Vitter
Craig	Lincoln	Warner
Crapo	Lott	Webb
DeMint	Lugar	Whitehouse
Dodd	Martinez	Wyden

NOT VOTING—4

Johnson	Obama
McCain	Voinovich

The amendment (No. 929) was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand it, we are operating under a time agreement that has been proposed by the Senate leaders.

The PRESIDING OFFICER. The Senator is recognized for such time as he wishes to consume.

Mr. KENNEDY. I thank the Chair.

Mr. President, first of all, I commend my friend and colleague, Senator BINGAMAN, as well as Senator ALEXANDER and the group that came together in support of this idea of competitiveness legislation. I think it is one of the most important issues we will consider on the floor of the Senate, and it is something that commands the kind of broad support that it is getting.

What underlines this legislation is a recognition that the United States is competing in a global economy. If we are going to compete in a global economy, we have to make a decision as a nation to the prepare each and every individual American to stand with the winds in a global economy. This legislation says that we are going to equip every man, woman, and child in the United States to be able to deal with the challenges of a global economy, and I think that is a very important national purpose.

Throughout history, this country, when it saw that it was challenged, turned to education to stay competitive. After the Second World War, we needed to build a new, peacetime economy. We passed the G.I. Bill to enable those who served in battle to rebuild their lives at home. For every dollar we invested, the Greatest Generation returned $7 to our economic growth.

In 1957, we were challenged again. The launch of Sputnik sparked the Space Age, and we rose to the challenge by passing the National Defense Education Act and inspiring the nation to ensure that the first footprint on the moon was left by an American. We doubled the Federal investment in education. When individuals have their skills uplifted and when they have their skills enhanced, they find out their participation in the economy works a great deal better. They are more productive, they are more useful, they are more creative and more imaginative and able to compete more effectively. This bill is enormously important for all Americans and very important for our country in terms of the whole challenge of globalization.

Secondly, it is enormously important in terms of our national security. This legislation ensures that we are going to encourage those forces that enhance our capability in the areas of math, science and research—all of which are enormously important to make sure we are going to have the best technology for those who are going to serve in the Armed Forces. In the Armed Forces we want the best trained and best led men and women, but we also want the best in technology. This is a competitiveness bill and a national security bill.

I believe it is going to be enormously helpful and valuable in terms of our democratic institutions, in making sure we are going to have men and women in this country who have the ability and commitment to ensure that our democratic institutions are going to function, and function very well, and that we will be able to maintain our leadership in the world.

I, for one, agree with those who believe in each generation, and in each decade, the United States has to fight for its leadership in the world. It is not just going to come automatically. We should no longer think we are going to coast in terms of national and world leadership. We have to win it, and we have to win it every single day. The way to win it is with the kinds of investments that are included in this legislation. So I commend all those who have been a part of this process, and particularly our friends and colleagues, Senator BINGAMAN and Senator ALEXANDER.

To go through very quickly now, after those general comments about why this legislation is so important, if we look at where the United States is: America's 15-year-olds scored below the average in math compared to the youth of other developed nations on a recent international assessment. On the Programme for International Student Assessment, you will see that the U.S. ranks 24th.

This chart indicates that since 1975, the U.S. has dropped from 3rd to 15th place in the production of scientists and engineers.

We are also losing ground in overall high school and college graduation rates. The U.S. has dropped below that average graduation rate for OECD countries. Out of 24 nations, the U.S. ranks 14th, just ahead of Portugal.

We are going to go to the underlying educational needs when we reauthorize the No Child Left Behind Act and higher education legislation. We are going to deal with middle schools and high schools. We are going to try to tie it in and have a seamless web, from the Head Start education programs through the K–12 and then universities into the academic world or into the business world. We need to be able to bring those elements together.

Having said all of that, this legislation is enormously important in terms of making sure we reach that goal.

This is a chart of research and development investment as a share of the U.S. economy. It demonstrates we are stagnant. This has to change. We know we need to invest in research and development.

If you look at some of the countries with which we are going to compete, India and China in particular, and look at the number of graduates they have in math and science, you will find that China awards more than 300,000 bachelor's degrees in engineering and computer science. We award a little over 100,000.

This is about research and development, but the investments in our people, investments in our research and development are two sides of the same coin. They are both essential. What this demonstrates is we have to do better if we expect to compete.

Fast-growing economies such as China, Ireland, and South Korea are realizing the potential for economic growth that comes with investing in innovation. China's investment in research and development rose by an average of 18 percent from 2000 through 2003. Over the same period, the increase in U.S. investment averaged only 2 to 3 percent annually. In the last decade, China has nearly doubled the share of their economy they spend on research and development, and they have replicated our National Science Foundation.

This bill puts us on a path to double the basic research funding at NSF in 5 years, double the basic research funding at the Department of Energy over the next 10 years, and double the funding at NIST, the National Institute for Standards and Technology. The bill also creates a President's Council on Innovation and Competitiveness, to bring together the heads of Federal agencies with leaders in business and universities to develop a comprehensive agenda to promote innovation.

If you look at where we are, to give some further illustrations, math and science classes in high-poverty schools are much more likely to be taught by teachers who do not have a degree in their field. Fifty-six percent of science classes in high-poverty schools are taught by teachers without a relevant degree, compared to just 22 percent of classes in low-poverty schools. More than a third of math classes in high-poverty schools are taught by an out-of-field teacher, compared to just 18 percent of classes in schools with a low-poverty rate.

I was interested the other day in the testimony of Mr. Gates, who commented on a lot of subjects. He was talking about school dropouts. There are some who think that school dropouts are children who are unable to comprehend the curriculum. He said, Oh, no, I am worried about the dropouts, the minds we are losing—able, gifted minds that are unchallenged because they had an inferior teacher, no books, or challenging conditions at home, such as missing meals because they are poor. We cannot afford to lose any of those.

What we are looking for is high quality teachers. The bill recognizes and responds to the shortage of high quality math, science, technology and engineering teachers, particularly in high poverty schools. The bill expands scholarships and stipends, and creates a new NSDF teaching fellow program to bring high quality math, science, technology, and engineering teachers into high-need schools. It also expands the Teacher Institutes for the 21st Century Program of the NSF to provide cutting-edge professional development programs for teachers who teach in high-need schools. These programs are peer reviewed and have demonstrated to be successful.

The bill creates a summer institute at the Department of Energy to help math and science teachers, to enable them to go to a number of areas that deal with energy because that is an agency so focused in terms of these issues in math and science.

There is a high cost to failing to address our education concerns. The nation loses over $3.7 billion a year in the cost of remedial education and lost earning potential, because students are not adequately prepared to enter college when they leave high school.

The bill provides grants to states to align elementary and secondary school standards, curricula, and assessments with the demands of college, the 21st century workforce and the Armed Forces. The grants support state P–16 councils to bring together leaders in the early education, K–12, and higher education communities, in the business sector, and in the military.

It is also increasingly important for students to be exposed to and immersed in foreign languages and cultures. Only one-third of students in grades 7–12 and a mere 5 percent of elementary school students study a foreign language.

If we are going to talk about our ability to be involved in a world economy, we are fortunate because we have so many who have come from such different cultures and traditions. I was reminded a few days ago in our Education Committee, of the number of languages they speak in St. Paul, Minnesota. Thirty-seven languages are spoken in Everett, MA. If we are going to compete in the world economy, we are going to have to do a lot better than we are doing in terms of communication and language.

This is a balanced program. It has been reviewed by the Academy of Science, at the Institute of Engineers. It has been recommended by a wonderful American patriot, Norm Augustine, one of the great American leaders, corporate leaders, but also someone enormously knowledgeable on American defense interests and also international competition. This legislation has been tailored to try to take the very best ideas out there.

We are going to have to fill in the underlying work that needs to be done. This is primarily focused on what we are going to need to be able to compete internationally. We have to be sure the schools at every level are providing students with a high quality education. We want to be sure those graduating from our universities will have the skills and talents and education to move them into the American economy and the larger economy they will face in the future.

This bill represents the beginning of a strong commitment that we must sustain and build on if America is to remain competitive in the years ahead. The legislation has strong support for a renewed commitment to help the current generation meet and master the global challenges we now face.

I welcome the opportunity to join with my colleagues and friends, the principal cosponsors, to commend this legislation, and hopefully we will be able to complete it.

I know there are other amendments. I have had an opportunity to review them briefly. A good many of them deal with other issues we ought to be dealing with at another time. I hope the membership will recognize this is special legislation. There is a special need. This is a result of an extraordinary effort on the part of the principal sponsors of this bill. It deserves to pass and get through. I am very hopeful it will be done expeditiously.

AMENDMENT NO. 940

Mr. President, I send a HELP Committee amendment to the bill which I think further strengthens the math and science programs. We have gone over this in considerable detail with our colleagues, since they are members of the committee. I thank them for their attention. I am grateful for their support of these particular provisions. Again, I commend them for the legislation. Hopefully this amendment will be accepted.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. ALEXANDER. Reserving the right to object—I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 940.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. ALEXANDER. I ask unanimous consent to speak for 2 minutes before the Senator from Oklahoma.

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

Mr. ALEXANDER. Mr. President, I thank Senator KENNEDY, the chairman of the Health, Education, Labor and Pensions Committee, and Senator ENZI, who was chairman last year, when all this began. I hope our colleagues can see that these senior Members of the Senate—in the case of Senator KENNEDY and Senator ENZI, they have a large amount of jurisdiction over this subject; Senator STEVENS and Senator INOUYE, who spoke yesterday, have a large amount of jurisdiction over this subject; Senators DOMENICI and BINGAMAN, who introduced legislation last year that attracted 70 cosponsors—a number of their ideas are within this legislation, but they have also demonstrated something you don't see every day with Senators, which is a forbearance.

In other words, they recognize this is a big, 208-page bill with the President's ideas and those of the Council on Competitiveness and the Augustine Commission. It is well and carefully crafted, but not every single section is exactly the way every single Senator would like it. Also, it has permitted us to have a procedure that brings this bill to the floor so it has a good chance of being enacted this week. I thank Senator KENNEDY and Senator ENZI, who really have the largest amount of jurisdiction, for forbearing, being active, leading, and showing a sense of urgency about this subject by permitting it to come to the floor in the way it has, and then, in addition to the other contributions they have made, we have the Kennedy-Enzi HELP Committee managers' package which is now before the Senate for its consideration.

The PRESIDING OFFICER (Ms. MCCASKILL). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I know my friend from Oklahoma is prepared to speak. I ask unanimous consent to continue for 3 or 4 minutes.

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

IRAQ

Mr. KENNEDY. Madam President, just a few minutes ago, Vice President CHENEY attacked the Senate majority leader on Iraq. He accused him of making ''uninformed and misleading'' statements, of defeatism, and of playing politics with the war.

Senator REID's interest is in protecting our troops and our national security and bringing the war to an end. He is rightly responding to the American people by demanding a change in our failed policy in Iraq. He is right to insist that the Iraqis take responsibility for their own security and their own future and that our troops need begin to withdraw from Iraq.

It is Vice President CHENEY who has been wrong—and deadly wrong—about Iraq.

Even more, Vice President CHENEY is the last person in the administration who should accuse anyone of making uninformed and misleading statements.

The Vice President misled the American people in August 2002, when he insisted that we ''know that Saddam has resumed his efforts to acquire nuclear weapons'' and that ''many . . . are convinced that Saddam will acquire nuclear weapons fairly soon.''

The Vice President misled the American people in March 2003, when he said that Saddam Hussein ''has a longstanding relationship with various terrorist groups, including the al-Qaeda organization.''

The Vice President misled the American people when he insisted that our troops would ''be greeted as liberators.''

The Vice President misled the American people when he insisted that the insurgency is ''in the last throes.''

He and the entire administration continue to mislead the American people when they insist that progress is being made in Iraq.

The facts speak for themselves. Iraq is sliding deeper and deeper into the abyss of civil war.

Violence and casualties are increasing. Already 3,335 American soldiers have been killed, and more than 320 of them have been killed since the surge began.

Civilians continue to flee the violence in Baghdad as the violence there continues unabated.

Senator REID is right to insist that we change the mission for our troops in Iraq and set a target date to bring them home. The American people agree.

America never should have gone to war when we did, the way we did, and for the false reasons we were given. It is the Vice President who has been playing politics with the war in Iraq for more than 4 years. The American people understand this and will rightly reject the Vice President's fingerpointing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1 hour.

Mr. COBURN. Madam President, the bill we have before us today is a well-intentioned, thoughtful exercise to try to change the future for our country. The Commission this bill is based on, the work and experience of those who have helped coauthor the bill, is rightly so in their concern for the future of our competitiveness. There is one problem, however. The biggest dole on our competitiveness today has to be the largesse of the Federal Government. Let me give a few examples.

Last year, the American people spent $224 billion paying interest on the national debt. Last year, the American people, through our actions, spent $350 billion more than we had, which further increased that debt. In the last 6 years, the individual debt owned by American citizens—what they are required to pay—has risen from $21,000 to almost $30,000. At the same time, the average wage in those same 6 years increased by less than $5,000. So when we think about competitiveness, we ought to pay close attention to the drags on what will be our competitive situation.

The No. 1 drag today is the Federal Government. That is not to demean this bill. I would have loved to have seen a different bill, a bill that says: Here is what we are doing right. Here is what we are doing wrong. Here are some new ideas on how to fix what we are doing wrong and, by the way, here are some things we need to do to keep us competitive. We didn't do that.

The Department of Education right now has 10 percent of its programs that are totally ineffective. The Department of Energy, with its $5 billion budget, has 10 percent of its programs that are highly ineffective. In other words, they are not accomplishing anything. None of that was looked at, deauthorized, or eliminated in this bill. Consequently, according to OMB, we have approximately $80 billion that is going to be authorized to be spent—some of that is reauthorization, I understand—over the next 4 years that is going to be added to the debt.

People will say: This is an authorization. That doesn't mean we are going to spend the money.

Why are we passing the bill if we don't intend to spend the money? We are going to spend the money. The problem with the way we spend money is we don't make the same choices the average American makes. We just chalk it up to our kids and grandkids. So I don't know where the money is going to come from.

This bill is obviously going to pass. It is going to be conferenced, and it is probably going to be signed. But we will have missed a great opportunity to fix many major programs that are not working well today. This bill creates 20 new Federal programs. It doesn't eliminate one Federal program that isn't working well today. It doesn't modify, to a significant extent, those programs which are deemed ineffective and not working.

What we have is great intention and great legislation, save for the fact that we are not looking at the whole story. We are not looking at the whole picture. Should Congress have to do what every family in this country does every month—make a choice? Where do we prioritize our spending for this month? Where do we spend more? What are the things on which we can't afford to spend because we don't have the money? We don't do that. We authorize programs. Then we appropriate funds.

By the way, the discretionary portion of the Federal Government has grown about $600 billion in the last 7 years. Senator CARPER and myself held 48 hearings in the last Congress in the

Subcommittee on Federal Financial Management of the Homeland Security and Governmental Affairs Committee. What we found was an astounding $200 billion of waste, fraud, abuse, and duplication. There was great opportunity to take that information and do something about it. We have not done it.

The Department of Education is not compliant in terms of improper payments. They don't know where they are paying things wrong or paying things right. The Department of Energy is noncompliant in terms of improper payments. They don't know where they are paying things right and paying things wrong. We have at least 20 percent of the Department of Energy's budget that is earmarks. They don't get to decide where they spend the money; the Members of Congress tell them where they have to spend the money. There is not a sense of prioritizing what our energy needs are, what our education needs are within the Department of Energy. There is no commonsense approach to what we are doing. Consequently, the biggest problem we have in terms of competitiveness, which this bill won't solve, is more government. It creates more government rather than less government or the same amount of government that is more efficient and more effective.

I don't intend to impugn the desires or the sincerity of the Members of this body who helped put this bill together. There is no question we need to address the issues that are encompassed in the legislation. That is not my criticism. My criticism is that when we have an opportunity to fix things with a bill such as this which cuts across multiple agencies, we don't do it. What we do is set up a system where more programs will be created without eliminating the ones that are not working.

As a matter of fact, in this bill, in the National Science Foundation, we have a setaside. Where before the National Science Foundation did everything on peer review—everything on peer review, there was no politics saying what you have to do—we are taking $1 billion and setting it aside and we are going to tell them what to do. We know better than the scientists where we ought to be spending our money? I seriously doubt that.

We claim that what we want to do is reestablish the competitiveness of the United States. I have no doubt that certain segments of this bill will go a long way in doing that. I am not critical of the intent of the bill. But I believe—and I raised this on the last bill we considered—we continue to authorize new spending. We continue to put at risk, in the name of competitiveness, the future.

The No. 1 risk for competitiveness is our debt. The fact is, we are sucking capital out of the capital markets like crazy, making it very difficult for small businesses that compete in the capital markets on ideas, innovation, and sole-proprietorships and people who want to take a risk on their own.

The other thing we didn't do is fix IDEA. One of our problems with education is, we passed a law that said school districts will do this for individuals with disabilities. What we promised when we passed that law—much as we will hear in 2 or 3 years as to what we promise with this law—was that we would fund 40 percent of the costs in education for IDEA. That would be the Federal load. This last year, we funded 18 percent. So we wonder why the schools can't compete, why they can't put the money into math and science, the money into competitiveness, when $16 billion a year is being absorbed by the school districts to do something we mandated them to do, which means $16 billion isn't available for them to teach and mentor math and science, for them to create greater opportunities to raise interest in the sciences.

So I think if our past actions speak at all about what the future will bring, you will see we will not keep our word with this bill either. We will say things, we will do things, we will put at risk the next two generations, and we will have felt good because we did something, but we did less than what we could do.

That is what we are doing with this bill. We are doing less than what we could do. We could, in fact, fix what is wrong in many of those programs in the Department of Education and in the Department of Energy today with this bill. It could have been done. It could have been done, but it was not. So, consequently, we are going to fund ineffective programs as we authorize and create and fund new programs, many of which are designed to do the exact same things, but we are not going to eliminate the programs that are not working.

And lest you think I am an alarmist and known as ''Dr. No,'' think about what the obligations are of every child who is born in this country today—just today. What is it? April 24, 2007. When that baby is delivered and placed in its mother's arms, you are going to see smiles of joy and tears—none of them with a realization the child who just came into this world is faced with $453,000 in unfunded liabilities the moment they take their first breath.

The contrast should be, we are talking about competitiveness. How do we create a future? What kind of future is it when we create a bill but do not address the underlying problems that are limiting our competitiveness in the first place? No. 2, even if we are trained in math and science, we are going to be so debt ridden we won't have the money to put into it.

According to the Government Accounting Office, that 8 percent in interest, that $224 billion we spend now, in the year 2025—a mere 18 years from now—will be 25 percent of the budget and close to $1 trillion. Now, think about that. Should we do the hard work of eliminating the wasteful and duplicative programs before we create another?

It is easy to pass legislation that does something good. It is very hard to get rid of programs that are ineffective and highly inefficient. The reason is because everybody has an interest group that supports that program, and we find ourselves adverse to challenging that group.

But the real choice is between our grandchildren and today's present inefficiencies. The real choice is whether we are truly going to be competitive and create an opportunity for the next two generations to experience the same kind of blessings we have been fortunate enough to experience as a nation.

The real question is, will we leave a heritage that is similar to the heritage that was left with us? I tell you, my feelings and my thoughts are I do not see movement in this body or in the Congress as a whole to start addressing the underlying problems that are facing us. It is not a question of partisanship, Democrats or Republicans. It is a question of expediency. It is hard to tell people no when something is not working well. It is easy to ignore it.

AMENDMENT NO. 917

Madam President, I ask unanimous consent that the pending amendment be set aside and call up amendment No. 917.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. ALEXANDER. Madam President, reserving the right to object.

No objection, Madam President.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 917.

Mr. COBURN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress has a moral obligation to offset the cost of new Government programs and initiatives)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) The national debt of the United States of America now exceeds $8,500,000,000,000.

(2) Each United States citizen's share of this debt exceeds $29,000.

(3) Every cent that the United States Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security.

(4) The power of the purse belongs to Congress.

(5) Congress authorizes and appropriates all Federal discretionary spending and creates new mandatory spending programs.

(6) For too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of

common sense rules and restraints Americans face everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources.

(7) Last year, the interest costs of the Federal debt the government must pay to those who buy U.S. Treasury bonds were about 8 percent of the total Federal budget. In total, the Federal government spent $226 billion on interest costs alone last year.

(8) According to the Government Accountability Office, interest costs will consume 25 percent of the entire Federal budget by 2035. By way of comparison, the Department of Education's share of Federal spending in 2005 was approximately 3 percent of all Federal spending. The Department of Health and Human Services was responsible for approximately 23 percent of all Federal spending. Spending by the Social Security Administration was responsible for about 20 percent of all Federal spending. Spending on Medicare was about 12 percent of all Federal spending. Spending in 2005 by the Department of Defense—in the midst of two wars in Iraq and Afghanistan and a global war against terrorism—comprised about 19 percent of all Federal spending. Thus, if we do not change our current spending habits, GAO estimates that as a percentage of Federal spending, interest costs in 2035 will be larger than defense costs today, Social Security costs today, Medicare costs today, and education costs today.

(9) The Federal debt undermines United States competitiveness by consuming capital that would otherwise be available for private enterprise and innovation.

(10) It is irresponsible for Congress to create or expand government programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans without reductions in spending elsewhere within the Federal budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress has a moral obligation to offset the cost of new Government programs and initiatives.

Mr. COBURN. Madam President, it is a simple amendment. We are going to find out what your Senator believes with this amendment. We offered this amendment on the last bill. We had some inside baseball excuses why they would not vote for it. This is a sense-of-the-Senate amendment. It does not carry any force of law or anything. All it says is the Senate agrees that before we spend new money, we ought to get rid of the wasteful programs, we ought to get rid of the ones that are not working well, or we ought to make them better before we spend another $60 billion to $80 billion on another set of programs.

That last amendment got 59 votes against it. Only 38 people in the Senate thought we ought to do that. I will tell you, I think the vast majority—greater than 95 percent—of the American public thinks we ought to do that.

So this is a simple amendment. The catch with the amendment is, if you vote for the amendment and then do not change this bill to do what needs to be done to eliminate the other programs, you are going to have a tough time explaining that you agreed to this and then did something else when you voted for the passage of this bill.

There is a day coming when we will not have the luxury to wait around. The financial markets will tell us what we will do. We will not have the freedom within the Senate to make those choices. We will do it under the duress of extreme financial conditions that will affect our country.

So this is a simple amendment, very similar to the last one. I took the authorizing language out of it that some of the appropriators objected to, so it is very simple.

The final statement in the amendment is:

Sense Of The Senate.—

It is the sense of the Senate that Congress has a moral obligation to offset the cost of new Government programs and initiatives.

Now, with a budget deficit last year that was claimed to be $160 billion, under Enron accounting—which was truly $350 billion, if you looked at what happened to the addition to our debt, what our kids are going to pay—it is going to be pretty hard to say we should not add more to the debt. We have a lot of people who will say the debt does not matter; whatever the debt is, is a percentage of GDP. That is fine if the underlying assumption is we have great economics, and we are not going to have contractions of the economy, we are always going to be able to compete, we are always going to be able to finance our debt. The fact is, as the Government Accounting Office says, we cannot, and the interest costs associated with that will be massive.

Why would I come out here and fight friends and foes alike all the time to do this? Because I think the one shortfall of our body is that overall we are not looking at the big picture and the long run. This looks at the long run, but it does not look at the big picture.

Unless we do that, we are going to find ourselves very apologetic to the next two generations because what, in essence, we will have said is we cared more about us, we cared more about our comfort, we cared more about our next election than we did any of the next two generations.

So I put it to my colleagues: Vote against this and vote for the bill and be honest. But if you think if we create new programs we ought to eliminate other programs so we do not continue to expand the Federal Government running a deficit, then you ought to vote for this amendment and not vote for this bill, until it is made right, until it has captured the opportunities that are inherent within it to fix what is wrong in the Department of Energy, to fix what is wrong in the Department of Education, to fix what is wrong with all these grant programs that need to be fixed today.

Let's hold us accountable. That is what the American people are expecting from us. I want to leave the Senate not being known for anything other than knowing what I did was to try to create and make sure we maintain the heritage this country has given to us.

With that, Madam President, I reserve the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Madam President, as I understand what we are doing: We have a few amendments pending. We are working to clear those amendments so we can come to a vote on Senator COBURN's amendment. In the meantime, Senator SUNUNU has more than one amendment. He has one he wants to talk about today. He wants to bring it up as soon as he can and schedule it for a vote. It is a meritorious amendment. I hope we can do that as soon as possible.

Senator COBURN has reserved the rest of his time. But as I understand the procedure, Senator SUNUNU could go ahead and speak until the next scheduled speaker, who is scheduled to speak at 4 o'clock; is that correct?

The PRESIDING OFFICER. There is no order.

Mr. ALEXANDER. Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask unanimous consent, with deference to the Senator from Tennessee, that prior to the vote on my amendment I be given 2 or 3 minutes to speak on it.

Mr. ALEXANDER. No objection. Could we have 4 minutes equally divided?

Mr. COBURN. Absolutely.

Mr. ALEXANDER. Any objection? Prior to the vote, if and when the vote is set?

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

Mr. ALEXANDER. Thank you.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Madam President, I rise to speak on the legislation in general terms. As the Senator from Tennessee indicated, I filed three different amendments. I certainly wish to call at least one of those amendments up at the appropriate time. They address a number of concerns I have with the underlying legislation.

But let me begin by saying I do appreciate the complexity of the challenge the Senator from Tennessee has undertaken in trying to assemble from different committees of jurisdiction the components of this bill. I think, unfortunately, dealing with this legislation has laid to bare some of the weaknesses and problems with the way we are organized in Congress because it has been, unfortunately, an inefficient process in many ways.

There are five or six different committees that have jurisdiction in different areas of this legislation. They all want to try to leave their mark on

the legislation. As a result, the Senator from Tennessee and others have had to deal with duplication and overlap in many cases with initiatives begun by different committees that have effectively the same goal and the same end. Over the past 12 or 18 months, I think they have eliminated a number of these problems from the legislation but many remain. I am one of the only, if not the only, engineer in the Senate. At least I was an engineer; I worked as an engineer during my previous work experience. I would like to think that I am still employable as an engineer perhaps someday in the future. I do value very much this experience and this background in science and technology when we are dealing with problems on the Commerce Committee having to do with telecommunications or spectrum allocation or policies on environmental issues with particulate matter or pollution standards. I like to think it helps to have at least some grounding in a lot of the technical matters that underlie the basic legislation.

I think it is essential, when we are looking at policy to encourage and inspire students to pursue science and mathematics and to try to improve our competitiveness in fields of science and engineering, that we focus on a few core principles. I begin with the basic objective of maximizing research in the most basic areas of math and science. In this effort we are talking about the funds that go to the National Science Foundation and the funds that go to the National Institutes of Health. These are investments in basic sciences: in the case of the National Science Foundation, in physics, chemistry, physical science, and computational mathematics. They are peer-reviewed, which is intended to insulate them from political forces, legislative forces, and allow those with expertise in these areas to decide what sorts of research projects and programs receive funding in any given year.

It is essential we maintain that independent peer review process at the National Science Foundation, just as it is important at the National Institutes of Health because if we allow politics to enter this process, we are going to do these areas a great injustice.

Commensurate with that focus on physical sciences and computational mathematics as we pursue research in science and engineering, it is also important that we avoid policies that try to pick winners or losers within our economy. Here I point to various programs that over the years have subsidized product development for profitable companies, product development for products being introduced into the existing marketplace today that effectively picks one firm and one firm's products at the expense of others. Some people would say, well, that is research. But it certainly isn't the kind of peer-reviewed research that does and should take place at the National Science Foundation. It is product development work. Any time we start subsidizing product development for companies that are competing in the marketplace selling goods and services to consumers, we distort the marketplace, we provide unnecessary subsidies, and in programs like the advanced technology program we have done just that time and time again.

The companies that have received these subsidies are good firms with good employees, but I think putting funds in this area at the expense of physics and chemistry and mathematics at the National Science Foundation is a grave mistake. We need to maximize that research, make sure it is peer-reviewed, don't pick winners and losers in private industry, and focus on educational programs where it can make the biggest difference in inspiring young students in these careers in math and science.

I look back on my own experience and ask the very basic question: What led me to pursue a degree in mechanical engineering when I was an undergraduate in college? I didn't make that decision when I was a freshman in college. I didn't even make that decision to pursue interests in math and science when I was in high school. I would argue for most students it happens in sixth and seventh and eighth grade. They realize they have an interest in math and science. More often than not it is because they have had a strong, credible, inspirational teacher in math and science, and my experience is no different. Jane Batts and Blake Richards, my math and science teachers in fourth and fifth grade, I think set me on that path that ultimately brought me to a mechanical engineering degree. So if we are going to look at educational programs that are meant to inspire students in math and science, they had better be focused on those key years: sixth, seventh, and eighth grade.

Finally—this is a point that Senator COBURN was speaking to—we need to look at the programs that are already in place and ask honest questions about how effective they are. How many do we have that deal with these areas of math and science education? How many do we have that deal with the areas of research? And, in particular, I think we should look to the work done by the American Competitiveness Council.

What they found is that in the areas of science, technology, education—science, technology, engineering and mathematics—stem programs—there are 106 different programs within 8 or 10 different agencies, including the Department of Transportation, the Department of Commerce, the Department of Energy, the Department of Homeland Security, 35 at the National Science Foundation, 12 at the Department of Agriculture.

In this legislation before us we do ourselves a disservice if we don't look at these programs and ask the questions: How effective are these programs? How can they be improved? How can they become more focused or better focused on inspiring those young students? As the American Competitiveness Council looked at these programs, they came up with a series of recommendations and findings. They made that very argument: that there was overlap in these science, technology, engineering, and math educational programs; that communication and coordination among agencies could be improved; and that current programs tended to be focused on short-term support rather than longer term impact. Those are the very findings we should be trying to implement and execute as part of this legislation, but I don't see it in the underlying bill.

So the amendments I have focused on, first, the overlap and duplication and lack of focus within those educational programs, to try to strengthen them, measure their effect, and ensure that they have a greater impact on those students; and, second, to make sure we are appropriately focused on basic, fundamental research within the National Science Foundation and that we are maintaining its independence and that we ensure the peer review process is what determines how and where funds are allocated.

I know we are working on an agreement on the Senate floor, so I am not able to offer my amendment at the moment, but let me speak to what it attempts to do. I have an amendment that strikes section 4002 of this legislation. Section 4002 does two things within the National Science Foundation that I think set the wrong precedent.

First, it establishes a set-aside, a minimum allocation for educational and human resources within the National Science Foundation of $1.05 billion. I recognize the educational initiatives within the National Science Foundation are important, but I certainly can't say, and I don't think any Member of the Senate can say, whether $1.05 billion is exactly the right number. But more important, we shouldn't be mandating in law that the National Science Foundation direct a specific amount of money to any area. We should, to the greatest of our ability, allow those decisions to be set on a yearly basis by the experts and the leadership of the National Science Foundation. If we think they are not doing a good job, they should probably be replaced. But they are hired specifically because they have the best and most advanced understanding of what our needs are, what the most valuable areas of research are, and what the best kinds of partnerships might be for education related to physics, chemistry, mathematics, and material science. So I would strike that set-aside, not because we don't think any money should be going to this area—of course, money should be going to this area—but because it is a dangerous precedent for legislators to start carving up pieces of the National Science Foundation for specific initiatives.

Second, this particular section of the legislation mandates—it requires—that there be a specific percentage increase in this one particular area each year between now and 2011. While I don't know whether that percentage increase will turn out to be the right amount or the wrong amount over the next several years, I think it is a bad precedent to require as part of the legislation that a designated portion of money go to any of the specific areas supported by the National Science Foundation. Once we move away from the peer review process, once we move away from independence within the National Science Foundation to allocate funds as the leadership there sees fit, then I think we run the risk of undermining the great strength that the National Science Foundation has represented over the past several years.

I began speaking about doubling resources for the National Science Foundation 4 or 5 years ago because it has been so successful in providing resources for basic research in key areas of physical sciences, and I am extremely concerned that if we adopt the provisions of section 4002 and start carving out pieces we think are politically popular at a particular point in time, we will dramatically undermine its effectiveness and have the unintended consequence of weakening the organization's ability to inspire the next generation of engineers and scientists.

I look forward to offering these amendments at the appropriate time, and I thank you, Madam President, for the time this afternoon.

I yield the floor.

ENTITLEMENT PROGRAMS

Mr. GREGG. Madam President, let me step over to the chair from which the junior Senator has been speaking.

I wanted to speak about a couple of issues. The first issue I want to talk about is the recent report which came out yesterday from the Medicare trustees which said that the Medicare trust fund is in dire straits. The Medicare trustees are required under law to report to the Senate and to the Congress and to the American people what the economic status is of the trust fund as it looks out into the future.

A lot of us have been talking for a long time about the problems with the entitlement programs we have—specifically Medicare, Medicaid, and Social Security—and the fact that these three funds are headed toward a meltdown, which is going to take with them the economy of this country. The practical effect of these three funds in their present spend-out situation is that they have approximately $70 trillion of unfunded liability—$70 trillion over their actuarial life.

Now, $1 trillion is a number that a lot of us have a problem comprehending. To try to put that number into perspective, if you took all the taxes paid in the United States since we became a country, I think we have paid about $46 trillion in taxes. If you take the entire net worth of America—all our assets, including all our cars, all our homes, all our stocks—that, again, is in the $45 trillion to $50 trillion net worth.

So what we have on the books as a result of the projected costs of the Medicare, Medicaid, and Social Security system is a cost that exceeds all the taxes paid in the history of this country and exceeds the net worth of this country.

Why is that? Why are we confronting this problem? Well, it is basically a function of demographics. The postwar baby boomer generation, of which I am a member, the largest generation in American history, is beginning to retire.

By the year 2020, 2025, the number of retired citizens in this country will double from the present number who are retired today. It will go from about 35 million retired citizens up to about 70 million retired citizens. The number of people working to support those retired citizens will drop commensurately. So both Social Security and Medicare, and to some extent Medicaid, were programs designed with the concept that there would be a lot of people working for every person retired. They were essentially pyramids.

In fact, in 1950, there were about 12.5 people working for every person retired. So 12 people were paying into Social Security for every 1 person taking out. Today, there are about 3.5 people paying into Social Security and Medicare for every one person taking out. Social Security is running into surplus. But as this baby boom generation retires, that number changes radically. We go from those large numbers paying in and a small number taking out to a large number taking out and a small number paying in. There will be about two paying in for every one person taking out by about 2025. We go from a pyramid to a rectangle and the system cannot support itself.

This chart reflects the severity of the problem. These three programs—Social Security, Medicare, and Medicaid—as a percentage of spending of the GDP, by the year 2025, or 2028, will absorb almost 20 percent of GDP. Why is that a problem? Today, and historically, the Federal Government has only spent 20 percent of gross national product. So the practical implications are that by 2025, or 2028, the total spending of these three programs alone will absorb all of the money that has historically been spent by the Federal Government, which means that nothing else could be spent—no other money—on things such as national defense, the environment, and education. It would all be going to these three programs, assuming you maintain the Federal share of the GDP at its present level.

Things get worse, unfortunately, as the baby boom generation accelerates into the 2030 period, when paying for those programs alone reaches 27, 28 percent of GDP by about 2040. Obviously, it is not a sustainable situation. Obviously, it is a situation where if we continue on this path, we would essentially be saying to our children that we are going to subject you to a cost that far exceeds anything you could afford and basically hit you with a tax burden that would essentially mean that you—our children and grandchildren—in order to support this retired generation, would be unable to send your children to college, buy your home, purchase your cars, live your lifestyle in the manner our generation has been able to live. The money is going to have to be spent by taking taxes out of your pocket.

A lot of us have been talking about and some people have even tried to address this issue—specifically, the administration. The biggest part of this problem is not Social Security, ironically; it is Medicare. Now, the Medicare trustees yesterday made the point once again that if we don't do something and start to do it fairly soon in addressing the Medicare problem, we will bankrupt our children and our children's children's future with the cost of this program. This was their obligation as trustees. They are supposed to look at it objectively, and they have. They said this program is headed toward about $35 trillion of unfunded liability, that that is a huge number and we need to correct that. Ironically, and fortunately, a couple of years ago we put into place a law that requires that when the Medicare Program starts to go in the direction of insolvency at a rate that means it is going to take a significant amount of money from the general taxpayers' pockets versus money from the wage earner, as they pay their hospital insurance, that at that point the Federal Government is supposed to act.

The way it works is this: If more than 45 percent of the Medicare trust fund is being supported by general fund dollars, what does that mean? Well, the Medicare trust fund theoretically was supposed to be the Parts A and B, the hospital and doctor part; that was supposed to be supported primarily by insurance premiums being paid on your hospital insurance tax taken out of your salary every week. But, of course, under the Part B program, we have never done that. We have ended up subsidizing that program with general funds instead of having it come out of the payroll tax. What this law says is when those general fund subsidies exceed 45 percent of the total cost of the Medicare system, it is an excessively dangerous situation and it has to be addressed. If this happens 2 years in a row, where the cost of Medicare is exceeding 45 percent of the general funds coming from the Federal Treasury, that means people's income taxes, the taxes people pay every day—then at that point the administration is supposed to send up—whatever administration is in power—a proposal to correct the problem.

That is what the Medicare trustees concluded. Last year, they concluded

the trust funds were in severe strain and we are going to hit the 45-percent level. This year, they have concluded the trust funds are under severe strain, and it is going to hit the 45-percent level. The practical effect of that is now the administration is required, prior to the next budget, to send up a proposal to correct the problem. Unfortunately, under the law, even though the administration is required to send up such a proposal, the Congress is not required to act on it.

Ironically, the administration, in an act of true fiscal responsibility to our children and our children's children, this year sent up a proposal to try to correct this problem, or at least begin to correct the problem, although not fully. They suggested this year that there should be two adjustments in the Medicare trust fund, neither of which would have a significant impact on beneficiaries. In fact, for the most part, it would have absolutely no impact on the beneficiaries, and unless you were a beneficiary in a very high-income situation, with more than $85,000 of personal income, or if you are married and have more than $160,000 of joint income, it would not affect you at all. There are two proposals that insulate beneficiaries. The first proposal was that we do an accurate reimbursement to providers. Under the present law, the health care professionals have estimated that provider groups are getting about a 1.2 percent extra payment over what they should be getting as a result of the fact that there have been new efficiencies introduced into the provider repayment systems, through technology primarily, that have reduced costs, but that reduction in cost has not been reflected in the reimbursement. So we are actually paying more than we should be paying in these accounts.

The administration didn't suggest that they capture all that money. They suggested let's take half of that—leave the provider groups with half of that money—I don't want to use the word windfall, but as a bonus to them. Let's take the other half and use it to try to bring the Medicare trust fund into some sort of solvency. That was the first proposal of the administration. It was a reasoned proposal in light of the fact that all of the professional groups have concluded that this overpayment is occurring.

The second proposal they made was that people getting Part D, the drug benefit—if they are very high-income individuals—should pay part of the premium for that drug benefit. Under the Part D premium, there was no contribution required, unlike Part B, which has a means test—very limited, but it has one. Part D did not. The administration said, listen, if you are a retired Senator, you should not be subsidized by somebody who is working in a restaurant, or in a gas station, or on a manufacturing line, which is what happens today. The way the law works today, a person who is out there working for a living, maybe trying to raise their children, is actually having to pay to subsidize retired Senators who are getting Medicare or, for that matter—I don't want to pick on Bill Gates' father as an example, but Bill Gates' father, or Warren Buffet—millionaires and billionaires—are being subsidized by people who are making an everyday wage and trying to make ends meet for their families. So the administration suggested if you have more than $80,000 of personal income as an individual, or $160,000 of joint income as a family, then you should be required to pay a portion—just a portion—of your Part D premium. That is a very reasonable approach.

Those two proposals together would have reduced the outyear insolvency of the Medicare trust fund by almost a third. It would have taken tremendous pressure off of the trust funds, especially the Medicare trust fund. They were both rejected out of hand by the other side of the aisle. They were demagoged. People came to the floor and said this would savage Medicare, would destroy Medicare, that it was going to undermine the rights of senior citizens to get Medicare. Outrageous statements were made on the other side of the aisle, and they continue to be made relative to these proposals that were reasonably benign, that didn't affect beneficiaries, and would have actually put Medicare on a solvency footing instead of insolvency, which is where it is headed now.

Now the trustees have done their job and said, the administration is absolutely right. If we don't correct this problem, we are going to have a Medicare system that cannot be afforded by our children and grandchildren. As a result, we will have a major contraction in the system. Yet even though the Medicare trustees have said that—and they are a pretty objective group and they are required under the law to be so—we have the leading Senator on the other side, Senator SCHUMER, taking the position that that is just politics, that Medicare is fine, and instead of peddling an ill-conceived Social Security privatization plan that has already been overwhelmingly rejected by the American people, the administration should turn its attention to strengthening Medicare.

Where was Senator SCHUMER when this amendment was offered on the floor? He voted against it. When the administration suggested something that was responsible, such as making high-income individuals pay a part of their premium on Part D, Senator SCHUMER rejected it. When this administration came forward and suggested we should reimburse providers honestly and directly and fairly but not overly reimburse them—not too much overly reimburse them—and take the savings and use it to make the Medicare system more solvent, where were Senator SCHUMER and his colleagues? They rejected that.

Now they have the audacity to come forward and attack the Medicare trustees, whose job it is to present the facts as they are, and the facts are the Medicare system is going into bankruptcy, and him saying that is politics and trying to hyperbolize it into privatization, which has nothing to do with Medicare—how outrageous and irresponsible for one generation not to face up to the problems it is giving the other generation. Senator SCHUMER is a baby boomer, as I am. It is our problem we are passing on to our kids. We are the problem. We exist and we are going to retire in massive numbers, and then we are going to turn the bill over to our children. We have a responsibility as a generation but, more importantly, we have a responsibility as policymakers in the Senate to act, especially when the Medicare trustees have told us the problem is there, it is legitimate, and it is pretty obvious to anybody because we are all alive.

We have a bill, a law on the books, that says specifically this problem must be addressed when the Medicare trustees, 2 years in a row, have determined there is a problem, that 45 percent of the General Treasury or more is being used to support Medicare, and we need to adjust the system to effectively address that issue and to make the system solvent and affordable for our children. And especially we should act when reasonable proposals are brought to the floor, proposals that have no maliciousness to them, have no political agenda to them, have no purpose other than putting in place policies which are going to make the system more solvent and more affordable. Yet they are rejected—rejected with partisan rhetoric of the worst order because it has nothing to do with the Medicare plan; privatization is thrown at the suggestion that we correct the Medicare system by making rich people pay more of their costs by getting the reimbursement formula correct. That is subject to pejorative privatization by the Senator from New York, with no proposals at all—none—from the other side of the aisle to correct this problem which is looming. Other than fighting terrorism and the threat of an Islamic fundamentalist detonating a weapon of mass destruction in one of our cities or somewhere in America, there is probably no problem which is more significant to the future of this Nation than the pending fiscal meltdown which we are going to confront as a result of the cost of these programs which we put on the books and which, in their present process, cannot be afforded.

If we just wait until we arrive at the cliff—and we will be going pretty fast when we reach that cliff; we are not going to be able to stop—and only try to deal with it then, what will be our

options? They will be so few and they will be so painful that they will have a dramatic and dislocating effect not only on the generation that has to pay the costs but on the generation that receives these benefits.

We can, today, put in place changes which are gradual, which are reasoned, and which will accomplish the type of adjustments that are necessary to make this program work—work well for the beneficiaries so we have a strong, solvent Medicare system and work well for those who pay the taxes to support them. But if every time the issue is raised that there has to be legitimate action in this area, especially when it is being raised by the Medicare trustees, who do not have a political agenda but are simply reporting a factual assessment of an actuarially existing fact pattern—which is there are so many people alive today who are baby boomers that when they retire, they are just going to basically overwhelm the system—if every time those red flags are raised, they are going to be responded to by the leadership on the other side with pejoratives and partisanship and the use of phrases such as ''privatization,'' then we are not going to accomplish anything around here. All we are going to see is that we can deal with the next election but we can't deal with the next generation. You might win the next election, which I guess is the purpose of Senator SCHUMER, but it is going to leave our kids one heck of a mess, and seniors who retire in the 2020 period are going to also be in a pretty horrific way. Total irresponsibility in the remarks of the Senator from New York in response to the very responsible warnings brought forth by the Medicare trustees.

On a second issue to which I wish to speak briefly—actually, not so briefly—which is the issue before us, the competitiveness bill, this competitiveness bill is well-intentioned. We all know that we as a nation are confronting some very severe issues relative to our capacity as a culture to compete in this world and be successful. We also know that the essence of our capacity to compete is tied directly to our capacity to produce an intelligent, thoughtful, knowledge-based society. We are, without question, a country where success in the global competition is not going to be built off of excessive manpower or a dramatic amount of resources. It is going to be built off of having brighter and smarter people who add value to products and produce items that people around the world need and want, and they are inventive and creative. The great genius of America is our creativeness and our inventiveness. So the goal of this proposal is appropriate, genuine, and well-intentioned, but the question becomes whether the execution of that goal, on balance, accomplishes its purpose.

The Congress has this tendency—and I have seen it innumerable times—when it sees a problem, to create a plethora of different little programs, most of them not too big, all across the spectrum, which are basically the ideas of a bunch of different people who came to the table, but because there wasn't one cohesive idea that was dominant, everybody's idea got into play. I guess that is the problem when you have the committee designing the horse. That famous story—if a committee designs a horse, you end up with something that doesn't look like a horse. That is what happens when you have a proposal which puts a large chunk of money on the table and then says: Here, let's spend it. That, unfortunately, is where this proposal ends up to a large degree.

Ironically, this proposal has a lot of specific initiatives in it which we already tried before or which are duplicative programs we have tried before, the irony being pretty apparent in items such as the Manufacturing Extension Program, which, during the first few years of this administration, it sent up proposals to basically zero it out. That is a program the purpose of which was to create these manufacturing extension centers around the country, which we did—they are called the Hollings centers—but we also understood they would be self-sustaining centers once the Federal Government got them up and running. We now find they are not, so this bill essentially continues them. Also, it basically restarts something called the ATP program. It gives it a new name and title. It creates a brandnew series of education initiatives in the Department of Energy which are pretty much duplicative of initiatives in the Department of Education, and some education initiatives in the National Science Foundation. It creates new directives to the NOAA which are almost identical to what NOAA already does but in addition are completely duplicative of what the Oceans Commission concluded should be done and which was put into action about 2 or 3 years ago as a result of the Oceans Commission.

As well-intentioned as this bill may be, in the end what it does is it increases spending by $16 billion. That is the proposal: $16 billion over 4 years. What it buys is a whole lot of little initiatives all over the country which are the interests of this Senator or that Senator but which in their totality have very little cohesion to them, direction to them, or purpose to them and, as a practical matter, are not paid for.

Here is the situation we confront. It is not as acute as the issue I was talking about before in the Social Security entitlement accounts, but the situation is this: We are spending a lot of money we don't have. In the nondefense discretionary accounts, we have been fairly disciplined over the last few years, but we are still spending a lot of money we don't have.

What this proposal says is, even though we are spending a lot of money we don't have, we are going to spend more money we don't have because these are feel-good initiatives, and if we just sprinkle a little crumbs all over the place, we can put out good press releases and feel content that we have addressed the competitiveness question in this country.

The competitiveness question in this country is not going to be dramatically improved by spending $16 billion we don't have and then sending the bill to our kids. If we want to improve competitiveness in this country, we should be doing fairly substantive things that will impact a lot of different areas and won't necessarily cost us too much money.

We might start, for example, with tort reform, where we see a massive amount of money spent inefficiently in this culture because we have to fear lawsuits that are, quite honestly, in many instances frivolous and that end up causing people to do defensive activities. Correct the tort system, and that would create a fair amount of efficiency and productivity in this economy.

Correct the regulatory morass we have. The fact is that to can get an efficient powerplant on line—which we need a lot of in this country if we are going to have an efficient economy—it literally takes years and years of regulatory hoops to jump through, many of which are duplicative, before you can get a decent powerplant up and running. When was the last time a nuclear powerplant was brought on line in this country? Well, I think it was 1988. Nuclear power is by far the most efficient way and the most environmentally sound way to bring large amounts of power online. Yet we can't license nuclear powerplants. Senator DOMENICI, in a recent bill he produced in this Senate, which didn't pass the Congress, has tried to streamline the effort. Hopefully, it will result in more powerplants coming on line.

The simple fact is that we regulate ourselves into noncompetitiveness. So if we want to correct the issue of competitiveness, let's address some of these regulatory issues. They don't have to be broad. It doesn't have to be a broad exercise. It can be reasonably narrow.

In the area of immigration policy, we know there are very bright, capable people around this world who want to come to America and be productive. As Bill Gates described them in testimony before the HELP Committee, he looks at them as job-setters. When he brings one of these really bright people from someplace else in the world and puts them to work at Microsoft, the way he sees that is that person is generating jobs. It is the opposite of outsourcing; it is insourcing. If you bring somebody in with special talents and abilities, especially in the science and mathematics areas, that person becomes a job center around which other jobs are created because of their creativity and their abilities.

And what do we do to those folks? We tell them they can't come to the United States even though they want

to, even though they have jobs here. We say: I am sorry, we can only have 65,000 people with that talent in this country. That is it—even though there may be 150,000 or 200,000 who would like to come to this country and all of whom could come into this country from the standpoint of being safe, sound, good contributing citizens and all of whom, if they were here, would probably be giving us economic added ability which would create jobs. It doesn't cost us any money to bring these people in. In fact, it gives us more economic activity, which gives us more jobs, probably more tax dollars from these people, generating more taxes to the Federal Treasury. That is something we can address if you want to improve the productivity of this Nation.

The idea that the Federal Government is going to sprinkle $16 billion around to various programs—and it is sprinkled all over, a lot of programs here, many of which either existed before or are being recreated—and it is going to result in significantly more competitiveness—well, it might work, but the only way you could justify it is if you paid for it by reducing $16 billion somewhere else in inefficiencies before you move down this road. The irony of this is we have done it so many times before, and it hasn't worked because the Federal Government can't command and control the economy. That is why it doesn't work.

I was Governor when President Bush 1, who was very concerned about education and wanted to be known as the education President, called a conference of Governors together—the first time it happened since Lincoln—I believe in Charlottesville, VA. The purpose of the conference was to figure out how we as a nation were going to capture and reform the education agenda. This was in 1989. I was Governor at the time. Do you know what the first conclusion of that Governors conference was? I think we came up with 10 directives. The first conclusion was that we would lead the world in math-science education in the elementary and secondary school systems by the year 2000 because at that time we were 14 out of 16 countries of the industrialized world.

I heard Senator KENNEDY a while ago doing his presentation on this issue on the Senate floor, and he put up a chart. I think he said we were 24th out of 24 industrialized countries. We actually lost ground if that is true. I don't know what the number is, but we are certainly not at the top. Yet throughout this period we have created program after program after program.

There is an initiative in here for the National Science Foundation to reenergize its directorate on education. I was here the last time we did that. I was in the House. It is a good idea, especially if you have the funds to pay for it. But the fact is, it is a sprinkling effort. The marketplace, in creating an atmosphere where there is competition, is the way you make yourself more competitive. Spreading money over a whole plethora of new programs might produce some results, but unless you pay for it, in the end it is going to end up costing us significantly. It is going to end up costing the next generation significantly. So as well-intentioned as this proposal may be, I have serious reservations about its effectiveness.

I would probably be willing to support it if it were paid for, but it isn't paid for, and it is just going to add $16 billion to the debt. Now, we will hear from others that this is just an authorized number, but I can assure everyone that all we will hear about once this authorized number is passed is that we need to appropriate the money to meet those needs. So that is a straw dog argument. If you put on the table that you are going to spend $16 billion more, that you don't have, the odds are the Congress is going to spend $16 billion once it gets authorized to do so.

At this time I understand we are not taking amendments, but if we were in the process of taking amendments, I would offer an amendment to do something substantive in the area of competition and making our country more viable, and that would be to lift the cap on the H1B visa program from 65,000 to 150,000. A very simple action. It would bring in a large group of people who would be constructive citizens with science and technology backgrounds that we need.

We would not be replacing people who are in jobs, but we would actually be creating more jobs—probably a lot more jobs in the arenas in which they work—and that would actually have an immediate impact on competitiveness in this country. We wouldn't have to wait another 10 years to have another conference by another Presidency or another Congress that says we are not caught up in the competitiveness area and therefore we have to address math and science education. We would actually have the people here next year who would have the math and science skills and who would be able to contribute constructively.

So that would be the amendment I would offer, and I certainly hope to have the opportunity to offer that amendment before this bill leaves the floor.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I understand my junior colleague has a request before I proceed.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator DOMENICI be recognized for up to 15 minutes, that Senator SANDERS would follow him for up to 20 minutes, and that Senator ENSIGN would follow him for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Senator DOMENICI.

Mr. DOMENICI. I thank Senator BINGAMAN.

Mr. President, I am not sure I will take the whole 15, although I have been speaking on this issue for a long enough time that one would think I might have spoken out, but I haven't. I am very excited about the bill, and so I am afraid I will use every 1 of the 15 minutes because there is a lot I want to say.

First of all, let me say that I have the greatest respect for those who oppose this bill, such as the distinguished Senator from New Hampshire, chairman of the Budget Committee in the past, who has spoken eloquently about the problems of Social Security and spoken his piece today about this bill.

On the other hand, for myself, I want to say that the time has come for a new bill to get passed, and I want it to be bipartisan and I want Republicans to join Democrats on the bill that I believe we will look back on and say it was the biggest, most significant, most important piece of legislation that we have ever passed, that added to the brain power of the American people, and particularly added to the brain power of the young people coming along who are going to try to keep us the most productive Nation on Earth by getting educated properly.

We are trying to pass this bill after having been told by the best of Americans who took a look at our country, who looked at our laws, and then recommended that we do 20 things. They were all recommendations aimed at the proposal that we were going backward; that we were in reverse gear as far as giving our young people the education they deserve in the areas of math, science, physics, engineering, and the like.

We were advised by the very best Americans. They did this as a gratuity. They weren't paid. They used their time to tell us what was going wrong and what could be fixed in terms of brain power development among our people. They said, essentially, our biggest problem is, after grade 4 and through grade 12 our young people are not getting educated in math, science, physics, and the like by teachers who are educators in those subjects; that huge percentages of the teachers don't even know the subject matter. Yet they are required to teach because they do not have anybody else. So they teach math even if they haven't studied math. They told us we should fix that. This bill will fix that, we hope.

They told us a number of other things. They said put them into law and try to get these things passed, and over the next 5 to 10 years you will see a big difference. The National Science Foundation should receive much more money for the hard science research projects; that the budget of the Department of Energy, which has a science fund, should get more money for the science that it does in the great laboratories of the United States; and to help bring up the education for those youngsters we are talking about by giving them exciting opportunities in the summer months and elsewise, and give the teachers those times to get educated so they can pass on much more

brain power and excitement about these subjects to our young people.

Now, there is no doubt what is in this bill could be done better if one person, or two, who were knowledgeable and fair were doing it and following the recommendations of those who told us to do so. But we can't do that here. We have to go to committees eventually and ask Senators who have vested interests. So we don't have a perfectly drawn bill in comparison to the 20 ideas propounded by the National Academy and the special bill that was produced by the ex-president of Lockheed Martin, Norm Augustine. Now, that part is so. It is true it is a good bill in that regard. So we have to argue about some other points that come in, such as we should not pass any new legislation so long as we have a deficit.

One Senator, a Senator from Oklahoma, has an amendment. I have great respect for him. He says it is the sense of the Senate that the Congress has a moral obligation to offset the cost of new government programs and initiatives. First of all, let me suggest to the distinguished Senator that this bill does not spend money. If it spent money, it would be subject to a point of order under the budget and would fall because it is new spending. Nobody has raised that. Even the great, distinguished, former chairman of the Budget Committee has not done that. He did not stand up and say this bill falls under the Budget Act because it spends money. Why didn't he? Because it doesn't spend money.

There still has to be another act before this spends money. It has to be appropriated. And any authorization bill is the same way. It does not spend money. It does not need approval of the Budget Committee because it doesn't spend money. However, when we try to spend the money, then we better have it in the budget or it will fall under a point of order. That is the truth, and there is nothing moral or immoral about it.

The truth is, when the Senator says we have to offset the cost of government programs and initiatives, and that we have an obligation to our citizens to do so, certainly he ought to recognize we shouldn't have to do it when there is no money being spent because if that is the case, then we are just talking about words. They have no effect. We are talking about words. These words are talking about programs that don't spend money, and the Senator is trying to suggest that since they might spend the money, we ought to do something about it in advance. We would never pass anything around here if we added another requirement to legislation that before it is ever a spending bill it once again clear some new hurdle.

If the distinguished Senator from Oklahoma would like to do that, he ought to go after the Budget Act of the United States and provide that there is a way to raise a point of order against authorizing legislation. We already have enough, but if he wants to do more, more budget points of order, he could put that in there and have a nice debate and see what the Senate thinks of adding that provision to the Budget Act on an authorization.

My good friend, the Senator from New Hampshire, talked about a lot of things that we could be doing that would help our country become a more competitive country, which is what this is all about: putting more brain power in our young people, helping them get more excited about the good things that prepare them innovatively in order to create great things. He spoke of a number of things he would do and could do outside this bill. I agree with him. In fact, I could rewrite a bill we just finished on energy. And if everybody were with me, I could add five or six things to it—even though it is only a year and a half old—that would help with our energy independence. But we have to do things we are asked to do around here, and we have to do them the best we can.

This bill will cost $60 billion, if we decide to spend it, over the next 4 years—if we decide to spend it. Of that, $16 billion represents new programs that are not currently in existence. Now, if anybody can truly, with a really straight face, tell the American people that is what is going to break America—this $16 billion that isn't even spent, that we might spend—it is really going to harm America's economic future, then I don't know what to tell them about what is happening to our budget naturally, about how much is spent for Social Security and other things that just come as a natural matter because of the way the laws are written and that they spend freely on their own.

I want to close by saying to those who oppose the bill, I believe the time has come to pass this bill. It is new, to some extent, and the newness is what is good about it. I believe the time has come to take a chance on some new ways to educate our young people and see if we can't get more brain power developing in the young people of our country.

Mr. President, I yield the floor, and I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

AMENDMENT NO. 936

Mr. SANDERS. Mr. President, I wish to discuss an amendment, amendment No. 936, which I have filed to this bill.

Mr. President, I ask unanimous consent to add the following Senators as cosponsors of this amendment: Senator BAUCUS, Senator LEAHY, and Senator LINCOLN.

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

Mr. SANDERS. Mr. President, let me begin by commending the distinguished majority leader, Senator REID, for introducing S. 761, the America COMPETES Act, and bringing it to the floor, along with the minority leader, Senator MCCONNELL, Senator BINGAMAN, Senator DOMENICI, and a number of other Senators in a true spirit of bipartisanship.

There is no question the Congress has to do a better job in making sure the United States is able to compete in the global economy. The America COMPETES Act will begin to accomplish this important undertaking by doubling the investment in basic research at the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy's Office of Science in the next 5 to 10 years.

I am also pleased this bill will improve teacher training in math and science and help low-income students succeed in college preparatory courses. I applaud these provisions and thank my colleagues for working on this important piece of legislation.

But in my opinion, if we truly want to provide the tools necessary for American workers to compete in the global economy, much more needs to be done. That is why I will be offering this amendment, which I hope will attract bipartisan support.

This amendment is simple and it is straightforward. At a time when the United States has lost over 3 million manufacturing jobs, at a time when we are on the cusp of losing millions more of high-paying information technology jobs, this amendment would begin to reverse that trend by providing employees with the resources they need to own their own businesses through employee stock ownership plans and eligible worker-owned cooperatives.

Specifically, this amendment would authorize $100 million to create a U.S. employee ownership competitiveness fund within the Department of Commerce to provide loans, loan guarantees, technical assistance, and grants to expand employee ownership throughout this country.

Why is it so important for the Senate to provide incentives to expand employee ownership in this country? The answer is pretty simple: Employee ownership is one of the keys to creating a sustainable economy with jobs that pay a living wage. This amendment has the strong support of the ESOP Association, a nonprofit organization serving approximately 2,500 employee stock ownership plans throughout the country. Let me quote from a letter they recently sent to my office:

> Your amendment is a modest first step in awakening our government to the fact that in the 21st Century the inclusion of employees as owners of the companies where they work in a meaningful manner should be a key component of any national competitiveness program. If the Senate adopts your amendment and it eventually becomes law, we assure you that the ESOP community will work constructively to ensure that the loan and grant program you propose works effectively to benefit the employee owners, the employee-owned companies, and our American economy.

The concept of an ESOP or a worker-owned company is not a radical idea.

Not only are there some 11,000 ESOPs in our country, but there are some major corporations that everybody is very familiar with, including Procter & Gamble and Anheuser-Busch, that are also ESOPs.

Interestingly, the Tribune Company, one of the major publishers in America, is in the process of becoming a 60-percent employee-owned company.

Every day we read in the papers about plants that are being moved to China, Mexico, and a number of other low-wage countries. Since a number of these factories were making profits, they were doing well in the United States. Shutting them down was unnecessary and could have been avoided if these plants were sold to their employees through ESOPs, or worker-owned cooperatives. In other words, in my State, the State of Vermont, and throughout this country, there are companies, large and small, that are making a profit where owners—who may be retiring, who started a company and now they are retiring—want to be able to leave their companies to their employees if these workers had the resources, if they had the technical assistance and legal advice to know how to put together that transaction—which in many cases is pretty complicated.

Further, study after study has shown when employees own their own companies, when they work for themselves, when they are involved in the decision-making that impacts their jobs, workers become more motivated, absenteeism goes down, worker productivity goes up, and people stay on the job for a longer period of time because they are proud of and involved with what they are doing.

Most important to the communities throughout this country is when workers own the place in which they work, shock of all shocks, they are not going to shut it down and move the plant to China.

Since 2000, the U.S. manufacturing sector has lost 3.2 million good-paying manufacturing jobs. Put another way, since President Bush was elected President, this country has seen one out of every six factory jobs disappear—one out of every six.

In addition, the Associated Press recently reported a study by Moody's which found: ''16 percent of the nation's 379 metropolitan areas are in recession, reflecting primarily the troubles in manufacturing.''

I suspect this problem is even worse in rural areas in my own small State of Vermont. We have lost about 20 percent of our manufacturing jobs in the last 5 years. Let me give an example of some of the jobs we have been losing as a country and why, in fact, we need to be competitive and why, in fact, we need to encourage ESOPs and worker-owned industry. From 2001 to 2006, the United States of America has experienced a loss of 42 percent of our communication equipment jobs, 37 percent of our jobs have been lost in the manufacture of semiconductors and electronic components, 43 percent of our textile jobs have disappeared, and about half of our apparel jobs have vanished.

Not only are we losing good-paying manufacturing jobs, we are also losing high-paying information technology jobs.

While the loss of manufacturing jobs has been well documented, it may come as a surprise to some that from January of 2001 to January of 2006, the information sector of the American economy lost over 640,000 jobs, or more than 17 percent of its workforce.

The trends there are pretty ominous. Alan Blinder, the former Vice Chairman of the Federal Reserve, has recently concluded that between 30 million to 40 million jobs in the United States are vulnerable to overseas outsourcing over the next 10 to 20 years. While, of course, we have to invest in math and science, of course, we have to educate our students as best we can, we cannot ignore the significant impact globalization is having on our blue-collar factory jobs and on our white-collar information technology jobs.

Today there are some 11,000 employee stock ownership plans, hundreds of worker-owned cooperatives, and thousands of other companies with some form of employee ownership. Many of them are thriving. In fact, employee ownership has been proven to increase employment, increase productivity, increase sales, and increase wages in the United States. Yet despite the important role that worker ownership can play in revitalizing our economy, the Federal Government has failed to commit the resources needed to allow employee ownership to realize its true potential, and that is why this amendment is so important.

While this issue may be new to this bill, I have actually been working on it for several years. In the House, when I was the ranking member of the Financial Institutions and Consumer Credit Subcommittee, I was able to hold a hearing on this issue nearly 4 years ago and we had some wonderful testimony.

I fear in the next 10 to 20 years, if we do not change course, there will not be a major automobile industry in this country. We must not allow that to happen. We must protect good-paying jobs in this country. I believe employee ownership may be one of the ways we can keep good-paying jobs in America.

Let me conclude by saying in my opinion it would be much more important to provide this assistance to employees who could be creating and retaining jobs right here in the United States by the expansion of employee ownership. This is a very important issue. There is a lot of excitement all over the country about it. Let us protect American jobs. Let us give working people in this country the opportunity to own the places in which they are working. Let us make this country more economically competitive. I very much hope my colleagues will be supporting this amendment when it is offered.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

AMENDMENT NO. 928

Mr. BINGAMAN. Mr. President, I ask for regular order with respect to the DeMint amendment No. 928.

The ACTING PRESIDENT pro tempore. The amendment is now pending.

AMENDMENT NO. 947 TO AMENDMENT NO. 928

Mr. BINGAMAN. Mr. President, I ask to call up the Dodd-Shelby amendment No. 947. It is a second-degree amendment.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. DODD, for himself and Mr. SHELBY, proposes an amendment numbered 947 to amendment No. 928.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate with respect to small business growth and capital markets)

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING SMALL BUSINESS GROWTH AND CAPITAL MARKETS.

(a) FINDINGS.—The Congress finds that—

(1) the United States has the most fair, most transparent, and most efficient capital markets in the world, in part due to its strong securities statutory and regulatory scheme;

(2) it is of paramount importance for the continued growth of our Nation's economy, that our capital markets retain their leading position in the world;

(3) small businesses are vital participants in United States capital markets, and play a critical role in future economic growth and high-wage job creation;

(4) section 404 of the Sarbanes-Oxley Act of 2002, has greatly enhanced the quality of corporate governance and financial reporting for public companies and increased investor confidence;

(5) the Securities and Exchange Commission (in this section referred to as the ''Commission'') and the Public Company Accounting Oversight Board (in this section referred to as the ''PCAOB'') have both determined that the current auditing standard implementing section 404 of the Sarbanes-Oxley Act of 2002 has imposed unnecessary and unintended cost burdens on small and mid-sized public companies;

(6) the Commission and PCAOB are now near completion of a 2-year process intended to revise the standard in order to provide more efficient and effective regulation; and

(7) the chairman of the Commission recently has said, with respect to section 404 of the Sarbanes-Oxley Act of 2002, that, ''We don't need to change the law, we need to change the way the law is implemented. It is the implementation of the law that has caused the excessive burden, not the law itself. That's an important distinction. I don't believe these important investor protections, which are even now only a few years old, should be opened up for amendment, or that they need to be.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Commission and the PCAOB should complete promulgation of the final rules implementing section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262).

Mr. BINGAMAN. Mr. President, I have a unanimous consent request here which I will propound at this point, that sets out a procedure for us to follow this evening.

I ask unanimous consent that at 5:10 p.m. the Senate resume debate with respect to the Dodd-Shelby amendment, No. 947, and the DeMint amendment No. 928, with the time divided 5 minutes each for Senators DODD and SHELBY, and 10 minutes under the control of Senator DEMINT, to be debated concurrently; that no amendments be in order to either amendment and that the Dodd amendment be modified to be a first-degree amendment; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Dodd-Shelby amendment, as modified; that there be 2 minutes between the votes equally divided and controlled between Senators DODD and DEMINT or their designees, to be followed by a vote in relation to the DeMint amendment; that upon the use of that time, the Senate, without further intervening action or debate, vote in relation to the DeMint amendment; that upon disposition of the DeMint amendment, the Senate resume the Coburn amendment No. 917, and that the previous order with respect to the debate time prior to the vote be in order, with the time equally divided and controlled between Senators BINGAMAN and COBURN or their designees; and without further debate the Senate proceed to vote in relation to the Coburn amendment No. 917; that no amendment be in order to the Coburn amendment; that upon disposition of these amendments it be in order to call up the Sununu amendment No. 938 and the Sanders amendment No. 936, and the Senate then return to the regular order of amendments.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALEXANDER. No objection.

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

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

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

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of the America COMPETES Act.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I did not realize that the time was reserved between now and 5:10. Is it reserved? My impression was that the floor was open for Senators to speak or offer amendments.

The ACTING PRESIDENT pro tempore. Senator ENSIGN was supposed to speak after Senator SANDERS.

Mr. ALEXANDER. Senator ENSIGN will not be here. Senator HUTCHISON and then Senator CORNYN would like to take that time. I ask unanimous consent that Senator HUTCHISON and Senator CORNYN be allowed to take the time between now and 5:10 when the vote begins.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BINGAMAN. Mr. President, could we clarify what the request is? I am sorry. I was not able to pay full attention.

Mr. ALEXANDER. I asked that Senator HUTCHISON have 10 minutes, followed by Senator CORNYN for 10 minutes.

Mr. BINGAMAN. Could we modify that request to provide that Senator CORNYN's intention is to offer and then withdraw an amendment?

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, that is my intention.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALEXANDER. Could we ask the intention of the senior Senator from Texas?

Mrs. HUTCHISON. I intend to speak on the bill.

Mr. BINGAMAN. Mr. President, I have no objection to the Senator from Texas being allotted 10 minutes and then the other Senator from Texas, Mr. CORNYN, going ahead with his comments and the offering and withdrawal of an amendment.

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

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, I rise to speak in favor of the America COMPETES Act. I thank the Senator from Tennessee, Mr. ALEXANDER, Senator DOMENICI, Senator BINGAMAN, and Senator CORNYN. I have worked with all of them to try to focus first on what the problems are with regard to higher education and then to look at K–12 education. Certainly, the Senator from Tennessee, having been the Secretary of Education and the Governor of Tennessee, has dealt with education issues and has taken a major lead on trying to reform our education system so that it does meet the needs of the future generation.

Having the National Academy do a study, resulting in the report called ''Rising Above the Gathering Storm,'' was exactly the right thing to do. I would never have thought we could have such a clear message from the National Academy about what we do right, what we do wrong, what is missing, and what we have to improve.

Norm Augustine, former chairman of the board of Lockheed Corporation, was chairman of the committee. It was a distinguished group, including the former president of Texas A&M who is now Secretary of Defense. There were others. I was so pleased to see that they saw the problem.

The problem is that fewer than 30 percent of U.S. fourth- and eighth-grade students performed at a proficient level or higher in mathematics. The United States placed near the bottom 20 percent of nations in advanced mathematics and physics in testing. The United States is 20th among nations in the proportion of its 24-year-olds with degrees in science or engineering. The United States graduates about 70,000 engineers every year. India is matriculating about 250,000, and in China the number is even greater. Within a few years, approximately 90 percent of all scientists and engineers in the world will live in Asia. If we have fewer innovators, we are going to have fewer innovations.

America has staked its economy on being the creators for the world. We have had the innovators. We have had the engineers, the scientists, the researchers. Yet we are now falling back in K–12, and our institutions of higher education are not getting students with the proper prerequisites to go into those course studies. We have to start from the beginning. The bill before us takes those steps. I am proud to be a cosponsor.

There are three areas: research, education, and innovation.

First, research. The bill increases the research investment by doubling the authorized funding levels for the National Science Foundation. It also substantially increases funding in the Department of Energy's Office of Science, and it brings NASA into the equation, one of our premier research institutions. We are going to increase the emphasis on science in NASA because we already have the infrastructure. We have paid for the infrastructure, but we are shortchanging the science. So that is a part of this bill as well.

The second focus is education, specifically in the fields of science, technology, engineering, math, and critical foreign languages. We offer competitive grants to States to promote better coordination of elementary and secondary education. We want to strengthen the skill of teachers by giving them incentives to major in their course curriculum and then get education certifications in the same college degree but as a secondary part of their degree rather than the primary focus of their degree, because if we have math majors teaching math instead of education majors teaching math, we know the student is going to have a better opportunity to excel. We want to give the people who have already chosen teaching the opportunity to get a higher degree in their course curriculum, go back and get a master's degree and help them with grants to do that, because if they will commit to continuing to teach, then we will have better qualified teachers.

Innovation is the third focus of our bill. Since the beginning of the industrial revolution, America has been the innovator in the world. Economic studies have shown that as much as 85 percent of the measured growth in per

capita income has been due to technological change. But these technologies did not appear out of thin air; they were designed and developed by scientists and engineers at innovative companies such as EDS, Dell, Apple, Microsoft, and through Government investment in NASA and the National Science Foundation.

With that in mind, our bill ensures that both NASA and the National Science Foundation are able to expand their strong traditional roles in fostering technological and scientific excellence. We have increased NASA funding to support basic research and foster new innovation, but the NASA budget is being starved with infrastructure requirements. They are not able to do the science that would make the investment in the infrastructure pay off. We have to bring NASA back to its original scientific purpose. We have the Innovative Partnerships Program. We have the NASA Education Program. We are beginning to focus on exactly what we need to do.

This is a bipartisan effort sorely needed in Congress today, something on which we can all agree. America is falling behind. We are falling behind in education. We are falling behind in innovation. We are importing technological jobs that we ought to be creating ourselves with our own American students, but we don't have enough qualified students graduating from our colleges to fill these technical jobs. We need to upgrade our education system. That is exactly what this bill today is trying to do. We are attempting—both sides of the aisle—to make America better, to reclaim our prowess in education, K–12 as well as higher education, and to make sure we continue to be the innovators of the future as we have been in the past.

I urge my colleagues to support this legislation. Let's work on amendments. Let's get them through, but let's come to a conclusion. I know the President would like to sign a bill that moves our country forward in something as important as education.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Texas.

AMENDMENT NO. 902

(Purpose: To amend the Immigration and Nationality Act to increase competitiveness in the United States)

Mr. CORNYN. Mr. President, I have an amendment at the desk. I ask unanimous consent to set aside the pending amendment, call up amendment 902, and ask for its immediate consideration.

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

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 902.

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

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

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. CORNYN. Mr. President, as I told the distinguished Senator from New Mexico and the distinguished Senator from Tennessee, it is my intention to withdraw this amendment following my remarks. But I believe it is important, when we are talking about America's competitiveness, to talk about people with some of the very most desirable skills and education and how it is that we might attract them to live and work and create jobs here in America.

First, I express my gratitude to both Senator BINGAMAN and Senator ALEXANDER for their leadership on this issue. It is not often enough that we have an opportunity to work on a bipartisan basis on something that is so right and so good and so meritorious as this. It feels good. I think we ought to do it more often.

I do wish to talk about this amendment which is called the Securing Knowledge, Innovation, and Leadership Act amendment, otherwise known as the SKIL bill. This was a component of the comprehensive immigration reform bill that passed the Senate last year. Of course, that did not go anywhere. We are back again. I assure my colleagues that we will be coming back time and time again until we get this matter voted on.

In the past 2 years, there has been much focus by Congress and the administration on restoring America's competitive edge. While some have viewed the SKIL bill, as it is called, as an immigration issue, I believe it should be considered as a competitiveness issue, not just an immigration one. In fact, the National Academy of Sciences included similar recommendations in its study ''Rising Above the Gathering Storm.'' This very report was the original, the genesis of America COMPETES and several other bills introduced in the 109th Congress. That report recommended to Congress that it should ''continue to improve visa processing for international students and scholars to provide less complex procedures and continue to make improvements on such issues as visa categories and duration, travel for scientific meetings, the technology-alert list, reciprocity agreements, and changes in status.'' The report also recommended that Congress should ''institute a new skills-based, preferential immigration option. Doctoral-level education in science and engineering skills would substantially raise an applicant's chances and priority in obtaining U.S. citizenship'' under this particular legislation.

The United States has always been blessed by recruiting the best and the brightest from all around the world, whether they be scholars, scientists, or researchers. As we all know, the United States is now engaged, though, in a global competition for these very same scientists, scholars, and researchers.

In this global economy, there are only three ways for us to retain the most brilliant workforce in the world: No. 1, we can grow our own talent, which is the intent of the bill we are debating right now; No. 2, we can continue to recruit the top students from around the world from other nations; or, No. 3, we can watch our companies move their workforce and jobs to other countries in order to find that talented workforce and to remain competitive. I don't know if there are any other choices than those—grow our own talent, import the best talent, or see our jobs go overseas. Those are the choices we have. The countries that can attract and retain the best and the brightest will obviously have an advantage over other countries in this global competition.

As we have heard, the United States does not produce enough engineers. Over half of master's and Ph.D. degrees in the United States go to foreign students each year, foreign students who study in the United States. China graduates four times as many engineers as we do, and within a few years approximately 90 percent of all scientists and engineers in the world will be in Asia.

Foreign students help us fill the gap right now—a gap we are going to try to make up through growing more of our own talent right here through the great provisions of this legislation—but then our immigration policy, as currently constituted, forces these best and brightest students, these foreign students, to return home because there are no high-tech visas.

Our immigration policy has not adapted to the changing international environment or this global competition. Only 65,000 visas are issued each year to this category of the best and the brightest. For the past few years, the cap has been reached before the fiscal year even begins. But this year, on April 1, 2007, there was a loud outcry for immediate relief in our highly skilled immigration policies because that was the day the U.S. Citizenship and Immigration Service announced the 2008 cap for H–1B visas was met. That is right, because the United States has already met the cap for H–1B visas, foreign students graduating from our universities this spring are virtually shut out of the U.S. job market. We hit that cap on the very day the opportunity for filing for those types of visas was presented.

This situation is unprecedented. What it means is employers cannot hire highly educated workers for up to 1 year, until the next allotment of visas becomes available. With global competition, of course, these workers have a lot of other options as to where to go. They can go to England. They can go to France. They can go to India. They can go to China. In short, they can go to our global competitors and work there and take the jobs that

could be created here in America with them.

This SKIL bill has important protections for American workers, and I hope my colleagues will listen to this because there is, frankly, a lot of misconception about foreign students and foreign workers coming here and taking American jobs at a lower wage. In fact, high-tech visas generate fees to pay for U.S. worker training programs. Every time an employer sponsors a foreign worker, that employer must contribute to a fund to train U.S. workers. Of course, under our law, they cannot be hired to come in and work at a lower wage than would have to be paid to a comparable U.S. worker. Immigrant professionals actually create jobs here in the United States. The founder of Intel is a prime example. He was an immigrant from Hungary and has created hundreds of thousands of jobs at his company here in America.

So sound policy will start by retaining foreign students who are educated here in the United States, particularly in the most sought after areas of math, science, and engineering.

We should exempt from the annual visa limit any foreign student who graduates from a U.S. university with a master's degree or a Ph.D. degree in these essential fields. It is simply a matter of economic survival and competition for the United States. Also, insourcing talented workers, as I pointed out, is preferable to outsourcing those jobs and the associated economic activity that goes with it to other countries. We should make it easier for those who do comply with our immigration laws to travel in and out of our country as well. We must also attract the best and brightest who are working in other countries to come here and do their work in the United States so those jobs can stay here.

In the long run, we have to improve our schools and encourage more U.S. students to study engineering and mathematics, and the America COMPETES Act, as it is currently written, does just that. But in the short term, we have to adapt our immigration policy so when those U.S. students are educated in engineering fields, there will be jobs right here in the United States for them to perform. Then we can reap the benefits of the most outstanding college and university education in the world, which students travel from all around the world in order to be able to obtain, and then that they not have to go home after they graduate from college if they are in the essential fields of math, science, and engineering.

If we do not act, America's technology industry, its health care industry, higher education, research institutions, financial services industries will be harmed and our economy will suffer. The intersection of our immigration policy and our country's ability to compete for global talent is critical, and we cannot wait years to address this issue. It is imperative we address it as soon as possible.

AMENDMENT NO. 902, WITHDRAWN

My only regret is we are unable to do so on this bill because it belongs on this bill. But I understand the practical ramifications of continuing to insist upon a vote on this particular amendment at this time. So it is with some regret that I ask unanimous consent to withdraw my amendment but urge my colleagues to continue to work to support H–1B visa reform and see that the SKIL bill, as currently presented as an amendment to this bill, is ultimately enacted into law because, frankly, it is in the best interest of the United States and American jobs right here at home.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, the amendment from the Senator from Texas is withdrawn.

Mr. CORNYN. I yield the floor.

Yhe PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, within 3 or 4 minutes, we will be moving to amendments as described by the Senator from New Mexico. But before he speaks, let me thank the Senator from Texas both for his leadership on the amendment and for his spirit of cooperation and willingness to withdraw the amendment.

It is my hope that this is not the end of that discussion. I strongly agree with him. Our immigration laws are archaic in this regard. We have 650,000 legal new citizens every year, and we should, in our own interests, allow highly skilled men and women—the brightest people in the world who come here to study, earn these degrees in science, technology, math—to stay here and create jobs instead of going home and creating jobs. We should do that. So he has highlighted that. The Senate adopted that last year. I hope we will have a chance to adopt it again before Memorial Day. I salute the Senator for that, and I hope this is just the beginning of his insistence on this and other types of legislation that would reform our immigration policy.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me also commend the Senator from Texas and thank him for his support for the underlying legislation. I do think the substance of what he is trying to get accomplished with regard to the immigration laws of the country—I very much support trying to facilitate allowing people who get an education here to stay here and use those talents and skills and knowledge they have acquired to benefit our country. So we need to work on that. I think the appropriate place to do that is as part of the debate we will do on immigration, which is coming up. The majority leader has indicated he plans to get to that issue in May, so I think, clearly, that is coming up very soon. But I commend the Senator from Texas for his willingness to withdraw his amendment at this time.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am not going to take any time. In fact, I just want to do something I very rarely do, but it seems appropriate based on the arguments I have made this day. So I am going to ask for a parliamentary inquiry of the Chair. My parliamentary inquiry is, would this bill, with any of the amendments that have been adopted so far, be subject to a point of order under the Budget Act of the United States?

The PRESIDING OFFICER. The Chair is not aware of any such points of order against this bill.

Mr. DOMENICI. I thank the Chair.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 908, AS MODIFIED

Mr. BINGAMAN. Mr. President, I send a modification to amendment No. 908 to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 55, lines 21 and 22, strike ''engineering)'' and insert ''engineering and technology)''.

On page 56, line 8, after ''engineering'' insert ''and technology''.

On page 56, line 24, strike ''mathematics and science'' and insert ''mathematics, science, engineering, and technology''.

On page 59, line 6, strike ''mathematics and science'' and insert ''mathematics, science, and, to the extent applicable, technology and engineering''.

On page 59, line 15, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 60, line 6, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 60, line 10, before ''that'' insert ''in mathematics, science, and to the extent applicable, technology and engineering''.

On page 60, line 24, strike ''mathematics and science'' and insert ''mathematics, science, and to the extent applicable, technology and engineering''.

On page 61, lines 8 and 9, strike ''mathematics and science'' and insert ''mathematics, science, and, to the extent applicable, technology and engineering''.

On page 62, line 14, strike ''mathematics or science'' and insert ''mathematics, science, technology, or engineering''.

On page 65, lines 16 and 17, strike ''**MATHEMATICS AND SCIENCE**'' and insert ''**MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING**''.

On page 65, line 19, strike ''**MATHEMATICS AND SCIENCE**'' and insert ''**MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING**''.

On page 66, lines 8 and 9, strike ''Mathematics and Science'' and insert ''Mathematics, Science, Technology, and Engineering''.

On page 67, line 9, strike ''Mathematics and Science'' and insert ''Mathematics, Science, Technology, and Engineering''.

On page 67, lines 16 and 17, strike ''math and science'' and insert ''mathematics, science, and technology''.

On page 68, lines 21 and 22, strike ''mathematics or science (including engineering)'' and insert ''mathematics, science, or engineering''.

On page 69, lines 4 and 5, strike ''mathematics or science'' and insert ''mathematics, science, or technology''.

Beginning on page 69, line 25 through page 70, line 1, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 70, lines 10 and 11, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 71, line 7, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 71, line 10, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 71, line 18, strike ''mathematics and science'' and insert ''mathematics, science, and, to the extent applicable, technology and engineering''.

On page 72, line 23, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 73, line 14, strike ''mathematics and science'' and insert ''mathematics, science, and to the extent applicable, technology and engineering''.

On page 73, lines 18 and 19, strike ''mathematics and science'' and insert ''mathematics, science, and to the extent applicable, technology and engineering''.

On page 73, lines 23 and 24, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

Mr. BINGAMAN. Mr. President, I ask that we proceed to act on this modified amendment at this point. This is the managers' package from the Energy Committee, and it clarifies several points that are of a technical nature. I ask unanimous consent that the amendment, as modified, be agreed to.

The PRESIDING OFFICER. Without objection, the managers' amendment, as modified, is agreed to.

The amendment (No. 908), as modified, was agreed to.

AMENDMENT NO. 940

Mr. BINGAMAN. Mr. President, I also call up amendment No. 940.

The PRESIDING OFFICER. The amendment is pending.

Mr. BINGAMAN. Mr. President, again, this is a managers' package from the HELP Committee. Senator KENNEDY and Senator ENZI are cosponsoring this. I would urge that the Senate agree to this amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 940) was agreed to.

Mr. BINGAMAN. Mr. President, I yield the floor. I know Senator DODD and Senator SHELBY are here ready to speak, and Senator DEMINT as well, with regard to their respective amendments.

AMENDMENTS NOS. 947 AND 928

The PRESIDING OFFICER. Under the previous order, amendment No. 947 is modified to be a first-degree amendment.

Who yields time?

Mr. BINGAMAN. Mr. President, I believe Senator DODD has 5 minutes, Senator SHELBY has 5 minutes, and Senator DEMINT has 10 minutes under the order.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me briefly first thank my colleague from Alabama, Senator SHELBY, the former chairman of the Banking Committee, who will also be offering this amendment for the consideration of our colleagues.

Our markets, I think all of us know, are the most fair and efficient in the world due to many reasons, but in large part to our strong statutory and regulatory schemes in the country. The amendment we are offering recognizes the very significant role of the Sarbanes-Oxley Act of improving and maintaining the integrity of the capital markets of this country, as well as the important role of small businesses in economic growth and job creation. We all remember and understand very well the debate that went on a number of years ago as a result of some of the disasters that occurred in Enron and WorldCom to make sure our public companies would be more accountable and more responsive to the concerns of the shareholders.

The SEC and the PCAOB have determined that the existing implementation of section 404 of the Sarbanes-Oxley legislation has not fully achieved the intent of the statute. Last December, they proposed management guidance and revised auditing standards to more appropriately implement the statute, without having an unintended or inappropriate impact on small businesses.

The amendment I offer with my colleague from Alabama expresses the sense of the Senate that the Securities and Exchange Commission and the Public Company Accounting Oversight Board continue their rulemaking and finalize their ongoing rulemaking process. These two agencies are currently considering about 200 comments and letters from the public commenting on their proposed regulations dealing with section 404. The letters come from a wide variety of interested parties, offering views on the strengths of the proposals and suggestions for those improvements. The capital markets and all businesses, including small businesses, will be better served by a deliberative process of rulemaking conducted by these agencies.

I commend Chris Cox for the fine job he is doing at the SEC. They have responded very well to the concerns about the section 404 requirements, particularly the smaller public companies.

SEC Chairman Cox has recently said:

We don't need to change the law.

I am quoting him now, Mr. President.

We need to change the way the law is implemented. It is the implementation of the law that has caused the excessive burden, not the law itself. That is an important distinction.

He goes on to say.

I don't believe these important investor protections, which are even now only a few years old, should be opened up to an amendment, or that they need to be.

I agree with Chris Cox, President Bush's appointee to head up the SEC. They are doing a very fine job. I think it would be irresponsible for us at this juncture to jump in and basically reduce by 80 percent the number of companies that would have to comply with section 404. Let the SEC do their job. That is what we have asked them to do. They are responsible. They are a responsible agency in charge of looking at this. If and when they come back, and there are those of us here who feel they haven't gone far enough, that those burdens still exist, then I would welcome an opportunity to address that. But it is very premature to jump in at this juncture while the SEC is doing the job we asked them to do, acting responsibly, and performing their public functions under good leadership. It seems to me this is not a moment for us to jump into the middle of this and by a vote of small margins decide we are going to tell these agencies what to do with the professional staffs they have and the commentary process where the public has an opportunity to address and comment on the suggested rule changes that Christopher Cox and his staff at the SEC and the other commissioners are considering at this moment.

So for all of those reasons, we are offering this amendment which offers us an opportunity to express our concerns about where this is headed. Let's send a message that we are watching very carefully, we care about this, but avoid the situation of this body engaging in a regulatory process, which is properly left to the agencies charged with that responsibility. For those reasons I urge the adoption of the Dodd-Shelby amendment.

Mr. President, I ask unanimous consent to add Senator REED of Rhode Island, the chairman of the subcommittee, as a cosponsor of the amendment.

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

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

Mr. SHELBY. Mr. President, the Sarbanes-Oxley Act of 2002 that we are familiar with has provided real benefits to the capital markets. On the other hand, there is no question that its implementation has been too costly, particularly for small public companies. We know this. This is a given.

That is why I am encouraged that the securities regulators charged with implementing this legislation at the Securities and Exchange Commission and the PCAOB are near the end of a 2-year

process to make significant changes that are likely to reduce the unacceptable costs and burdens of section 404 compliance which Senator DODD alluded to.

This body, I believe, ought to give the regulators, the Securities and Exchange Commission, and the Public Company Accounting Oversight Board a chance to fix this problem, because they have been involved in this for over a year now. It is very complex. Both the SEC and the PCAOB acted last December, just a few months ago, to propose initiatives aimed at reducing the costs associated with section 404 of Sarbanes-Oxley. These actions are the most significant to date and should lower costs on investments while at the same time preserving the benefits of effective internal controls.

In testimony before the Senate Small Business and Entrepreneurship Committee last week, Chairman Cox of the Securities and Exchange Commission stated:

> Focusing on the implementation of 404, rather than changing the law, is consistent with the SEC's view that the problems we have seen with 404 to date can be remedied without amending the Sarbanes-Oxley Act.

I am willing to give the SEC a limited opportunity to deliver. Chairman Cox said the Commission's 404 proposal would permit companies to:

> Scale and tailor their evaluation procedures to fit their facts and circumstances, and investors will benefit from the use-compliance costs.

The SEC is expected to adopt the measure in the next few weeks.

The PCAOB, the Public Company Accounting Oversight Board's, proposals to repeal auditing standard No. 2 and replace it with a new standard on auditing internal control over financial reporting would provide, according to PCAOB Chairman Mark Olson:

> Additional flexibility to promote scalability, avoid unintended consequences, and address other valid concerns.

The PCAOB is currently reviewing the comments submitted in response to its proposal and is expected, along with the SEC, to submit the standard for SEC review and approval next month. Chairman Cox of the SEC, whom we have worked with on the Banking Committee a lot, said the two regulators have worked together to ensure that the new rules are:

> Mutually reinforceable and should significantly improve the implementation of section 404, making it more efficient and effective for small and medium-sized businesses.

That is what we all want. We all agree that unnecessary costs imposed by regulations are a real problem for both large and small companies. The regulators have acknowledged this fact and are attempting to address it. On the Banking Committee that Chairman DODD now chairs and which I chaired, we have oversight of that, and we have worked with them and have had hearings to give some relief to small businesses here, and they are in the process of doing it. I am willing to give the SEC and the PCAOB some additional time, but I am not willing to give them unlimited time. We shouldn't do that. Chairman DODD and I intend to monitor closely their progress and hold them accountable should there be any unnecessary delays.

I urge my colleagues this afternoon to support the Dodd-Shelby amendment with the understanding that we intend to follow closely in oversight, working with the regulators, their progress and will take whatever action is necessary to ensure the vitality of our small business community, which is vital and important to America. I urge support of the Dodd-Shelby amendment.

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

Mr. DEMINT. Mr. President, in a few moments the Senate will vote on two amendments related to Sarbanes-Oxley. The first is the Dodd-Shelby amendment, which is a nonbinding resolution that suggests the SEC and the Public Company Accounting Oversight Board move ahead with changing the Sarbanes-Oxley regulations. My amendment, which will come after that, actually changes the law in one small section of Sarbanes-Oxley, which would facilitate that happening.

Despite what has been reported today, my conversation with some of the regulators and some of the observers of the SEC is there is not real clarity as to how far the SEC can go in changing this one section that is problematic in Sarbanes-Oxley. We know from our work with Federal agencies that as long as there is doubt, there is no action. While there has been good intent from the SEC for many years, this bill has been destroying our capital formation in this country for nearly 5 years. Admittedly, Sarbanes-Oxley has done some good things, but I think it is beyond question particularly for small companies, small public companies, that section 404 of Sarbanes-Oxley is doing untold harm in this country today. So the difference here is a nonbinding resolution which encourages the SEC to act and an amendment that actually makes that happen.

I am going to support the Dodd-Shelby amendment. While I have some problems with the specific findings, the intent is right. The regulators have a responsibility to continue to look at their regulations to make sure they encourage competition and good enterprise in our country. So I am going to support the amendment. But Congress also has a responsibility to make sure that the laws we pass work, and if they are not interpreted properly by our regulatory agencies, that we go back and make those changes to make it work.

So the ''sense of the Senate'' maintains the status quo for regulatory agencies to determine how we deal with Sarbanes-Oxley. While I know the chairman and ranking member remain hopeful that something will happen, the same thing was said to me well over a year ago when I talked to Chairman Cox and others that the changes were eminent, but since then in this country we have lost our status as the No. 1 market exchange. Instead of 9 out of every 10 IPOs being formed in this country with foreign capital, it is completely reversed, where 9 out of 10 are out of this country. Our trade competitors have Sarbanes-Oxley free zones that encourage capital to come that way instead of toward us. We cannot leave the responsibility for this law on the regulatory agencies.

I encourage all of my colleagues to vote for both amendments.

I thank Senator MARTINEZ, Senator CORNYN, and Senator ENSIGN for supporting and cosponsoring my amendment. I also thank Democratic Congressman GREGORY MEEKS from New York for having the courage to introduce this measure in the House.

I also want to inform my colleagues that my amendment today is supported by the Independent Community Bankers of America. It is also being key voted by the Americans for Tax Reform, the Club for Growth, the Americans for Prosperity, and many other people who look at our economy across the country and realize it is time for Congress to act. We have waited for the SEC for 5 years and have seen capital chased from this country. It is time for Congress to take the responsibility for what we did in the first place, and I urge my colleagues to support both amendments.

I yield to my colleague, the Senator from Florida, to speak on behalf of my amendment.

Mr. MARTINEZ. Mr. President, I add a word of encouragement to our colleagues to support both of these good amendments. I agree wholeheartedly with my colleague from South Carolina that it is time we take action. It is time we act.

I have heard untold stories for years now as a candidate for the Senate and as a Senator of the problems that small companies of America are facing over the burdens imposed upon them by section 404, unfair burdens that disproportionately fall on small businesses than they do on large. A recent GAO study requested by our colleague Senator SNOWE found the cost of compliance for small public companies to comply with Sarbanes-Oxley has been disproportionately higher for small businesses than it was for larger companies.

Small businesses are vital to the growth of business in America. They are where most of our jobs are created in this day and time. The fact is for us to idly sit by and hope the regulators will do the right thing, hope they go far enough, isn't good enough for me. I want to act now. I want to make sure we support the amendment by Senators DODD and SHELBY, but I also want to encourage support for our amendment, because ours will take action and will do it now.

What it does is it exempts smaller companies with market capitalization

of less than $700 million, with revenues of less than $125 million, and with fewer than 1,500 shareholders from the onerous burdens of section 404.

There are a number of ways to maintain investor protections while lowering the cost of Sarbanes-Oxley compliance, but we should start by exempting small companies from having to comply with section 404 of Sarbanes-Oxley, the section that requires the double audit.

Oftentimes small business cannot even find an accounting firm willing to perform the audit, let alone afford to take a significant percentage of revenue to conduct a duplicate audit. The fact is this is strangling America's business. It is, as Senator DEMINT pointed out, not allowing us to play the role we have traditionally played in the capital market.

Mayor Bloomberg conducted a study in New York about why we were losing our competitive edge vis-a-vis other foreign markets. One of the reasons that was found for that, among several others—but it is a significant reason—was Sarbanes-Oxley compliance.

It is time we act. We passed the law and it was a good thing to do; it has done a lot of good. But aspects of it are now hurting American business and we need to pull those back. That is what the DeMint amendment does. I encourage my colleagues to do that as well.

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

Mr. DEMINT. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator has 3 minutes 6 seconds.

Mr. DEMINT. Mr. President, parliamentary inquiry: These bills are side-by-sides, correct? This is not a second-degree amendment.

The PRESIDING OFFICER. Both amendments are first-degree amendments.

Mr. DEMINT. My colleagues can vote for both of these amendments. I encourage Members of the Senate, both Republicans and Democrats, to vote for both of them because both are needed. We need the SEC to take its responsibility. But since there is some concern as to how far the SEC can go to correct this problem, my amendment simply changes one aspect of Sarbanes-Oxley that allows small companies—companies with $125 million in revenue or less, or less than 1,500 shareholders—to voluntarily opt out of the external audit, with notification to their shareholders.

These are certainly not huge corporations. This certainly doesn't gut Sarbanes-Oxley. It does what so many economic experts have encouraged us to do for years, and that is to fix the one small part of Sarbanes-Oxley that costs small businesses in a disproportionate way.

I thank the managers and those who offered the side-by-side, and I encourage my colleagues to vote for both of them.

I yield the floor and reserve the remainder of my time.

Mr. DODD. Mr. President, is all time yielded back?

The PRESIDING OFFICER. The Senator from Connecticut has 38 seconds.

Mr. DODD. Again, Chris Cox, Chairman of the SEC, pointed out he doesn't want the law changed. He wants to be able to work with the Commission and the staff to deal with these issues. The Chairman of the SEC has wide latitude within which to operate here. The statute gives broad discretion. Senator SHELBY and I believe this matter ought to be left at this juncture. The Commission is relegated to do their job. Let them complete their work and make their recommendations. If we are dissatisfied, we can respond.

Mr. SHELBY. Mr. President, do I have any time left?

The PRESIDING OFFICER. The Senator has 34 seconds.

Mr. SHELBY. Mr. President, I have been informed by my staff that the staff of the Securities and Exchange Commission, headed by Christopher Cox, a former Congressman, has reiterated a few minutes ago to our Banking Committee staff that they will be done with this work in a few weeks. This is premature, the amendment offered by the Senator from South Carolina. As I said earlier, I believe we need to let the SEC and PCAOB do their work. I agree with Chairman DODD.

Mr. DODD. Mr. President, I ask for the yeas and nays on the Dodd-Shelby-Reed amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

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

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—97

Akaka	Cantwell	DeMint
Alexander	Cardin	Dodd
Allard	Carper	Dole
Baucus	Casey	Domenici
Bayh	Chambliss	Dorgan
Bennett	Clinton	Durbin
Biden	Coburn	Ensign
Bingaman	Cochran	Enzi
Bond	Coleman	Feingold
Boxer	Collins	Feinstein
Brown	Conrad	Graham
Brownback	Corker	Grassley
Bunning	Cornyn	Gregg
Burr	Craig	Hagel
Byrd	Crapo	Harkin
Hatch	McCaskill	Shelby
Hutchison	McConnell	Smith
Inhofe	Menendez	Snowe
Inouye	Mikulski	Specter
Isakson	Murkowski	Stabenow
Kennedy	Murray	Stevens
Klobuchar	Nelson (FL)	Sununu
Kohl	Nelson (NE)	Tester
Kyl	Obama	Thomas
Landrieu	Pryor	Thune
Lautenberg	Reed	Vitter
Leahy	Reid	Voinovich
Levin	Roberts	Warner
Lieberman	Rockefeller	Webb
Lincoln	Salazar	Whitehouse
Lott	Sanders	Wyden
Lugar	Schumer	
Martinez	Sessions	

NOT VOTING—3

Johnson	Kerry	McCain

The amendment (No. 947), as modified, was agreed to.

AMENDMENT NO. 928

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 928 offered by the Senator from South Carolina, Mr. DEMINT.

Who yields time? The Senator from Connecticut.

Mr. DODD. Mr. President, at an appropriate moment, along with my colleague from Alabama, I will offer a motion to table the DeMint amendment. I do so respectfully of my colleague. We are just about 2 or 3 weeks away from the SEC issuing regulations regarding Sarbanes-Oxley on this 404 issue. It would be inappropriate for us to jump in and draw a conclusion as to what the SEC ought to be doing.

Chris Cox is doing a very good job at the SEC. Staff and Commissioners are doing the job we asked them to do.

To conclude the point here, this is a matter that is being well addressed by the SEC under Chris Cox. They have asked to have the appropriate time, the remaining 2 or 3 weeks, to finish their recommendations. They may very well come to the recommendation that has been offered by our colleague from South Carolina, but we ought to allow them to do their job. That is what they have been asked to do.

We are not a regulatory body. We don't have to agree with them, but we should allow them to complete their work. That is why we are offering this amendment. It is premature for us to jump in before they have completed their task.

Mr. President, I yield to my colleague from Alabama.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. Mr. President, I ask unanimous consent to have 30 seconds for my colleague from Alabama.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I agree with Senator DODD. We work on the Banking Committee with this. The SEC has asked us to hold off. We all want to give relief under Sarbanes-Oxley for small businesses. The SEC, PCAOB are in the process of doing this, and this is probably going to happen in the next couple of weeks.

I don't disagree with what Senator DEMINT is trying to do, but I think it is premature. The timing is not good. But the timing is always good if we work with the SEC on something they know a heck of a lot about. This is a very complex issue.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, the United States has the fairest, most transparent and most efficient financial markets in the world. Our Nation achieved this status by developing a regulatory approach that insures investors around the world have confidence in our markets. We cannot go back to the days of Enron accounting for small businesses.

As chairman of the Senate Committee on Small Business and Entrepreneurship, I oppose the amendment by Senator DEMINT to provide an exemption from Sarbanes-Oxley regulations for small public companies because I believe it is premature, would endanger small business investors and limit access to capital for small public companies in the United States.

Last week, I held a hearing in the committee on the upcoming changes to the Sarbanes-Oxley law and how they will affect small business. In that hearing, no Senator or witness expressed any support for providing a permanent exemption from Sarbanes-Oxley regulations for small public companies. The Securities and Exchange Commission Chairman Christopher Cox has said that he strongly opposes any type of permanent exemption for small public companies from Sarbanes-Oxley regulations.

Here is why. It wasn't too long ago, between the years 1998–2000, that public companies were issuing financial restatements at a rate that was higher than the previous 10 years combined. Too often, public companies were overstating their income to attract investors. As a result, the trust and confidence of the American people in their financial markets was dangerously eroded by the actions of WorldCom, Inc., Enron, Arthur Andersen and others. The shocking malfeasance by these businesses and accounting firms put a strain on the growth of our economy, cost investors billions in assets and hurt the integrity of our financial markets around the world.

By all accounts, the Sarbanes-Oxley Act has brought back accountability to corporate governance, auditing, and financial reporting for public companies. The audit of internal controls over financial reporting has produced significant benefits and public company financial reporting has improved. As a result, investor confidence in our capital markets has been restored and our Nation's economic growth continues. Recent published reports show that accounting restatements on large companies' financial reports declined by 20 percent last year. This is important evidence that Sarbanes-Oxley is working.

These improvements, however, have not come without some drawbacks. Too many small public companies who played by the rules are now expected to deal with the time and financial burden required to comply with the Sarbanes-Oxley law. Last year, small businesses with less than $75 million in assets saw the number of financial restatements increase by 46 percent. This shows that small businesses getting ready to comply with Sarbanes-Oxley are having trouble. But I believe we will all benefit when small businesses eventually comply with Sarbanes Oxley. According to a recent United States Government Accounting Office—GAO—study requested by Senator SNOWE, the cost of compliance and the time needed for small public companies to comply with Sarbanes-Oxley regulations has been disproportionately higher than for large public companies. Firms with assets of $1 billion or more spend just thirteen cents per $100 in revenue for audit fees, while small businesses are forced to spend more than a dollar per $100 in revenue to comply with the same rules.

The response to these problems is not to give a permanent blanket exemption from these regulations to small public companies, instead we need to assist them in making the transition to comply with the Law. That is why the SEC and the Public Company Accounting Oversight Board—PCAOB—are currently considering final rules and guidance on the implementation of Sarbanes-Oxley that will make it easier for small businesses to comply with the law.

In his testimony to the Small Business Committee, Chairman Cox said three quarters of the comment letters regarding the proposed Sarbanes-Oxley rule changes from small business interests supported the efforts to make it easier for small businesses to comply with the law. Specifically, these small businesses believed that the proposed rules would allow managements to tailor their audits and evaluations to the facts and circumstances of their particular companies and focus on their areas that are most important to reliable financial reporting.

Chairman Olson testified at the same hearing that while the PCAOB is committed to making the process cost-effective for small businesses, the oversight program it has in place is reducing the risk of financial reporting failures and renewing confidence in U.S. security markets. We also heard from Joseph Piche, whose private company Eikos, Inc. operates out of Franklin, MA. Mr. Piche's testimony reflected the sentiments of so many small business owners—that while the burdens of cost make it difficult under the current regulatory structure, entrepreneurs rely on capital markets, and capital markets rely on trust. The Sarbanes-Oxley law has helped to restore this trust.

So the upcoming changes to Sarbanes-Oxley will save small public companies time and money. Unfortunately, before these changes are even finalized, the DeMint amendment would provide a permanent exemption to more than 6,000 small public companies from ever having to comply with Sarbanes-Oxley.

As Mr. Piche and other industry witnesses told the Small Business Committee, small businesses aren't resistant to fair and open financial reporting, because they know that it leads the way to access to capital. Today, small public companies are vital participants in U.S. capital markets and play a critical role in future economic growth and high-wage job creation. Once provided with the necessary regulatory flexibility, I have no doubt that our small public companies will be able to comply with the Sarbanes-Oxley law, just as big businesses are doing today. All small public companies know it is in their best interest to have regulations in place that provide transparency and accountability. These are the qualities that encourage investor confidence in U.S. markets. It gives them access to more investors and increases the pool of available capital while keeping their competitors from manipulating the marketplace through faulty accounting.

As we move forward, there are additional steps that can be taken to assist small business. First, I recently wrote to the SEC and PCAOB with Senator SNOWE, urging the regulators to give small businesses up to an additional year to comply with the pending changes to the Sarbanes-Oxley regulations. I believe this added time will help small businesses adapt to the changing regulatory structure and make it easier for those who lack the expertise or financial resources to comply with the law. The SEC has previously supported providing small public companies with additional time to comply with Sarbanes-Oxley and I hope they will do so again.

The DeMint amendment is an overreaching, premature policy reversal that preempts years of thoughtful regulatory consideration on the part of the SEC and the PCAOB. It represents a blanket exemption that has the potential to take U.S. capital markets a large step backwards to the days of Enron. I urge my colleagues to oppose this amendment and allow the regulators to finish their jobs.

As chair of the Committee on Small Business and Entrepreneurship, I will continue to closely follow the impact of Sarbanes-Oxley on small firms and look forward to working with Senator SNOWE and my colleagues on the committee to determine what necessary steps Congress can take to help small public companies abide by the law while simultaneously allowing them to focus on what they do best—creating jobs and growing our economy by participating in our capital markets. This will help small businesses achieve the American dream of becoming innovative public companies.

We can help our small public companies and encourage additional small businesses to become public companies—while ensuring transparency and honest accounting. This will help ensure that the United States continues to have the fairest, most transparent and most efficient financial markets in the world.●

Mr. DEMINT. Mr. President, I am obviously disappointed the chairman will move to table. We have had a good debate on it. The debate on Sarbanes-Oxley has been going on for almost 5 years, since it was passed. Every time someone expresses a problem, they go right to section 404, and just to small businesses that are being hurt most by this.

I talked with the SEC well over a year ago. I heard exactly the same thing I am hearing today: We are on it. It is going to happen very soon.

Let me suggest this to my colleagues. Let us pass this bill today and send it to conference. That will be a few weeks of work. If the SEC responds, then take it out in conference. The Democrats are in control of the conference. There is no harm done. But let us not continue to allow investment capital to be shipped out of this country without doing anything about it.

The only reason the SEC is even talking about it now is that we introduced this bill with Democrats and Republicans in the House. It is time to act now. Please vote for this bill. Let us move it to conference and shake up the SEC.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

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

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

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—62

Akaka	Byrd	Crapo
Baucus	Cantwell	Dodd
Bayh	Cardin	Dorgan
Bennett	Carper	Durbin
Biden	Casey	Enzi
Bingaman	Clinton	Feingold
Bond	Cochran	Feinstein
Boxer	Collins	Graham
Brown	Conrad	Harkin
Hatch	Mikulski	Schumer
Inouye	Murkowski	Sessions
Kennedy	Murray	Shelby
Klobuchar	Nelson (FL)	Snowe
Kohl	Nelson (NE)	Stabenow
Lautenberg	Obama	Stevens
Leahy	Pryor	Tester
Levin	Reed	Thomas
Lieberman	Reid	Webb
Lincoln	Rockefeller	Whitehouse
McCaskill	Salazar	Wyden
Menendez	Sanders	

NAYS—35

Alexander	Dole	Lugar
Allard	Domenici	Martinez
Brownback	Ensign	McConnell
Bunning	Grassley	Roberts
Burr	Gregg	Smith
Chambliss	Hagel	Specter
Coburn	Hutchison	Sununu
Coleman	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Landrieu	Warner
DeMint	Lott	

NOT VOTING—3

Johnson	Kerry	McCain

The motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 917

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate on amendment No. 917, offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time? The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, regarding the amendment we are about to vote on, we voted on essentially the same amendment last Wednesday as an amendment to the Court Security Improvement Act. The amendment provides that any new program or initiative that is contained in legislation be offset. The point that defeated the amendment last week is still valid; that is, we should not be required to offset authorizing legislation. This is authorizing legislation. There is no spending in this bill. This does not appropriate funds.

Mr. President, on behalf of myself and my colleague, Senator DOMENICI, I will be moving to table the amendment after he completes his statement.

I yield the remainder of my time to Senator DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first, might I say to the Senator from Oklahoma, I have watched you in your concern for spending, and I appreciate what you are trying to do to cut spending in the Senate.

But let me say to the Senate, this afternoon I asked the Chair for a point of order. I asked whether this bill would violate the Budget Act. After looking at the bill and coming back, I was advised it does not violate the Budget Act. The reason it does not is because there is no spending in it. If it were spending money, it would be violating the budget because it is not in the budget, and we passed a budget.

Having said that, if we are not spending money, then why should we chastise ourselves about spending money and suggesting that we have to offset something when, as a matter of fact, there is nothing to offset because there is no spending? If we get into this game that authorizing is spending, then we will have a fourth tier of Government. Instead of a budget appropriations and direct spending, we will have people bringing up a new way to attack it on every kind of authorizing bill. I don't think we need that. We need to get on with business every now and then. This is one time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, the reason you ought to vote for this sense of the Senate—it doesn't say anything about authorizing. What it says is, and the American people expect, if we are going to create new programs, we ought to get rid of the programs that are not working. We spend $84,000 a second. We spent $350 billion we didn't have last year, and we charged it to the next generation. We have 10 percent of the Department of Energy that is ineffective, we have 10 percent of the Department of Education that is ineffective, and you offset none of the programs as you reauthorize this bill. We doubled up. This says, sense of the Senate, if we are going to spend more money and create new programs, we ought to go after the ones that do not work.

Vote against it at your own peril.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, this is the last vote this evening. I am glad to see the managers are moving this bill along. We are probably going to have a vote in the morning, around 11 o'clock. That will be the first vote.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

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

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

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—54

Akaka	Domenici	Nelson (NE)
Alexander	Feinstein	Obama
Baucus	Harkin	Pryor
Bennett	Inouye	Reed
Biden	Kennedy	Reid
Bingaman	Klobuchar	Rockefeller
Bond	Landrieu	Salazar
Boxer	Lautenberg	Sanders
Brown	Leahy	Schumer
Byrd	Levin	Snowe
Cantwell	Lincoln	Specter
Cardin	Lugar	Stabenow
Carper	McCaskill	Stevens
Casey	Menendez	Tester
Clinton	Mikulski	Warner
Cochran	Murkowski	Webb
Conrad	Murray	Whitehouse
Dodd	Nelson (FL)	Wyden

NAYS—43

Allard	Dorgan	Lieberman
Bayh	Durbin	Lott
Brownback	Ensign	Martinez
Bunning	Enzi	McConnell
Burr	Feingold	Roberts
Chambliss	Graham	Sessions
Coburn	Grassley	Shelby
Coleman	Gregg	Smith
Collins	Hagel	Sununu
Corker	Hatch	Thomas
Cornyn	Hutchison	Thune
Craig	Inhofe	Vitter
Crapo	Isakson	Voinovich
DeMint	Kohl	
Dole	Kyl	

NOT VOTING—3

Johnson	Kerry	McCain

The motion was agreed to.

Mr. MENENDEZ. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank my friend from New Mexico, who is doing such a wonderful job on the legislation that is in front of us. I wish to compliment everyone who is involved with this legislation for working so hard, including Senator ALEXANDER and Senator BINGAMAN. This is a wonderful bill. So we congratulate them for that.

IRAQ SUPPLEMENTAL

I wish to speak this evening about the supplemental appropriations bill the Senate will vote on later this week. I also wish to rise with great concern and, frankly—I am not sure what the word is; ''disappointment'' is not strong enough for how I feel about what the Vice President has said today about our leader, our great leader in the Senate, who has spoken so passionately and cares so deeply about the troops who are serving us overseas, their families who are here at home, who wants to make sure the strategy is right for them.

We all know—and our military experts have told us time and again—that a military victory is not going to happen, that it has to be a political victory, a political strategy of the Iraqis stepping up and taking control and making the tough decisions they need to make to take control of their own security. We have heard that from many experts within the military and without. Yet today the Vice President was here, not far from this Chamber, unleashing his wrath, as only he seems to be able to, about our leader, calling him names and mischaracterizing his positions. That is extremely unfortunate because while the men and women are serving us right now in Iraq, over there doing their best to focus on the mission, they expect us to be at home focusing on the strategy, the resources, and the equipment they need.

I had an opportunity to talk to a young man not long ago who had come home from Iraq. I asked him how he felt about the debate going on about the strategy, the debate we were having in the Senate and the House. He said, frankly, he would expect us to be doing that because that is our job. That is our job. They are doing their job. As my husband, who was in the Air Force and Air National Guard, reminds me continually, their job is to implement the mission. They are doing it. Our job is to get it right, to have the right strategy, and to back them up and give them the resources they need.

The name calling coming from the Vice President is not going to get the job done. What is going to get the job done is our ability to work together and look at the facts, not some stubborn sense of unwillingness to change or to do more of the same which, unfortunately, is what is happening now with this surge. It is more of the same. Instead of doing that, we need to be joining together to say: Let's look at the reality of what is going on on the ground. More and more Americans and Iraqis are being killed every day. Let's look at the reality of what we need to do to be successful, to bring our troops home safely, to address the success we all would like to see happen in terms of a democracy that works, the Iraqi Government being able to step up and to govern their country, which is an incredibly difficult and complicated thing to do, obviously.

I find it very disappointing. I work with our leader, as we all do every day. There is no one who has spent more time thinking and focusing and discussing and listening on these issues around the war than he has—no one who is more thoughtful or more caring, no one who is more concerned about our veterans coming home.

We welcome, certainly, the Vice President coming and meeting with us and joining in the discussion. But I certainly hope we are not going to see more of what we saw today. It was an effort to attack a great leader and, essentially, instead of moving the ball forward, make it more difficult for us to do what we need to do to come together.

On this particular bill, the supplemental appropriations bill, I certainly hope the President will sign this legislation, will reconsider the position that has been taken and sign this legislation. We are going to be sending a bill to the President that will fund the troops—in fact, it adds dollars to do that—as well as veterans, as well as addressing a number of other critical issues. The question before the President will be, Will he sign this bill? We are not trying to play games. We are sending him an emergency supplemental for the war and for other critical American needs—our communities, our families' needs, just as we do every year in an appropriations bill, in a supplemental. The question is whether the President will step up and do his duty and sign this bill so that those dollars can get to the troops.

This legislation represents the best opportunity for us to change the course in Iraq as well as protect our troops and our veterans and to give them what they need now. Unfortunately, the President has put our troops in the middle of an endless Iraqi civil war. We know this to be true. People in my great State know this is true.

Unfortunately, we find ourselves in a situation where our troops are in an endless civil war. The American people are paying a huge price for this war, most importantly, in lives, not only family members lost but people coming home with permanent disabilities, with head injuries, with mental health problems. There is a huge price being paid by Americans for what is occurring and has been occurring.

We are also paying a huge price in dollars, $10 billion a month, and then we look at the fact that we could fund a program to cover every child with health care in America for $10 billion a year. We know while lives are the most important issue, resources for Americans to address our needs at home is also a critical issue.

We also know we are paying a huge price as it relates to our own security interests. The majority of Americans, a bipartisan majority in Congress, military experts, and the Iraq Study Group believe this war cannot be won militarily and that the current path is not sustainable. The supplemental appropriations bill recognizes it is long past time to change course. The American people know that. That is really what last November was about. People want a change. They know this isn't working. It is not sustainable. They expect us to step up together and make that change.

This bill fully funds our troops. We are passing a bill agreed to by the House and Senate that fully funds our troops and provides a plan to responsibly end the war and bring them home safely. I don't know what more we could ask of the proposal. We are providing the resources and also putting in place a responsible way to provide benchmarks and measurements and bring a responsible end to the war.

Our bill holds the Iraqis accountable for securing their own Nation and forging political reconciliation. We know more of the same—more surges, more efforts that have been tried and tried time after time—is not working. I don't believe they can work. But what can work is holding the Iraqis accountable for securing their own nation and making the tough decisions that one has to make when they want to have a democracy. It is not easy. We know that. They are in a very difficult situation. But it is their country, and they

need to step up and make those decisions and bring all parties together and find some way to live together.

Our bill ensures our troops are combat ready before being deployed to Iraq. I can't imagine that there is one individual in the armed services or one mom or dad or brother or sister or son or daughter of a combat troop that would not want us, and doesn't expect us already, to be making sure that our troops are combat ready before being deployed.

It provides them with all the resources needed on the battlefield and when they return. We are very committed and, in fact, I am very proud of the fact that in our budget resolution passed a few weeks ago, for the first time we meet the dollars needed for veterans health care and other critical veterans services identified by the veterans organizations themselves. For the first time ever, we put forth the dollars that are needed when our troops are coming home. A Presidential veto will deny our troops the resources and the strategy they need and send exactly the wrong message to the Iraqi political leaders. We hope the President will join us in giving our troops the resources and strategy they need and deserve. That is what this bill is about.

After more than 4 years of a failed policy, it is time for this Nation to change course and Iraq to take responsibility for its own future.

This is a good bill we will have before us. Overall, it provides more than $100 billion for the Department of Defense, primarily for continued military operations in Iraq and Afghanistan. It includes a $1 billion increase for the National Guard and Reserves for equipment desperately needed and $1.1 billion for military housing. It provides $3 billion for the purchase of mine-resistant, ambush-protected vehicles, vehicles designed to withstand roadside bombs. Every day we pick up the paper and see where more lives have been lost, injuries have been sustained as a result of roadside bombs. It contains more than $5 billion to ensure that returning troops and veterans receive the health care they have earned with their service so that we don't ever have to have another Walter Reed incident.

It has $6.9 billion for the victims of Hurricanes Katrina and Rita as well. We know when we are doing an emergency supplemental, just as in every other year when our colleagues were in the majority, as well as when we are in the majority, there are a number of emergency needs for the country.

One thing in the supplemental has been funding the troops. We have added funding for our veterans and also understand there are some critical needs at home, critical needs that Americans have. Certainly, we all know the resources and the focus on those families who were hit by the hurricanes have been shamefully slow in going to that region to rebuild American communities, American homes, to support American families. Our bill does that.

It provides emergency funding also for the Children's Health Insurance Program because we have a number of places in the country where the resources are running out, and we want to make sure children can continue to get health care. That is an emergency at home.

Ask any family who is worried about whether their children are going to get sick tonight, say a little prayer: Please God, don't let the kids get sick because what are we going to do. Our bill addresses children's health care emergency funding.

It also includes homeland security investments totaling $2.25 billion for port security and mass transit security, for explosives detection equipment at airports, and for several initiatives in the 9/11 bill that recently passed the Senate. I am very proud of the fact that our new majority placed a priority on passing the 9/11 Commission recommendations. It was long overdue, but it was a priority for us in the first few weeks of our new majority, and we did it. Now we have the resources that go with that. It is not enough to pass the recommendations. We have to make sure the resources are there to keep us safe at home.

So, yes, this is a supplemental bill to support our troops abroad, to support their efforts while they are in theater in combat, but we also know we have folks on the front lines at home, our police officers and firefighters and others, and security needs here. We address that.

We also know there have been a group of folks waiting for way too long for some disaster assistance related to agriculture, including my home State of Michigan where apple and cherry growers have been waiting. In this legislation, $3.5 billion is provided to help relieve the enormous pressure on farmers and ranchers as a result of severe drought and agricultural disasters. Again, this is about helping people at home, putting Americans first when we know there is a disaster. Whether it is Hurricane Katrina or whether it is cherry growers in northern Michigan, our job is to also focus on our people here and their emergency needs.

The conference agreement also includes emergency funding for forest firefighting, low-income home energy assistance, and pandemic flu preparations, which we should all be concerned about—again, critical needs for Americans, American families.

Finally, there are other items in this bill that are good for workers and small business. The bill has an increase in the minimum wage to $7.25 an hour, giving hard-working Americans a much deserved raise after 10 years—10 years. It provides almost $5 billion in tax cuts for small businesses as well. We know the majority of jobs come from small business. This supports their efforts as well.

So I would say to President Bush: Sign this bill. Sign this bill. This is a bill which funds our troops, which keeps our commitments to our veterans, and which addresses other American priorities for our communities and our families.

Mr. President, if you do, we will change course in Iraq, give our troops the equipment they need, the health care they deserve, and provide much needed investments here at home in America.

President Bush, if you veto this bill, you are denying funds to the troops in the field and going against the wishes of the majority of the American people.

It is time for the administration to stop saying no to troops and no to the American people. We need the President to say yes to working with us, to support our troops and what they need, which this legislation does, to support the American people, American families, and critical emergency needs here at home, and to put in place a strategy for success—a real strategy for success—by focusing on efforts that empower and send a message to the Iraqi Government to step up. While we are willing to support them, we will not continue to send our brave men and women into the middle of a civil war day after day after day and continually say it is OK, everything is going great. It is not going great.

It is time for a new strategy. We have put forward a strategy in a very responsible way in this legislation, along with meeting our obligations and responsibilities to our troops, our veterans, their families, and to America as a whole.

I hope when President Bush reads this bill—and I hope he will—I hope he will look at what is in here with an open mind, and agree with us that this is a bill which makes sense for America at home and abroad.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENTS NOS. 938 AND 936 EN BLOC

Mr. BINGAMAN. Mr. President, under the previous order, I call up amendments Nos. 938 and 936.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes en bloc amendments numbered 938 and 936.

The amendments are as follows:

(Purpose: To strike the provisions regarding strengthening the education and human resources directorate of the National Science Foundation)

Strike section 4002.

(Purpose: To increase the competitiveness of American workers through the expansion of employee ownership, and for other purposes)

At the appropriate place, insert the following:

SEC. ____. EMPLOYEE OWNERSHIP EXPANSION.

(a) FINDINGS.—Congress makes the following findings:

(1) Between 2000 and 2006, the United States lost more than 3,000,000 manufacturing jobs.

(2) In 2006, the international trade deficit of the United States was more than

$763,000,000,000, $232,000,000,000 of which was due to the Nation's trade imbalance with China.

(3) Preserving and increasing jobs in the United States that pay a living wage should be a top priority of Congress.

(4) Providing loan guarantees, direct loans, grants, and technical assistance to employees to buy their own companies will increase the competitiveness of the United States.

(b) UNITED STATES EMPLOYEE OWNERSHIP COMPETITIVENESS FUND.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce (referred to in this section as the ''Secretary'') shall establish the United States Employee Ownership Competitiveness Fund (referred to in this section as the ''Fund'') to foster increased employee ownership of companies and greater employee participation in company decision-making throughout the United States.

(2) ORGANIZATION.—

(A) MANAGEMENT.—The Fund shall be managed by a Director, who shall be appointed by, and serve at the pleasure of, the Secretary.

(B) STAFF.—The Director may select, appoint, employ, and fix the compensation of such employees as shall be necessary to carry out the functions of the Fund.

(3) FUNCTIONS.—Amounts in the Fund established under paragraph (1) may be used to provide—

(A) loans subordinated to the interests of all other creditors, loan guarantees, and technical assistance, on such terms and subject to such conditions as the Secretary determines to be appropriate, to employees to purchase a business through an employee stock ownership plan or eligible worker-owned cooperative that are at least 51 percent employee owned; and

(B) grants to States and nonprofit and cooperative organizations with experience in developing employee-owned businesses and worker-owned cooperatives to—

(i) provide education and outreach to inform people about the possibilities and benefits of employee ownership of companies, gain sharing, and participation in company decision-making, including some financial education;

(ii) provide technical assistance to assist employee efforts to become business owners;

(iii) provide participation training to teach employees and employers methods of employee participation in company decision-making; and

(iv) conduct objective third party prefeasibility and feasibility studies to determine if employees desiring to start employee stock ownership plans or worker cooperatives could make a profit.

(4) PRECONDITIONS.—Before the Director makes any subordinated loan or loan guarantee from the Fund under paragraph (3)(A), the recipient employees shall submit to the Fund—

(A) a business plan showing that—

(i) at least 51 percent of all interests in the employee stock ownership plan or eligible worker-owned cooperative is owned or controlled by employees;

(ii) the Board of Directors of the employee stock ownership plan or eligible worker-owned cooperative is elected by all of the employees; and

(iii) all employees receive basic information about company progress and have the opportunity to participate in day-to-day operations; and

(B) a feasibility study from an objective third party with a positive determination that the employee stock ownership plan or eligible worker-owned cooperative will be profitable enough to pay any loan, subordinated loan, or loan guarantee that was made possible through the Fund.

(5) INSURANCE OF SUBORDINATED LOANS AND LOAN GUARANTEES.—

(A) IN GENERAL.—The Director shall use amounts in the Fund to insure any subordinated loan or loan guarantee provided under this section against the nonrepayment of the outstanding balance of the loan.

(B) ANNUAL PREMIUMS.—The annual premium for the insurance of each subordinated loan or loan guarantee under this subsection shall be paid by the borrower in such manner and in such amount as the Secretary determines to be appropriate.

(C) PREMIUMS AND GUARANTEE FEES AVAILABLE TO COVER LOSSES.—The premiums paid to the Fund from insurance issued under this paragraph and the fees paid to the Fund for loan guarantees issued under paragraph (2)(A) shall be deposited in an account managed by the Secretary of Commerce and may be used to reimburse the Fund for any losses incurred by the Fund in connection with any such loan or loan guarantee.

(6) TECHNICAL ASSISTANCE IN THE DISCRETION OF THE SECRETARY.—If a grant is made under paragraph (3)(B)(ii), the Secretary may require the Director to—

(A) provide for the targeting of key groups such as retiring business owners, unions, managers, trade associations, and community organizations;

(B) encourage cooperation in organizing workshops and conferences; and

(C) provide for the preparation and distribution of materials concerning employee ownership and participation.

(7) PARTICIPATION TRAINING IN THE DISCRETION OF THE SECRETARY.—If a grant is made under paragraph (3)(B)(iii), the Secretary may require the Director to provide for—

(A) courses on employee participation; and

(B) the development and fostering of networks of employee-owned companies to spread the use of successful participation techniques.

(c) RULEMAKING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce shall promulgate regulations that ensure—

(1) the safety and soundness of the Fund; and

(2) that the Fund does not compete with commercial financial institutions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $100,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for subsequent fiscal years.

Mr. BINGAMAN. Mr. President, I also wish to propound a unanimous consent request. I ask unanimous consent that when the Senate resumes consideration of S. 761 on Wednesday, there be 30 minutes of debate with respect to the Sununu amendment No. 938, with the time equally divided and controlled between Senators Sununu and Kennedy or their designees; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment, with no amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that the Senator from Tennessee wants to make a comment. If the Senator from Ohio would permit me, I have a very short statement to make concerning an amendment. It will not take more than 5 minutes.

Mr. BROWN. Sure.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Oklahoma and the Senator from Ohio for their courtesy.

I simply want to acknowledge the comments of Senator BINGAMAN from New Mexico and say I think our day has been productive and to say our colleagues have been very helpful in bringing their amendments to the floor.

I ask the Senator what he envisions for tomorrow beyond what he already announced.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for his question and his great work on this legislation.

The plan for tomorrow, as I understand it, is we will go ahead with this Sununu amendment at around 10:45 and hopefully vote shortly after 11 o'clock on that amendment. We have talked to Senator COBURN from Oklahoma about considering three amendments he still has that he is committed to offering at some time in the 2 o'clock period.

We urge other Senators who have amendments they wish to have votes on to bring those to the floor for consideration after disposing of Senator SUNUNU's amendment shortly after 11 o'clock. Now, obviously, the Senator's amendment is still pending, as we have indicated, and we still have to get agreement as to how to proceed on that. We are working on that at the present time.

But I agree, we have made good progress today. I hope we can complete the remaining amendments tomorrow and proceed to final action on the bill.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from New Mexico. The majority leader and the Republican leader would both like us to finish tomorrow, if we can. I think we have a good chance of doing that. Senator INHOFE is staying tonight to talk about an amendment he hopes to bring up tomorrow. I talked with Senator GRASSLEY. The number of amendments that seem to need to be offered seems to be narrowing down. I would say to my colleagues, with the briefing that is scheduled for tomorrow afternoon at 4 o'clock, we are going to do our best to get as many of those as possible in before 4 o'clock so we can finish the bill tomorrow, if possible.

I am going to defer any other remarks I have until after the Senator from Oklahoma and the Senator from Ohio and the Senator from New York have had a chance to speak.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, what the Senator from New Mexico is suggesting is exactly what I have in mind. I have an amendment I will be calling up at an appropriate time that is mutually agreeable. It does affect the taxation end. I have talked to Senator BAUCUS and Senator GRASSLEY. I believe they are going to be favorable toward it.

There are not many one-sentence amendments. That is what this one is. Let me read it to you and tell you why I am offering it. Then I will wait until tomorrow and hopefully get in the mix.

Notwithstanding any other provision of the law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

Let me just give you an example. After World War II, there was an effort to implement the Marshall Plan. When that was done, in 1961, an organization was formed that was called the Organization for Economic Cooperation and Development. This is an international organization which advocates tax increases for the United States specifically to make us less competitive. They have stated explicitly that low-tax policies ''unfairly erode the tax bases of other countries and distort the location of capital and services.''

What we have here is a Paris-based bunch of bureaucrats seeking to protect high-tax welfare states from the free market. That is why the OECD goes on to say that free market tax competition ''may hamper the application of progressive tax rates and the achievement of redistributive goals.'' Clearly, free market tax competition makes it harder to implement socialistic welfare states. The free market, evidently, has not been fair to socialistic welfare states. Well, it is a good thing they have the OECD and nearly $100 million in U.S. taxpayer money to aid them.

Noted economist Walter Williams clearly sees the direction in which this is headed when he says that ''the bottom line agenda for the OECD is to establish a tax cartel where nations get together and collude on taxes.''

Treasury Secretary Paul O'Neill seconded that when he said that he was ''troubled by the underlying premise that low tax rates are somehow suspect and by the notion that any country . . . should interfere in any other country's'' tax policy.

So the Organization for Economic Cooperation and Development has issued a report entitled ''Harmful Tax Competition: An Emerging Global Issue,'' which establishes a new international body, the Forum on Harmful Tax Practices, to implement the measures outlined in the report. The OECD has endorsed and encouraged higher taxes, new taxes, and global taxes no fewer than 24 times. They have advocated a value-added tax, a 40-cent increase in the gas tax, a carbon tax, a fertilizer tax, ending the deductibility of State and local taxes from Federal taxes, and new taxes at the State level.

So I believe this is something we will have a chance to debate, and I would think it actually would be accepted. Again, all it is going to be is just one sentence. It reads:

Notwithstanding any other provision of the law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

I cannot think of any more appropriate bill to have this on than this bill we have before us currently.

With that, Mr. President, I yield the floor. I thank the Senator from Ohio, who has stepped aside for me.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I also thank the Senator from Ohio for letting me make some brief remarks, and then I will yield the floor to him.

First, I wish to praise my colleagues from New Mexico and Tennessee, who have done an excellent job on this legislation. I applaud the bipartisan group that put together this extraordinary bill we are considering, the America COMPETES Act, because this legislation will provide invaluable resources to help slingshot our economy forward and ensure that our great country does not lose step with our global competitors.

I am particularly proud of one provision I authored and has been included in the managers' amendment that was adopted earlier today. That is what I want to speak about.

The program is called the National Science Foundation Teaching Fellowship, and it will go a long way toward ensuring that our high school students are taught math and science by the best and the brightest.

I wish to express my deep gratitude to Senators KENNEDY, BINGAMAN, ENZI, and ALEXANDER for including this important provision in the bill. I would also like to thank my friend and colleague, Senator CLINTON, for her valuable support as a committee member in this process.

The NSF Teaching Fellowship is modeled after a highly successful program in New York City called Math for America. The program recruits top math and science graduates to become teachers and retains them as teachers by offering financial incentives. The program will ensure that leaders in math and science train future generations of innovators—instead of leaving the classroom for research or other opportunities.

It is working in New York City, and it is crucial to expand this model to the rest of the country. Let me share with you some statistics that will explain why.

Our students are not currently prepared to compete in a technological economy. In the 2003 PISA math assessment that compared 15-year-old students across the world, American students ranked 24th out of the 29 participating countries—here in America, in math, 24th out of 29. How are we going to stay the greatest country in the world when that has happened?

Students currently studying math and science will be the fuel that powers our economy for the next century, and there is no question we are not giving them the tools they need to compete.

One reason why our students are not doing well is because only one-third of math teachers and less than two-thirds of science teachers majored or minored in the subject they teach. It is not hard to understand why. Starting salaries for math and science majors can be as much as $20,000 higher in the private sector than they are for public school teachers. But by allowing this disincentive to teach to continue, we are ignoring our responsibility to have our students taught by teachers who know math and science backward and forward. The bottom line is the American economic engine may stall if we don't have a highly skilled workforce to keep it going. Unfortunately, this is where we are faltering.

So today the Senate has adopted the NSF Teaching Fellowship program, along with other excellent provisions in the America COMPETES Act, to fill in the gap. Here is how the program will work. NSF teaching fellows will have to take a test to prove their strengths in math or science. Then they enroll in a 1-year master's degree program in teaching that will give them teaching certification, and it is all paid for. They will agree to teach for at least 4 years, and for those 4 years, they will receive bonuses on top of their salaries. These individuals will infuse our schools with a deep passion for and an understanding of math and science and will share their knowledge with other teachers in their school.

To retain our current teachers who are outstanding at what they do and can provide expertise in the classroom that our teaching fellows won't yet have, there is another category called NSF Master Teaching Fellows. Master fellows are existing teachers who already have a master's degree in math or science education. They will also take a test demonstrating they have a high level understanding of their subject area. For the next 5 years they will serve as leaders in their school, providing mentorship for other teachers in their department as well as assisting with curriculum development and professional development. For these 5 years they also will receive bonuses on top of their salaries.

Last year I introduced the Math and Science Teaching Corps Act with my friend Congressman JIM SAXTON in the House. Today that bill has evolved into a program that has been included in the America COMPETES Act.

The question is: Will this generation have the skill sets necessary to take full advantage of this new economy? Right now our children are lagging behind and we must act quickly before businesses need to look elsewhere. Math and science skills are the key to

maintaining this country's competitiveness in the global economy, and this legislation will help ensure that.

I believe the NSF Teaching Fellowship, as well as the rest of the America COMPETES Act, will put us back on track. I am proud to have been included in the process and I look forward to working with my colleagues to complete work on this important bill.

MEDICARE

Mr. President, I want also to take 1 more minute to address the comments this afternoon of my friend and colleague Senator GREGG. He and I often agree, and I believe we do on this particular issue as well, about the need to shore up Medicare. I think he misunderstood my comments from yesterday and I want to take a moment to discuss them.

Yesterday the Social Security and Medicare trustees released their annual report showing that Social Security does not face an impending funding crisis, but Medicare funds are less secure. The report indicates that the Social Security trust fund would be solvent 1 year longer than was predicted in last year's report, that is until 2041, but Medicare would be exhausted as soon as 2019 in terms of the Medicare trust fund.

The Senator should know I did not and would not attack the independent trustees of the Medicare and Social Security trust funds. My statement responded to two things: first, the administration's misguided mission to use any and all news with regard to Social Security as an opportunity to push for privatizing Social Security; second, the administration's unwillingness to do something to fix underlying problems in our health care system and reduce budget deficits to shore up Medicare before it is too late.

My colleague from New Hampshire pointed out that most of us on this side of the aisle voted against some of his amendments. That doesn't mean we don't want to fix Medicare; it means we don't agree with the way he is proposing. In fact, we have to get a handle on the whole health care system to fix Medicare, not chop away and slash away at Medicare itself. So I agree with the Senator from New Hampshire, we can't leave these problems to future generations. I look forward to working with him on that important issue.

I once again thank my good colleague from Ohio for his generosity of both time and spirit.

Mr. President, I yield the floor.

Mr. ALEXANDER. Mr. President, before the Senator from Ohio goes forward, I simply say to the Senator from New York I applaud his work on the math program. I remember last year when we talked about it, and I met with his constituents who have done so much good work with that model.

Among the other things which are important about the program is that it defines a fair way of identifying a high-need set of teachers—in this case math and science—and when they go into teaching, to pay them more for being good teachers. That is a tough thing to do. It is tough to do that in a fair way, but the Senator has found one way to do it. We have a variety of other ways to do it. Senator DURBIN and I have supported an amendment, the teacher incentive fund, which encourages that sort of experimentation, a not-made-in-Washington formula.

But if we are to have areas of high need such as math and science and low-income children who can't achieve, we are going to have to find some fair ways for outstanding school teaching and leadership. The Senator from New York has taken an important step in that direction as part of what he has done today, and I congratulate him for that.

Mr. SCHUMER. I thank my colleague.

VOTE EXPLANATION

Mr. OBAMA. Mr. President, during rollcall vote No. 137 today, I was at a speaking engagement in another part of the city and was unable to return in time for the vote. Had I been able to vote, I would have voted for the amendment offered by Senator DEMINT.

Mrs. FEINSTEIN. Mr. President, I rise today in support of Majority Leader REID's legislation S. 761, the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science—COMPETES—Act of 2007 to help maintain our Nation's competitive edge in the critical areas of math, science, engineering and technology.

I am pleased to be a cosponsor of this important bill with 57 of my colleagues.

This bill will strengthen educational opportunities in math, science, engineering, and technology from elementary through graduate school, increase the Federal investment in basic research, and develop an innovation infrastructure—all which is greatly needed in an increasingly competitive global economy.

This bipartisan bill reflects recommendations by the National Academies' report ''Rising Above the Gathering Storm'' and the Council on Competitiveness' ''Innovate America'' report.

Both of these reports conclude that action is needed now in order to secure our country's economic and technological leadership in the future.

For example, indicators of the need for action are the following: More than 600,000 engineers graduated from institutions of higher education in China in 2004. In India, the figure was 350,000. In the U.S., it was only about 70,000. Science and engineering jobs are expected to grow by 21 percent from 2004 to 2014, compared to a growth of 13 percent in all other fields, based on Bureau of Labor Statistics reports.

Nationwide, about 68 percent of middle school math students were taught by teachers who did not have a major or certification in the subject. For science middle school students, 57 percent were taught by teachers who did not have a major or certification in the subject—based on the 2004 report by the National Center for Education Statistics.

In California, the State also faces a critical shortage of math and science teachers. The State will need to produce more than 16,000 new math and science teachers within 5 years and more than 33,000 over the next decade due to attrition and retirement. This is from the March 2007 report by the California Council on Science and Technology.

This report also concludes that strengthening the teaching of math and science is crucial if California is to maintain its competitive edge and economic growth.

That is why it is imperative that we take steps to ensure that our children, as our future leaders, are fully prepared with the skills to take on the demands of the country's changing economy and workplace.

Specifically, this bill would increase authorized funding for the National Science Foundation from $6.8 billion in fiscal year 2008 to $11.2 billion in fiscal year 2011. California receives about 20 percent of total funding from NSF grants; increase authorized funding for the U.S. Department of Energy's Office of Science from $4.6 billion in fiscal year 2008 to over $5.2 billion in fiscal year 2011. California receives over 20 percent of total Federal funding; direct NASA to transfer $160 million from its accounts for the funding of basic science and research for fiscal year 2008 and fully participate in interagency activities to foster innovation; authorize $290 million over 4 years to establish a Distinguished Scientists Program under the U.S. Department of Energy which would be a joint program between universities and National Laboratories to support up to 100 distinguished scientist positions; authorize $210 million for fiscal year 2008, and such sums as necessary for each of the following three years, for new grants under the U.S. Department of Education to develop university degree programs for students to pursue bachelor's degrees in math, science, engineering, and critical foreign languages with concurrent teaching credentials.

Also, grants would be used for master's degree programs in these fields for current teachers to improve their skills.

This model is similar to the University of California's California Teach Program which aims to put a thousand new math and science teachers annually into the State's classrooms.

It will authorize $190 million over 4 years to create a new grant program to improve the skills of K–12 math and science teachers, under the U.S. Department of Energy, for summer institutes at each of the National Laboratories; authorizes $146.7 million for fiscal year 2008 and such sums as necessary for the following 3 years to provide ''Math Now'' grants, under the

U.S. Department of Education, to improve math instruction for struggling elementary and middle school students; authorize $140 million over 4 years for a new competitive grant program under the U.S. Department of Energy to assist States in establishing or expanding statewide math and science specialty schools and provide expert assistance in teaching from the National Laboratories' at these schools; establishes a President's Council on Innovation and Competitiveness and requires the National Academy of Sciences to conduct a study to identify barriers to innovation 1 year after enactment.

America's economy is fueled by innovation, and innovation is enabled by a strong foundation in math and science. Our country's math and science foundation is eroding, and our innovative strength is similarly weakening.

The U.S. trade balance in high-technology products has shifted from a $54 billion surplus in 1990 to a $50 billion deficit in 2001.

This legislation can help reverse this trend. It will help maintain our Nation's global competitiveness and continue to attract the best and brightest minds across the country to pursue careers as engineers, scientists, technicians, and very importantly, as math and science teachers.

I urge my colleagues to support this important legislation.

Mr. CARDIN. Mr. President, I rise today in strong support of S. 761, the America COMPETES Act of 2007. If we consider the people who have given us the light bulb, the blood bank, the artificial heart, the microchip processor, and Microsoft, we must acknowledge that access to quality education and openness to innovation in America have nurtured many of the most influential inventors and the best trained workforce in modern history.

But while technological progress has revolutionized the workplace, our education system has failed to keep pace; now, many of our Nation's schools are unable to provide their students with the scientific, technological, engineering, and mathematical knowledge and skills the 21st century economy demands. Without sufficient numbers of well-trained people and the scientific and technical innovations they produce, the United States is in jeopardy of losing its place as the center for the high-quality jobs and innovative enterprise that have been part of our national heritage.

I applaud Senators BINGAMAN and ALEXANDER and the other leading sponsors of the bill for taking action to ensure that this Nation remains a leader for innovation, and I am proud to join them as a cosponsor of this bill. I am grateful to the academic and business leaders, including Nancy Grasmick, the Maryland State superintendent of schools, and Dr. C.D. Mote, Jr., president of the University of Maryland, who produced both the National Academies' ''Rising Above the Gathering Storm'' and the Council on Competitiveness' ''Innovative America'' reports and recommendations that serve as the foundation for this legislation. I am proud of the legislation the Senate is considering: it takes significant steps to stimulate and support innovation in our Nation.

When I ask young scientists and engineers what triggered their interest, they cite—almost without exception—a teacher, mentor, or internship as the inspiration for their love of science, math, and innovation. I am pleased, therefore, that this bill includes several measures to improve teacher recruitment and training, develop partnerships between schools and laboratories, and encourage internship programs. All of these provisions will increase students' exposure to inspirational teaching, talented scientists, and real-world experience.

Education research and the anecdotal evidence I mentioned above indicate that teacher quality is the most important factor influencing student achievement. Yet our best teachers are not evenly distributed among our Nations communities. Far too many of our highest need school districts are struggling to recruit and retain experienced teachers. To address this inequity, S. 761 includes important measures to recruit and train high-quality math and science teachers for high-need school districts. The legislation also creates mentorship and apprenticeship programs for women, who are underrepresented in science, technology, engineering, and mathematics careers.

The growing gap between what is taught in elementary and secondary schools and the skills necessary to succeed in college, graduate school, and today's workforce threatens the implicit promise we have each made to our own children and those whom we represent: get good grades in school and you will succeed in life. S. 761 contains competitive grants to States that will encourage better alignment of elementary and secondary curricula with the knowledge and skills required by colleges and universities, 21st century employers, and the Armed Forces, so that high school graduates will be prepared to succeed in the world.

Those students who choose to pursue high-tech careers require Federal funding to conduct research. Many scientists and mathematicians make their greatest discoveries early in their careers, before they have developed the track records and reputations often required to secure research grants. The leaders of Johns Hopkins and other great Maryland research institutions have told me that it is difficult for their young and most daring researchers to secure necessary research funding.

S. 761 would significantly increase America's investment in research, doubling funding for the National Science Foundation and the Department of Energy's Office of Science over the next 4 years and authorizing a significant increase in funding for the National Institute of Standards and Technology. But the legislation goes further by also targeting more funds to young researchers and high-risk frontier research. S. 761 would increase the number of research fellowships and traineeships that provide critical support for science, technology, engineering, and mathematics graduate students and would require NIST to set aside at least 8 percent of its annual funding for high-risk, high-reward innovation acceleration research.

Today, we face enormous technological challenges, which include halting global climate change, achieving energy independence, and finding cures for AIDS, malaria, diabetes, and other devastating diseases. We must equip ourselves with skills and resources to tackle these problems so that our children and grandchildren may inherit a world rich with economic opportunities. Therefore, I am urging my colleagues to join me in support of this critical legislation.

Mr. ROBERTS. Mr. President. I rise today in support of S. 761, the America COMPETES Act. This sweeping legislation takes bold steps to recapture America's prowess in the global economy.

The demand for talented persons in the areas of science, technology, engineering, mathematics, and critical foreign language far exceeds the supply in the United States. The likelihood of finding a job in these high-need areas after college is almost guaranteed, yet we find ourselves still lagging behind other countries in producing these graduates. America ranks No. 24 out of industrialized nations in mathematical literacy for children entering high school. Right now, China is graduating four times the number of engineers as the United States, with India not far behind.

I am deeply concerned with these trends. It is vital to have a superior science and mathematics education system and workforce. In 1997, I formed an Advisory Committee on Science, Technology, and the Future in my home State of Kansas. This committee helps me find ways to align Federal and State initiatives to enhance science and technology in the State. The advisory committee has been instrumental in identifying high-need high-tech jobs in the State while focusing on ways to educate, train, and attract talented persons into these fields.

Kansas continues to be a State rich with high-tech industry. Wichita is the aviation capital of the United States, producing approximately 50 percent of all U.S. general aviation. This industry needs aviation researchers, engineers, and skilled technicians. My home State is rapidly growing in the areas of bioscience, including drug discovery, new treatments for disease, food safety, animal health, and renewable energy. The Roberts Advisory Committee has recognized that while these industries are growing, they have a limited

pool of talented employees to choose from.

Like many States, Kansas is facing a shortage of math and science teacher applicants. I agree with my advisory committee that global competitiveness lies with our younger generation. It is imperative that we provide them with an education from science and math teachers possessing a solid knowledge base and effective teaching skills. We also need to find ways to spark students' interests in math, science, and technology while they are in the early years of education. The America COMPETES Act addresses these needs by strengthening the skills of math and science teachers, creating partnerships between National Laboratories and high-need high schools, facilitating the expansion of advanced placement programs, and increasing the number of students who study foreign languages.

Additionally, the bill provides an increase in research investment by doubling the funding for the National Science Foundation, NSF. The grants distributed to States from the NSF are being used to conduct extraordinary research in every corner of the world.

My advisory committee supports the America COMPETES Act, and so do I. It is only through our commitment to the underlying goals of this bill that we will see success in building our competitive workforce.

Ms. MIKULSKI. Mr. President, I would like to thank my colleagues Senator JEFF BINGAMAN, Senator PETE DOMENICI, Senator LAMAR ALEXANDER, and Majority Leader HARRY REID for their efforts to move this issue. I am so proud of this great bipartisan team of 54 Senators working to pass this bill. I can't say enough about the appreciation that many of us in the Senate feel about my colleagues' initiation of the report, ''Rising Above the Gathering Storm,'' which is the basis for this legislation, the America COMPETES Act.

America must remain an innovation economy. This legislation creates the building blocks that we need for a smarter America. Our Nation is in an amazing race—the race for discovery and new knowledge, the race to remain competitive and to foster an innovation society, to create new ideas that lead to new breakthroughs, new products, and new jobs, the innovations that have the power to save lives, create prosperity and protect the homeland, the innovation to make America safer, stronger, and smarter.

This legislation is called the America COMPETES Act or America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science. It is divided into three sections: research, education and innovation. It calls for getting new ideas by doubling Federal funding for research at the National Science Foundation and establishing the Innovation Acceleration Research Program to fund frontier research like testing new theories and using new research methods; getting the best minds with scholarships for future math and science teachers, including $10,000 scholarships from the National Science Foundation for undergraduate students majoring in math or science along with teacher certification; and establishing a President's Council on Innovation and Competitiveness to develop a comprehensive agenda to promote innovation and competitiveness in the public and private sectors.

Why is this so important? Because a country that doesn't innovate, stagnates. The whole foundation of American culture and economy is based on the concept of discovery and innovation. That is part of our culture. When you look at what has made America a superpower, it is our innovation and our technology. We have to look at where the new ideas are going to come from that are going to generate the new products and workforce for the 21st century.

I want America to win the Nobel Prizes and the markets. This legislation will help to set the framework. It will make sure that we're helping our young people with scholarships and helping our science teachers and those working in science with funding and research opportunities. We also are forming partnerships with the private sector and building an innovation-friendly Government.

The very essence of our culture is innovation and discovery. Remember we got here because someone wanted to discover. When Lewis and Clark set out on their expedition, it wasn't the National Geographic Society, to find a trail to the Pacific—it was called the Corps of Discovery. That is who we are. That is what our culture is, and that is what we need to maintain.

We are a nation of explorers and pioneers always searching for new frontiers. The next generation of pioneers, engineers, and scientists is out there. They will help us create jobs and win the markets. Most importantly, they will help us win the amazing race. I will use my position as chair of the subcommittee that funds science to make sure that there is money in the Federal checkbook to support these proposals, and I hope my colleagues will do the same.

Mr. HATCH. Mr. President, I have an amendment to S. 761, the America COMPETES Act. My amendment would allow competency-based institutions of higher learning to access grant programs which will help them train math, science, and critical foreign language teachers.

I applaud the goals of increasing the numbers of math, science, and critical foreign language teachers in our schools, including high-need schools. Our ability to compete as a nation is directly tied to our ability to educate our young people and retrain those who are in industries that are no longer viable.

We now have the finest system of higher education in the world. There is no doubt that if we provide the proper incentives, many brilliant innovators and educators will take up the clarion call.

I come before this body today to introduce my amendment because many of today's teachers are teaching an older generation of students. The U.S. economy is in a state of continual change, and with that change comes displacement of workers and a need to retrain and retool. These nontraditional students often receive their training from accredited schools who assess student development based on a student's ability to demonstrate competency in the material being taught. Under the bill as drafted, these competency-based universities would not be able to access the grant money for teacher development. My amendment would remove this bias and allow competency-based universities access to the teacher development grant money. This in turn will increase the teaching quality in math, science, and critical foreign language, thereby providing the students attending these universities with a better education.

Current bill language would prevent participation by well-respected and widely recognized institutions, such as Western Governors University, WGU. WGU was set up by over 19 Governors to provide innovation in higher education and is now training over 1,000 math and science teachers, the majority of whom are women and minorities. WGU's innovative approach to teacher education has proven very successful.

As we set about to ensure that our Nation has the needed highly qualified teachers in critical subject areas, we must make certain that these institutions are included in this legislation. Therefore, I ask my colleagues to join me in supporting this amendment.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

SUPPLEMENTAL APPROPRIATIONS

Mr. BROWN. Mr. President, recently we learned that the Ohio National Guard could face early redeployment. We learned the National Guard is being asked to train without the proper equipment. Our Guard will do the job well, General Wade and others in Ohio assure me, and their past history shows they will. Our Guard will do the job well regardless of the circumstances, but it is wrong to send them to Iraq with incomplete training, with inadequate equipment, with insufficient downtime.

The conference report released last night echoes what many of us in Congress and what so many military families across our great country have been saying: We need a new direction for Iraq.

Make no mistake, we take a back seat to no one in supporting the brave men and women fighting in Iraq, and we absolutely support their families. But more of the same is not a plan for our troops. More of the same, more involvement in this civil war, will not end the war in Iraq. This war has made our country, and our world, less safe. The Iraq war has cost 142 Ohioans their lives and wounded another 1,000.

GEN Colin Powell, talking about the President's surge, the President's escalation of this war, has said:

> I am not persuaded that another surge of troops into Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work.

Colin Powell, General Powell, recognizes this is a civil war, recognizes that the surge, the President's escalation will not result in a different outcome in Iraq.

Congress will continue, of course, to fight for our Nation's military by working to see that they have the resources and the support they need and the leadership they deserve. The conference report fully funds and fully supports our troops while establishing conditions that will bring our troops home. It provides desperately needed funding to the Veterans' Administration to help care for the hundreds of thousands of new veterans created by this war.

When we think of the carnage brought about by this war, when we think of the literally tens of thousands of men and women who serve this country and who are back from Iraq and who are in the Veterans' Administration health care system, we understand why we need from our Government literally a 50-year plan. What are we going to do for the next five decades for these injured men and women who have suffered psychological injury and physical injury? Yet this administration is not even funding our troops, the health care of our returning troops well this year, let alone planning into the future. This supplemental bill we will send to the President in the next few days begins the process of what we need to do to take care of the health and the welfare of these returning troops, these injured, psychologically and physically injured soldiers.

If the President won't take responsibility for his failures and lead our troops home, then Congress needs to and Congress will. We owe it to our soldiers, to our sailors, to our airmen and women and to our marines, and we owe it to their families.

The President should listen to military leaders and the American people and work with Congress to change course in Iraq instead of threatening vetoes. Vetoing this legislation would deny funding that our military needs in Iraq. It would deny funding our veterans desperately need who have returned home.

The President says there is too much pork, too much spending in this bill, as if every other supplemental bill that previous Republican Congresses, the House and Senate, have sent to the President every time with other supplemental emergency spending has not. Mr. President: Please read this bill. Don't dismiss it out of hand because you don't like some of the language about Iraq, even though it protects our soldiers, even though it takes care of our veterans, even though it does things such as spend $3 billion for the mine-resistant ambush-protected vehicles, vehicles that will make our troops considerably safer than the flat-bottomed vehicles where far too many of our troops have been killed or badly injured.

This supplemental bill we are sending to the President includes billions of dollars for BRAC, billions of dollars for military construction, the kind of work we need to do to make our military even more efficient, even more productive. It spends $1.6 billion for individual body armor, something the military and the civilian leadership in the White House and the civilian leadership in the Pentagon have fallen short on, providing the kind of body armor for our troops and the kind of up-armor for our humvee vehicles that is needed.

I ask again, Mr. President: Please read this bill before you decide what you are going to do, and then sign this bill. The VA would get $1.7 billion more than the VA proposal from the President, which was zero; it would have $39 million in polytrauma-related funding; it would have $10 million for blind veterans programs. It has $100 million for VA mental services. It has $25 million for prosthetics.

This legislation we are sending to the President—again we ask him to read it before making his decision instead of dismissing it out of hand—has all kinds of support for our troops, for their health care, for their supplies, for supplying them in the field. It has way more money for our troops in Iraq, in Afghanistan, and for those troops returning home in our VA system, way more resources than the President has allowed in his budget.

The President has set our Nation on a path that leads nowhere. He did not listen to the voters last fall. He has not listened to the Iraq Study Group, the bipartisan panel of very distinguished Americans. He has not listened to many of the military advisers, free to speak freely, and he has not listened to the House and the Senate majorities about this legislation.

In addition, this legislation provides for help for mine safety. It provides for emergency spending for the LIHEAP program, for elderly indigent people who have had their heating or air-conditioning cut off because they simply can't afford to pay for their energy use at home. It has support for the pandemic flu. It has pandemic flu protections. As Senator STABENOW from Michigan said a few moments ago, it has a minimum wage increase, something this Senate or House has not done for 10 years.

Mr. President: Please read this bill before you decide whether you are going to sign it or veto it, and please listen again to General Powell, who said:

> I am not persuaded that another surge of troops into Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work.

We are on the wrong course in Iraq. If the President signs this bill, it will help us redeploy our troops more quickly out of Iraq in the most orderly and safest way possible. It will also equally and importantly provide for health care for our troops, for the tens of thousands of injured troops who have returned home from this war.

Mr. President, I yield the floor.

HONORING PROFESSOR CHERIF BASSIOUNI

Mr. DURBIN. Mr. President, I wish to honor an outstanding Illinoisan, Professor Cherif Bassiouni, a great legal mind, teacher, and humanitarian, and to congratulate him on his retirement.

For more than 40 years, Professor Bassiouni has made Chicago—and DePaul University—his home. At DePaul, he has made countless contributions to international law and legal education. He has also been a consistent advocate for the rule of law. His legacy at DePaul continues the legacy of his family. The Bassiouni family is widely known for their impact on the struggle for independence in Egypt almost one century ago.

Cherif's maternal and paternal grandparents were lawyers and leaders in the struggle for Egyptian independence. His paternal grandfather led the 1919 revolt against the British. Professor Bassiouni's early instruction was comprised of French Jesuit schooling, Muslim tutors, and European nannies. His upbringing encompassed the best of different societies and was a sign of great things to come. He was introduced to the charitable works of St. Vincent de Paul and since his youth, has been guided by St. Vincent's motto, ''to serve God by serving the needs of man.'' He lived through some of the most dramatic moments in both Egyptian and American history; he was a solider during the 1956 war but then dissented against Nasser's regime and was placed under house arrest. Soon afterward he immigrated to the United States.

After finishing his law degree, Professor Bassiouni began his teaching career at the DePaul University College of Law in 1964, where he was able to link the experiences of his youth to the work of his adult life. He was steadfastly devoted to the advancement of human rights. He did pro bono work for clients involved in the civil rights movement that culminated in the 1967 Chicago riots and the 1968 Democratic National Convention protests. Ten years later he applied what he had learned to his native land, by advising President Anwar Sadat during the Camp David Peace Accords.

As a legal scholar, Professor Bassiouni's accomplishments are astounding. Several thousand judges and professors worldwide have studied under him. He is considered a world authority in the field of international criminal law. He cochaired the United Nations Committee of Experts that drafted the Convention Against Torture. He drafted this seminal document from his ninth floor office in the O'Malley Building of DePaul, right down the street from my office in Chicago.

At DePaul, Professor Bassiouni has left a lasting mark, perhaps most notably for his founding of the International Human Rights Law Institute. The IHRLI already has impacted generations of students and assisted people throughout the world.

Cherif Bassiouni has been a Nobel nominee and is a recipient of the Illinois Order of Lincoln—among many other honors. He was pivotal in the creation of the International Criminal Court. His has been a voice of reason and experience in complicated situations, including most recently his work as counsel to the Governments of Afghanistan and Iraq as they seek to establish rule of law. I hope he will continue to advise these wounded nations as they move towards peace and democracy.

I conclude by thanking Professor Bassiouni for his brilliant work and contributions not only to DePaul University but also to the lives and communities his work has helped shape. I commend him and his family and wish him an equally brilliant retirement.

IN MEMORY OF REPRESENTATIVE JUANITA MILLENDER-McDONALD

Mrs. BOXER. Mr. President, today I honor the memory of Representative Juanita Millender-McDonald, a kind-hearted woman whose remarkable life touched so many of us.

Juanita was a loving mother, and a dedicated public servant who approached her work with an upbeat attitude and can-do spirit that was an inspiration to us all.

Her passing is a tragic loss for California, the 37th Congressional District she so ably represented, and the many Members of Congress with whom she has worked over the years.

Juanita's career broke through so many barriers for women and African Americans. Her rise as the first African American woman to chair a Congressional Committee was only the latest of many firsts in her career.

In her seven terms of service in the House of Representatives, she fought valiantly for the rights of women, for the security of our Nation, and for the protection of human rights across our Nation and the world.

Juanita's efforts to reach across the aisle made her one the most effective Members of Congress, but it was her bold initiatives that embodied the courage with which she followed her convictions.

In her first year in Congress, Juanita immediately demanded the attention of the nation when she brought then-CIA director John Deutsch to Watts to address a newspaper report that the CIA was using profits from domestic crack-cocaine sales to fund CIA-backed Contras in Nicaragua.

Juanita's commitment to the health of our communities has been profound, and her efforts addressed the needs not only of her constituents, but to the victims of disease around the world.

She led the charge to enact the Mother-to-Child HIV–AIDS Transmission Act that has become the foundation of President Bush's $15 billion African AIDS initiative. For nearly a decade, Juanita coordinated the annual AIDS Walk in her district to help continue to inform the community and raise awareness of this deadly disease.

During her tenure as the Ranking Member of the Committee on House Administration, Juanita fought to ensure that every ballot that is cast is counted, and that all of the citizens of our country would know their voting rights.

Juanita has been inspiring young women since the beginning of her career as an educator in California, when she served the Los Angeles Unified School District as a career counselor and edited Images, a state textbook which encouraged young women to pursue non-traditional careers.

As the Democratic Chair of the Congressional Caucus for Women's Issues, she sought to address the plight of women globally, brought together the women of Congress with the first female Supreme Court Justices to discuss issues important to women across the Nation, and sought recognition for the women in uniform who have served our country in times of war with the first annual Memorial Day Tribute to Women in the Military at the Arlington National Cemetery's Women's Memorial.

On so many issues, I have been fortunate enough to consider Juanita a valuable ally and friend, but I will especially miss her work as a leading voice on the House Transportation and Infrastructure Committee. As the Representative of a district with two of the busiest ports in the United States, Juanita was a passionate supporter of the effort to ensure that the movement of goods is safe, secure and efficient.

Through these past years, Juanita and I worked together to keep the C–17 production line from being mothballed by President Bush and furloughing hundreds of employees.

I know that Juanita's presence will be sorely missed by communities which she served so tirelessly. Today I send my sincere condolences to her husband James, her five children, her staff, and all those who knew and loved her. Together we will continue her important work.

ARMENIAN GENOCIDE

Mrs. FEINSTEIN. Mr. President, I rise today to commemorate the anniversary of the Armenian Genocide.

Ninety-two years ago today, on the night of April 24, 1915, the Ottoman government launched a series of raids in which hundreds of Armenian leaders and intellectuals were arrested and subsequently deported or killed. This event marked the beginning of a systematic campaign of murder, deportation, and forced starvation, during which as many as 1.5 million Armenians perished and 500,000 were exiled by the Ottoman government.

We are obliged to remember and speak about their suffering because silence about such atrocities plants the seed for another tragedy.

On the eve of the 1939 Nazi invasion of Poland, seeking to allay the fears of his aides, Adolf Hitler said: ''Who, after all, speaks today of the annihilation of the Armenians?''

And today, the world is again witnessing genocide, one waged by a government against its own people, one involving mass murder, ethnic cleansing, and forced starvation. I am speaking, of course, about the genocide in Darfur.

Let there be no mistake. The ongoing genocide in Darfur, carried out by the Government of Sudan and its janjaweed militias, traces its roots to the silence and quiescence of the international community during previous episodes of genocide and ethnic cleansing, including the Armenian genocide.

By acknowledging and learning from the Armenian genocide, then, we become better positioned to prevent present and future atrocities.

Open discussion of the Armenian genocide serves another important purpose. It enables the descendants of those involved in the Armenian genocide—both perpetrators and victims—to mend the wounds that have not yet healed.

As recently as January of this year, a Turkish-Armenian journalist, Hrant Dink, was murdered because of his outspoken advocacy for Turkish recognition of the Armenian genocide. This incident serves as an important reminder that an open, informed, and tolerant discussion of the genocide is critical.

California is home to many of the descendants of the genocide's survivors, who immigrated to the United States and, over the course of a few decades, built strong and vibrant communities. Working closely with the Armenian-American community over my many years in public service, I know how alive and painful this issue continues to be for many Armenian Americans.

So I rise before you today and ask that you join me in acknowledging and commemorating the Armenian genocide. Together, let us send a strong message that such atrocities will never be accepted, regardless of when and where they take place.

And let us ensure that the legacy of the Armenian genocide is one of reconciliation and hope.

Mr. REED. Mr. President, today, on behalf of the Armenian population of Rhode Island, and Armenians around the world, I wish to recognize the 92nd anniversary of the Armenian genocide.

On April 24, 1915, nationalists in the Ottoman Empire rounded up, deported, and executed 200 Armenian community leaders, writers, thinkers, and professionals in Constantinople, present day Istanbul. Also on that day in Constantinople, 5,000 of the poorest Armenians were massacred in the streets and in their homes. These events sparked an 8-year campaign of tyranny that impacted the lives of every Armenian in Asia Minor. By 1923, an estimated 1.5 million Armenians were murdered, and another 500,000 were exiled.

The U.S. Ambassador to the Ottoman Empire, Henry Morganthau, Sr., unsuccessfully pleaded President Wilson for intervention. Unfortunately, the United States and the world tragically failed to intervene on behalf of the Armenian people. Ambassador Morganthau would later write in his memoir, ''The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.''

Today, as a proud supporter of S. Res 106, legislation officially recognizing the Armenian genocide, I urge the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the U.S. record relating to the Armenian genocide. Dr. Martin Luther King, Jr., stated over 50 years after the Armenian genocide that: ''Injustice anywhere is a threat to justice everywhere . . . Whatever affects one directly, affects all indirectly.'' The time has come to officially recognize the Armenian genocide.

The United States is proud to have Armenia as an ally in the rebuilding and reconstruction of Iraq. For the past 4 years, Armenian soldiers have supported American and multinational force efforts in Iraq. As part of the Polish-led multinational division in south-central Iraq, Armenians have worked as truckdrivers, bomb detonators, and doctors. Armenia has proclaimed their fight by not allowing others to be left helpless as they were nearly a century ago.

We must study and remember the events of our past in order to be better citizens of tomorrow. In instances such as the Armenian genocide, I call on all nations, not just the United States, to educate their youth to stand against hatred and prejudice of others in order to deter future atrocities against humanity. We should be prepared to take a vigilant stand against similar atrocities, such as the current situation in Darfur, to not let history repeat itself.

We must honor the victims of the Armenian genocide by vowing to never allow the world to stand idle to atrocities against humanity again.

Menk panav chenk mornar. We will never forget.

Ms. KLOBUCHAR. Mr. President, I wish to add my voice to those asking that today, the 24th of April, 2007, be a day of reflection and remembrance for those Armenians who perished in the genocide that occurred between 1915 and 1923.

As many as one and a half million Armenians lost their lives during this systematic campaign of ethnic cleansing conducted in Turkey while the world was preoccupied by the First World War and its aftermath. That the major powers, including the United States, did not prevent or intervene at any point to stop this killing represents one of twentieth century's ugliest stains on humanity.

While today we all would like to believe that had world leaders been acutely aware of the atrocities occurring they would have acted to stop them, recent episodes make a clear that we as a people continue to struggle with the obligation to speak out when our neighbor's blood is shed. In Bosnia, Rwanda, and right now in Darfur, the world has stood by while hundreds of thousands of innocent civilians are slaughtered. Any action on the part of the international community has been too little and far too late.

Because I believe we cannot prevent future genocide unless we recognize past genocide, I am a sponsor of Senate Resolution 106, which calls upon the President to ensure that this Nation's foreign policy reflects appropriate understanding and sensitivity concerning human rights, ethnic cleansing, and genocide documented in the U.S. record relating to the Armenian genocide.

I join many of my colleagues today in urging the Senate to pass this resolution.

Turkey is good friend of the United States and a critical ally in the fight against terrorist networks. I hope that the ties that bind our two nations only grow closer in the coming years, as we continue to work through NATO to ensure cooperative security. And I will join my colleagues in pressing for Turkey's admittance to the European Union.

However, I believe that the Armenian genocide must be acknowledged.

Today, the 92nd anniversary commemorating this incident, we pause to pay tribute to those who died and renew our commitment to ensuring that similar atrocities never again occur.

DEFENSE AUTHORIZATION ACT

Mr. WARNER. Mr. President, I rise tonight to respond to those who have questioned the legislative history and intent of section 1076 of the fiscal year 2007 Defense Authorization Act, a provision dealing with the use of the Armed Forces and National Guard in major public emergencies.

This provision was the subject of a hearing today before the Senate Judiciary Committee.

I would like to outline that this provision was drafted jointly by the Senate Armed Services Committee in a bipartisan and transparent fashion, was approved unaninmously by the committee, and was printed on May 9, 2006 as part of the Senate report on this bill.

The provision was fully available in the public domain for review and debate for over 5 months prior to its final passage in the House and Senate, and approval by the President.

During the brief period today that I have had the opportunity to again review this legislation, I did not uncover any material that suggests there were any serious misgivings regarding this provision by Federal, State, or local officials.

I believe the committee's record speaks for itself. Attached below is an excerpt as put forth in the final conference report:

REPORT 109–702—CONFERENCE REPORT TO ACCOMPANY H.R. 5122

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007 (EXCERPT)

USE OF THE ARMED FORCES IN MAJOR PUBLIC EMERGENCIES (SEC. 1076)

The Senate amendment contained a provision (sec. 1042) that would amend chapter 15 of title 10, United States Code, the so-called 'Insurrection Act,' to clarify and update the statute, and to make corresponding changes toother provisions of law. Chapter 15 contains a collection of statutes dating to the 18th and 19th centuries that authorizes the use of the armed forces to put down insurrections, enforce Federal authority, and suppress conspiracies that interfere with the enforcement of Federal or State law.

The provision would amend section 333 of title 10, United States Code, to authorize the President, in any situation in which he determined that, as a result of a natural disaster, terrorist attack or incident, epidemic or other serious public health emergency, or other condition, domestic violence occurred to such an extent that the constituted authorities of the State are incapable of maintaining public order, and the violence obstructed the execution of the laws of the United States of impeded the course of justice thereunder, to use the armed forces, including the National Guard in Federal service, to restore public order and enforce the laws of the United States until the State authorities are again capable of maintaining order. The President is to notify Congress of his determination to exercise this authority as soon as possible and every 15 days thereafter as long as the authority is exercised.

The provision would also amend chapter 152 of title 10, United States Code, to authorize the President, in any situation in which he determines to exercise the authority set out above, to direct the Secretary of Defense to provide supplies, services, and equipment necessary for the immediate preservation of life and property. Such supplies, services, and equipment may be provided: (1) only to the extent that the constituted authorities of the State are unable to provide them; (2) only until other departments and agencies of the United States charged with such responsibilities are able to provide them; and (3) only to the extent that their provision will not interfere with preparedness or ongoing operations. This authority is not subject to the provisions of section 403© of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b©).

The provision would further include a conforming amendment to section 12304© of

title 10, United Stated Code, to remove a restriction on the use of the Presidential Selected Reserve call up authority in chapter 15 or natural disaster situations. The House bill contained no similar provision. The House recedes with an amendment that would modify the conforming amendment to section 12304©) to provide that the Presidential Selected Reserve call up authority could be used in situations arising under chapter 15 and section 12406 of title 10, United States Code, as well as in situations set out in subsection (b) of section 12304.

HONORING OUR ARMED FORCES

TECHNICAL SERGEANT TIMOTHY WEINER, SENIOR AIRMAN DANIEL MILLER AND SENIOR AIRMAN ELIZABETH LONCKI

Mr. HATCH. Mr. President, today I pay tribute to three members of Hill Air Force Base's 75th Air Base Wing who, together, lost their lives in Iraq in performance of their duties. Tsgt Timothy Weiner of Tamarack, FL, SrA Daniel Miller of Galesburg, IL, and SrA Elizabeth Loncki of New Castle, DE, were killed while disarming an explosive device.

One of the core values of the Air Force is ''Service Before Self.'' These airmen met this standard every day while disarming improvised explosive devices and destroying munitions to protect their fellow servicemen and the people of Iraq. All three knew the risks inherent in their assignment, but still chose to volunteer so that others may be safe.

Technical Sergeant Weiner was the youngest of four sons of Ken Weiner, a Korean war veteran, and Marcia Fenster. It should be noted that all the sons of the Weiner family have worn the uniform of their Nation. Technical Sergeant Weiner's mother said, ''he was a unbelievable father and husband who could do a job that was rough and so demanding but was also a man who could show love and was not afraid to.''

This was Sergeant Weiner's second tour in Iraq. His professionalism is best exemplified by the fact that, in a previous assignment, he was part of explosive ordnance disposal team that provided protection for the President. He is survived by his wife Debbie and son Jonathan. The technical sergeant had planned to retire within a couple of years and work with computers. Now our prayers go with his wife and son.

SrA Airman Daniel Miller was the oldest of six children of Daniel B. Miller and Robin Mahnesmith. He is remembered by his family and friends as a happy person, who loved football, enjoyed hunting and fishing and was a silent leader. His girlfriend Dana Sopher stated ''the love he had for his family was just amazing.'' Senior Airman Miller knew of the risk of his job but still believed that you ''just have to live life.'' Senior Airman Miller had hoped to work for a metropolitan bomb squad after he had completed his service with the Air Force. I know I join with all of my colleagues in praying for his family during these difficult times.

SrA Elizabeth Loncki was also the oldest child of Stephen and stepmother Christine Loncki, who still plans on sending cookies and baked goods to troops in Iraq. After learning of her death, one of her training instructors contacted Senior Airman Lonki's family and recounted that Elizabeth had excelled at her explosive ordnance disposal training class and was a valuable member of any team. Senior Airman Loncki planned on getting married after she returned from Iraq; her future fiance was to visit her parents shortly and ask permission for the senior airman's hand in marriage. He has since accompanied her home to her family. Again our prayers go to her family.

All three of these airmen were heroes in the truest sense of the word. They volunteered for one of the most dangerous jobs in our Nation's military and risked their lives every day. Their sacrifice was not in vain, their bravery in the face of danger is an example to us all. They met and exceeded the Air Force principle of ''Service Before Self.''

CAPTAIN BRIAN S. FREEMAN

Mr. President, I would like to take this opportunity to recognize the loss of CPT Brian S. Freeman whose mother, Kathleen Snyder, is a resident of Utah.

Captain Freeman died while performing his duties in Karbala, Iraq, where he was assigned to the 412th Civil Affairs Battalion, U.S. Army Reserve, based in Whitehall, OH.

Captain Freeman resided in Temecula, CA, with his wife Charlotte, a 3-year-old son, Gunnar, and a 3-month-old daughter, Ingrid. The captain had just returned to Iraq after a 2-week Christmas leave. Charlotte Freeman commented about that time, ''We did all the family things packed into two weeks. It was wonderful. We had a picture perfect family and the two weeks were perfect.''

The captain was a 1999 West Point graduate who, after returning home, planned to attend graduate school. He had already received an important letter of recommendation from the Governor of Karbala who wrote: ''Freeman has assisted in forming a warmer relationship with the Army . . . I think Capt. Freeman genuinely cares about what happens to Karbala and its people.''

For a member of a civil affairs unit, whose responsibility it is to assist the local population while developing and maintaining close relationships with indigenous government officials, I cannot think of any higher praise. Not surprisingly, Captain Freeman had been decorated with two Army commendation medals, two Army achievement medals, a national defense service medal and a global war on terrorism service medal. I also understand that he was a member of the Army's bobsledding team.

America has lost another decorated hero. Captain Freeman had hope to make a difference during his time in Iraq. I believe that anyone who looks at the life and actions of Captain Freeman will see that he more than achieved that goal.

Captain Freeman and his family will always be in my prayers.

ANNIVERSARY OF THE L'AMBIANCE PLAZA COLLAPSE

Mr. DODD. Mr. President, yesterday marked the 20th anniversary of a dark day in my State's history: the day the L'Ambiance Plaza towers collapsed in Bridgeport and took with them the lives of 28 Connecticut construction workers.

For millions of people in Connecticut, that day's images are still fresh; time can blunt their pain, but it can never erase them. We remember the shock: 16 stories of new apartments reduced with a roar, within seconds, to ruined concrete and steel. We remember the hundreds of volunteers who combed the wrecked piles for their friends. This is how one newspaper reported their remarkable endurance: ''Physically and emotionally drained by a nightmarish task of seeking and sometimes finding the bodies of friends and loved ones, some of the volunteers have pushed themselves to exhaustion, working around the clock and then begging to go on working.'' We remember their frantic search for survivors, and the slow-dawning truth that there were none.

But above all, we remember 28 men who died too soon. They were union men from Bridgeport and Waterbury who poured concrete, laid pipe, and fixed steel. Not a single one of them went to work that morning expecting to die; but each knew the high risks of his trade, and willingly took them on to make a good living for his family.

We can clear rubble and rebuild towers, but not a single life can be replaced. If this tragedy can give us anything to be thankful for, it is the end of the dangerous lift-slab construction method that led to the collapse. We can and must demand the safest conditions for all workers, and do everything it takes to protect them. But try as we might, we will never be able to outlaw collapse, or regulate accidents, or legislate against tragedy.

We can only send our thanks to the men and women who risk themselves so we can lie down and wake up in safety and comfort. For those who died 20 years ago, we can pledge to keep their memories fresh. And today, we can repeat their names:

Michael Addona
Augustus Alman
Glenn Canning
Mario Colello
William Daddona
Francesco D'Addona
Donald Emanuel
Vincent Figliomeni
Herbert Goeldner
Terrance Gruber
John Hughes
Joesph Lowe
John Magnoli
Rocco Mancini
Richard McGill

Mario Musso
Nicholas Nardella
John Page
Guiseppe Paternostro
Antonio Perrugini
John Puskar Jr.
Anthony Rinaldi
Albert Ritz
Michael Russillo
Reginald Siewert
William Varga
Frank Visconti
Scott Ward

DARFUR

Mr. DODD. Mr. President, today I wish to talk about the ongoing genocide in Darfur, and this administration's inexcusable failure to do all it can to stop the violence there. We all understand the monumental challenge we face in ending the violence in Darfur, but this administration's behavior and recent statements on this issue suggest that it simply does not know when to stop talking and when to start acting. And all the while innocent people continue to needlessly die under our watch.

Last fall, the President's Special Envoy for Darfur, Andrew Natsios, announced that if the Sudanese Government did not accept a U.N.-African Union peacekeeping force by January 1, the administration would implement punitive measures as part of its Plan B.

Well here we are today. Over 100 days have passed since January 1. And what do we have to show for it? No U.N.-African Union peacekeeping force on the ground in Sudan. And no Plan B.

Meanwhile the death toll has risen. Over the course of the conflict, 200,000 people have been killed; 2.5 million displaced. Families and villages have been decimated; women and girls have been raped.

Fighting has infected Sudan's neighbors, leaving scores dead along the Sudan-Chad border. One U.N. official recently described the scene of dead bodies in the area as ''shocking and apocalyptic.''

So much death and destruction, 2½ years after this administration stated that genocide was indeed occurring in Darfur. More than 100 days after Mr. Natsios's deadline, the killings continue.

Earlier this month, Mr. Natsios testified before the Foreign Relations Committee on Darfur and Plan B. His testimony only deepened my concerns about the administration's Darfur paralysis.

When asked repeatedly by Senator MENENDEZ to answer yes or no as to whether genocide was occurring in Darfur, he did not answer yes. Instead his response was that the violence has abated in Darfur and that the rebel groups were also engaging in killings. His answer was incredibly disturbing to me and to other members of the committee.

Now I understand Mr. Natsios's desire to convey the complexity of the situation and the complicity of various parties on the ground, but the fact is that the primary party responsible for the killings is the Sudanese Government and its Janjaweed proxies. For Mr. Natsios to be unable to state that genocide is occurring in clear terms seems to me a classic example of missing the forest for the trees. It also raises a question of credibility. After all, how can this administration stop a genocide when its special envoy won't even fully acknowledge it?

Mr. Natsios also stated that although the President is supposedly angry about the situation in Darfur and has recently proposed certain sanctions, he has acceded to a request by U.N. Secretary-General Ban Ki-Moon to delay any implementation of Plan B for another two to four weeks to give the Secretary-General time to convince the Sudanese Government to accept a peacekeeping force.

Now 2 to 4 weeks may seem like nothing in the context of protracted and complex diplomatic negotiations, but this is no treaty that is being negotiated. There are lives at stake every day here and we just cannot afford to take a ''wait and see'' approach.

Recent reports suggest that the Sudanese Government has agreed to a hybrid force but based on its previous track record, I will believe it when I see some additional boots on the ground. In the meantime, a pause on the administration's part is simply unacceptable.

And so I believe that even as the modalities of a peacekeeping force, that may or may not materialize, are worked out, the administration must begin implementing certain elements of Plan B immediately. Not 4 weeks from now. Not 2 weeks from now. Immediately.

Select punitive measures as described by Mr. Natsios at the hearing include imposing personal sanctions on certain members of the rebel groups and the Sudanese Government; curbing the Sudanese Government's access to oil revenues; and increasing penalties on companies operating in Sudan.

There is nothing revolutionary about these measures. They were leaked to the public and have been under discussion for some weeks. The question in my mind is not so much about whether we should implement them but why haven't we already implemented them.

As chairman of the Banking Committee and a senior member of the Foreign Relations Committee, I am absolutely willing to work with the administration to put these measures into force and look forward to some clear answers from the administration on this.

Now let me be clear about what I mean in saying we should go ahead and implement elements of Plan B. I fully appreciate the sensitivities of our diplomatic efforts related to Darfur. I fully agree with the importance of working this issue through the U.N. in a multilateral manner. But if there are certain steps that the United States can take on its own account and indeed was supposed to take over 100 days ago to pressure the Sudanese Government, then what are we waiting for?

The time has come to delink certain elements of Plan B from our broader multilateral strategy to pressure Khartoum. The time has come to act where and when we can. This administration has shown no compulsion in acting unilaterally in the past. It did so by invading Iraq with disastrous consequence. Why does it continue to keep one foot on the side lines 4 years into this genocide when it not only has the ability but also the moral responsibility to act?

Moreover, we must not stop at implementing long overdue sanctions whose credibility has been called into question because they have yet to be implemented. We must also consider a more robust role for NATO forces, including their deployment to Sudan if the Sudanese Government continues to obstruct a hybrid peacekeeping force.

Even if the Sudanese Government consents to the U.N.-AU force, the United Nations may fail to muster the requisite troops within an acceptable period of time. In such a scenario, we should consider the deployment of an interim NATO force with U.S. participation. At a minimum, NATO forces, which already provide logistical support to the African Union mission, should enforce a no-fly zone in Darfur pursuant to U.N. Resolution 1591 to prevent military flights over Darfur.

Naturally, special attention will have to be paid in any operation to the security of refugee camps and aid workers but to those who say that military action will make things worse, I have only one thing to say: we are already at rock bottom.

The authorization of force is one of the most critical decisions a member of Congress has to make, especially if it entails sending our brave men and women into harm's way on the ground. U.S. participation however in any such action, even in a limited capacity, is critical to showing the world that America is not just about fighting the war against terrorism but also is willing to fight against injustice and mass murder. That we are prepared to fight for the principles of respect for human dignity and life, and not just talk about them.

In advocating certain measures outside the framework of the United Nations, I do not intend to dismiss the critical role that the U.N. and other countries can play. The fact is that the U.S. has limited leverage over Sudan and we need all the help we can get. We must work within the U.N. system, and also press other key countries that deal with Sudan such as India and China to do their part. China in particular has a crucial role to play in changing Khartoum's behavior.

But even as we assess the role and responsibilities of others, we must never forget our own. We must lead by example. Over the past few years, I have

voted for legislation sanctioning the Government of Sudan. I have delivered floor statements and attended hearings on Darfur, where witness after witness has testified to the ongoing atrocities. I have sent letters to the Chinese, the Russians, the Arabs and others urging them to use their clout with Sudan.

Yet after all such actions and deliberations by members of this body and after all the punitive authorities granted to this administration, to see it temporizing and regressing to a point where we are debating whether genocide is even occurring is utterly unacceptable.

The time for action is now, not in a few weeks. We are at rock bottom and the administration needs to deliver on its threats and translate its rhetoric into action. We must do everything in our power to end the genocide in Darfur immediately.

DISCUSSING PRESSING ISSUES FACING THE NATION

Mr. KENNEDY. Mr. President, on April 27–29, more than 800 of the foremost scientists, humanists and leaders in business and public affairs will gather here in Washington when the Nation's two oldest learned societies—the American Academy of Arts and Sciences and the American Philosophical Society—meet jointly for the first time.

Both organizations predate the birth of the Nation, and among their founders were Benjamin Franklin, John Adams, James Bowdoin, and John Hancock.

The two organizations were established to help advance ''useful knowledge'' in the colonies by promoting enlightened leaders and an engaged citizenry, and they have remained faithful to their original missions to the present day. Their current membership includes more than 170 Nobel laureates and more than 50 Pulitzer Prize winners.

This joint meeting, entitled ''The Public Good: Knowledge as the Foundation for a Democratic Society'' will bring together academics and practitioners for a series of panel discussions, conversations and dinner programs on many of the most pressing issues facing the Nation.

Joining them for the unprecedented 2½-day meeting will be members of these congressionally chartered National Academies—the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine.

At the opening of their meeting next week, the presidents of all five organizations will issue a joint statement affirming the importance of knowledge as the foundation for sound policymaking for the public good, and I ask unanimous consent that their unprecedented joint statement be printed in the RECORD.

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

KNOWLEDGE IN SERVICE TO THE PUBLIC GOOD

As America's oldest national learned societies, we trace our origins to the tumultuous periods in the Nation's history. The American Philosophical Society was founded by Benjamin Franklin in 1743, during a period of rapid growth and intellectual development in the American colonies. The American Academy of Arts and Sciences was founded by John Adams in 1780, in the midst of the Revolutionary War. The National Academy of Sciences (1863), the National Academy of Engineering (1964), and the Institute of Medicine (1970) were all established under legislation signed by President Abraham Lincoln during the Civil War.

Our founders shared a conviction that knowledge in service to the public good is an indispensable pillar of our Nation. We have remained committed to that vision over the centuries, because democracy requires freedom of inquiry, engaged and educated citizens, and a wise and responsive government.

Our societies, individually and collectively, represent leading thinkers and practitioners of the Nation. We honor excellence and use our unique convening powers to engage the expertise of our members in collaborative action. We actively create, preserve, support, and disseminate knowledge critical to the growth and well-being of our Nation.

Each generation must reaffirm and reinforce the founders' reverence for scholarship and knowledge as the cornerstones of progress and the building blocks of enduring institutions. We live in an age of instantaneous access to unimaginably rich sources of information, but truly useful information continues to depend on underlying research and basic knowledge.

The Academies assemble today not just to assert the importance of research and free inquiry in every field, but to give practical demonstration of their worth through reflection on topics that affect the workings of our society and that define the public good. A nation attentive to these values will long endure.

Signed by: Emilio Bizzi, President, American Academy of Arts and Sciences; Baruch S. Blumberg, President, American Philosophical Society; Ralph J. Cicerone, President, National Academy of Sciences; Harvey V. Fineberg, President, Institute of Medicine; Wm. A. Wulf, President, National Academy of Engineering.

NOTICE OF CHANGE IN TRANSIT SUBSIDY REGULATIONS

Mrs. FEINSTEIN. Mr. President, I wish to announce that in accordance with Title V of the Rules of Procedure of the Committee on Rules and Administration, the Committee has amended the ''Public Transportation Subsidy Regulations.'' Based on the Committee's review of the regulations adopted on August 1, 1992, as amended, the following changes are effective April 24, 2007.

The regulations are amended by deleting and substituting as follows:

Sec. 2, substitute entire section for the following:

Sec. 2. Authority

The Federal Employees Clean Air Incentives Act (Pub.L. 103–172) allows Federal agencies to participate in state or local government transit programs that encourage employees to use public transportation. The Tax Reform Act of 1986, as amended by the Transportation Equity Act for 21st Century (Pub.L. 105–178) allows employers to give employees as a tax free ''de minimis fringe benefit'' transit fare media up to the maximum monthly amount authorized under section 132(f)(2)(A) of the Internal Revenue Code of 1986, as modified by the Internal Revenue System's published Revenue Procedures, and upon written authority of the Rules Committee.

Sec. 3, (e)

Delete ''Pub. L. 101–509'' and insert ''Pub. L. 103–172''.

Sec. 3, insert definition at end of Section

Insert the following definition at the end of the definition: ''(f) Unique Identifier—A number or token, as approved by the Committee on Rules and Administration, designed to be used across all systems in the United States Senate to uniquely identify an individual's set of records within each of those systems.''

Sec. 4, (a)

Delete ''currently not to exceed $105 per month.''

Sec. 4, (e)

Replace entire section with the following language: ''(e) Any fare media purchased under this program may not be sold or exchanged, although exchanges of metro card media are permissible for transportation provided by Virginia Railway Express (VRE), the Maryland Transit Administration's (MARC's) train, or vanpools certified by Washington Metropolitan Area Transit Authority (WMATA).''

Sec. 7

Delete ''social security number'' and insert in its place ''unique identifier.''

Delete ''(currently $105)''.

Sec. 8, (A)

Delete ''Pub. L. 101–509'' and insert ''Pub. L. 103–172''.

Set forth below are the amended regulations which are effective April 24, 2007:

PUBLIC TRANSPORTATION SUBSIDY REGULATIONS

Sec. 1. Policy

It is the policy of the Senate to encourage employees to use public mass transportation in commuting to and from Senate offices.

Sec. 2. Authority

The Federal Employees Clean Air Incentives Act (Pub. L. 103–172) allows Federal agencies to participate in state or local government transit programs that encourage employees to use public transportation. The Tax Reform Act of 1986, as amended by the Transportation Equity Act for 21st Century (Pub. L. 105–178) allows employers to give employees as a tax free ''de minimis fringe benefit'' transit fare media up to the maximum monthly amount authorized under section 132(f)(2)(A) of the Internal Revenue Code of 1986, as modified by the Internal Revenue System's published Revenue Procedures, and upon written authority of the Rules Committee.

Sec. 3. Definitions

(a) Public Mass Transportation—A transportation system operated by a State or local government, e.g. bus or rail transit system.

(b) Fare Media—A ticket, pass, or other device, other than cash, used to pay for transportation on a public mass transit system.

(c) Office—Refers to a Senate employee's appointing authority, that is, the Senator, committee chairman, elected officer, or an official of the Senate who appointed the employee. For purposes of these regulations, an employee in the Office of the President pro tempore, Deputy President pro tempore, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority shall be considered to be an employee, whose appointing authority is the Senator holding such position.

(d) Qualified Employee—An individual employed in a Senate office whose salary is disbursed by the Secretary of the Senate, whose salary is within the limit set by his or her appointing authority for participation in a transit program under these regulations, and who is not a member of a car pool or the holder of any Senate parking privilege.

(e) Qualified Program—Refers to the program of a public mass transportation system that encourages employees to use public transportation in accordance with the requirements of Pub. L. 103–172 whose participation in the Senate program in accordance with these regulations has been approved by the Committee on Rules and Administration.

(f) Unique Identifier—A number or token, as approved by the Committee on Rules and Administration, designed to be used across all systems in the United States Senate to uniquely identify an individual's set of records within each of those systems.

Sec. 4. Program Requirements

(a) Each office within the Senate is authorized to provide to qualified employees under its supervision a de minimis fringe employment benefit of transit fare media of a value not to exceed the amount authorized by statute.

(b) Each appointing authority may establish a salary limit for participation in this program by his or her employees. If such salary limit is established, all staff paid at or below that limit, and who meet the other criteria established in these regulations, must be permitted to participate in this program.

(c) For purposes of these regulations, an individual employed for a partial month in an office shall be considered employed for the full month in that office.

(d) The fare media purchased by participating offices under this program shall only be used by qualified employees for travel to and from their official duty station.

(e) Any fare media purchased under this program may not be sold or exchanged, although exchanges of Metro Card Media for transportation provided by Virginia Railway Express (VRE), the Maryland Transit Administration's MARC trains, or vanpools certified by Washington Metropolitan Area Transit Authority (WMATA).

(f) In addition to any criminal liability, any person misusing, selling, exchanging or obtaining or using a fare media in violation of these regulations shall be required to reimburse the office for the full amount of the fare media involved and may be disqualified from further participation in this program.

Sec. 5. Office Administration of Program

Each office electing to participate in this program shall be responsible for its administration in accordance with these regulations, shall designate an individual to manage its program, and may adopt rules for its participation consistent with these regulations.

An employee who wishes to participate in this program shall make application with his or her office on a form which shall include a certification that such person is not a member of a motor pool, does not have any Senate parking privilege (or has relinquished same as a condition of participation), will use the fare media personally for traveling to and from his or her duty station, and will not exchange or sell the fare media provided under this program. The application shall include the following statement:

This certification concerns a matter within the jurisdiction of an agency of the United States and making a false, fictitious, or fraudulent certification may render the maker subject to criminal prosecution under 18 U.S.C. 1001.

Safekeeping and distribution of fare media purchased for an office is the responsibility of the program manager in that office. Participating offices may not refund or replace any damaged, misplaced, lost, or stolen fare media.

Sec. 6. Senate Stationery Room Responsibilities

The only program currently available in the Washington, DC metropolitan area at this time is ''Metro Pool,'' a program established through Metro by the District of Columbia. Transit benefits will be provided through Metro Pool for participating offices in the Washington, DC area. The Committee on Rules and Administration shall enter into an agreement with Metro Pool for purchase of fare media by the Senate Stationery Room as required by participating offices on a monthly basis. A participating office shall purchase the fare media with its authorized appropriated funds from the Senate Stationery Room through its stationery account pursuant to 2 U.S.C.§119.

Each office shall present to the Senate Stationery Room [two copies of] the certification referred to in section 7 of these regulations. A new certification shall be submitted when an employee is added to or deleted from the program. The Stationery Room shall make available to the Senate Rules Committee Audit Section a monthly summary of office participation in this program. In addition, the Stationery Room may not refund or replace any damaged, misplaced, lost, or stolen fare media that has been purchased through the office's stationery account.

Sec. 7. Certification

The certification required by section 6 shall be approved by the appointing authority and shall include the name, and unique identifier of each participating employee within that office, and the following statements:

(a) Each person included on the list is currently a qualified employee as defined in Section 3.

(b) No person included on the list has any current Senate parking privilege and that no parking privileges will be restored to any person on the list during the period for which the fare media is purchased.

(c) That each month's fare media for each participating employee does not exceed the maximum dollar amount specified in statute.

Sec. 8. Other Participating Programs

Section 6 provides for procedures for participation by Washington offices in the Metro Pool program established through Metro by the District of Columbia. Additional programs in the Washington, DC metropolitan area, or programs offered in other locations where Members have offices that meet the requirements of the law and these regulations, may be used for qualified employees, subject to the following requirements:

(A) Authorization

The public transit system shall submit information to the Committee on Rules and Administration that it participates in an established state or local government program to encourage the use of public transportation for employees in accordance with the provisions of Pub. L. 103–172 and these regulations. If the program meets the requirements of the statute and these regulations and is approved by the Committee on Rules and Administration, any Senate office served by such transit system may provide benefits to its employees pursuant to these regulations.

(B) Procedures

(1) A qualified program operating in the Washington, DC metropolitan area that permits purchase arrangements similar to those provided by the Metro Pool program shall participate in the Senate program in accordance with the procedures set forth in Section 6.

(2) A qualified program operating in the Washington, DC metropolitan area that does not have purchase arrangements similar to Metro Pool, or a qualified program located outside that metropolitan area, that permits purchases directly by an office, may make arrangements for purchase of media directly with a participating office. Such an office may provide for direct payment to that system and shall submit the certification in accordance with Section 7.

(3) In the case of a qualified program that does not permit purchase arrangements as provided in paragraphs (1) or (2) above, an office may provide for reimbursement to a qualified employee and shall submit a certification in accordance with Section 7.

(C) Documentation

The following documentation must accompany a voucher submitted under paragraph 8(B)(2) or (3):

(1) A copy of the Rules Committee approval, in accordance with section 8(A), with the first voucher submitted for that transit program, provided subsequent vouchers identify the transit program.

(2) The certification.

(3) Proof of purchase of the fare media.

(D) Voucher Guidance

In the case of a Senator's state office, reimbursement for payment to either a qualified transit system, or a qualified employee shall be from the Senators' Official Personnel and Office Expense Account (SOP&OEA) as a home state office expense on a seven part voucher. In the Washington, DC metropolitan area, reimbursement for payment to either a qualified transit system, or a qualified employee shall be as follows:

1. In the case of a Senator's office from the SOP&OEA as an ''other official expense'' (discretionary expense).

2. In the case of a Senate committee or administrative office as an ''Other'' expense.

Sec. 9. Special Circumstances

Any circumstances not covered under these regulations shall be considered on application to the Committee on Rules and Administration.

Sec. 10. Effective Date

These regulations shall take effect on the first day of the month following date of approval.

VETERANS HONOR FLIGHT

Mr. DORGAN. Mr. President, North Dakota has long maintained strong ties with our Nation's military.

My State is home to two Air Force bases and the Nation's best Air National Guard unit. More of our young people volunteer to serve their country in the military than nearly any other State.

In North Dakota, our commitment to our troops does not end when we welcome them home from war. We also

have a strong tradition of honoring our veterans. In fact, when I started a North Dakota Veterans History Project 5 years ago to record the stories of our veterans for future generations, the outpouring of interest resulted in more than 1,500 interviews.

So I did not find it surprising that when the WDAY television station based in Fargo, ND, organized an ''Honor Flight'' to bring veterans of World War II to Washington, D.C., it had an overabundance of donors and too few seats to accommodate all the veterans. But WDAY has chartered a flight to Washington next month and will bring 100 veterans of World War II to see the memorial on our National Mall that was built in their honor. My colleagues, Senator CONRAD and Congressman POMEROY, and I will host a reception for them in the historic Russell Caucus Room.

I can't think of a better way to pay tribute to these heroes than this trip to our Nation's Capital. Many of them will visit for the first time the World War II Memorial that is a powerful symbol of the sacrifice they made for the safety and freedom of our country and the world.

This is a group of Americans who were appropriately labeled ''the greatest generation'' by Tom Brokaw. I remember reading his book some years ago and marveling again at the dedication those young men, and some young women, expressed to this country. They dedicated their lives to defeating the fascism and Nazism that threatened the peace and prosperity of the world. They kept the free world free. Many paid for it with the ultimate sacrifice—their lives.

Several years ago, I was reminded just how important their sacrifice was when I was part of a congressional delegation involved in discussions with members of the European Parliament. We had been discussing some differences between the United States and the Europeans for some time. It was at this point that a European delegate stopped me and said, ''Mr. Senator, I want you to understand how I feel about your country.''

He said, ''In 1944, I was 14 years old and standing on a street corner in Paris, France, when the U.S. Liberation Army marched in and freed my country from the Nazis.''

He said, ''A young American soldier reached out his hand and gave that 14-year-old boy an apple. I will go to my grave remembering that moment. You should understand what your country means to me, to us, to my country.''

To me, this man's story is a testament to the respect and admiration people around the world feel for our country. And this is because the ''greatest generation''—those same men and women who will visit Washington next month—were willing to leave their homes so many years ago and travel around the world to fight an enemy that threatened our freedom. They did it without complaint and without question. They loved their country.

There is a verse that goes, ''When the night is full of knives, and the lightning is seen, and the drums are heard, the patriots are always there, ready to fight and ready to die, if necessary, for freedom.''

The men and women who will travel to Washington next month are patriots who answered when duty called. The Honor Flight is an expression of our thanks for the sacrifice they made that is too large to ever fully repay.

ANNOUNCING THE BIRTH OF ROBERT RILEY LUGAR

Mr. LUGAR. Mr. President, Char and I want to share with all of our colleagues and friends the joyous news of the birth of Robert Riley Lugar on April 16, 2007, at Sibley Memorial Hospital in Washington, DC. Robert Riley was a healthy 8 pounds at birth. His parents are our son, John Hoereth Lugar, and his wife, Kelly Smith Lugar, daughter of Renee Routon Conner and the late Robert Lee Smith. Robert Riley was born at 6:21 p.m., and within the next hour, Renee, Char, and I were in the delivery room to admire a very healthy newborn baby boy and to congratulate John and Kelly as we shared these unforgettable moments together. Robert Riley joins his big brothers Preston Charles and Griffin Mack.

Kelly and John were married on November 3, 2001, in the Washington Cathedral with Dr. Lloyd Ogilvie, former Chaplain of the Senate, presiding. They and their families and guests had enjoyed a rehearsal dinner in the Mansfield Room of the Capitol on the night before the wedding. Kelly worked with many of our colleagues during her service to the administration of President George Bush and our former colleague, Secretary of Energy Spencer Abraham, as Deputy Assistant Secretary with responsibilities for congressional relations. She now has a private consulting business. A graduate of the University of Texas, she was once a member of the staff of Congressman RALPH HALL of Texas. John Lugar came with us to Washington, along with his three brothers, 30 years ago. He graduated from Langley High School in McLean, VA, Indiana University, and received his master's of business administration degree from Arizona State University. He is currently a vice president with Jones Lang LaSalle, a commercial real estate services and investment management firm.

We know that you will understand our excitement and our gratitude that they and we have been given divine blessing and responsibility for a glorious new chapter in our lives.

100TH ANNIVERSARY OF LENEXA, KANSAS

Mr. ROBERTS. Mr. President, I wish to honor the city of Lenexa, KS. On May 8, Lenexa, which is known as the City of Festivals for the numerous festivals and events it hosts each year, will mark its 100th anniversary. This grand event will be part of a weeklong community celebration of history and culture.

Lenexa was platted in 1869 by French-born civil engineer Octave Chanute, who, in addition to designing the original Hannibal Bridge over the Missouri River in Kansas City, also served as a mentor to the Wright Brothers in their quest for flight.

Lenexa was named for Na Nex Se, a highly respected, hard-working Shawnee Indian woman, the daughter-in-law of Chief Black Hoof. Thirty-eight years later, on May 8, 1907, Lenexa was incorporated as a City of the 3rd Class.

In Lenexa's earliest days, people from various backgrounds and cultures came together to form this great city. With a population of approximately 300, the young community boasted a healthful location, graded schools, three churches, suburban train service, excellent telephone service, and an electric railway station.

Today, Lenexa has grown to a population of 46,000 residents and enjoys a healthy business base and is considered a city of choice for a variety of high-tech and bioscience companies. The city also is looked to as a leader in local government initiatives, including watershed management and public safety.

Lenexa cherishes its rich history, heritage and culture, and with this celebration marking the city's 100th anniversary, Lenexa honors its past while looking forward to the future. I congratulate Lenexa and its residents, and I wish them an outstanding second hundred years.

ADDITIONAL STATEMENTS

IN RECOGNITION OF BISHOP ARETHA E. MORTON

• Mr. BIDEN. Mr. President, I wish to honor one of the great inspirations to the young people of my hometown, Bishop Aretha E. Morton, who will be retiring this week from the Tabernacle Full Gospel Baptist Cathedral in Wilmington.

On this day, 48 years ago, she preached her trial sermon; 24 years later she was ordained, becoming the first woman to pastor a Baptist Church in Delaware. She has now served longer than any pastor in her church's almost 90-year history.

She also made history in 1993 by becoming the first woman, and the first African-American, to be a chaplain for the Wilmington Fire Department.

Around Wilmington, where everyone knows Bishop Morton, she is affectionately called ''Mother''—and for good reason. She has spent her career reaching out to my city's youth, inspiring students to achieve and offering something that those in trouble don't have enough of—hope.

For all of us in this Chamber, she is an example of what the country needs more of right now, someone with a lot of love in her heart, who teaches tolerance and respect.

I wish Bishop Morton the very best and hope that she has more time to spend with her children, Lorraine Gaskins and Dr. Donald Morton, seven grandchildren, and eight great-grandchildren.●

COMMENDING THOMAS AND JOAN BURNS

● Mr. BOND. Mr. President, for over 50 years, Thomas W. Burns, MD, and Joan F. Burns have served the University of Missouri-Columbia with great distinction. To honor this service, on April 27, 2007, the university will dedicate the Thomas W. and Joan F. Burns Center for Diabetes and Cardiovascular Research at the University of Missouri-Columbia School of Medicine.

Thomas W. Burns was one of the founding faculty members of MU's medical center, which opened in 1956 and graduated its first class of physicians in 1957. Since then, hundreds of physicians who trained under him have gone on to lead distinguished careers in medical care, education and research. MU's medical center has treated hundreds of thousands of patients from Missouri and beyond.

Dr. Burns has been a pioneer in endocrinology and contributed greatly to MU's national reputation in diabetes care, prevention, and research. Dr. Burns was a key architect in establishing MU's Cosmopolitan International Diabetes and Endocrinology Center and for many years served as the center's founding director. The Cosmopolitan International Diabetes and Endocrinology Center established by Dr. Burns was the first public-private partnership at MU. Thousands of patients have received state-of-the-art care in Mid-Missouri as a result of Thomas W. Burns' tremendous contributions to medicine.

Dr. Burns has received numerous awards from community, State and national organizations. The American College of Physicians, the largest internal medicine organization in the country, bestowed on him the title of ''Master,'' which is the ACP's highest academic honor, and presented him with the Laureate Award. Dr. Burns also received the University of Missouri Faculty-Alumni Award in 1986 and the University of Missouri Distinguished Faculty Award in 1992.

Thomas and Joan Burns are leaders in recognizing that diabetes and cardiovascular disease are linked and that together the diseases constitute one of the most pressing health problems for Missouri and the Nation. Their contribution and legacy will allow MU to make potentially lifesaving advances in diabetes and cardiovascular research.●

CONGRATULATING THE UNIVERSITY OF WISCONSIN-MADISON MEN'S INDOOR TRACK AND FIELD TEAM

● Mr. FEINGOLD. Mr. President, I congratulate the University of Wisconsin men's track and field team for winning the 43rd annual National Collegiate Athletic Association, NCAA, Indoor Track and Field Championship. As a proud alumnus, I enjoy the many opportunities to tout the success of the Badgers to my colleagues.

With their win on March 10, 2007, the Wisconsin men's track team became the first-ever Big Ten Conference school to win the NCAA Division I Indoor Track and Field Championship. Earlier in the season, the Badgers earned their seventh consecutive Big 10 championship by defeating the University of Minnesota by 27 points on February 24, 2007.

I sincerely congratulate Coach Ed Nuttycombe and Assistant Coaches Jerry Schumacher and Mark Guthrie for their dedication and hard work throughout the season. Congratulations to senior Chris Solinsky, who rewrote the record book in Wisconsin as a high school runner, on winning his fourth individual NCAA title, placing first in the 5,000-meter race.

The athletic prowess of the University of Wisconsin is a source of pride throughout my State and for alumni everywhere. I applaud the men's track and field team for its impressive accomplishment and wish it best of luck for a successful future.●

COMMENDING TALMADGE KING, JR., MD

● Mrs. FEINSTEIN. Mr. President, I offer my personal congratulations to Talmadge E. King, Jr., MD, for receiving the Edward Livingston Trudeau Medal from the American Thoracic Society. The award recognizes Dr. King for his lifelong commitment to the prevention, diagnosis, and treatment of lung disease.

Throughout his career, Dr. King has made significant contributions to pulmonary medicine in patient care, research, specialty organization, and through his generous philanthropic contributions.

Dr. King began his illustrious career after graduating from Gustavus Adolphus College in 1970 and Harvard Medical School in 1974. Following his graduation from Harvard Medical School, he began his residency at Emory University Affiliated Hospitals in Atlanta, GA. After 2 years of residency at Emory, Dr. King was offered a pulmonary fellowship at the University of Colorado Health Sciences Center, Denver. Here he also held a professorship in medicine at the University of Colorado Health Sciences Center.

Over the next decade, Dr. King spent time at two other Denver hospitals, the Veterans Administration Medical Center and the National Jewish Center for Immunology and Respiratory Medicine. In both of these capacities his talents as a doctor and as an administrator were quickly recognized and he rapidly advanced within both organizations.

By 1997, however, he was ready to bring his considerable talents to the Golden State—and we were happy to have him. Dr. King left Denver to take on two new roles in San Francisco, concurrently serving as the vice chairman of the Department of Medicine at the University of California, San Francisco and as the chief of medical services at San Francisco General Hospital. As chief of medical service at San Francisco General Hospital, he leads a department of over 140 full-time physicians and scientists and more than 500 support staff, with an annual budget of over $65 million.

Currently, Dr. King still serves as the chief of medical services at San Francisco General, and since 2005, he has also served as the interim chairman of the Department of Medicine at the University of California San Francisco.

Dr. King is also a founding board member of the Foundation of the American Thoracic Society, the philanthropic arm of the American Thoracic Society. In this role, Dr. King has been an exemplary contributor and tireless fundraiser to support domestic and international research to find better treatments for the myriad of lung diseases that afflict individuals around the globe.

Of course, no congratulations would be complete without mentioning the contributions of his wife Mozelle Davis King and his two children Consuelo and Malaika who have been there every step of the way and provided him with steadfast love and support.

Again, I congratulate Dr. King on this great achievement and wish him continued success in the years to come. It is truly a pleasure to honor and thank him for all that he has done for patients across the country.●

BATAAN DEATH MARCH SURVIVOR

● Mr. HAGEL. Mr. President, this is an article from the April 20, 2007, Omaha World Herald, ''Bataan Death March Survivor Still Beating Odds at 101'' by Joseph Morton:

When Albert Brown returned home after years in Japanese camps for prisoners of war, a doctor told him to get out and enjoy life while he still could.

The native of North Platte, Neb., was unlikely to see 50, the doctor told him, given the illnesses, extreme malnutrition and physical abuse he suffered as a POW.

Brown is 101 now—the oldest living survivor of the Bataan Death March.

He was recognized by fellow survivors at a Washington conference this week that coincided with the 65th anniversary of the march.

During the trip, Brown visited with a fellow veteran from North Platte, Sen. Chuck Hagel, R-Neb. He sat in Hagel's Capitol Hill office, spinning some of the tales he's racked up over an eventful life.

His darkest stories come from the war.

In the late 1930s, Brown—who had been in ROTC in high school and college—got the call from Uncle Sam. He was to leave his Council Bluffs dental practice and report to the Army in two weeks.

In 1941, when he was 35, Brown was shipped off to the Philippines, not long before the Japanese attacked there. Out of supplies and with no reinforcements in sight, American forces and their Filipino allies surrendered after months of fighting in 1942.

The exact numbers vary somewhat from account to account, but more than 70,000 American and Filipino soldiers were captured. Overwhelmed with the task of transporting so many prisoners, the Japanese forced them to march north. Disease, thirst, hunger and killings marked the brutal ordeal, which lasted for days.

Brown recalled being lined up and forced to march with no food and no water. He said local civilians would approach and attempt to throw food to the marchers.

''The Japanese would beat the hell out of them,'' he said. ''They'd go over there and take the butt of their rifle and just beat the hell out of those people, girls and boys, that threw stuff in there.''

Brown also witnessed the beheading of a 17-year-old Marine, who was forced to the ground ''on his hands and knees, and then they took the samurai sword out and severed his head.''

Brown himself was stabbed.

''I started faltering and got to the back of the pack, and then the Japanese (soldier) came up and stuck a bayonet in my fanny and he yelled 'Speed-o!,' and I knew what 'speed-o' meant. I never was at the back of the pack after that.''

At the prison camps in the Philippines, the violence and the shortages of food, medicine and water continued. Brown recalled how the temperature soared while the tens of thousands of men in camp relied on a single brass faucet for water. Fights would break out over places in line for that spigot, he said.

''Every drop in that canteen was your life.''

Later, Brown was one of the soldiers packed into a ''hell ship'' to camps in Japan and China. He remained a prisoner until the end of the war.

He suffered numerous health problems as a result of his captivity, even losing his eyesight for a time.

Brown's memories also wind their way back to his childhood in North Platte. His father, an engineer with Union Pacific Railroad, was killed when a locomotive exploded in 1910.

The family lived a couple of blocks from William F. ''Buffalo Bill'' Cody. Brown said his family became friends with the former Wild West hero, whom he described as a quiet man who liked to sit on their porch. As a child, Brown recalled, he would sit on Cody's lap and run a hand through his beard.

''I don't know whether he liked that or not. Anyway, I kept doing it.''

The family later moved to Council Bluffs, where Brown attended high school. He went to Creighton University's dental school.

He was quarterback of Creighton's football team and played as a forward on the basketball team. He received a medallion during the school's centennial celebration in 2005.

In the years after the war, Brown moved to Hollywood, where he met a number of movie stars, including John Wayne. He said he used to play handball with one of Wayne's sons.

Brown has retained his sense of humor and likes to throw a sly wink in with many of his jokes. He kidded that, during his trip to the East Coast, he had yet to find a girl to take back to Illinois, where he now lives with his daughter.

''I don't tell the girls I'm 102,'' he said, projecting his age to the milestone he'll hit later this year.

What's left for Brown to do? He suggested to Hagel that perhaps he could be a U.S. senator.

''We should make you a senator, and maybe we'd get some things done up here,'' Hagel replied.●

CONGRATULATING LANCE MACKEY

● Ms. MURKOWSKI. Mr. President, I wish to congratulate Lance Mackey for being the first dog musher to win the Iditarod Sled Dog Race and the Yukon Quest Sled Dog Race—the world's two longest sled dog races—in the same year. He won both races earlier this year.

For those who are not familiar with both races, this is an incredible accomplishment. To put his feat into perspective, Lance Mackey and his dogs traveled a total distance that is equal to traveling between Boston, MA and Salt Lake City, UT.

The Yukon Quest Sled Dog race is a 1,000-mile annual international sled dog race between Whitehorse, Canada, and Fairbanks, AK. The trail follows a portion of the Yukon River and trails used by gold prospectors over 100 years ago. On February 20, 2007, in Fairbanks, he completed this sled dog race in a record time of 10 days, 2 hours, and 37 minutes.

Only 12 days after winning the Yukon Quest, Lance and 13 of his 16 dogs that completed the Yukon Quest race started the Iditarod Sled Dog Race. This race starts in Willow, AK and ends in Nome, AK, and is 1,100 miles long. The Iditarod trail originally started out as a supply route to numerous remote Alaska communities, including Nome. On March 13, 2007, Lance Mackey and his team completed this race in 9 days, 5 hours and 8 minutes.

Both of these races travel through numerous small, rural Alaska villages but most of the trails pass through nothing but pure wilderness. Lance and his fellow mushers had to race through blizzards, temperatures as low as 40 degrees below zero, wind gusts up to 60 miles per hour, water overflows from partially frozen rivers and very rough terrain. Accidents due to terrain, trail conditions and other factors are not unusual. Occasionally, a moose will attack dog teams and mushers. Of course, these elements add additional challenges to these already arduous races. In fact, 21 mushers ''scratched''—or withdrew—from the Iditarod this year.

As a throat cancer survivor, Lance has to always drink water after eating since his salivary glands were removed during cancer treatment. However, Lance Mackey continued to pursue victory and almost entirely shunned food and drink for the last 219 miles of the Iditarod in order to save time. In addition to that, he suffered from frostbite as he made his way to the finish line.

The conventional wisdom is that the same musher could not win both sled dog races in the same year. This year, Lance Mackey proved everyone wrong. We are proud of Lance and his dog team for this unprecedented achievement. Once again, I congratulate Lance Mackey and his dog team and wish them continued success.●

TRIBUTE TO MAYOR SHARON BRANSTITER

● Mr. SMITH. Mr. President, the late Oregon Governor Tom McCall once said, ''Heroes are not giant statues framed against a red sky. They are individuals who say, 'This is my community, and it is my responsibility to make it better.' ''

I rise today with sadness because Oregon lost a true hero this past weekend with the passing of Sharon Branstiter, who had served as mayor of the wonderful community of Toledo since 1997. Few people have ever given more of their time, talents, and energy to make their community a better place than did Mayor Branstiter.

I consider myself very privileged to have called Sharon my friend. In my job, there are many people who will tell me what they think I want to hear. I always knew that Sharon would tell me what I needed to hear. She expressed her opinions with candor and eloquence, and she always made it very clear that the top item on her agenda was making Toledo a better and more beautiful place in which to live, work, and raise a family.

The Greek poet Sophocles wrote, ''One must wait until the evening to see how splendid the day has been.'' While the evening of Sharon's life came much to soon, I hope that her family and friends will take solace in the fact that Sharon could look back on a life filled with love and laughter, a life filled with accomplishment, and a life filled with making a positive difference and say that ''the day has indeed been splendid.''

I will never visit Toledo without thinking of Sharon, and I am confident that her work will live on through the good work of all those who call Toledo home.●

MESSAGE FROM THE HOUSE

At 2:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 625. An act to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the ''Atanacio Haro-Marin Post Office''.

H.R. 1402. An act to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the ''Sergeant Dennis J. Flanagan Lecanto Post Office Building''.

H.R. 1434. An act to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the ''Rachel Carson Post Office Building''.

The message also announced that the House has passed the following bill, without amendment:

S. 521. An act to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the ''Gerald W. Heaney Federal Building and United States Courthouse and Customhouse''.

The message further announced that the House has agreed to the following resolution:

H. Res. 328. Resolution relative to the death of the Honorable Juanita Millender-McDonald, a Representative from the State of California.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 137. An act to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

H.R. 727. An act to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

H.R. 753. To redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the ''Clifford Davis and Odell Horton Federal Building''.

H.R. 1003. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 1130. An act to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 625. An act to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the ''Atanacio Haro-Marin Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1402. An act to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the ''Sergeant Dennis J. Flanagan Lecanto Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1434. An act to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the ''Rachel Carson Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1601. A communication from the Under Secretary (Research Education Economics), Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Small Business Innovation Research Grants Program'' (RIN0524–AA31) received on April 20, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1602. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that is identified as being case number 05–07; to the Committee on Appropriations.

EC–1603. A communication from the Deputy Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Section 230.146 Rules Under Section 18 of the Act (17 CFR 230.146)'' (RIN3235–AJ73) received on April 20, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1604. A communication from the Director of the Office of Legislative Affairs, Federal Deposit Insurance Corporation, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks'' (RIN3064–AD17) received on April 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1605. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Emissions of Greenhouse Gases in the United States 2005 Executive Summary''; to the Committee on Energy and Natural Resources.

EC–1606. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, the report of a draft bill intended to repeal certain oil and gas incentives contained in the Energy Policy Act of 2005; to the Committee on Energy and Natural Resources.

EC–1607. A communication from the Acting Inspector General, Department of Defense, transmitting, pursuant to law, a report entitled ''Interagency Review of U.S. Export Controls for China''; to the Committee on Foreign Relations.

EC–1608. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to the management and adequacy of biometrics programs; to the Committee on Homeland Security and Governmental Affairs.

EC–1609. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to the activities carried out by the Family Court during 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1610. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the use of student loan repayments by Federal agencies during fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1611. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of five recommendations for legislative action; to the Committee on Rules and Administration.

EC–1612. A communication from the Chairman, Dwight D. Eisenhower Memorial Commission, transmitting, pursuant to law, the Commission's sixth report; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 1082. A bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Mr. SMITH, and Mr. OBAMA):

S. 1190. A bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself, Mr. DORGAN, Mr. WHITEHOUSE, and Mr. SCHUMER):

S. 1191. A bill to authorize the Secretary of Commerce to award grants to States to establish revolving loan funds to provide loans to small manufacturers to develop new products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. CORNYN, Mrs. HUTCHISON, and Mr. KYL):

S. 1192. A bill to increase the number of Federal judgeships in certain judicial districts with heavy caseloads of criminal immigration cases; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1193. A bill to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico; to the Committee on Indian Affairs.

By Mr. DODD (for himself and Mr. SALAZAR):

S. 1194. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself and Mr. WEBB):

S. 1195. A bill to establish the Comprehensive Entitlement Reform Commission; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mrs. BOXER):

S. 1196. A bill to improve mental health care for wounded members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. KERRY (for himself and Mr. SMITH):

S. 1197. A bill to amend the Internal Revenue Code of 1986 to improve the deduction for depreciation; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 1198. A bill to determine successful methods to provide protection from catastrophic health expenses for individuals who have exceeded health insurance lifetime limits, to provide catastrophic health insurance coverage for uninsured individuals, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. SMITH, Mr. PRYOR, and Mr. KERRY):

S. 1199. A bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mrs. BOXER, Mr. REID, Ms. CANTWELL, Mr.

JOHNSON, Mr. TESTER, Mr. INOUYE, Mr. DOMENICI, Mr. BINGAMAN, Mr. BAUCUS, Ms. KLOBUCHAR, Mr. THOMAS, Mr. OBAMA, and Ms. MURKOWSKI):

S. 1200. A bill to amend the Indian Health Care Improvement Act to revise and extend the Act; to the Committee on Indian Affairs.

By Mr. SANDERS (for himself, Mr. LIEBERMAN, Mr. LEAHY, and Mr. FEINGOLD):

S. 1201. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SESSIONS:

S. 1202. A bill to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1203. A bill to enhance the management of electricity programs at the Department of Energy; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 167. A resolution congratulating the University of Wisconsin men's indoor track and field team on becoming the 2006–2007 National Collegiate Athletic Association Division I Indoor Track and Field Champions; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 168. A resolution congratulating the University of Wisconsin women's hockey team for winning the 2007 National Collegiate Athletic Association Division I Women's Ice Hockey Championship; considered and agreed to.

By Mrs. HUTCHISON (for herself and Ms. MIKULSKI):

S. Res. 169. A resolution recognizing Susan G. Komen for the Cure on its leadership in the breast cancer movement on the occasion of its 25th anniversary; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. KERRY, Mrs. BOXER, Mr. INOUYE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. DURBIN, and Mr. DODD):

S. Res. 170. A resolution supporting the goals and ideals of a National Child Care Worthy Wage Day; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 95

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 95, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 294

At the request of Mr. LAUTENBERG, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 329

At the request of Mr. CRAPO, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 383

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 383, a bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release.

S. 459

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 459, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 479

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 573

At the request of Ms. STABENOW, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 614

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 614, a bill to amend the Internal Revenue Code to double the child tax credit for the first year, to expand the credit dependent care services, to provide relief from the alternative minimum tax, and for other purposes.

S. 621

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 621, a bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 725

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 725, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 731

At the request of Mr. SALAZAR, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Colorado (Mr. ALLARD) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 731, a bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes.

S. 755

At the request of Mr. SCHUMER, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 761

At the request of Mr. REID, the names of the Senator from Missouri (Mr. BOND), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Mrs. MURRAY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 766

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 773

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 790

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 790, a bill to amend the Richard B. Russell National School Lunch

Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 829

At the request of Ms. MIKULSKI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 840

At the request of Mr. COLEMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 840, a bill to amend the Torture Victims Relief Act of 1998 to authorize assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from Montana (Mr. TESTER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Colorado (Mr. ALLARD) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 973

At the request of Mr. DORGAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 973, a bill to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes.

S. 999

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1084

At the request of Mr. OBAMA, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1084, a bill to provide housing assistance for very low-income veterans.

S. 1087

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1087, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 1115

At the request of Mr. BINGAMAN, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1115, a bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes.

S. 1132

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1132, a bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food.

S. 1145

At the request of Mr. LEAHY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1145, a bill to amend title 35, United States Code, to provide for patent reform.

S. 1161

At the request of Mr. CRAIG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1172

At the request of Mr. DURBIN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1172, a bill to reduce hunger in the United States.

S. 1175

At the request of Mr. DURBIN, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1178

At the request of Mr. INOUYE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1178, a bill to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft.

S. 1183

At the request of Mr. HARKIN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1185

At the request of Mr. BINGAMAN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1185, a bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes.

S. CON. RES. 26

At the request of Mrs. CLINTON, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 26, a concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States.

S. CON. RES. 27

At the request of Mrs. CLINTON, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 27, a concurrent resolution supporting the goals and ideals of ''National Purple Heart Recognition Day''.

S. RES. 30

At the request of Mr. BIDEN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Maine (Ms. COLLINS), the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Montana (Mr. TESTER), the Senator from California (Mrs. FEINSTEIN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 30, a resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

S. RES. 125

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 125, a resolution designating May 18, 2007, as ''Endangered Species Day'', and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. RES. 162

At the request of Mr. LEAHY, the names of the Senator from Kansas (Mr.

BROWNBACK), the Senator from Wisconsin (Mr. KOHL) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 162, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. SMITH, and Mr. OBAMA):

S. 1190. A bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1190

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Connect The Nation Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The deployment and adoption of broadband services and information technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband and other advanced information services is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) The Federal Government should also recognize and encourage complementary state efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 3. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and home broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require; and

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant.

(d) PEER REVIEW.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed;

(B) provide the results of any review by such group to the Secretary of Commerce; and

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and propriety information provided by broadband service providers in connection with projects funded by any such grant.

(e) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(5) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved and underserved areas, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(6) to establish programs to improve computer ownership and Internet access for unserved and underserved populations;

(7) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(8) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(9) to create within each State a geographic inventory map of broadband service, which shall—

(A) identify gaps in such service through a method of geographic information system mapping of service availability at the census block level; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(f) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) REPORT.—Each recipient of a grant under subsection (b) shall submit an report on the use of the funds provided by the grant to the Secretary of Commerce.

(h) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a non-profit organization that is selected by a State to work in partnership with State agencies and private sector partners in identifying and tracking the availability and adoption of broadband services within each State.

(2) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(C) that has an established competency and proven record of working with public and private sectors to accomplish widescale deployment and adoption of broadband services and information technology; and

(D) the board of directors of which is not composed of a majority of individuals who are also employed by, or otherwise associated with, any Federal, State, or local government or any Federal, State, or local agency.

(3) BROADBAND SERVICE.—The term ''broadband service'' means any service that connects to the public Internet that provides a data transmission-rate equivalent to at least 200 kilobits per second, or 200,000 bits per second, or any successor transmission-rate established by the Federal Communications Commission, in at least 1 direction.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2008 through 2012.

(j) NO REGULATORY AUTHORITY.—Nothing in this Act shall be construed as giving any public or private entity established or affected by this Act any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

By Mr. DOMENICI (for himself, Mr. CORNYN, Mrs. HUTCHISON, and Mr. KYL):

S. 1192. A bill to increase the number of Federal judgeships in certain judicial districts with heavy caseloads of

criminal immigration cases; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation that authorizes the Federal judgeships recommended by the 2007 Judicial Conference for our U.S. District Courts that are overloaded with immigration cases.

For a year, I have been telling the Senate about the crisis on our Southwest border involving judges who are overwhelmed by the sheer number of immigration cases that are filed in their courts.

New caseload numbers have recently become available, and it is clear that this problem is not going away—Congress must act to fix it. Federal Court Management Statistics available at www.uscourts.gov reveal that for the 12-month period ending September 30, 2006, four District Courts each had more than one thousand criminal immigration filings. Not surprisingly, all of these Districts share a border with Mexico.

In fiscal year 2006, the Southern District of Texas had 3,679 immigration cases, the Western District of Texas had 2,324 immigration cases, the District of New Mexico had 1,940 immigration cases, and the District of Arizona had 1,924 immigration filings. In each of these Districts, immigration filings make up more than forty-nine percent of all of the District's criminal filings. No other District Court recommended for new judgeships had more than 314 immigration filings. In fact, the four Districts mentioned above account for more than 60 percent of all immigration filings in fiscal year 2006.

The legislation I am introducing today authorizes the ten new Federal judgeships recommended by the Judicial Conference for these four U.S. Districts, where immigration filings total more than forty-nine percent of all Federal criminal filings.

Based on these caseloads, we should already have given these Districts new judgeships. But to increase border security and immigration enforcement efforts, as we have over the past few years, without equipping these courts to handle the even larger immigration caseloads that they will face as a result of immigration enforcement efforts would amount to willful negligence on the part of Congress.

It is imperative to equip our Federal agencies with the assets they need to secure our borders and enforce our immigration laws, including the Federal District courts that try repeat immigration law violators who are charged with Federal felonies.

The New Mexico District Chief Judge, Martha Vazquez, wrote me a letter in May of 2006 about the situation her District faces. Judge Vazquez wrote:

> As it is, the burden on Article III Judges in this District is considerable. This District ranks first among all districts in criminal filings per judgeship: 405 criminal filings compared to the national average of 87. As in all federal districts along the southwest border, the majority of cases filed in this District relate to immigration offenses under United States Code, Title 8 and drug offenses arising under Title 21. Immigration and drug cases account for eighty-five percent of the caseload in the District of New Mexico. . . . In fiscal year 1997, there were 240 immigration felony filings in the District of New Mexico. By fiscal year 2005, the number of immigration felony filings increased to 1,826, which is an increase of 661 percent.

The Albuquerque Tribune has also documented the burden on our Southwest border District Courts. An April 17, 2006 article entitled ''Judges See Ripple Effect of Policy on Immigration,'' stated:

> U.S. District Chief Judge Martha Vazquez of Santa Fe oversees a court that faces a rising caseload from illegal border crossings and related crime. And help from Washington is by no means certain. . . . From Sept. 30, 1999 to Sept. 30, 2004 (the end of the fiscal year), the caseload in the New Mexico federal district court increased 57.5 percent, from 2,804 to 4,416. In the 2004 fiscal year alone, 2,126 felony cases were heard, almost half of all cases in the entire 10th Circuit, which includes Colorado, Kansas, Oklahoma, Utah and Wyoming. Most typical immigration cases go before an immigration judge, and the subjects are deported. But people deported once and caught crossing illegally again can be charged with a felony. And that brings the defendant into federal district court. Those are the cases driving up New Mexico's caseload . . . Some days as many as 90 defendants crowd the courtroom in Las Cruces . . . The same problems are afflicting federal border courts in Arizona, California, and Texas.

Similar problems were documented in the May 23, 2006 Reuters article ''Bush Border Patrol Plan to Pressure Courts'' which said:

> President George W. Bush's plan to send thousands of National Guard troops to the U.S.-Mexico border could spark a surge in immigration cases and U.S. courts are ill prepared to handle them . . . Even without the stepped-up security at the border, federal courts in southern California, Arizona, New Mexico and Texas have been overburdened. Carelli [a spokesman for U.S. federal courts] said those five judicial districts, out of 94 nationwide, account for 34 percent of all criminal cases moving through U.S. courts. . . Most immigrants caught crossing illegally are ordered out of the country without prosecution. But that still leaves a growing pile of cases involving illegals who are being prosecuted after being caught multiple times or those accused of other crimes. . . Nationwide, each U.S. judge handles an average of 87 cases a year. But along the southern border, even before Bush's plan moves forward, the average is around 300 per judge, Carelli said.

I have also heard first-hand about this problem from Federal judges in New Mexico, including one who travels almost 200 miles to hear cases in Southern New Mexico. Many of the situations he sees involve mass arraignments because there are so many defendants in the system. He is not alone in this arrangement; other Federal judges drive almost 300 miles to hear cases in the Southern part of my home State. This is a dire situation that must be addressed.

The United States Congress must address the overwhelming immigration caseload our southwestern border U.S. District Courts face. The bill I am introducing today does that by authorizing the eight permanent and two temporary judgeships recommended by the 2007 Judicial Conference for the four U.S. Districts in which the immigration caseloads total more than forty-nine percent of those Districts' total criminal caseload. I am proud to have Congressman CUELLAR join me in this effort by introducing companion legislation in the House of Representatives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1192

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Criminal Immigration Courts Act of 2007''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Based on the recommendations made by the 2007 Judicial Conference and the statistical data provided by the 2006 Federal Court Management Statistics (issued by the Administrative Office of the United States Courts), the Congress finds the following:

(1) Federal courts along the southwest border of the United States have a greater percentage of their criminal caseload affected by immigration cases than other Federal courts.

(2) The percentage of criminal immigration cases in most southwest border district courts totals more than 49 percent of the total criminal caseloads of those districts.

(3) The current number of judges authorized for those courts is inadequate to handle the current caseload.

(4) Such an increase in the caseload of criminal immigration filings requires a corresponding increase in the number of Federal judgeships.

(5) The 2007 Judicial Conference recommended the addition of judgeships to meet this growing burden.

(6) The Congress should authorize the additional district court judges necessary to carry out the 2007 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 49 percent of all criminal filings for the 12-month period ending September 30, 2006.

(b) PURPOSE.—The purpose of this Act is to increase the number of Federal judgeships, in accordance with the recommendations of the 2007 Judicial Conference, in district courts that have an extraordinarily high criminal immigration caseload.

SEC. 3. ADDITIONAL DISTRICT COURT JUDGESHIPS.

(a) PERMANENT JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 4 additional district judges for the district of Arizona;

(B) 1 additional district judge for the district of New Mexico;

(C) 2 additional district judges for the southern district of Texas; and

(D) 1 additional district judge for the western district of Texas.

(2) CONFORMING AMENDMENTS.—In order that the table contained in section 133(a) of

title 28, United States Code, reflect the number of additional judges authorized under paragraph (1), such table is amended—

(A) by striking the item relating to Arizona and inserting the following:

Arizona 16;

(B) by striking the item relating to New Mexico and inserting the following:

New Mexico 7;

(C) by striking the item relating to Texas and inserting the following:

Texas:
Northern 12
Southern 21
Eastern 7
Western ..... 14.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona; and

(B) 1 additional district judge for the district of New Mexico.

(2) VACANCY.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1193. A bill to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I rise today to introduce the Albuquerque Indian School Act. I want to thank Senator BINGAMAN, my colleague from New Mexico, for joining me as a cosponsor of the bill again this Congress.

The Albuquerque Indian School Act seeks to take two parcels of Federal land into trust for the 19 Pueblos—Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni. I believe this property, if transferred, would receive greater utilization and would benefit the 19 New Mexico Pueblos.

In 1981, the New Mexico Pueblos petitioned the United States for the transfer of approximately 44 acres from the Albuquerque Indian School site for the purpose of economic development. In 1984, the Assistant Secretary of the Interior conveyed 44 acres to the Pueblos. This land is currently under development by the 19 New Mexico pueblos. In 2003, the 19 Pueblos requested conveyance of the ''B'' and ''D'' tracts, which total approximately 18 acres, located near Interstate 40. This land contains various metal buildings which have deteriorated to the point that they have little to no usable value at this time.

The return of these two properties to the 19 Pueblos is supported by the southwestern regional office of the Bureau of Indian Affairs. With the addition of these two tracts, the 19 pueblos will be able to continue their successful economic development of the Albuquerque Indian School property. I believe the transfer will benefit the 19 New Mexico Pueblos, and their individual tribal members.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1193

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Albuquerque Indian School Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) 19 PUEBLOS.—The term ''19 Pueblos'' means the New Mexico Indian Pueblos of—

(A) Acoma;
(B) Cochiti;
(C) Isleta;
(D) Jemez;
(E) Laguna;
(F) Nambe;
(G) Ohkay Owingeh (San Juan);
(H) Picuris;
(I) Pojoaque;
(J) San Felipe;
(K) San Ildefonso;
(L) Sandia;
(M) Santa Ana;
(N) Santa Clara;
(O) Santo Domingo;
(P) Taos;
(Q) Tesuque;
(R) Zia; and
(S) Zuni.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or a designee).

(3) SURVEY.—The term ''survey'' means the survey plat entitled ''Department of the Interior, Bureau of Indian Affairs, Southern Pueblos Agency, BIA Property Survey'' (prepared by John Paisano, Jr., Registered Land Surveyor Certificate No. 5708), and dated March 7, 1977.

SEC. 3. LAND TAKEN INTO TRUST FOR BENEFIT OF 19 PUEBLOS.

(a) ACTION BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall take into trust all right, title, and interest of the United States in and to the land described in subsection (b) (including any improvements and appurtenances to the land) for the benefit of the 19 Pueblos.

(2) ADMINISTRATION.—The Secretary shall—

(A) take such action as the Secretary determines to be necessary to document the transfer under paragraph (1); and

(B) appropriately assign each applicable private and municipal utility and service right or agreement.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a)(1) is the 2 tracts of Federal land, the combined acreage of which is approximately 18.3 acres, that were historically part of the Albuquerque Indian School, more particularly described as follows:

(1) TRACT B.—The approximately 5.9211 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey.

(2) TRACT D.—The approximately 12.3835 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey.

(c) SURVEY.—The Secretary may make minor corrections to the survey and legal description of the Federal land described in subsection (b) as the Secretary determines to be necessary to correct clerical, typographical, and surveying errors.

(d) USE OF LAND.—The land taken into trust under subsection (a) shall be used for the educational, health, cultural, business, and economic development of the 19 Pueblos.

(e) LIMITATIONS AND CONDITIONS.—The land taken into trust under subsection (a) shall remain subject to any private or municipal encumbrance, right-of-way, restriction, easement of record, or utility service agreement in effect on the date of enactment of this Act.

SEC. 4. EFFECT OF OTHER LAWS.

(a) IN GENERAL.—Except as otherwise provided in this section, land taken into trust under section 3(a) shall be subject to Federal laws relating to Indian land.

(b) GAMING.—No gaming activity (within the meaning of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)) shall be carried out on land taken into trust under section 3(a).

By Mr. DODD (for himself and Mr. SALAZAR):

S. 1194. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I am pleased to introduce with Senator SALAZAR a very important piece of legislation, ''The No Child Left Behind Reform Act.'' This legislation makes three basic changes to the No Child Left Behind Act which was signed into law in January of 2002.

Five years ago I supported the No Child Left Behind Act because I care about improving the quality of education in America for all of our children. I believed that this law would help to achieve that goal by establishing rigorous measures of student achievement, by helping teachers do a better job of instructing students, and by providing the resources desperately needed by our schools for even the most basic necessities to help put the reforms we passed into place.

Regrettably, the high hopes that I and many others had for this law have not been realized. Throughout the years, this law has been implemented by the administration in a manner that is inflexible, unreasonable and unhelpful. As a result, it has failed the teachers, the schools, and, most importantly, the students it was meant to help.

Worse still, this administration's promise of sufficient resources to implement the law is a promise that has yet to be kept. This year's budget proposal underfunds No Child Left Behind by almost $15 billion. Since passage five years ago, the administration has underfunded the law by more than $70 billion below the level promised when the President signed the Act into law.

As a result of the failures of the current administration to fulfill its commitment to our Nation's school children under this law, children and their teachers are shouldering noteworthy hardships. Additional requirements without additional funding, and little,

if any, technical assistance from the Department, have left students, teachers, administrators and parents struggling to implement mandates that are often confusing, inflexible, unrealistic and costly. With the degree of underfunding that we have seen at the Federal level, many taxpayers are simultaneously paying for their mortgage, basic health care, the rising cost of their children's tuition and the Federal share of the No Child Left Behind Act.

As I have said on numerous occasions in the past, resources without reforms are a waste of money. By the same token, reforms without resources are a false promise a false promise that has left students and their teachers grappling with new burdens and little help to bear them.

The legislation I am introducing today proposes to make three changes to the No Child Left Behind Act. These changes will ease current burdens on our students, our teachers and our administrators without dismantling the fundamental underpinnings of the law.

First, the No Child Left Behind Reform Act will allow schools to be given credit for performing well on measures other than test scores when calculating student achievement. Test scores are an important measure of student knowledge. However, they are not the only measure. There are others. These include dropout rates, the number of students who participate in advanced placement courses, and individual student improvement over time. Unfortunately, current law does not allow schools to use these additional ways to gauge school success in a constructive manner. Additional measures can only be used to further indicate how a school is failing, not how a school is succeeding. This legislation will allow schools to earn credit for succeeding.

Second, the No Child Left Behind Reform Act will allow schools to target school choice and supplemental services to the students that actually demonstrate a need for them. As the current law is being implemented by the Administration, if a school is in need of improvement, it is expected to offer school choice and supplemental services to all students—even if not all students have demonstrated a need for them. That strikes me as a wasteful and imprecise way to help a school improve student performance. For that reason, this legislation will allow schools to target resources to the students that actually demonstrate that they need them. Clearly, this is the most efficient way to maximize their effect.

Finally, the No Child Left Behind Reform Act introduces a greater degree of reasonableness to the teacher certification process. As it is being implemented, the law requires teachers to be ''highly qualified'' to teach every subject that they teach. Certainly none of us disagree with this policy as a matter of principle. But as a matter of practice, it is causing confusion and hardship for teachers, particularly secondary teachers and teachers in small school districts. For example, as the law is being implemented by the Administration, a high school science teacher could be required to hold degrees in biology, physics and chemistry to be considered highly qualified. In small schools where there may be only one 7th or 8th grade teacher teaching all subjects, these teachers could similarly be required to hold degrees in every subject area. Such requirements are unreasonable at a time when excellent teachers are increasingly hard to find. The legislation I introduce today will allow States to create a single assessment to cover multiple subjects for middle grade level teachers and allow states to issue a broad certification for science and social studies.

In my view, the changes I propose will provide significant assistance to schools struggling to comply with the No Child Left Behind law all across America. As time marches on and more deadlines set by this law come and go including additional testing, a highly qualified teacher in every classroom and 100 percent proficiency for all students—we have a responsibility to reauthorize the No Child Left Behind Act in a manner that will require it to be implemented in a fair and reasonable manner. I would caution that in doing so, however, we must also preserve the basic tenets of the law—providing a high quality education for all American students and closing the achievement gap across demographic and socioeconomic lines. Again, no child should left behind—no special education student, no English language learning student, no minority student and no low-income student. I stand by this commitment.

Obviously, funding this law is beyond the scope of this bill. I would note, however, that I will continue my efforts to direct increased funds to the law. Clearly, our children deserve the resources needed to make their dreams for a better education a reality. I urge my colleagues to join me in supporting this important reform legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1194

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Child Left Behind Reform Act''.

SEC. 2. ADEQUATE YEARLY PROGRESS.

(a) DEFINITION OF ADEQUATE YEARLY PROGRESS.—Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended—

(1) in subparagraph (C)(vii)—

(A) by striking ''such as'';

(B) by inserting ''such as measures of individual or cohort growth over time based on the academic assessments implemented in accordance with paragraph (3),'' after ''described in clause (v),''; and

(C) by striking ''attendance rates,''; and

(2) in subparagraph (D)—

(A) by striking clause (ii);

(B) by striking ''the State'' and all that follows through ''ensure'' and inserting ''the State shall ensure''; and

(C) by striking ''; and'' and inserting a period.

(b) ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.—Section 1116(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(a)(1)(B)) is amended by striking '', except that'' and all that follows through ''action or restructuring''.

SEC. 3. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF AYP.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

''SEC. 1120C. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF AYP.

''(a) GRANT AUTHORITY.—The Secretary may award grants, on a competitive basis, to State educational agencies to enable the State educational agencies—

''(1) to develop or increase the capacity of data systems for accountability purposes; and

''(2) to award subgrants to increase the capacity of local educational agencies to upgrade, create, or manage information databases for the purpose of measuring adequate yearly progress.

''(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to State educational agencies that have created, or are in the process of creating, a growth model or proficiency index as part of their adequate yearly progress determination.

''(c) STATE USE OF FUNDS.—Each State that receives a grant under this section shall use—

''(1) not more than 20 percent of the grant funds for the purpose of increasing the capacity of, or creating, State databases to collect information related to adequate yearly progress; and

''(2) not less than 80 percent of the grant funds to award subgrants to local educational agencies within the State to enable the local educational agencies to carry out the authorized activities described in subsection (d).

''(d) AUTHORIZED ACTIVITIES.—Each local educational agency that receives a subgrant under this section shall use the subgrant funds to increase the capacity of the local educational agency to upgrade databases or create unique student identifiers for the purpose of measuring adequate yearly progress, by—

''(1) purchasing database software or hardware;

''(2) hiring additional staff for the purpose of managing such data;

''(3) providing professional development or additional training for such staff; and

''(4) providing professional development or training for principals and teachers on how to effectively use such data to implement instructional strategies to improve student achievement.

''(e) STATE APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) LEA APPLICATION.—Each local educational agency desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may

require. Each such application shall include, at a minimum, a demonstration of the local educational agency's ability to put such a database in place.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $80,000,000 for each of fiscal years 2008, 2009, and 2010.''

SEC. 4. TARGETING TRANSFER OPTIONS AND SUPPLEMENTAL SERVICES.

(a) TARGETING TRANSFER OPTIONS AND SUPPLEMENTAL SERVICES.—Section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) is amended—

(1) in paragraphs (1)(E)(i), (5)(A), (7)(C)(i), and (8)(A)(i) of subsection (b), by striking the term ''all students enrolled in the school'' each place such term appears and inserting ''all students enrolled in the school, who are members of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2),'';

(2) in subsection (b)(1), by adding at the end the following:

''(G) MAINTENANCE OF LEAST RESTRICTIVE ENVIRONMENT.—A student who is eligible to receive services under the Individuals with Disabilities Education Act and who uses the option to transfer under subparagraph (E), paragraph (5)(A), (7)(C)(i), or (8)(A)(i), or subsection (c)(10)(C)(vii), shall be placed and served in the least restrictive environment appropriate, in accordance with the Individuals with Disabilities Education Act.'';

(3) in clause (vii) of subsection (c)(10)(C), by inserting '', who are members of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2),'' after ''Authorizing students''; and

(4) in subparagraph (A) of subsection (e)(12), by inserting '', who is a member of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2)'' after ''under section 1113(c)(1)''.

(b) STUDENT ALREADY TRANSFERRED.—A student who transfers to another public school pursuant to section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) before the effective date of this section and the amendments made by this section, may continue enrollment in such public school after the effective date of this section and the amendments made by this section.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall be effective for each fiscal year for which the amount appropriated to carry out title I of the Elementary and Secondary Education Act of 1965 for the fiscal year, is less than the amount authorized to be appropriated to carry out such title for the fiscal year.

SEC. 5. DEFINITION OF HIGHLY QUALIFIED TEACHERS.

Section 9101(23)(B)(ii) of the Elementary and Secondary Act of 1965 (20 U.S.C. 7801(23)(B)(ii)) is amended—

(1) in subclause (I), by striking ''or'' after the semicolon;

(2) in subclause (II), by striking ''and'' after the semicolon; and

(3) by adding at the end the following:

''(III) in the case of a middle school teacher, passing a State approved middle school generalist exam when the teacher receives the teacher's license to teach middle school in the State;

''(IV) obtaining a State social studies certificate that qualifies the teacher to teach history, geography, economics, and civics in middle or secondary schools, respectively, in the State; or

''(V) obtaining a State science certificate that qualifies the teacher to teach earth science, biology, chemistry, and physics in middle or secondary schools, respectively, in the State; and''.

By Mr. KERRY (for himself and Mr. SMITH):

S. 1197. A bill to amend the Internal Revenue Code of 1986 to improve the deduction for depreciation; to the Committee on Finance.

Mr. KERRY. Mr. President, today Senator SMITH and I are introducing the ''Tax Depreciation, Modernization, and Simplification Act of 2007.'' This legislation will update our depreciation system so that it can keep pace with new technology.

Last July the Senate Finance Subcommittee on Long-Term Growth and Debt Reduction, on which Senator SMITH was Chairman and I served as Ranking Member, held a hearing on updating our depreciation system. During the hearing, we heard that the current depreciation system is out of date and that changes should be made.

Our tax system allows, as a current expense, a depreciation deduction that represents a reasonable allowance for the exhaustion, wear and tear of property used, or of property held for the production of income. Since 1981, the depreciation deduction for most tangible property has been under rules specified in section 168 of the Internal Revenue Code. The Modified Accelerated Cost Recovery System, or MACRS, specified under section 168 applies to most new investment in tangible property. MACRS depreciation allowances are computed by determining a recovery period called a ''class life'' and an applicable recovery method for each asset.

The current depreciation system has not kept pace with technological advances. Several industries were not even contemplated when class lives were assigned in 1981, and some class lives even date back to 1962.

In the 1980's it would have been difficult to imagine what our reliance on computer and wireless technology would be today. At that time, the wireless industry was in its infancy, and there was no specifically assigned life for wireless equipment. As a result, today's depreciation system is like playing ''audit roulette.'' There is no certainty in how these assets should be depreciated.

All this matters because it impacts investment, innovation, competitiveness, and ultimately the quality and quantity of jobs in America. My home state of Massachusetts is a leader in the high tech industry. Massachusetts employs hundreds of thousands of skilled workers in key technology sectors, including computer hardware, life sciences, software, medical products, semiconductor, defense technology and telecommunications. We have learned in Massachusetts that a strategic tax policy can have a positive effect on economic competitiveness.

For these reasons, we are reintroducing the ''Tax Depreciation, Modernization, and Simplification Act of 2007.'' This legislation makes four important changes to the current depreciation system.

First, the legislation creates a process that provides the Department of Treasury with the authority to modernize class lives. The Secretary of the Treasury will prescribe regulations to provide a new class life for certain eligible property. Eligible property does not include residential rental property, nonresidential real property, or property for which Congress has specifically legislated the recovery period.

The purpose of this provision is to provide Treasury with a mechanism to modify class lives that reasonably reflect the anticipated useful life and the anticipated decline in value over time of the property to the industry, and take into account when the property becomes technologically or functionally obsolete to perform its original purpose. Treasury will also have the authority to modify class lives in order to more accurately reflect economic depreciation. For example, a personal computer has a depreciable life of five years, but it has an economic life of only 2 to 3 years. Even though a computer can be used for five years, it becomes economically obsolete after a couple of years because of the newer, faster, and more advanced computers on the market.

Our depreciation system has not been adequately updated since Congress revoked Treasury's rule making authority in 1988. When the MACRS system was enacted in 1986, Congress directed Treasury to establish an office to monitor and analyze the actual experience with class lives and to modify class lives if the new class life reasonably reflected the anticipated useful life and the anticipated decline in value over time of the property to the industry. The authority was then revoked because Congress did not agree with all of the decisions made by Treasury.

The authority provided in this legislation addresses this previous problem by requiring Treasury to consult with Congress 60 days prior to publishing any proposed regulations. In addition, the Congressional Review Act would apply to any regulation proposed by Treasury and each class life prescribed by Treasury would be considered a separate rule.

Providing Treasury with the authority to modify class lives would allow the process to move more efficiently than allowing Congress to make piecemeal changes to the current depreciation system. Congress would provide guidelines, and Treasury would have the role of administering those guidelines. Under the legislation, Treasury would monitor and analyze the actual experience of depreciable assets and report their findings to Congress. We expect Treasury to establish guidelines that will take into consideration the fact that some assets lose a significant percentage of their original value in

the early part of their lives. This legislation specifically provides consultation with Congress in order for Congress to continue to have a role in this important tax policy issue.

We do not expect Treasury within the first year or two to review all classes of assets. Rather, we expect Treasury to begin with new assets that do no fit into the system, assets that have undergone technological advances, and existing assets that do not really fit into the current system. For example, the current system creates an irrational result for fiber optic lines. The class life of a fiber optic line depends upon whether it is used for one-way or two-way communications.

Second, the legislation would eliminate the mid-quarter convention. The placed-in-service conventions determine the point in time during the year that the property is considered ''placed in service'' and this determines when depreciation for an asset begins or ends. Under current law, there are the half-year, mid-month, and mid-quarter conventions. The mid-quarter convention is a source of complexity because it requires an analysis of the depreciable basis of property placed in service during the last three months of any taxable year. The Joint Committee on Taxation recommended the elimination of the mid-quarter convention in its 2001 recommendations on simplifying the Federal tax system. The calculation of the mid-quarter convention is burdensome, and it requires taxpayers to wait until after the end of the taxable year to determine whether the proper placed-in-service convention was used to calculate depreciation for assets during the taxable year.

Third, the legislation would allow taxpayers to elect to use mass asset accounting for assets with a cost of less than $10,000. Generally, taxpayers calculate depreciation on an item-by-item basis. The bill would allow taxpayers to elect to use mass asset accounting for all assets with the same recovery period. This provision will help simplify the recordkeeping associated with depreciation.

Fourth, the legislation would permanently extend increased expensing for small businesses. In lieu of depreciation, a taxpayer with a small amount of annual investment may elect to deduct such costs. The Jobs and Growth Tax Relief Reconciliation Act of 2003 increased the amount a taxpayer may deduct from $25,000 to $100,000 and increased the total amount of investment a business can make in a year and still qualify for expensing from $200,000 to $400,000. In addition, the Act allows off-the-shelf computer software to be eligible for the provision.

The Tax Depreciation, Modernization, and Simplification Act of 2007 would make the $100,000 and $400,000 amounts permanent and index them for inflation. Off-the-shelf computer software would be eligible for the provision. Increased expensing for small businesses helps lower the cost of capital for mall businesses and eliminates complicated recordkeeping. In addition, it should reduce administrative costs for small businesses.

The four components of this legislation will result in updating and simplifying the current depreciation system. The Tax Depreciation, Modernization, and Simplification Act of 2007 will provide certainty for taxpayers and put an end to ''audit roulette.''

By Mr. WYDEN (for himself, Mr. SMITH, Mr. PRYOR, and Mr. KERRY):

S. 1199. A bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology; to the Committee on Health, Education, Labor, and Pensions.

Mr. SMITH. Mr. President, I rise today with Senator WYDEN to introduce the Nanotechnology in the Schools Act.

Nanotechnology will revolutionize manufacturing, energy, healthcare, national defense and many other sectors by improving the way things are designed and made. The potential benefits of nanotechnology are tremendous, especially for the nation that leads the world in nanotechnology research and development. Studies project that by 2014 nanotechnology will be incorporated into more than $2 trillion worth of manufactured goods. China, Japan, the European Union, India and other nations are fighting for global leadership, and the competition is getting stiffer all the time.

For the United States to maintain and expand its leadership in the field of nanotechnology, we must train and educate more scientists and engineers who are capable of conducting research and development in this emerging technology. To reach this objective, students need to be taught the necessary skills beginning at the high school and college levels.

According to the National Science Foundation, foreign students on temporary visas earned approximately one-third of all science and engineering doctorates awarded in the United States. By providing high school and college students with the tools to learn nanotechnology, a higher number of American students will enter this crucial field.

The Nanotechnology in the Schools Act provides grants to American colleges and high-performing high schools to purchase the tools that will enable their students to learn nano-technology. The Act also provides training for teachers and professors to use these tools in the classroom and the laboratory. The Nanotechnology in the Schools Act is an investment in America's greatest asset, its students, and a key element of the nation's strategy to maintain nanotechnology leadership worldwide.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1199

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nanotechnology in the Schools Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The rapidly growing field of nanotechnology is generating scientific and technological breakthroughs that will benefit society by improving the way many things are designed and made.

(2) Nanotechnology is likely to have a significant, positive impact on the security, economic well-being, and health of Americans as fields related to nanotechnology expand.

(3) In order to maximize the benefits of nanotechnology to individuals in the United States, the United States must maintain world leadership in the field of nanotechnology, including nanoscience and microtechnology, in the face of determined competition from other nations.

(4) According to the National Science Foundation, foreign students on temporary visas earned 32 percent of all science and engineering doctorates awarded in the United States in 2003, the last year for which data is available. Foreign students earned 55 percent of the engineering doctorates. Many of these students expressed an intent to return to their country of origin after completing their study.

(5) To maintain world leadership in nanotechnology, the United States must make a long-term investment in educating United States students in secondary schools and institutions of higher education, so that the students are able to conduct nanoscience research and develop and commercialize nanotechnology applications.

(6) Preparing United States students for careers in nanotechnology, including nanoscience, requires that the students have access to the necessary scientific tools, including scanning electron microscopes designed for teaching, and requires training to enable teachers and professors to use those tools in the classroom and the laboratory.

(b) PURPOSE.—The purpose of this Act is to strengthen the capacity of United States secondary schools and institutions of higher education to prepare students for careers in nanotechnology by providing grants to those schools and institutions to provide the tools necessary for such preparation.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means an institution that is—

(A) a public or charter secondary school that offers 1 or more advanced placement science courses or international baccalaureate science courses;

(B) a community college, as defined in section 3301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011); or

(C) a 4-year institution of higher education or a branch, within the meaning of section 498 of the Higher Education Act of 1965 (20 U.S.C. 1099c), of such an institution.

(2) INSTITUTION OF HIGHER EDUCATION; SECONDARY SCHOOL; SECRETARY.—The terms ''institution of higher education'', ''secondary school'', and ''Secretary'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) QUALIFIED NANOTECHNOLOGY EQUIPMENT.—The term ''qualified nanotechnology equipment'' means equipment, instrumentation, or hardware that is—

(A) used for teaching nanotechnology in the classroom; and

(B) manufactured in the United States at least 50 percent from articles, materials, or supplies that are mined, produced, or manufactured, as the case may be, in the United States.

SEC. 4. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Director of the National Science Foundation (referred to in this Act as the ''Director'') shall establish a nanotechnology in the schools program to strengthen the capacity of eligible institutions to provide instruction in nanotechnology. In carrying out the program, the Director shall award grants of not more than $150,000 to eligible institutions to provide such instruction.

(b) ACTIVITIES SUPPORTED.—

(1) IN GENERAL.—An eligible institution shall use a grant awarded under this Act—

(A) to acquire qualified nanotechnology equipment and software designed for teaching students about nanotechnology in the classroom;

(B) to develop and provide educational services, including carrying out faculty development, to prepare students or faculty seeking a degree or certificate that is approved by the State, or a regional accrediting body recognized by the Secretary of Education; and

(C) to provide teacher education and certification to individuals who seek to acquire or enhance technology skills in order to use nanotechnology in the classroom or instructional process.

(2) LIMITATION.—

(A) USES.—Not more than ¼ of the amount of the funds made available through a grant awarded under this Act may be used for software, educational services, or teacher education and certification as described in this subsection.

(B) PROGRAMS.—In the case of a grant awarded under this Act to a community college or institution of higher education, the funds made available through the grant may be used only in undergraduate programs.

(c) APPLICATIONS AND SELECTION.—

(1) IN GENERAL.—To be eligible to receive a grant under this Act, an eligible institution shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(2) PROCEDURE.—Not later than 180 days after the date of enactment of this Act, the Director shall establish a procedure for accepting such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

(3) SELECTION.—In selecting eligible institutions to receive grants under this Act, and encouraging eligible institutions to apply for such grants, the Director shall, to the greatest extent practicable—

(A) select eligible entities in geographically diverse locations;

(B) encourage the application of historically Black colleges and universities (meaning part B institutions, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) and minority institutions (as defined in section 365 of such Act (20 U.S.C. 1067k)); and

(C) select eligible institutions that include institutions located in States participating in the Experimental Program to Stimulate Competitive Research (commonly known as ''EPSCoR'').

(d) MATCHING REQUIREMENT AND LIMITATION.—

(1) IN GENERAL.—

(A) REQUIREMENT.—The Director may not award a grant to an eligible institution under this Act unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to ¼ of the amount of the grant.

(B) WAIVER.—The Director shall waive the matching requirement described in subparagraph (A) for any institution with no endowment, or an endowment that has a dollar value lower than $5,000,000, as of the date of the waiver.

(2) LIMITATION.—

(A) BRANCHES.—If a branch described in section 3(1)(C) receives a grant under this Act that exceeds $100,000, that branch shall not be eligible, until 2 years after the date of receipt of the grant, to receive another grant under this Act.

(B) OTHER ELIGIBLE INSTITUTIONS.—If an eligible institution other than a branch referred to in subparagraph (A) receives a grant under this Act that exceeds $100,000, that institution shall not be eligible, until 2 years after the date of receipt of the grant, to receive another grant under this Act.

SEC. 5. ANNUAL REPORT AND EVALUATION.

(a) REPORT BY INSTITUTIONS.—Each institution that receives a grant under this Act shall prepare and submit a report to the Director, not later than 1 year after the date of receipt of the grant, on its use of the grant funds.

(b) REVIEW AND EVALUATION.—

(1) REVIEW.—The Director shall annually review the reports submitted under subsection (a).

(2) EVALUATION.—At the end of every third year, the Director shall evaluate the program authorized by this Act on the basis of those reports. The Director, in the evaluation, shall describe the activities carried out by the institutions receiving grants under this Act and shall assess the short-range and long-range impact of the activities carried out under the grants on the students, faculty, and staff of the institutions.

(c) REPORT TO CONGRESS.—Not later than 6 months after conducting an evaluation under subsection (b), the Director shall prepare and submit a report to Congress based on the evaluation. In the report, the Director shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program carried out under this Act, as may be appropriate.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director to carry out this Act $15,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal years 2009 through 2011.

By Mr. DORGAN (for himself, Mrs. BOXER, Mr. REID, Ms. CANTWELL, Mr. JOHNSON, Mr. TESTER, Mr. INOUYE, Mr. DOMENICI, Mr. BINGAMAN, Mr. BAUCUS, Ms. KLOBUCHAR, Mr. THOMAS, Mr. OBAMA, and Ms. MURKOWSKI):

S. 1200. A bill to amend the Indian Health Care Improvement Act to revise and extend the Act; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, I came to the Senate floor several times last year, and have already again this year in the 110th Congress, to talk about the need for Congress to pass legislation to reauthorize the Indian Health Care Improvement Act.

Legislation to amend and reauthorize the Indian Health Care Improvement Act has been considered by the 106th, 107th, 108th and 109th Congresses, and today, my colleagues and I put forward a new version of the bill in the 110th Congress.

The Indian Health Care Improvement Act Amendments of 2007 builds on the work of prior Congresses, work done not only by the Indian Affairs Committee, but also by the Senate Health, Education, Labor and Pensions and Finance Committees. These committees gave us their recommendations on provisions in the legislation which are within their jurisdiction. I thank my colleagues for their collaboration on the Indian health reauthorization.

I have added new provisions to this year's Indian health bill that seek to address the lack of access to health care services that exists in so many tribal communities, which may be due to limited hours of operation at existing health care facilities or other factors. The bill would allow grants for demonstration projects which include a convenient care services program as an additional means of health care delivery.

This bill also addresses an issue that has been of particular concern to me: Indian youth suicide. The bill would authorize additional resources for Indian communities to confront this issue and seek to prevent, intervene in and treat Native American youth who have lost hope and are contemplating or have attempted suicide.

I thank my colleagues who have joined me in introducing this bill. It is my highest priority as chairman of the Indian Affairs Committee.

I wish to note that title II of this bill sets forth amendments to the Social Security Act, addressing payments under Medicare, Medicaid and SCHIP and other provisions which are in the jurisdiction of the Senate Finance Committee. The Indian Affairs and Finance Committees worked very closely together during last year's session on the provisions that are contained in this bill. I appreciate the efforts of both Chairman BAUCUS and Ranking Member GRASSLEY in drafting these important provisions of the Indian Health Care Improvement Act Amendments of 2007, and I look forward to their committee's approval of these provisions as the Indian Affairs Committee considers the provisions under our jurisdiction.

Eight years is too long to wait to reauthorize the Indian Health Care Improvement Act. I intend to move aggressively to seek approval of this legislation by the Indian Affairs Committee, and to bring this bill to the Senate floor so that all my colleagues will have an opportunity to address the very fundamental need for—and right of—American Indians and Alaska Natives to adequate and innovative health care.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1200

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Indian Health Care Improvement Act Amendments of 2007''.

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

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO INDIAN LAWS

Sec. 101. Indian Health Care Improvement Act amended.
Sec. 102. Soboba sanitation facilities.
Sec. 103. Native American Health and Wellness Foundation.

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

Sec. 201. Expansion of payments under Medicare, Medicaid, and SCHIP for all covered services furnished by Indian Health Programs.
Sec. 202. Increased outreach to Indians under Medicaid and SCHIP and improved cooperation in the provision of items and services to Indians under Social Security Act health benefit programs.
Sec. 203. Additional provisions to increase outreach to, and enrollment of, Indians in SCHIP and Medicaid.
Sec. 204. Premiums and cost sharing protections under Medicaid, eligibility determinations under Medicaid and SCHIP, and protection of certain Indian property from Medicaid estate recovery.
Sec. 205. Nondiscrimination in qualifications for payment for services under Federal health care programs.
Sec. 206. Consultation on Medicaid, SCHIP, and other health care programs funded under the Social Security Act involving Indian Health Programs and Urban Indian Organizations.
Sec. 207. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
Sec. 208. Rules applicable under Medicaid and SCHIP to managed care entities with respect to Indian enrollees and Indian health care providers and Indian managed care entities.
Sec. 209. Annual report on Indians served by Social Security Act health benefit programs.

TITLE I—AMENDMENTS TO INDIAN LAWS

SEC. 101. INDIAN HEALTH CARE IMPROVEMENT ACT AMENDED.

(a) IN GENERAL.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Indian Health Care Improvement Act'.

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

''Sec. 1. Short title; table of contents.
''Sec. 2. Findings.
''Sec. 3. Declaration of national Indian health policy.
''Sec. 4. Definitions.

''TITLE I–INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

''Sec. 101. Purpose.
''Sec. 102. Health professions recruitment program for Indians.
''Sec. 103. Health professions preparatory scholarship program for Indians.
''Sec. 104. Indian health professions scholarships.
''Sec. 105. American Indians Into Psychology Program.
''Sec. 106. Scholarship programs for Indian Tribes.
''Sec. 107. Indian Health Service extern programs.
''Sec. 108. Continuing education allowances.
''Sec. 109. Community Health Representative Program.
''Sec. 110. Indian Health Service Loan Repayment Program.
''Sec. 111. Scholarship and Loan Repayment Recovery Fund.
''Sec. 112. Recruitment activities.
''Sec. 113. Indian recruitment and retention program.
''Sec. 114. Advanced training and research.
''Sec. 115. Quentin N. Burdick American Indians Into Nursing Program.
''Sec. 116. Tribal cultural orientation.
''Sec. 117. INMED Program.
''Sec. 118. Health training programs of community colleges.
''Sec. 119. Retention bonus.
''Sec. 120. Nursing residency program.
''Sec. 121. Community Health Aide Program.
''Sec. 122. Tribal Health Program administration.
''Sec. 123. Health professional chronic shortage demonstration programs.
''Sec. 124. National Health Service Corps.
''Sec. 125. Substance abuse counselor educational curricula demonstration programs.
''Sec. 126. Behavioral health training and community education programs.
''Sec. 127. Authorization of appropriations.

''TITLE II–HEALTH SERVICES

''Sec. 201. Indian Health Care Improvement Fund.
''Sec. 202. Catastrophic Health Emergency Fund.
''Sec. 203. Health promotion and disease prevention services.
''Sec. 204. Diabetes prevention, treatment, and control.
''Sec. 205. Shared services for long-term care.
''Sec. 206. Health services research.
''Sec. 207. Mammography and other cancer screening.
''Sec. 208. Patient travel costs.
''Sec. 209. Epidemiology centers.
''Sec. 210. Comprehensive school health education programs.
''Sec. 211. Indian youth program.
''Sec. 212. Prevention, control, and elimination of communicable and infectious diseases.
''Sec. 213. Other authority for provision of services.
''Sec. 214. Indian women's health care.
''Sec. 215. Environmental and nuclear health hazards.
''Sec. 216. Arizona as a contract health service delivery area.
''Sec. 216A. North Dakota and South Dakota as contract health service delivery area.
''Sec. 217. California contract health services program.
''Sec. 218. California as a contract health service delivery area.
''Sec. 219. Contract health services for the Trenton service area.
''Sec. 220. Programs operated by Indian Tribes and Tribal Organizations.
''Sec. 221. Licensing.
''Sec. 222. Notification of provision of emergency contract health services.
''Sec. 223. Prompt action on payment of claims.
''Sec. 224. Liability for payment.
''Sec. 225. Office of Indian Men's Health.
''Sec. 226. Authorization of appropriations.

''TITLE III–FACILITIES

''Sec. 301. Consultation; construction and renovation of facilities; reports.
''Sec. 302. Sanitation facilities.
''Sec. 303. Preference to Indians and Indian firms.
''Sec. 304. Expenditure of non-Service funds for renovation.
''Sec. 305. Funding for the construction, expansion, and modernization of small ambulatory care facilities.
''Sec. 306. Indian health care delivery demonstration projects.
''Sec. 307. Land transfer.
''Sec. 308. Leases, contracts, and other agreements.
''Sec. 309. Study on loans, loan guarantees, and loan repayment.
''Sec. 310. Tribal leasing.
''Sec. 311. Indian Health Service/tribal facilities joint venture program.
''Sec. 312. Location of facilities.
''Sec. 313. Maintenance and improvement of health care facilities.
''Sec. 314. Tribal management of Federally-owned quarters.
''Sec. 315. Applicability of Buy American Act requirement.
''Sec. 316. Other funding for facilities.
''Sec. 317. Authorization of appropriations.

''TITLE IV–ACCESS TO HEALTH SERVICES

''Sec. 401. Treatment of payments under Social Security Act health benefits programs.
''Sec. 402. Grants to and contracts with the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to facilitate outreach, enrollment, and coverage of Indians under Social Security Act health benefit programs and other health benefits programs.
''Sec. 403. Reimbursement from certain third parties of costs of health services.
''Sec. 404. Crediting of reimbursements.
''Sec. 405. Purchasing health care coverage.
''Sec. 406. Sharing arrangements with Federal agencies.
''Sec. 407. Payor of last resort.
''Sec. 408. Nondiscrimination under Federal health care programs in qualifications for reimbursement for services.
''Sec. 409. Consultation.
''Sec. 410. State Children's Health Insurance Program (SCHIP).
''Sec. 411. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
''Sec. 412. Premium and cost sharing protections and eligibility determinations under Medicaid and SCHIP and protection of certain Indian property from Medicaid estate recovery.
''Sec. 413. Treatment under Medicaid and SCHIP managed care.
''Sec. 414. Navajo Nation Medicaid Agency feasibility study.
''Sec. 415. General exceptions.
''Sec. 416. Authorization of appropriations.

''TITLE V–HEALTH SERVICES FOR URBAN INDIANS

''Sec. 501. Purpose.

''Sec. 502. Contracts with, and grants to, Urban Indian Organizations.
''Sec. 503. Contracts and grants for the provision of health care and referral services.
''Sec. 504. Contracts and grants for the determination of unmet health care needs.
''Sec. 505. Evaluations; renewals.
''Sec. 506. Other contract and grant requirements.
''Sec. 507. Reports and records.
''Sec. 508. Limitation on contract authority.
''Sec. 509. Facilities.
''Sec. 510. Division of Urban Indian Health.
''Sec. 511. Grants for alcohol and substance abuse-related services.
''Sec. 512. Treatment of certain demonstration projects.
''Sec. 513. Urban NIAAA transferred programs.
''Sec. 514. Consultation with Urban Indian Organizations.
''Sec. 515. Urban youth treatment center demonstration.
''Sec. 516. Grants for diabetes prevention, treatment, and control.
''Sec. 517. Community Health Representatives.
''Sec. 518. Effective date.
''Sec. 519. Eligibility for services.
''Sec. 520. Authorization of appropriations.

''TITLE VI–ORGANIZATIONAL IMPROVEMENTS

''Sec. 601. Establishment of the Indian Health Service as an agency of the Public Health Service.
''Sec. 602. Automated management information system.
''Sec. 603. Authorization of appropriations.

''TITLE VII–BEHAVIORAL HEALTH PROGRAMS

''Sec. 701. Behavioral health prevention and treatment services.
''Sec. 702. Memoranda of agreement with the Department of the Interior.
''Sec. 703. Comprehensive behavioral health prevention and treatment program.
''Sec. 704. Mental health technician program.
''Sec. 705. Licensing requirement for mental health care workers.
''Sec. 706. Indian women treatment programs.
''Sec. 707. Indian youth program.
''Sec. 708. Indian youth telemental health demonstration project.
''Sec. 709. Inpatient and community-based mental health facilities design, construction, and staffing.
''Sec. 710. Training and community education.
''Sec. 711. Behavioral health program.
''Sec. 712. Fetal alcohol disorder programs.
''Sec. 713. Child sexual abuse and prevention treatment programs.
''Sec. 714. Behavioral health research.
''Sec. 715. Definitions.
''Sec. 716. Authorization of appropriations.

''TITLE VIII–MISCELLANEOUS

''Sec. 801. Reports.
''Sec. 802. Regulations.
''Sec. 803. Plan of implementation.
''Sec. 804. Availability of funds.
''Sec. 805. Limitation on use of funds appropriated to Indian Health Service.
''Sec. 806. Eligibility of California Indians.
''Sec. 807. Health services for ineligible persons.
''Sec. 808. Reallocation of base resources.
''Sec. 809. Results of demonstration projects.
''Sec. 810. Provision of services in Montana.
''Sec. 811. Moratorium.
''Sec. 812. Tribal employment.
''Sec. 813. Severability provisions.
''Sec. 814. Establishment of National Bipartisan Commission on Indian Health Care.
''Sec. 815. Confidentiality of medical quality assurance records; qualified immunity for participants.
''Sec. 816. Appropriations; availability.
''Sec. 817. Authorization of appropriations.

''SEC. 2. FINDINGS.

''Congress makes the following findings:

''(1) Federal health services to maintain and improve the health of the Indians are consonant with and required by the Federal Government's historical and unique legal relationship with, and resulting responsibility to, the American Indian people.

''(2) A major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level and to encourage the maximum participation of Indians in the planning and management of those services.

''(3) Federal health services to Indians have resulted in a reduction in the prevalence and incidence of preventable illnesses among, and unnecessary and premature deaths of, Indians.

''(4) Despite such services, the unmet health needs of the American Indian people are severe and the health status of the Indians is far below that of the general population of the United States.

''SEC. 3. DECLARATION OF NATIONAL INDIAN HEALTH POLICY.

''Congress declares that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians—

''(1) to assure the highest possible health status for Indians and Urban Indians and to provide all resources necessary to effect that policy;

''(2) to raise the health status of Indians and Urban Indians to at least the levels set forth in the goals contained within the Healthy People 2010 or successor objectives;

''(3) to the greatest extent possible, to allow Indians to set their own health care priorities and establish goals that reflect their unmet needs;

''(4) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each Service Area is raised to at least the level of that of the general population;

''(5) to require meaningful consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations to implement this Act and the national policy of Indian self-determination; and

''(6) to provide funding for programs and facilities operated by Indian Tribes and Tribal Organizations in amounts that are not less than the amounts provided to programs and facilities operated directly by the Service.

''SEC. 4. DEFINITIONS.

''For purposes of this Act:

''(1) The term 'accredited and accessible' means on or near a reservation and accredited by a national or regional organization with accrediting authority.

''(2) The term 'Area Office' means an administrative entity, including a program office, within the Service through which services and funds are provided to the Service Units within a defined geographic area.

''(3) The term 'Assistant Secretary' means the Assistant Secretary for Indian Health.

''(4)(A) The term 'behavioral health' means the blending of substance (alcohol, drugs, inhalants, and tobacco) abuse and mental health prevention and treatment, for the purpose of providing comprehensive services.

''(B) The term 'behavioral health' includes the joint development of substance abuse and mental health treatment planning and coordinated case management using a multidisciplinary approach.

''(5) The term 'California Indians' means those Indians who are eligible for health services of the Service pursuant to section 806.

''(6) The term 'community college' means—

''(A) a tribal college or university, or

''(B) a junior or community college.

''(7) The term 'contract health service' means health services provided at the expense of the Service or a Tribal Health Program by public or private medical providers or hospitals, other than the Service Unit or the Tribal Health Program at whose expense the services are provided.

''(8) The term 'Department' means, unless otherwise designated, the Department of Health and Human Services.

''(9) The term 'disease prevention' means the reduction, limitation, and prevention of disease and its complications and reduction in the consequences of disease, including—

''(A) controlling—

''(i) the development of diabetes;

''(ii) high blood pressure;

''(iii) infectious agents;

''(iv) injuries;

''(v) occupational hazards and disabilities;

''(vi) sexually transmittable diseases; and

''(vii) toxic agents; and

''(B) providing—

''(i) fluoridation of water; and

''(ii) immunizations.

''(10) The term 'health profession' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, allied health professions, and any other health profession.

''(11) The term 'health promotion' means—

''(A) fostering social, economic, environmental, and personal factors conducive to health, including raising public awareness about health matters and enabling the people to cope with health problems by increasing their knowledge and providing them with valid information;

''(B) encouraging adequate and appropriate diet, exercise, and sleep;

''(C) promoting education and work in conformity with physical and mental capacity;

''(D) making available safe water and sanitary facilities;

''(E) improving the physical, economic, cultural, psychological, and social environment;

''(F) promoting culturally competent care; and

''(G) providing adequate and appropriate programs, which may include—

''(i) abuse prevention (mental and physical);

''(ii) community health;

''(iii) community safety;

''(iv) consumer health education;

''(v) diet and nutrition;

''(vi) immunization and other prevention of communicable diseases, including HIV/AIDS;

''(vii) environmental health;

''(viii) exercise and physical fitness;

''(ix) avoidance of fetal alcohol disorders;

''(x) first aid and CPR education;

''(xi) human growth and development;

''(xii) injury prevention and personal safety;

''(xiii) behavioral health;

''(xiv) monitoring of disease indicators between health care provider visits, through

appropriate means, including Internet-based health care management systems;

''(xv) personal health and wellness practices;

''(xvi) personal capacity building;

''(xvii) prenatal, pregnancy, and infant care;

''(xviii) psychological well-being;

''(xix) reproductive health and family planning;

''(xx) safe and adequate water;

''(xxi) healthy work environments;

''(xxii) elimination, reduction, and prevention of contaminants that create unhealthy household conditions (including mold and other allergens);

''(xxiii) stress control;

''(xxiv) substance abuse;

''(xxv) sanitary facilities;

''(xxvi) sudden infant death syndrome prevention;

''(xxvii) tobacco use cessation and reduction;

''(xxviii) violence prevention; and

''(xxix) such other activities identified by the Service, a Tribal Health Program, or an Urban Indian Organization, to promote achievement of any of the objectives described in section 3(2).

''(12) The term 'Indian', unless otherwise designated, means any person who is a member of an Indian Tribe or is eligible for health services under section 806, except that, for the purpose of sections 102 and 103, the term also means any individual who—

''(A)(i) irrespective of whether the individual lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside; or

''(ii) is a descendant, in the first or second degree, of any such member;

''(B) is an Eskimo or Aleut or other Alaska Native;

''(C) is considered by the Secretary of the Interior to be an Indian for any purpose; or

''(D) is determined to be an Indian under regulations promulgated by the Secretary.

''(13) The term 'Indian Health Program' means—

''(A) any health program administered directly by the Service;

''(B) any Tribal Health Program; or

''(C) any Indian Tribe or Tribal Organization to which the Secretary provides funding pursuant to section 23 of the Act of June 25, 1910 (25 U.S.C. 47) (commonly known as the 'Buy Indian Act').

''(14) The term 'Indian Tribe' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(15) The term 'junior or community college' has the meaning given the term by section 312(e) of the Higher Education Act of 1965 (20 U.S.C. 1058(e)).

''(16) The term 'reservation' means any federally recognized Indian Tribe's reservation, Pueblo, or colony, including former reservations in Oklahoma, Indian allotments, and Alaska Native Regions established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

''(17) The term 'Secretary', unless otherwise designated, means the Secretary of Health and Human Services.

''(18) The term 'Service' means the Indian Health Service.

''(19) The term 'Service Area' means the geographical area served by each Area Office.

''(20) The term 'Service Unit' means an administrative entity of the Service, or a Tribal Health Program through which services are provided, directly or by contract, to eligible Indians within a defined geographic area.

''(21) The term 'telehealth' has the meaning given the term in section 330K(a) of the Public Health Service Act (42 U.S.C. 254c–16(a)).

''(22) The term 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care services.

''(23) The term 'tribal college or university' has the meaning given the term in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

''(24) The term 'Tribal Health Program' means an Indian Tribe or Tribal Organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(25) The term 'Tribal Organization' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(26) The term 'Urban Center' means any community which has a sufficient Urban Indian population with unmet health needs to warrant assistance under title V of this Act, as determined by the Secretary.

''(27) The term 'Urban Indian' means any individual who resides in an Urban Center and who meets 1 or more of the following criteria:

''(A) Irrespective of whether the individual lives on or near a reservation, the individual is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those tribes, bands, or groups that are recognized by the States in which they reside, or who is a descendant in the first or second degree of any such member.

''(B) The individual is an Eskimo, Aleut, or other Alaska Native.

''(C) The individual is considered by the Secretary of the Interior to be an Indian for any purpose.

''(D) The individual is determined to be an Indian under regulations promulgated by the Secretary.

''(28) The term 'Urban Indian Organization' means a nonprofit corporate body that (A) is situated in an Urban Center; (B) is governed by an Urban Indian-controlled board of directors; (C) provides for the participation of all interested Indian groups and individuals; and (D) is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).

''TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

''SEC. 101. PURPOSE.

''The purpose of this title is to increase, to the maximum extent feasible, the number of Indians entering the health professions and providing health services, and to assure an optimum supply of health professionals to the Indian Health Programs and Urban Indian Organizations involved in the provision of health services to Indians.

''SEC. 102. HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS.

''(a) IN GENERAL.—The Secretary, acting through the Service, shall make grants to public or nonprofit private health or educational entities, Tribal Health Programs, or Urban Indian Organizations to assist such entities in meeting the costs of—

''(1) identifying Indians with a potential for education or training in the health professions and encouraging and assisting them—

''(A) to enroll in courses of study in such health professions; or

''(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

''(2) publicizing existing sources of financial aid available to Indians enrolled in any course of study referred to in paragraph (1) or who are undertaking training necessary to qualify them to enroll in any such course of study; or

''(3) establishing other programs which the Secretary determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1).

''(b) GRANTS.—

''(1) APPLICATION.—The Secretary shall not make a grant under this section unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe pursuant to this Act. The Secretary shall give a preference to applications submitted by Tribal Health Programs or Urban Indian Organizations.

''(2) AMOUNT OF GRANTS; PAYMENT.—The amount of a grant under this section shall be determined by the Secretary. Payments pursuant to this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions as provided for in regulations issued pursuant to this Act. To the extent not otherwise prohibited by law, grants shall be for 3 years, as provided in regulations issued pursuant to this Act.

''SEC. 103. HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS.

''(a) SCHOLARSHIPS AUTHORIZED.—The Secretary, acting through the Service, shall provide scholarship grants to Indians who—

''(1) have successfully completed their high school education or high school equivalency; and

''(2) have demonstrated the potential to successfully complete courses of study in the health professions.

''(b) PURPOSES.—Scholarship grants provided pursuant to this section shall be for the following purposes:

''(1) Compensatory preprofessional education of any recipient, such scholarship not to exceed 2 years on a full-time basis (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued under this Act).

''(2) Pregraduate education of any recipient leading to a baccalaureate degree in an approved course of study preparatory to a field of study in a health profession, such scholarship not to exceed 4 years. An extension of up to 2 years (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued pursuant to this Act) may be approved.

''(c) OTHER CONDITIONS.—Scholarships under this section—

''(1) may cover costs of tuition, books, transportation, board, and other necessary related expenses of a recipient while attending school;

''(2) shall not be denied solely on the basis of the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution; and

''(3) shall not be denied solely by reason of such applicant's eligibility for assistance or benefits under any other Federal program.

''SEC. 104. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.

''(a) IN GENERAL.—

''(1) AUTHORITY.—The Secretary, acting through the Service, shall make scholarship grants to Indians who are enrolled full or part time in accredited schools pursuing courses of study in the health professions. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 338A of the Public Health Services Act (42 U.S.C. 254*l*), except as provided in subsection (b) of this section.

''(2) DETERMINATIONS BY SECRETARY.—The Secretary, acting through the Service, shall determine—

''(A) who shall receive scholarship grants under subsection (a); and

''(B) the distribution of the scholarships among health professions on the basis of the relative needs of Indians for additional service in the health professions.

''(3) CERTAIN DELEGATION NOT ALLOWED.—The administration of this section shall be a responsibility of the Assistant Secretary and shall not be delegated in a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(b) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) OBLIGATION MET.—The active duty service obligation under a written contract with the Secretary under this section that an Indian has entered into shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice equal to 1 year for each school year for which the participant receives a scholarship award under this part, or 2 years, whichever is greater, by service in 1 or more of the following:

''(A) In an Indian Health Program.

''(B) In a program assisted under title V of this Act.

''(C) In the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

''(D) In a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, the health service provided to Indians would not decrease.

''(2) OBLIGATION DEFERRED.—At the request of any individual who has entered into a contract referred to in paragraph (1) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

''(A) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service under this subsection.

''(B) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

''(C) The active duty service obligation will be served in the health profession of that individual in a manner consistent with paragraph (1).

''(D) A recipient of a scholarship under this section may, at the election of the recipient, meet the active duty service obligation described in paragraph (1) by service in a program specified under that paragraph that—

''(i) is located on the reservation of the Indian Tribe in which the recipient is enrolled; or

''(ii) serves the Indian Tribe in which the recipient is enrolled.

''(3) PRIORITY WHEN MAKING ASSIGNMENTS.—Subject to paragraph (2), the Secretary, in making assignments of Indian Health Scholarship recipients required to meet the active duty service obligation described in paragraph (1), shall give priority to assigning individuals to service in those programs specified in paragraph (1) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

''(c) PART-TIME STUDENTS.—In the case of an individual receiving a scholarship under this section who is enrolled part time in an approved course of study—

''(1) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

''(2) the period of obligated service described in subsection (b)(1) shall be equal to the greater of—

''(A) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship (as determined by the Secretary); or

''(B) 2 years; and

''(3) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254*l*(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.

''(d) BREACH OF CONTRACT.—

''(1) SPECIFIED BREACHES.—An individual shall be liable to the United States for the amount which has been paid to the individual, or on behalf of the individual, under a contract entered into with the Secretary under this section on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 if that individual—

''(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

''(B) is dismissed from such educational institution for disciplinary reasons;

''(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

''(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

''(2) OTHER BREACHES.—If for any reason not specified in paragraph (1) an individual breaches a written contract by failing either to begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

''(4) WAIVERS AND SUSPENSIONS.—

''(A) IN GENERAL.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

''(i) it is not possible for the recipient to meet that obligation or make that payment;

''(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

''(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

''(B) FACTORS FOR CONSIDERATION.—Before waiving or suspending an obligation of service or payment under subparagraph (A), the Secretary shall consult with the affected Area Office, Indian Tribes, Tribal Organizations, or Urban Indian Organizations, and may take into consideration whether the obligation may be satisfied in a teaching capacity at a tribal college or university nursing program under subsection (b)(1)(D).

''(5) EXTREME HARDSHIP.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

''(6) BANKRUPTCY.—Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

''SEC. 105. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants of not more than $300,000 to each of 9 colleges and universities for the purpose of developing and maintaining Indian psychology career recruitment programs as a means of encouraging Indians to enter the behavioral health field. These programs shall be located at various locations throughout the country to maximize their availability to Indian students and new programs shall be established in different locations from time to time.

''(b) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide a grant authorized under subsection (a) to develop and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Psychology Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs authorized under section 117(b), the Quentin N. Burdick American Indians Into Nursing Program authorized under section 115(e), and existing university research and communications networks.

''(c) REGULATIONS.—The Secretary shall issue regulations pursuant to this Act for the competitive awarding of grants provided under this section.

''(d) CONDITIONS OF GRANT.—Applicants under this section shall agree to provide a program which, at a minimum—

''(1) provides outreach and recruitment for health professions to Indian communities including elementary, secondary, and accredited and accessible community colleges that will be served by the program;

''(2) incorporates a program advisory board comprised of representatives from the tribes and communities that will be served by the program;

''(3) provides summer enrichment programs to expose Indian students to the various fields of psychology through research, clinical, and experimental activities;

''(4) provides stipends to undergraduate and graduate students to pursue a career in psychology;

''(5) develops affiliation agreements with tribal colleges and universities, the Service, university affiliated programs, and other appropriate accredited and accessible entities to enhance the education of Indian students;

''(6) to the maximum extent feasible, uses existing university tutoring, counseling, and student support services; and

''(7) to the maximum extent feasible, employs qualified Indians in the program.

''(e) ACTIVE DUTY SERVICE REQUIREMENT.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each graduate who receives a stipend described in subsection (d)(4) that is funded under this section. Such obligation shall be met by service—

''(1) in an Indian Health Program;

''(2) in a program assisted under title V of this Act; or

''(3) in the private practice of psychology if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,700,000 for each of fiscal years 2008 through 2017.

''SEC. 106. SCHOLARSHIP PROGRAMS FOR INDIAN TRIBES.

''(a) IN GENERAL.—

''(1) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants to Tribal Health Programs for the purpose of providing scholarships for Indians to serve as health professionals in Indian communities.

''(2) AMOUNT.—Amounts available under paragraph (1) for any fiscal year shall not exceed 5 percent of the amounts available for each fiscal year for Indian Health Scholarships under section 104.

''(3) APPLICATION.—An application for a grant under paragraph (1) shall be in such form and contain such agreements, assurances, and information as consistent with this section.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A Tribal Health Program receiving a grant under subsection (a) shall provide scholarships to Indians in accordance with the requirements of this section.

''(2) COSTS.—With respect to costs of providing any scholarship pursuant to subsection (a)—

''(A) 80 percent of the costs of the scholarship shall be paid from the funds made available pursuant to subsection (a)(1) provided to the Tribal Health Program; and

''(B) 20 percent of such costs may be paid from any other source of funds.

''(c) COURSE OF STUDY.—A Tribal Health Program shall provide scholarships under this section only to Indians enrolled or accepted for enrollment in a course of study (approved by the Secretary) in 1 of the health professions contemplated by this Act.

''(d) CONTRACT.—

''(1) IN GENERAL.—In providing scholarships under subsection (b), the Secretary and the Tribal Health Program shall enter into a written contract with each recipient of such scholarship.

''(2) REQUIREMENTS.—Such contract shall—

''(A) obligate such recipient to provide service in an Indian Health Program or Urban Indian Organization, in the same Service Area where the Tribal Health Program providing the scholarship is located, for—

''(i) a number of years for which the scholarship is provided (or the part-time equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

''(ii) such greater period of time as the recipient and the Tribal Health Program may agree;

''(B) provide that the amount of the scholarship—

''(i) may only be expended for—

''(I) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the educational institution; and

''(II) payment to the recipient of a monthly stipend of not more than the amount authorized by section 338(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)), with such amount to be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled, and not to exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in this clause; and

''(ii) may not exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in clause (i);

''(C) require the recipient of such scholarship to maintain an acceptable level of academic standing as determined by the educational institution in accordance with regulations issued pursuant to this Act; and

''(D) require the recipient of such scholarship to meet the educational and licensure requirements appropriate to each health profession.

''(3) SERVICE IN OTHER SERVICE AREAS.—The contract may allow the recipient to serve in another Service Area, provided the Tribal Health Program and Secretary approve and services are not diminished to Indians in the Service Area where the Tribal Health Program providing the scholarship is located.

''(e) BREACH OF CONTRACT.—

''(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary and a Tribal Health Program under subsection (d) shall be liable to the United States for the Federal share of the amount which has been paid to him or her, or on his or her behalf, under the contract if that individual—

''(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level as determined by the educational institution under regulations of the Secretary);

''(B) is dismissed from such educational institution for disciplinary reasons;

''(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

''(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

''(2) OTHER BREACHES.—If for any reason not specified in paragraph (1), an individual breaches a written contract by failing to either begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

''(4) INFORMATION.—The Secretary may carry out this subsection on the basis of information received from Tribal Health Programs involved or on the basis of information collected through such other means as the Secretary deems appropriate.

''(f) RELATION TO SOCIAL SECURITY ACT.—The recipient of a scholarship under this section shall agree, in providing health care pursuant to the requirements herein—

''(1) not to discriminate against an individual seeking care on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to a program established in title XVIII of the Social Security Act or pursuant to the programs established in title XIX or title XXI of such Act; and

''(2) to accept assignment under section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX, or the State child health plan under title XXI, of such Act to provide service to individuals entitled to medical assistance or child health assistance, respectively, under the plan.

''(g) CONTINUANCE OF FUNDING.—The Secretary shall make payments under this section to a Tribal Health Program for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the Tribal Health Program has not complied with the requirements of this section.

''SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.

''(a) EMPLOYMENT PREFERENCE.—Any individual who receives a scholarship pursuant to section 104 or 106 shall be given preference for employment in the Service, or may be employed by a Tribal Health Program or an Urban Indian Organization, or other agencies of the Department as available, during any nonacademic period of the year.

''(b) NOT COUNTED TOWARD ACTIVE DUTY SERVICE OBLIGATION.—Periods of employment pursuant to this subsection shall not be counted in determining fulfillment of the service obligation incurred as a condition of the scholarship.

''(c) TIMING; LENGTH OF EMPLOYMENT.—Any individual enrolled in a program, including a high school program, authorized under section 102(a) may be employed by the Service or by a Tribal Health Program or an Urban Indian Organization during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

''(d) NONAPPLICABILITY OF COMPETITIVE PERSONNEL SYSTEM.—Any employment pursuant to this section shall be made without regard to any competitive personnel system or agency personnel limitation and to a position which will enable the individual so employed to receive practical experience in the health profession in which he or she is engaged in study. Any individual so employed shall receive payment for his or her services comparable to the salary he or she would receive if he or she were employed in the competitive system. Any individual so employed shall not be counted against any employment ceiling affecting the Service or the Department.

"SEC. 108. CONTINUING EDUCATION ALLOWANCES.

''In order to encourage scholarship and stipend recipients under sections 104, 105, 106, and 115 and health professionals, including community health representatives and emergency medical technicians, to join or continue in an Indian Health Program and to provide their services in the rural and remote areas where a significant portion of Indians reside, the Secretary, acting through the Service, may—

''(1) provide programs or allowances to transition into an Indian Health Program, including licensing, board or certification examination assistance, and technical assistance in fulfilling service obligations under sections 104, 105, 106, and 115; and

''(2) provide programs or allowances to health professionals employed in an Indian Health Program to enable them for a period of time each year prescribed by regulation of the Secretary to take leave of their duty stations for professional consultation, management, leadership, and refresher training courses.

"SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PROGRAM.

''(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall maintain a Community Health Representative Program under which Indian Health Programs—

''(1) provide for the training of Indians as community health representatives; and

''(2) use such community health representatives in the provision of health care, health promotion, and disease prevention services to Indian communities.

''(b) DUTIES.—The Community Health Representative Program of the Service, shall—

''(1) provide a high standard of training for community health representatives to ensure that the community health representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by the Program;

''(2) in order to provide such training, develop and maintain a curriculum that—

''(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

''(B) provides instruction and practical experience in health promotion and disease prevention activities, with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty;

''(3) maintain a system which identifies the needs of community health representatives for continuing education in health care, health promotion, and disease prevention and develop programs that meet the needs for continuing education;

''(4) maintain a system that provides close supervision of Community Health Representatives;

''(5) maintain a system under which the work of Community Health Representatives is reviewed and evaluated; and

''(6) promote traditional health care practices of the Indian Tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.

"SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish and administer a program to be known as the Service Loan Repayment Program (hereinafter referred to as the 'Loan Repayment Program') in order to ensure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian Health Programs and Urban Indian Organizations.

''(b) ELIGIBLE INDIVIDUALS.—To be eligible to participate in the Loan Repayment Program, an individual must—

''(1)(A) be enrolled—

''(i) in a course of study or program in an accredited educational institution (as determined by the Secretary under section 338B(b)(1)(c)(i) of the Public Health Service Act (42 U.S.C. 254*l*–1(b)(1)(c)(i))) and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

''(ii) in an approved graduate training program in a health profession; or

''(B) have—

''(i) a degree in a health profession; and

''(ii) a license to practice a health profession;

''(2)(A) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service;

''(B) be eligible for selection for civilian service in the Regular or Reserve Corps of the Public Health Service;

''(C) meet the professional standards for civil service employment in the Service; or

''(D) be employed in an Indian Health Program or Urban Indian Organization without a service obligation; and

''(3) submit to the Secretary an application for a contract described in subsection (e).

''(c) APPLICATION.—

''(1) INFORMATION TO BE INCLUDED WITH FORMS.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under subsection (l) in the case of the individual's breach of contract. The Secretary shall provide such individuals with sufficient information regarding the advantages and disadvantages of service as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or a civilian employee of the Service to enable the individual to make a decision on an informed basis.

''(2) CLEAR LANGUAGE.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

''(3) TIMELY AVAILABILITY OF FORMS.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

''(d) PRIORITIES.—

''(1) LIST.—Consistent with subsection (k), the Secretary shall annually—

''(A) identify the positions in each Indian Health Program or Urban Indian Organization for which there is a need or a vacancy; and

''(B) rank those positions in order of priority.

''(2) APPROVALS.—Notwithstanding the priority determined under paragraph (1), the Secretary, in determining which applications under the Loan Repayment Program to approve (and which contracts to accept), shall—

''(A) give first priority to applications made by individual Indians; and

''(B) after making determinations on all applications submitted by individual Indians as required under subparagraph (A), give priority to—

''(i) individuals recruited through the efforts of an Indian Health Program or Urban Indian Organization; and

''(ii) other individuals based on the priority rankings under paragraph (1).

''(e) RECIPIENT CONTRACTS.—

''(1) CONTRACT REQUIRED.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in paragraph (2).

''(2) CONTENTS OF CONTRACT.—The written contract referred to in this section between the Secretary and an individual shall contain—

''(A) an agreement under which—

''(i) subject to subparagraph (C), the Secretary agrees—

''(I) to pay loans on behalf of the individual in accordance with the provisions of this section; and

''(II) to accept (subject to the availability of appropriated funds for carrying out this section) the individual into the Service or place the individual with a Tribal Health Program or Urban Indian Organization as provided in clause (ii)(III); and

''(ii) subject to subparagraph (C), the individual agrees—

''(I) to accept loan payments on behalf of the individual;

''(II) in the case of an individual described in subsection (b)(1)—

''(aa) to maintain enrollment in a course of study or training described in subsection (b)(1)(A) until the individual completes the course of study or training; and

''(bb) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

''(III) to serve for a time period (hereinafter in this section referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to serve in the full-time clinical practice of such individual's profession in an Indian Health Program or Urban Indian Organization to which the individual may be assigned by the Secretary;

''(B) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under subparagraph (A)(ii)(III);

''(C) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual which is conditioned thereon is contingent upon funds being appropriated for loan repayments under this section;

''(D) a statement of the damages to which the United States is entitled under subsection (l) for the individual's breach of the contract; and

''(E) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

''(f) DEADLINE FOR DECISION ON APPLICATION.—The Secretary shall provide written notice to an individual within 21 days on—

''(1) the Secretary's approving, under subsection (e)(1), of the individual's participation in the Loan Repayment Program, including extensions resulting in an aggregate period of obligated service in excess of 4 years; or

''(2) the Secretary's disapproving an individual's participation in such Program.

''(g) PAYMENTS.—

''(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

''(A) tuition expenses;

''(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; and

''(C) reasonable living expenses as determined by the Secretary.

''(2) AMOUNT.—For each year of obligated service that an individual contracts to serve under subsection (e), the Secretary may pay up to $35,000 or an amount equal to the amount specified in section 338B(g)(2)(A) of the Public Health Service Act, whichever is more, on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

''(A) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

''(B) provides an incentive to serve in Indian Health Programs and Urban Indian Organizations with the greatest shortages of health professionals; and

''(C) provides an incentive with respect to the health professional involved remaining in an Indian Health Program or Urban Indian Organization with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.

''(3) TIMING.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

''(4) REIMBURSEMENTS FOR TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from a payment under paragraph (2) on behalf of an individual, the Secretary—

''(A) in addition to such payments, may make payments to the individual in an amount equal to not less than 20 percent and not more than 39 percent of the total amount of loan repayments made for the taxable year involved; and

''(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

''(5) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

''(h) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section shall not be counted against any employment ceiling affecting the Department while those individuals are undergoing academic training.

''(i) RECRUITMENT.—The Secretary shall conduct recruiting programs for the Loan Repayment Program and other manpower programs of the Service at educational institutions training health professionals or specialists identified in subsection (a).

''(j) APPLICABILITY OF LAW.—Section 214 of the Public Health Service Act (42 U.S.C. 215) shall not apply to individuals during their period of obligated service under the Loan Repayment Program.

''(k) ASSIGNMENT OF INDIVIDUALS.—The Secretary, in assigning individuals to serve in Indian Health Programs or Urban Indian Organizations pursuant to contracts entered into under this section, shall—

''(1) ensure that the staffing needs of Tribal Health Programs and Urban Indian Organizations receive consideration on an equal basis with programs that are administered directly by the Service; and

''(2) give priority to assigning individuals to Indian Health Programs and Urban Indian Organizations that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

''(l) BREACH OF CONTRACT.—

''(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary under this section and has not received a waiver under subsection (m) shall be liable, in lieu of any service obligation arising under such contract, to the United States for the amount which has been paid on such individual's behalf under the contract if that individual—

''(A) is enrolled in the final year of a course of study and—

''(i) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

''(ii) voluntarily terminates such enrollment; or

''(iii) is dismissed from such educational institution before completion of such course of study; or

''(B) is enrolled in a graduate training program and fails to complete such training program.

''(2) OTHER BREACHES; FORMULA FOR AMOUNT OWED.—If, for any reason not specified in paragraph (1), an individual breaches his or her written contract under this section by failing either to begin, or complete, such individual's period of obligated service in accordance with subsection (e)(2), the United States shall be entitled to recover from such individual an amount to be determined in accordance with the following formula: $A=3Z(t-s/t)$ in which—

''(A) 'A' is the amount the United States is entitled to recover;

''(B) 'Z' is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Secretary of the Treasury;

''(C) 't' is the total number of months in the individual's period of obligated service in accordance with subsection (f); and

''(D) 's' is the number of months of such period served by such individual in accordance with this section.

''(3) DEDUCTIONS IN MEDICARE PAYMENTS.—Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1892 of the Social Security Act.

''(4) TIME PERIOD FOR REPAYMENT.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach or such longer period beginning on such date as shall be specified by the Secretary.

''(5) RECOVERY OF DELINQUENCY.—

''(A) IN GENERAL.—If damages described in paragraph (4) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

''(i) use collection agencies contracted with by the Administrator of General Services; or

''(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

''(B) REPORT.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

''(m) WAIVER OR SUSPENSION OF OBLIGATION.—

''(1) IN GENERAL.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under the Loan Repayment Program whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

''(2) CANCELED UPON DEATH.—Any obligation of an individual under the Loan Repayment Program for service or payment of damages shall be canceled upon the death of the individual.

''(3) HARDSHIP WAIVER.—The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case of extreme hardship or other good cause shown, as determined by the Secretary.

''(4) BANKRUPTCY.—Any obligation of an individual under the Loan Repayment Program for payment of damages may be released by a discharge in bankruptcy under title 11 of the United States Code only if such discharge is granted after the expiration of the 5-year period beginning on the first date that payment of such damages is required, and only if the bankruptcy court finds that nondischarge of the obligation would be unconscionable.

''(n) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be submitted to Congress under section 801, a report concerning the previous fiscal year which sets forth by Service Area the following:

''(1) A list of the health professional positions maintained by Indian Health Programs and Urban Indian Organizations for which recruitment or retention is difficult.

''(2) The number of Loan Repayment Program applications filed with respect to each type of health profession.

''(3) The number of contracts described in subsection (e) that are entered into with respect to each health profession.

''(4) The amount of loan payments made under this section, in total and by health profession.

''(5) The number of scholarships that are provided under sections 104 and 106 with respect to each health profession.

''(6) The amount of scholarship grants provided under section 104 and 106, in total and by health profession.

''(7) The number of providers of health care that will be needed by Indian Health Programs and Urban Indian Organizations, by location and profession, during the 3 fiscal years beginning after the date the report is filed.

''(8) The measures the Secretary plans to take to fill the health professional positions maintained by Indian Health Programs or Urban Indian Organizations for which recruitment or retention is difficult.

"SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (hereafter in this section referred to as the 'LRRF''). The LRRF shall consist of such amounts as may be collected from individuals under section 104(d), section 106(e), and section 110(l) for breach of contract, such funds as may be appropriated to the LRRF, and interest earned on amounts in the LRRF. All amounts collected, appropriated, or earned relative to the LRRF shall remain available until expended.

''(b) USE OF FUNDS.—

''(1) BY SECRETARY.—Amounts in the LRRF may be expended by the Secretary, acting through the Service, to make payments to an Indian Health Program—

''(A) to which a scholarship recipient under section 104 and 106 or a loan repayment program participant under section 110 has been assigned to meet the obligated service requirements pursuant to such sections; and

''(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having breached the contract entered into under section 104, 106, or section 110.

''(2) BY TRIBAL HEALTH PROGRAMS.—A Tribal Health Program receiving payments pursuant to paragraph (1) may expend the payments to provide scholarships or recruit and employ, directly or by contract, health professionals to provide health care services.

''(c) INVESTMENT OF FUNDS.—The Secretary of the Treasury shall invest such amounts of the LRRF as the Secretary of Health and Human Services determines are not required to meet current withdrawals from the LRRF. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

''(d) SALE OF OBLIGATIONS.—Any obligation acquired by the LRRF may be sold by the Secretary of the Treasury at the market price.

"SEC. 112. RECRUITMENT ACTIVITIES.

''(a) REIMBURSEMENT FOR TRAVEL.—The Secretary, acting through the Service, may reimburse health professionals seeking positions with Indian Health Programs or Urban Indian Organizations, including individuals considering entering into a contract under section 110 and their spouses, for actual and reasonable expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

''(b) RECRUITMENT PERSONNEL.—The Secretary, acting through the Service, shall assign 1 individual in each Area Office to be responsible on a full-time basis for recruitment activities.

"SEC. 113. INDIAN RECRUITMENT AND RETENTION PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Service, shall fund, on a competitive basis, innovative demonstration projects for a period not to exceed 3 years to enable Tribal Health Programs and Urban Indian Organizations to recruit, place, and retain health professionals to meet their staffing needs.

''(b) ELIGIBLE ENTITIES; APPLICATION.—Any Tribal Health Program or Urban Indian Organization may submit an application for funding of a project pursuant to this section.

"SEC. 114. ADVANCED TRAINING AND RESEARCH.

''(a) DEMONSTRATION PROGRAM.—The Secretary, acting through the Service, shall establish a demonstration project to enable health professionals who have worked in an Indian Health Program or Urban Indian Organization for a substantial period of time to pursue advanced training or research areas of study for which the Secretary determines a need exists.

''(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to at least the period of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the individual shall be liable to the United States for the period of service remaining. In such event, with respect to individuals entering the program after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(c) EQUAL OPPORTUNITY FOR PARTICIPATION.—Health professionals from Tribal Health Programs and Urban Indian Organizations shall be given an equal opportunity to participate in the program under subsection (a).

"SEC. 115. QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.

''(a) GRANTS AUTHORIZED.—For the purpose of increasing the number of nurses, nurse midwives, and nurse practitioners who deliver health care services to Indians, the Secretary, acting through the Service, shall provide grants to the following:

''(1) Public or private schools of nursing.

''(2) Tribal colleges or universities.

''(3) Nurse midwife programs and advanced practice nurse programs that are provided by any tribal college or university accredited nursing program, or in the absence of such, any other public or private institutions.

''(b) USE OF GRANTS.—Grants provided under subsection (a) may be used for 1 or more of the following:

''(1) To recruit individuals for programs which train individuals to be nurses, nurse midwives, or advanced practice nurses.

''(2) To provide scholarships to Indians enrolled in such programs that may pay the tuition charged for such program and other expenses incurred in connection with such program, including books, fees, room and board, and stipends for living expenses.

''(3) To provide a program that encourages nurses, nurse midwives, and advanced practice nurses to provide, or continue to provide, health care services to Indians.

''(4) To provide a program that increases the skills of, and provides continuing education to, nurses, nurse midwives, and advanced practice nurses.

''(5) To provide any program that is designed to achieve the purpose described in subsection (a).

''(c) APPLICATIONS.—Each application for a grant under subsection (a) shall include such information as the Secretary may require to establish the connection between the program of the applicant and a health care facility that primarily serves Indians.

''(d) PREFERENCES FOR GRANT RECIPIENTS.—In providing grants under subsection (a), the Secretary shall extend a preference to the following:

''(1) Programs that provide a preference to Indians.

''(2) Programs that train nurse midwives or advanced practice nurses.

''(3) Programs that are interdisciplinary.

''(4) Programs that are conducted in cooperation with a program for gifted and talented Indian students.

''(5) Programs conducted by tribal colleges and universities.

''(e) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to establish and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Nursing Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs established under section 117(b) and the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b).

''(f) ACTIVE DUTY SERVICE OBLIGATION.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each individual who receives training or assistance described in paragraph (1) or (2) of subsection (b) that is funded by a grant provided under subsection (a). Such obligation shall be met by service—

''(1) in the Service;

''(2) in a program of an Indian Tribe or Tribal Organization conducted under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) (including programs under agreements with the Bureau of Indian Affairs);

''(3) in a program assisted under title V of this Act;

''(4) in the private practice of nursing if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health shortage area and addresses the health care needs of a substantial number of Indians; or

''(5) in a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, health services provided to Indians would not decrease.

"SEC. 116. TRIBAL CULTURAL ORIENTATION.

''(a) CULTURAL EDUCATION OF EMPLOYEES.—The Secretary, acting through the Service, shall require that appropriate employees of the Service who serve Indian Tribes in each Service Area receive educational instruction in the history and culture of such Indian Tribes and their relationship to the Service.

''(b) PROGRAM.—In carrying out subsection (a), the Secretary shall establish a program which shall, to the extent feasible—

''(1) be developed in consultation with the affected Indian Tribes, Tribal Organizations, and Urban Indian Organizations;

''(2) be carried out through tribal colleges or universities;

''(3) include instruction in American Indian studies; and

''(4) describe the use and place of traditional health care practices of the Indian Tribes in the Service Area.

"SEC. 117. INMED PROGRAM.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, is authorized to provide grants to colleges and universities for the purpose of maintaining and expanding the Indian health careers recruitment program known as the 'Indians Into Medicine Program' (hereinafter in this section referred to as 'INMED') as a means of encouraging Indians to enter the health professions.

''(b) QUENTIN N. BURDICK GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to maintain the INMED program at the University of North Dakota, to be known as the 'Quentin N. Burdick Indian Health Programs', unless the Secretary makes a determination, based

upon program reviews, that the program is not meeting the purposes of this section. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b) and the Quentin N. Burdick American Indians Into Nursing Program established under section 115.

''(c) REGULATIONS.—The Secretary, pursuant to this Act, shall develop regulations to govern grants pursuant to this section.

''(d) REQUIREMENTS.—Applicants for grants provided under this section shall agree to provide a program which—

''(1) provides outreach and recruitment for health professions to Indian communities including elementary and secondary schools and community colleges located on reservations which will be served by the program;

''(2) incorporates a program advisory board comprised of representatives from the Indian Tribes and Indian communities which will be served by the program;

''(3) provides summer preparatory programs for Indian students who need enrichment in the subjects of math and science in order to pursue training in the health professions;

''(4) provides tutoring, counseling, and support to students who are enrolled in a health career program of study at the respective college or university; and

''(5) to the maximum extent feasible, employs qualified Indians in the program.

''SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY COLLEGES.

''(a) GRANTS TO ESTABLISH PROGRAMS.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges for the purpose of assisting such community colleges in the establishment of programs which provide education in a health profession leading to a degree or diploma in a health profession for individuals who desire to practice such profession on or near a reservation or in an Indian Health Program.

''(2) AMOUNT OF GRANTS.—The amount of any grant awarded to a community college under paragraph (1) for the first year in which such a grant is provided to the community college shall not exceed $250,000.

''(b) GRANTS FOR MAINTENANCE AND RECRUITING.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges that have established a program described in subsection (a)(1) for the purpose of maintaining the program and recruiting students for the program.

''(2) REQUIREMENTS.—Grants may only be made under this section to a community college which—

''(A) is accredited;

''(B) has a relationship with a hospital facility, Service facility, or hospital that could provide training of nurses or health professionals;

''(C) has entered into an agreement with an accredited college or university medical school, the terms of which—

''(i) provide a program that enhances the transition and recruitment of students into advanced baccalaureate or graduate programs that train health professionals; and

''(ii) stipulate certifications necessary to approve internship and field placement opportunities at Indian Health Programs;

''(D) has a qualified staff which has the appropriate certifications;

''(E) is capable of obtaining State or regional accreditation of the program described in subsection (a)(1); and

''(F) agrees to provide for Indian preference for applicants for programs under this section.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall encourage community colleges described in subsection (b)(2) to establish and maintain programs described in subsection (a)(1) by—

''(1) entering into agreements with such colleges for the provision of qualified personnel of the Service to teach courses of study in such programs; and

''(2) providing technical assistance and support to such colleges.

''(d) ADVANCED TRAINING.—

''(1) REQUIRED.—Any program receiving assistance under this section that is conducted with respect to a health profession shall also offer courses of study which provide advanced training for any health professional who—

''(A) has already received a degree or diploma in such health profession; and

''(B) provides clinical services on or near a reservation or for an Indian Health Program.

''(2) MAY BE OFFERED AT ALTERNATE SITE.—Such courses of study may be offered in conjunction with the college or university with which the community college has entered into the agreement required under subsection (b)(2)(C).

''(e) PRIORITY.—Where the requirements of subsection (b) are met, grant award priority shall be provided to tribal colleges and universities in Service Areas where they exist.

''SEC. 119. RETENTION BONUS.

''(a) BONUS AUTHORIZED.—The Secretary may pay a retention bonus to any health professional employed by, or assigned to, and serving in, an Indian Health Program or Urban Indian Organization either as a civilian employee or as a commissioned officer in the Regular or Reserve Corps of the Public Health Service who—

''(1) is assigned to, and serving in, a position for which recruitment or retention of personnel is difficult;

''(2) the Secretary determines is needed by Indian Health Programs and Urban Indian Organizations;

''(3) has—

''(A) completed 2 years of employment with an Indian Health Program or Urban Indian Organization; or

''(B) completed any service obligations incurred as a requirement of—

''(i) any Federal scholarship program; or

''(ii) any Federal education loan repayment program; and

''(4) enters into an agreement with an Indian Health Program or Urban Indian Organization for continued employment for a period of not less than 1 year.

''(b) RATES.—The Secretary may establish rates for the retention bonus which shall provide for a higher annual rate for multiyear agreements than for single year agreements referred to in subsection (a)(4), but in no event shall the annual rate be more than $25,000 per annum.

''(c) DEFAULT OF RETENTION AGREEMENT.—Any health professional failing to complete the agreed upon term of service, except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the period covered by the agreement, plus interest as determined by the Secretary in accordance with section 110(l)(2)(B).

''(d) OTHER RETENTION BONUS.—The Secretary may pay a retention bonus to any health professional employed by a Tribal Health Program if such health professional is serving in a position which the Secretary determines is—

''(1) a position for which recruitment or retention is difficult; and

''(2) necessary for providing health care services to Indians.

''SEC. 120. NURSING RESIDENCY PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Service, shall establish a program to enable Indians who are licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian Health Program or Urban Indian Organization, and have done so for a period of not less than 1 year, to pursue advanced training. Such program shall include a combination of education and work study in an Indian Health Program or Urban Indian Organization leading to an associate or bachelor's degree (in the case of a licensed practical nurse or licensed vocational nurse), a bachelor's degree (in the case of a registered nurse), or advanced degrees or certifications in nursing and public health.

''(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are paid by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to 1 year for every year that nonprofessional employee (licensed practical nurses, licensed vocational nurses, nursing assistants, and various health care technicals), or 2 years for every year that professional nurse (associate degree and bachelor-prepared registered nurses), participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''SEC. 121. COMMUNITY HEALTH AIDE PROGRAM.

''(a) GENERAL PURPOSES OF PROGRAM.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall develop and operate a Community Health Aide Program in Alaska under which the Service—

''(1) provides for the training of Alaska Natives as health aides or community health practitioners;

''(2) uses such aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

''(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides or community health practitioners.

''(b) SPECIFIC PROGRAM REQUIREMENTS.—The Secretary, acting through the Community Health Aide Program of the Service, shall—

''(1) using trainers accredited by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

''(2) in order to provide such training, develop a curriculum that—

''(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

''(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

''(C) promotes the achievement of the health status objectives specified in section 3(2);

''(3) establish and maintain a Community Health Aide Certification Board to certify as

community health aides or community health practitioners individuals who have successfully completed the training described in paragraph (1) or can demonstrate equivalent experience;

''(4) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

''(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners;

''(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services; and

''(7) ensure that pulpal therapy (not including pulpotomies on deciduous teeth) or extraction of adult teeth can be performed by a dental health aide therapist only after consultation with a licensed dentist who determines that the procedure is a medical emergency that cannot be resolved with palliative treatment, and further that dental health aide therapists are strictly prohibited from performing all other oral or jaw surgeries, provided that uncomplicated extractions shall not be considered oral surgery under this section.

''(c) PROGRAM REVIEW.—

''(1) NEUTRAL PANEL.—

''(A) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish a neutral panel to carry out the study under paragraph (2).

''(B) MEMBERSHIP.—Members of the neutral panel shall be appointed by the Secretary from among clinicians, economists, community practitioners, oral epidemiologists, and Alaska Natives.

''(2) STUDY.—

''(A) IN GENERAL.—The neutral panel established under paragraph (1) shall conduct a study of the dental health aide therapist services provided by the Community Health Aide Program under this section to ensure that the quality of care provided through those services is adequate and appropriate.

''(B) PARAMETERS OF STUDY.—The Secretary, in consultation with interested parties, including professional dental organizations, shall develop the parameters of the study.

''(C) INCLUSIONS.—The study shall include a determination by the neutral panel with respect to—

''(i) the ability of the dental health aide therapist services under this section to address the dental care needs of Alaska Natives;

''(ii) the quality of care provided through those services, including any training, improvement, or additional oversight required to improve the quality of care; and

''(iii) whether safer and less costly alternatives to the dental health aide therapist services exist.

''(D) CONSULTATION.—In carrying out the study under this paragraph, the neutral panel shall consult with Alaska Tribal Organizations with respect to the adequacy and accuracy of the study.

''(3) REPORT.—The neutral panel shall submit to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under paragraph (2), including a description of—

''(A) any determination of the neutral panel under paragraph (2)(C); and

''(B) any comments received from an Alaska Tribal Organization under paragraph (2)(D).

''(d) NATIONALIZATION OF PROGRAM.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Service, may establish a national Community Health Aide Program in accordance with the program under this section, as the Secretary determines to be appropriate.

''(2) EXCEPTION.—The national Community Health Aide Program under paragraph (1) shall not include dental health aide therapist services.

''(3) REQUIREMENT.—In establishing a national program under paragraph (1), the Secretary shall not reduce the amount of funds provided for the Community Health Aide Program described in subsections (a) and (b).

''SEC. 122. TRIBAL HEALTH PROGRAM ADMINISTRATION.

''The Secretary, acting through the Service, shall, by contract or otherwise, provide training for Indians in the administration and planning of Tribal Health Programs.

''SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROGRAMS.

''(a) DEMONSTRATION PROGRAMS AUTHORIZED.—The Secretary, acting through the Service, may fund demonstration programs for Tribal Health Programs to address the chronic shortages of health professionals.

''(b) PURPOSES OF PROGRAMS.—The purposes of demonstration programs funded under subsection (a) shall be—

''(1) to provide direct clinical and practical experience at a Service Unit to health profession students and residents from medical schools;

''(2) to improve the quality of health care for Indians by assuring access to qualified health care professionals; and

''(3) to provide academic and scholarly opportunities for health professionals serving Indians by identifying all academic and scholarly resources of the region.

''(c) ADVISORY BOARD.—The demonstration programs established pursuant to subsection (a) shall incorporate a program advisory board composed of representatives from the Indian Tribes and Indian communities in the area which will be served by the program.

''SEC. 124. NATIONAL HEALTH SERVICE CORPS.

''(a) NO REDUCTION IN SERVICES.—The Secretary shall not—

''(1) remove a member of the National Health Service Corps from an Indian Health Program or Urban Indian Organization; or

''(2) withdraw funding used to support such member, unless the Secretary, acting through the Service, has ensured that the Indians receiving services from such member will experience no reduction in services.

''(b) EXEMPTION FROM LIMITATIONS.—National Health Service Corps scholars qualifying for the Commissioned Corps in the Public Health Service shall be exempt from the full-time equivalent limitations of the National Health Service Corps and the Service when serving as a commissioned corps officer in a Tribal Health Program or an Urban Indian Organization.

''SEC. 125. SUBSTANCE ABUSE COUNSELOR EDUCATIONAL CURRICULA DEMONSTRATION PROGRAMS.

''(a) CONTRACTS AND GRANTS.—The Secretary, acting through the Service, may enter into contracts with, or make grants to, accredited tribal colleges and universities and eligible accredited and accessible community colleges to establish demonstration programs to develop educational curricula for substance abuse counseling.

''(b) USE OF FUNDS.—Funds provided under this section shall be used only for developing and providing educational curriculum for substance abuse counseling (including paying salaries for instructors). Such curricula may be provided through satellite campus programs.

''(c) TIME PERIOD OF ASSISTANCE; RENEWAL.—A contract entered into or a grant provided under this section shall be for a period of 3 years. Such contract or grant may be renewed for an additional 2-year period upon the approval of the Secretary.

''(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—Not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, after consultation with Indian Tribes and administrators of tribal colleges and universities and eligible accredited and accessible community colleges, shall develop and issue criteria for the review and approval of applications for funding (including applications for renewals of funding) under this section. Such criteria shall ensure that demonstration programs established under this section promote the development of the capacity of such entities to educate substance abuse counselors.

''(e) ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

''(f) REPORT.—Each fiscal year, the Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for that fiscal year, a report on the findings and conclusions derived from the demonstration programs conducted under this section during that fiscal year.

''(g) DEFINITION.—For the purposes of this section, the term 'educational curriculum' means 1 or more of the following:

''(1) Classroom education.

''(2) Clinical work experience.

''(3) Continuing education workshops.

''SEC. 126. BEHAVIORAL HEALTH TRAINING AND COMMUNITY EDUCATION PROGRAMS.

''(a) STUDY; LIST.—The Secretary, acting through the Service, and the Secretary of the Interior, in consultation with Indian Tribes and Tribal Organizations, shall conduct a study and compile a list of the types of staff positions specified in subsection (b) whose qualifications include, or should include, training in the identification, prevention, education, referral, or treatment of mental illness, or dysfunctional and self destructive behavior.

''(b) POSITIONS.—The positions referred to in subsection (a) are—

''(1) staff positions within the Bureau of Indian Affairs, including existing positions, in the fields of—

''(A) elementary and secondary education;

''(B) social services and family and child welfare;

''(C) law enforcement and judicial services; and

''(D) alcohol and substance abuse;

''(2) staff positions within the Service; and

''(3) staff positions similar to those identified in paragraphs (1) and (2) established and maintained by Indian Tribes, Tribal Organizations (without regard to the funding source), and Urban Indian Organizations.

''(c) TRAINING CRITERIA.—

''(1) IN GENERAL.—The appropriate Secretary shall provide training criteria appropriate to each type of position identified in subsection (b)(1) and (b)(2) and ensure that appropriate training has been, or shall be provided to any individual in any such position. With respect to any such individual in a position identified pursuant to subsection (b)(3), the respective Secretaries shall provide appropriate training to, or provide funds to, an Indian Tribe, Tribal Organization, or

Urban Indian Organization for training of appropriate individuals. In the case of positions funded under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the appropriate Secretary shall ensure that such training costs are included in the contract or compact, as the Secretary determines necessary.

''(2) POSITION SPECIFIC TRAINING CRITERIA.—Position specific training criteria shall be culturally relevant to Indians and Indian Tribes and shall ensure that appropriate information regarding traditional health care practices is provided.

''(d) COMMUNITY EDUCATION ON MENTAL ILLNESS.—The Service shall develop and implement, on request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, or assist the Indian Tribe, Tribal Organization, or Urban Indian Organization to develop and implement, a program of community education on mental illness. In carrying out this subsection, the Service shall, upon request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance to the Indian Tribe, Tribal Organization, or Urban Indian Organization to obtain and develop community educational materials on the identification, prevention, referral, and treatment of mental illness and dysfunctional and self-destructive behavior.

''(e) PLAN.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall develop a plan under which the Service will increase the health care staff providing behavioral health services by at least 500 positions within 5 years after the date of enactment of this section, with at least 200 of such positions devoted to child, adolescent, and family services. The plan developed under this subsection shall be implemented under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act').

''SEC. 127. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

''TITLE II—HEALTH SERVICES

''SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.

''(a) USE OF FUNDS.—The Secretary, acting through the Service, is authorized to expend funds, directly or under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), which are appropriated under the authority of this section, for the purposes of—

''(1) eliminating the deficiencies in health status and health resources of all Indian Tribes;

''(2) eliminating backlogs in the provision of health care services to Indians;

''(3) meeting the health needs of Indians in an efficient and equitable manner, including the use of telehealth and telemedicine when appropriate;

''(4) eliminating inequities in funding for both direct care and contract health service programs; and

''(5) augmenting the ability of the Service to meet the following health service responsibilities with respect to those Indian Tribes with the highest levels of health status deficiencies and resource deficiencies:

''(A) Clinical care, including inpatient care, outpatient care (including audiology, clinical eye, and vision care), primary care, secondary and tertiary care, and long-term care.

''(B) Preventive health, including mammography and other cancer screening in accordance with section 207.

''(C) Dental care.

''(D) Mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners.

''(E) Emergency medical services.

''(F) Treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol syndrome) among Indians.

''(G) Injury prevention programs, including data collection and evaluation, demonstration projects, training, and capacity building.

''(H) Home health care.

''(I) Community health representatives.

''(J) Maintenance and improvement.

''(b) NO OFFSET OR LIMITATION.—Any funds appropriated under the authority of this section shall not be used to offset or limit any other appropriations made to the Service under this Act or the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other provision of law.

''(c) ALLOCATION; USE.—

''(1) IN GENERAL.—Funds appropriated under the authority of this section shall be allocated to Service Units, Indian Tribes, or Tribal Organizations. The funds allocated to each Indian Tribe, Tribal Organization, or Service Unit under this paragraph shall be used by the Indian Tribe, Tribal Organization, or Service Unit under this paragraph to improve the health status and reduce the resource deficiency of each Indian Tribe served by such Service Unit, Indian Tribe, or Tribal Organization.

''(2) APPORTIONMENT OF ALLOCATED FUNDS.—The apportionment of funds allocated to a Service Unit, Indian Tribe, or Tribal Organization under paragraph (1) among the health service responsibilities described in subsection (a)(5) shall be determined by the Service in consultation with, and with the active participation of, the affected Indian Tribes and Tribal Organizations.

''(d) PROVISIONS RELATING TO HEALTH STATUS AND RESOURCE DEFICIENCIES.—For the purposes of this section, the following definitions apply:

''(1) DEFINITION.—The term 'health status and resource deficiency' means the extent to which—

''(A) the health status objectives set forth in section 3(2) are not being achieved; and

''(B) the Indian Tribe or Tribal Organization does not have available to it the health resources it needs, taking into account the actual cost of providing health care services given local geographic, climatic, rural, or other circumstances.

''(2) AVAILABLE RESOURCES.—The health resources available to an Indian Tribe or Tribal Organization include health resources provided by the Service as well as health resources used by the Indian Tribe or Tribal Organization, including services and financing systems provided by any Federal programs, private insurance, and programs of State or local governments.

''(3) PROCESS FOR REVIEW OF DETERMINATIONS.—The Secretary shall establish procedures which allow any Indian Tribe or Tribal Organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such Indian Tribe or Tribal Organization.

''(e) ELIGIBILITY FOR FUNDS.—Tribal Health Programs shall be eligible for funds appropriated under the authority of this section on an equal basis with programs that are administered directly by the Service.

''(f) REPORT.—By no later than the date that is 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall submit to Congress the current health status and resource deficiency report of the Service for each Service Unit, including newly recognized or acknowledged Indian Tribes. Such report shall set out—

''(1) the methodology then in use by the Service for determining Tribal health status and resource deficiencies, as well as the most recent application of that methodology;

''(2) the extent of the health status and resource deficiency of each Indian Tribe served by the Service or a Tribal Health Program;

''(3) the amount of funds necessary to eliminate the health status and resource deficiencies of all Indian Tribes served by the Service or a Tribal Health Program; and

''(4) an estimate of—

''(A) the amount of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service for the preceding fiscal year which is allocated to each Service Unit, Indian Tribe, or Tribal Organization;

''(B) the number of Indians eligible for health services in each Service Unit or Indian Tribe or Tribal Organization; and

''(C) the number of Indians using the Service resources made available to each Service Unit, Indian Tribe or Tribal Organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

''(g) INCLUSION IN BASE BUDGET.—Funds appropriated under this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

''(h) CLARIFICATION.—Nothing in this section is intended to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs, nor are the provisions of this section intended to discourage the Service from undertaking additional efforts to achieve equity among Indian Tribes and Tribal Organizations.

''(i) FUNDING DESIGNATION.—Any funds appropriated under the authority of this section shall be designated as the 'Indian Health Care Improvement Fund'.

''SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

''(a) ESTABLISHMENT.—There is established an Indian Catastrophic Health Emergency Fund (hereafter in this section referred to as the 'CHEF') consisting of—

''(1) the amounts deposited under subsection (f); and

''(2) the amounts appropriated to CHEF under this section.

''(b) ADMINISTRATION.—CHEF shall be administered by the Secretary, acting through the headquarters of the Service, solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses who are within the responsibility of the Service.

''(c) CONDITIONS ON USE OF FUND.—No part of CHEF or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), nor shall CHEF funds be allocated, apportioned, or delegated on an Area Office, Service Unit, or other similar basis.

''(d) REGULATIONS.—The Secretary shall promulgate regulations consistent with the provisions of this section to—

''(1) establish a definition of disasters and catastrophic illnesses for which the cost of the treatment provided under contract would qualify for payment from CHEF;

''(2) provide that a Service Unit shall not be eligible for reimbursement for the cost of

treatment from CHEF until its cost of treating any victim of such catastrophic illness or disaster has reached a certain threshold cost which the Secretary shall establish at—

''(A) the 2000 level of $19,000; and

''(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;

''(3) establish a procedure for the reimbursement of the portion of the costs that exceeds such threshold cost incurred by—

''(A) Service Units; or

''(B) whenever otherwise authorized by the Service, non-Service facilities or providers;

''(4) establish a procedure for payment from CHEF in cases in which the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

''(5) establish a procedure that will ensure that no payment shall be made from CHEF to any provider of treatment to the extent that such provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible.

''(e) NO OFFSET OR LIMITATION.—Amounts appropriated to CHEF under this section shall not be used to offset or limit appropriations made to the Service under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other law.

''(f) DEPOSIT OF REIMBURSEMENT FUNDS.—There shall be deposited into CHEF all reimbursements to which the Service is entitled from any Federal, State, local, or private source (including third party insurance) by reason of treatment rendered to any victim of a disaster or catastrophic illness the cost of which was paid from CHEF.

''SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION SERVICES.

''(a) FINDINGS.—Congress finds that health promotion and disease prevention activities—

''(1) improve the health and well-being of Indians; and

''(2) reduce the expenses for health care of Indians.

''(b) PROVISION OF SERVICES.—The Secretary, acting through the Service and Tribal Health Programs, shall provide health promotion and disease prevention services to Indians to achieve the health status objectives set forth in section 3(2).

''(c) EVALUATION.—The Secretary, after obtaining input from the affected Tribal Health Programs, shall submit to the President for inclusion in the report which is required to be submitted to Congress under section 801 an evaluation of—

''(1) the health promotion and disease prevention needs of Indians;

''(2) the health promotion and disease prevention activities which would best meet such needs;

''(3) the internal capacity of the Service and Tribal Health Programs to meet such needs; and

''(4) the resources which would be required to enable the Service and Tribal Health Programs to undertake the health promotion and disease prevention activities necessary to meet such needs.

''SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.

''(a) DETERMINATIONS REGARDING DIABETES.—The Secretary, acting through the Service, and in consultation with Indian Tribes and Tribal Organizations, shall determine—

''(1) by Indian Tribe and by Service Unit, the incidence of, and the types of complications resulting from, diabetes among Indians; and

''(2) based on the determinations made pursuant to paragraph (1), the measures (including patient education and effective ongoing monitoring of disease indicators) each Service Unit should take to reduce the incidence of, and prevent, treat, and control the complications resulting from, diabetes among Indian Tribes within that Service Unit.

''(b) DIABETES SCREENING.—To the extent medically indicated and with informed consent, the Secretary shall screen each Indian who receives services from the Service for diabetes and for conditions which indicate a high risk that the individual will become diabetic and establish a cost-effective approach to ensure ongoing monitoring of disease indicators. Such screening and monitoring may be conducted by a Tribal Health Program and may be conducted through appropriate Internet-based health care management programs.

''(c) DIABETES PROJECTS.—The Secretary shall continue to maintain each model diabetes project in existence on the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, any such other diabetes programs operated by the Service or Tribal Health Programs, and any additional diabetes projects, such as the Medical Vanguard program provided for in title IV of Public Law 108–87, as implemented to serve Indian Tribes. Tribal Health Programs shall receive recurring funding for the diabetes projects that they operate pursuant to this section, both at the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 and for projects which are added and funded thereafter.

''(d) DIALYSIS PROGRAMS.—The Secretary is authorized to provide, through the Service, Indian Tribes, and Tribal Organizations, dialysis programs, including the purchase of dialysis equipment and the provision of necessary staffing.

''(e) OTHER DUTIES OF THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall, to the extent funding is available—

''(A) in each Area Office, consult with Indian Tribes and Tribal Organizations regarding programs for the prevention, treatment, and control of diabetes;

''(B) establish in each Area Office a registry of patients with diabetes to track the incidence of diabetes and the complications from diabetes in that area; and

''(C) ensure that data collected in each Area Office regarding diabetes and related complications among Indians are disseminated to all other Area Offices, subject to applicable patient privacy laws.

''(2) DIABETES CONTROL OFFICERS.—

''(A) IN GENERAL.—The Secretary may establish and maintain in each Area Office a position of diabetes control officer to coordinate and manage any activity of that Area Office relating to the prevention, treatment, or control of diabetes to assist the Secretary in carrying out a program under this section or section 330C of the Public Health Service Act (42 U.S.C. 254c–3).

''(B) CERTAIN ACTIVITIES.—Any activity carried out by a diabetes control officer under subparagraph (A) that is the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and any funds made available to carry out such an activity, shall not be divisible for purposes of that Act.

''SEC. 205. SHARED SERVICES FOR LONG-TERM CARE.

''(a) LONG-TERM CARE.—Notwithstanding any other provision of law, the Secretary, acting through the Service, is authorized to provide directly, or enter into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations for, the delivery of long-term care (including health care services associated with long-term care) provided in a facility to Indians. Such agreements shall provide for the sharing of staff or other services between the Service or a Tribal Health Program and a long-term care or related facility owned and operated (directly or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) by such Indian Tribe or Tribal Organization.

''(b) CONTENTS OF AGREEMENTS.—An agreement entered into pursuant to subsection (a)—

''(1) may, at the request of the Indian Tribe or Tribal Organization, delegate to such Indian Tribe or Tribal Organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section;

''(2) shall provide that expenses (including salaries) relating to services that are shared between the Service and the Tribal Health Program be allocated proportionately between the Service and the Indian Tribe or Tribal Organization; and

''(3) may authorize such Indian Tribe or Tribal Organization to construct, renovate, or expand a long-term care or other similar facility (including the construction of a facility attached to a Service facility).

''(c) MINIMUM REQUIREMENT.—Any nursing facility provided for under this section shall meet the requirements for nursing facilities under section 1919 of the Social Security Act.

''(d) OTHER ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

''(e) USE OF EXISTING OR UNDERUSED FACILITIES.—The Secretary shall encourage the use of existing facilities that are underused or allow the use of swing beds for long-term or similar care.

''SEC. 206. HEALTH SERVICES RESEARCH.

''(a) IN GENERAL.—The Secretary, acting through the Service, shall make funding available for research to further the performance of the health service responsibilities of Indian Health Programs.

''(b) COORDINATION OF RESOURCES AND ACTIVITIES.—The Secretary shall also, to the maximum extent practicable, coordinate departmental research resources and activities to address relevant Indian Health Program research needs.

''(c) AVAILABILITY.—Tribal Health Programs shall be given an equal opportunity to compete for, and receive, research funds under this section.

''(d) USE OF FUNDS.—This funding may be used for both clinical and nonclinical research.

''(e) EVALUATION AND DISSEMINATION.—The Secretary shall periodically—

''(1) evaluate the impact of research conducted under this section; and

''(2) disseminate to Tribal Health Programs information regarding that research as the Secretary determines to be appropriate.

''SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREENING.

''The Secretary, acting through the Service or Tribal Health Programs, shall provide for screening as follows:

''(1) Screening mammography (as defined in section 1861(jj) of the Social Security Act) for Indian women at a frequency appropriate to such women under accepted and appropriate national standards, and under such terms and conditions as are consistent with

standards established by the Secretary to ensure the safety and accuracy of screening mammography under part B of title XVIII of such Act.

''(2) Other cancer screening that receives an A or B rating as recommended by the United States Preventive Services Task Force established under section 915(a)(1) of the Public Health Service Act (42 U.S.C. 299b–4(a)(1)). The Secretary shall ensure that screening provided for under this paragraph complies with the recommendations of the Task Force with respect to—

''(A) frequency;

''(B) the population to be served;

''(C) the procedure or technology to be used;

''(D) evidence of effectiveness; and

''(E) other matters that the Secretary determines appropriate.

''SEC. 208. PATIENT TRAVEL COSTS.

''(a) DEFINITION OF QUALIFIED ESCORT.—In this section, the term 'qualified escort' means—

''(1) an adult escort (including a parent, guardian, or other family member) who is required because of the physical or mental condition, or age, of the applicable patient;

''(2) a health professional for the purpose of providing necessary medical care during travel by the applicable patient; or

''(3) other escorts, as the Secretary or applicable Indian Health Program determines to be appropriate.

''(b) PROVISION OF FUNDS.—The Secretary, acting through the Service and Tribal Health Programs, is authorized to provide funds for the following patient travel costs, including qualified escorts, associated with receiving health care services provided (either through direct or contract care or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) under this Act—

''(1) emergency air transportation and nonemergency air transportation where ground transportation is infeasible;

''(2) transportation by private vehicle (where no other means of transportation is available), specially equipped vehicle, and ambulance; and

''(3) transportation by such other means as may be available and required when air or motor vehicle transportation is not available.

''SEC. 209. EPIDEMIOLOGY CENTERS.

''(a) ESTABLISHMENT OF CENTERS.—The Secretary shall establish an epidemiology center in each Service Area to carry out the functions described in subsection (b). Any new center established after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 may be operated under a grant authorized by subsection (d), but funding under such a grant shall not be divisible.

''(b) FUNCTIONS OF CENTERS.—In consultation with and upon the request of Indian Tribes, Tribal Organizations, and Urban Indian Organizations, each Service Area epidemiology center established under this section shall, with respect to such Service Area—

''(1) collect data relating to, and monitor progress made toward meeting, each of the health status objectives of the Service, the Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the Service Area;

''(2) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health;

''(3) assist Indian Tribes, Tribal Organizations, and Urban Indian Organizations in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;

''(4) make recommendations for the targeting of services needed by the populations served;

''(5) make recommendations to improve health care delivery systems for Indians and Urban Indians;

''(6) provide requested technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community; and

''(7) provide disease surveillance and assist Indian Tribes, Tribal Organizations, and Urban Indian Organizations to promote public health.

''(c) TECHNICAL ASSISTANCE.—The Director of the Centers for Disease Control and Prevention shall provide technical assistance to the centers in carrying out the requirements of this section.

''(d) GRANTS FOR STUDIES.—

''(1) IN GENERAL.—The Secretary may make grants to Indian Tribes, Tribal Organizations, Urban Indian Organizations, and eligible intertribal consortia to conduct epidemiological studies of Indian communities.

''(2) ELIGIBLE INTERTRIBAL CONSORTIA.—An intertribal consortium is eligible to receive a grant under this subsection if—

''(A) the intertribal consortium is incorporated for the primary purpose of improving Indian health; and

''(B) the intertribal consortium is representative of the Indian Tribes or urban Indian communities in which the intertribal consortium is located.

''(3) APPLICATIONS.—An application for a grant under this subsection shall be submitted in such manner and at such time as the Secretary shall prescribe.

''(4) REQUIREMENTS.—An applicant for a grant under this subsection shall—

''(A) demonstrate the technical, administrative, and financial expertise necessary to carry out the functions described in paragraph (5);

''(B) consult and cooperate with providers of related health and social services in order to avoid duplication of existing services; and

''(C) demonstrate cooperation from Indian Tribes or Urban Indian Organizations in the area to be served.

''(5) USE OF FUNDS.—A grant awarded under paragraph (1) may be used—

''(A) to carry out the functions described in subsection (b);

''(B) to provide information to and consult with tribal leaders, urban Indian community leaders, and related health staff on health care and health service management issues; and

''(C) in collaboration with Indian Tribes, Tribal Organizations, and urban Indian communities, to provide the Service with information regarding ways to improve the health status of Indians.

''(e) ACCESS TO INFORMATION.—An epidemiology center operated by a grantee pursuant to a grant awarded under subsection (d) shall be treated as a public health authority for purposes of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033), as such entities are defined in part 164.501 of title 45, Code of Federal Regulations (or a successor regulation). The Secretary shall grant such grantees access to and use of data, data sets, monitoring systems, delivery systems, and other protected health information in the possession of the Secretary.

''SEC. 210. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

''(a) FUNDING FOR DEVELOPMENT OF PROGRAMS.—In addition to carrying out any other program for health promotion or disease prevention, the Secretary, acting through the Service, is authorized to award grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to develop comprehensive school health education programs for children from pre-school through grade 12 in schools for the benefit of Indian and Urban Indian children.

''(b) USE OF GRANT FUNDS.—A grant awarded under this section may be used for purposes which may include, but are not limited to, the following:

''(1) Developing health education materials both for regular school programs and after-school programs.

''(2) Training teachers in comprehensive school health education materials.

''(3) Integrating school-based, community-based, and other public and private health promotion efforts.

''(4) Encouraging healthy, tobacco-free school environments.

''(5) Coordinating school-based health programs with existing services and programs available in the community.

''(6) Developing school programs on nutrition education, personal health, oral health, and fitness.

''(7) Developing behavioral health wellness programs.

''(8) Developing chronic disease prevention programs.

''(9) Developing substance abuse prevention programs.

''(10) Developing injury prevention and safety education programs.

''(11) Developing activities for the prevention and control of communicable diseases.

''(12) Developing community and environmental health education programs that include traditional health care practitioners.

''(13) Violence prevention.

''(14) Such other health issues as are appropriate.

''(c) TECHNICAL ASSISTANCE.—Upon request, the Secretary, acting through the Service, shall provide technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the development of comprehensive health education plans and the dissemination of comprehensive health education materials and information on existing health programs and resources.

''(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—The Secretary, acting through the Service, and in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall establish criteria for the review and approval of applications for grants awarded under this section.

''(e) DEVELOPMENT OF PROGRAM FOR BIA-FUNDED SCHOOLS.—

''(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary, acting through the Service, and affected Indian Tribes and Tribal Organizations, shall develop a comprehensive school health education program for children from preschool through grade 12 in schools for which support is provided by the Bureau of Indian Affairs.

''(2) REQUIREMENTS FOR PROGRAMS.—Such programs shall include—

''(A) school programs on nutrition education, personal health, oral health, and fitness;

''(B) behavioral health wellness programs;

''(C) chronic disease prevention programs;

''(D) substance abuse prevention programs;

''(E) injury prevention and safety education programs; and

''(F) activities for the prevention and control of communicable diseases.

''(3) DUTIES OF THE SECRETARY.—The Secretary of the Interior shall—

''(A) provide training to teachers in comprehensive school health education materials;

''(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

''(C) encourage healthy, tobacco-free school environments.

''SEC. 211. INDIAN YOUTH PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Service, is authorized to establish and administer a program to provide grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian and Urban Indian preadolescent and adolescent youths.

''(b) USE OF FUNDS.—

''(1) ALLOWABLE USES.—Funds made available under this section may be used to—

''(A) develop prevention and treatment programs for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional health care practitioners; and

''(B) develop and provide community training and education.

''(2) PROHIBITED USE.—Funds made available under this section may not be used to provide services described in section 707(c).

''(c) DUTIES OF THE SECRETARY.—The Secretary shall—

''(1) disseminate to Indian Tribes, Tribal Organizations, and Urban Indian Organizations information regarding models for the delivery of comprehensive health care services to Indian and Urban Indian adolescents;

''(2) encourage the implementation of such models; and

''(3) at the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance in the implementation of such models.

''(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—The Secretary, in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall establish criteria for the review and approval of applications or proposals under this section.

''SEC. 212. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, and after consultation with the Centers for Disease Control and Prevention, may make grants available to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for the following:

''(1) Projects for the prevention, control, and elimination of communicable and infectious diseases, including tuberculosis, hepatitis, HIV, respiratory syncytial virus, hanta virus, sexually transmitted diseases, and H. Pylori.

''(2) Public information and education programs for the prevention, control, and elimination of communicable and infectious diseases.

''(3) Education, training, and clinical skills improvement activities in the prevention, control, and elimination of communicable and infectious diseases for health professionals, including allied health professionals.

''(4) Demonstration projects for the screening, treatment, and prevention of hepatitis C virus (HCV).

''(b) APPLICATION REQUIRED.—The Secretary may provide funding under subsection (a) only if an application or proposal for funding is submitted to the Secretary.

''(c) COORDINATION WITH HEALTH AGENCIES.—Indian Tribes, Tribal Organizations, and Urban Indian Organizations receiving funding under this section are encouraged to coordinate their activities with the Centers for Disease Control and Prevention and State and local health agencies.

''(d) TECHNICAL ASSISTANCE; REPORT.—In carrying out this section, the Secretary—

''(1) may, at the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance; and

''(2) shall prepare and submit a report to Congress biennially on the use of funds under this section and on the progress made toward the prevention, control, and elimination of communicable and infectious diseases among Indians and Urban Indians.

''SEC. 213. OTHER AUTHORITY FOR PROVISION OF SERVICES.

''(a) FUNDING AUTHORIZED.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide funding under this Act to meet the objectives set forth in section 3 of this Act through health care-related services and programs not otherwise described in this Act, including—

''(1) hospice care;

''(2) assisted living;

''(3) long-term care; and

''(4) home- and community-based services.

''(b) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—Any service provided under this section shall be in accordance with such terms and conditions as are consistent with accepted and appropriate standards relating to the service, including any licensing term or condition under this Act.

''(2) STANDARDS.—

''(A) IN GENERAL.—The Secretary may establish, by regulation, the standards for a service provided under this section, provided that such standards shall not be more stringent than the standards required by the State in which the service is provided.

''(B) USE OF STATE STANDARDS.—If the Secretary does not, by regulation, establish standards for a service provided under this section, the standards required by the State in which the service is or will be provided shall apply to such service.

''(C) INDIAN TRIBES.—If a service under this section is provided by an Indian Tribe or Tribal Organization pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the verification by the Secretary that the service meets any standards required by the State in which the service is or will be provided shall be considered to meet the terms and conditions required under this subsection.

''(3) ELIGIBILITY.—The following individuals shall be eligible to receive long-term care under this section:

''(A) Individuals who are unable to perform a certain number of activities of daily living without assistance.

''(B) Individuals with a mental impairment, such as dementia, Alzheimer's disease, or another disabling mental illness, who may be able to perform activities of daily living under supervision.

''(C) Such other individuals as an applicable Indian Health Program determines to be appropriate.

''(c) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

''(1) The term 'home- and community-based services' means 1 or more of the services specified in paragraphs (1) through (9) of section 1929(a) of the Social Security Act (42 U.S.C. 1396t(a)) (whether provided by the Service or by an Indian Tribe or Tribal Organization pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) that are or will be provided in accordance with the standards described in subsection (b).

''(2) The term 'hospice care' means the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and such other services which an Indian Tribe or Tribal Organization determines are necessary and appropriate to provide in furtherance of this care.

''(d) AUTHORIZATION OF CONVENIENT CARE SERVICES.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may also provide funding under this Act to meet the objectives set forth in section 3 of this Act for convenient care services programs pursuant to section 306(c)(2)(A).

''SEC. 214. INDIAN WOMEN'S HEALTH CARE.

''The Secretary, acting through the Service and Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

''SEC. 215. ENVIRONMENTAL AND NUCLEAR HEALTH HAZARDS.

''(a) STUDIES AND MONITORING.—The Secretary and the Service shall conduct, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian Tribes and Tribal Organizations, studies and ongoing monitoring programs to determine trends in the health hazards to Indian miners and to Indians on or near reservations and Indian communities as a result of environmental hazards which may result in chronic or life threatening health problems, such as nuclear resource development, petroleum contamination, and contamination of water source and of the food chain. Such studies shall include—

''(1) an evaluation of the nature and extent of health problems caused by environmental hazards currently exhibited among Indians and the causes of such health problems;

''(2) an analysis of the potential effect of ongoing and future environmental resource development on or near reservations and Indian communities, including the cumulative effect over time on health;

''(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear power plant operation and construction, and nuclear waste disposal; oil and gas production or transportation on or near reservations or Indian communities; and other development that could affect the health of Indians and their water supply and food chain;

''(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the 5 years prior to the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

''(5) the efforts that have been made by Federal and State agencies and resource and economic development companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such development.

''(b) HEALTH CARE PLANS.—Upon completion of such studies, the Secretary and the Service shall take into account the results of such studies and develop health care plans to address the health problems studied under subsection (a). The plans shall include—

''(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

''(2) preventive care and testing for Indians who may be exposed to such health hazards,

including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation or affected by other activities that have had or could have a serious impact upon the health of such individuals; and

''(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear or other development activities, may experience health problems.

''(c) SUBMISSION OF REPORT AND PLAN TO CONGRESS.—The Secretary and the Service shall submit to Congress the study prepared under subsection (a) no later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007. The health care plan prepared under subsection (b) shall be submitted in a report no later than 1 year after the study prepared under subsection (a) is submitted to Congress. Such report shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address such health problems.

''(d) INTERGOVERNMENTAL TASK FORCE.—

''(1) ESTABLISHMENT; MEMBERS.—There is established an Intergovernmental Task Force to be composed of the following individuals (or their designees):

''(A) The Secretary of Energy.

''(B) The Secretary of the Environmental Protection Agency.

''(C) The Director of the Bureau of Mines.

''(D) The Assistant Secretary for Occupational Safety and Health.

''(E) The Secretary of the Interior.

''(F) The Secretary of Health and Human Services.

''(G) The Assistant Secretary.

''(2) DUTIES.—The Task Force shall—

''(A) identify existing and potential operations related to nuclear resource development or other environmental hazards that affect or may affect the health of Indians on or near a reservation or in an Indian community; and

''(B) enter into activities to correct existing health hazards and ensure that current and future health problems resulting from nuclear resource or other development activities are minimized or reduced.

''(3) CHAIRMAN; MEETINGS.—The Secretary of Health and Human Services shall be the Chairman of the Task Force. The Task Force shall meet at least twice each year.

''(e) HEALTH SERVICES TO CERTAIN EMPLOYEES.—In the case of any Indian who—

''(1) as a result of employment in or near a uranium mine or mill or near any other environmental hazard, suffers from a work-related illness or condition;

''(2) is eligible to receive diagnosis and treatment services from an Indian Health Program; and

''(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator or entity responsible for the environmental hazard, the Indian Health Program shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may be reimbursed for any medical care so rendered to which such Indian is entitled at the expense of such operator or entity from such operator or entity. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such amounts paid to the Indian Health Program from the employer for providing medical care for such illness or condition.

''SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

''(a) IN GENERAL.—For fiscal years beginning with the fiscal year ending September 30, 1983, and ending with the fiscal year ending September 30, 2016, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of Arizona.

''(b) MAINTENANCE OF SERVICES.—The Service shall not curtail any health care services provided to Indians residing on reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

''SEC. 216A. NORTH DAKOTA AND SOUTH DAKOTA AS CONTRACT HEALTH SERVICE DELIVERY AREA.

''(a) IN GENERAL.—Beginning in fiscal year 2003, the States of North Dakota and South Dakota shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of North Dakota and South Dakota.

''(b) LIMITATION.—The Service shall not curtail any health care services provided to Indians residing on any reservation, or in any county that has a common boundary with any reservation, in the State of North Dakota or South Dakota if such curtailment is due to the provision of contract services in such States pursuant to the designation of such States as a contract health service delivery area pursuant to subsection (a).

''SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES PROGRAM.

''(a) FUNDING AUTHORIZED.—The Secretary is authorized to fund a program using the California Rural Indian Health Board (hereafter in this section referred to as the 'CRIHB') as a contract care intermediary to improve the accessibility of health services to California Indians.

''(b) REIMBURSEMENT CONTRACT.—The Secretary shall enter into an agreement with the CRIHB to reimburse the CRIHB for costs (including reasonable administrative costs) incurred pursuant to this section, in providing medical treatment under contract to California Indians described in section 806(a) throughout the California contract health services delivery area described in section 218 with respect to high cost contract care cases.

''(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts provided to the CRIHB under this section for any fiscal year may be for reimbursement for administrative expenses incurred by the CRIHB during such fiscal year.

''(d) LIMITATION ON PAYMENT.—No payment may be made for treatment provided hereunder to the extent payment may be made for such treatment under the Indian Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

''(e) ADVISORY BOARD.—There is established an advisory board which shall advise the CRIHB in carrying out this section. The advisory board shall be composed of representatives, selected by the CRIHB, from not less than 8 Tribal Health Programs serving California Indians covered under this section at least ½ of whom of whom are not affiliated with the CRIHB.

''SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

''The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to California Indians. However, any of the counties listed herein may only be included in the contract health services delivery area if funding is specifically provided by the Service for such services in those counties.

''SEC. 219. CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA.

''(a) AUTHORIZATION FOR SERVICES.—The Secretary, acting through the Service, is directed to provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties in the State of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana.

''(b) NO EXPANSION OF ELIGIBILITY.—Nothing in this section may be construed as expanding the eligibility of members of the Turtle Mountain Band of Chippewa Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

''SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

''The Service shall provide funds for health care programs and facilities operated by Tribal Health Programs on the same basis as such funds are provided to programs and facilities operated directly by the Service.

''SEC. 221. LICENSING.

''Health care professionals employed by a Tribal Health Program shall, if licensed in any State, be exempt from the licensing requirements of the State in which the Tribal Health Program performs the services described in its contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''SEC. 222. NOTIFICATION OF PROVISION OF EMERGENCY CONTRACT HEALTH SERVICES.

''With respect to an elderly Indian or an Indian with a disability receiving emergency medical care or services from a non-Service provider or in a non-Service facility under the authority of this Act, the time limitation (as a condition of payment) for notifying the Service of such treatment or admission shall be 30 days.

''SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.

''(a) DEADLINE FOR RESPONSE.—The Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

''(b) EFFECT OF UNTIMELY RESPONSE.—If the Service fails to respond to a notification of a claim in accordance with subsection (a), the Service shall accept as valid the claim submitted by the provider of a contract care service.

''(c) DEADLINE FOR PAYMENT OF VALID CLAIM.—The Service shall pay a valid contract care service claim within 30 days after the completion of the claim.

''SEC. 224. LIABILITY FOR PAYMENT.

''(a) NO PATIENT LIABILITY.—A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

''(b) NOTIFICATION.—The Secretary shall notify a contract care provider and any patient who receives contract health care services authorized by the Service that such patient is not liable for the payment of any

charges or costs associated with the provision of such services not later than 5 business days after receipt of a notification of a claim by a provider of contract care services.

''(c) NO RECOURSE.—Following receipt of the notice provided under subsection (b), or, if a claim has been deemed accepted under section 223(b), the provider shall have no further recourse against the patient who received the services.

''SEC. 225. OFFICE OF INDIAN MEN'S HEALTH.

''(a) ESTABLISHMENT.—The Secretary may establish within the Service an office to be known as the 'Office of Indian Men's Health' (referred to in this section as the 'Office').

''(b) DIRECTOR.—

''(1) IN GENERAL.—The Office shall be headed by a director, to be appointed by the Secretary.

''(2) DUTIES.—The director shall coordinate and promote the status of the health of Indian men in the United States.

''(c) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the director of the Office, shall submit to Congress a report describing—

''(1) any activity carried out by the director as of the date on which the report is prepared; and

''(2) any finding of the director with respect to the health of Indian men.

''SEC. 226. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

''TITLE III—FACILITIES

''SEC. 301. CONSULTATION; CONSTRUCTION AND RENOVATION OF FACILITIES; REPORTS.

''(a) PREREQUISITES FOR EXPENDITURE OF FUNDS.—Prior to the expenditure of, or the making of any binding commitment to expend, any funds appropriated for the planning, design, construction, or renovation of facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall—

''(1) consult with any Indian Tribe that would be significantly affected by such expenditure for the purpose of determining and, whenever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made; and

''(2) ensure, whenever practicable and applicable, that such facility meets the construction standards of any accrediting body recognized by the Secretary for the purposes of the Medicare, Medicaid, and SCHIP programs under titles XVIII, XIX, and XXI of the Social Security Act by not later than 1 year after the date on which the construction or renovation of such facility is completed.

''(b) CLOSURES.—

''(1) EVALUATION REQUIRED.—Notwithstanding any other provision of law, no facility operated by the Service, or any portion of such facility, may be closed if the Secretary has not submitted to Congress not less than 1 year, and not more than 2 years, before the date of the proposed closure an evaluation, completed not more than 2 years before the submission, of the impact of the proposed closure that specifies, in addition to other considerations—

''(A) the accessibility of alternative health care resources for the population served by such facility;

''(B) the cost-effectiveness of such closure;

''(C) the quality of health care to be provided to the population served by such facility after such closure;

''(D) the availability of contract health care funds to maintain existing levels of service;

''(E) the views of the Indian Tribes served by such facility concerning such closure;

''(F) the level of use of such facility by all eligible Indians; and

''(G) the distance between such facility and the nearest operating Service hospital.

''(2) EXCEPTION FOR CERTAIN TEMPORARY CLOSURES.—Paragraph (1) shall not apply to any temporary closure of a facility or any portion of a facility if such closure is necessary for medical, environmental, or construction safety reasons.

''(c) HEALTH CARE FACILITY PRIORITY SYSTEM.—

''(1) IN GENERAL.—

''(A) PRIORITY SYSTEM.—The Secretary, acting through the Service, shall maintain a health care facility priority system, which—

''(i) shall be developed in consultation with Indian Tribes and Tribal Organizations;

''(ii) shall give Indian Tribes' needs the highest priority;

''(iii)(I) may include the lists required in paragraph (2)(B)(ii); and

''(II) shall include the methodology required in paragraph (2)(B)(v); and

''(III) may include such other facilities, and such renovation or expansion needs of any health care facility, as the Service, Indian Tribes, and Tribal Organizations may identify; and

''(iv) shall provide an opportunity for the nomination of planning, design, and construction projects by the Service, Indian Tribes, and Tribal Organizations for consideration under the priority system at least once every 3 years, or more frequently as the Secretary determines to be appropriate.

''(B) NEEDS OF FACILITIES UNDER ISDEAA AGREEMENTS.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities operated under contracts or compacts in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) are fully and equitably integrated into the health care facility priority system.

''(C) CRITERIA FOR EVALUATING NEEDS.—For purposes of this subsection, the Secretary, in evaluating the needs of facilities operated under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the criteria used by the Secretary in evaluating the needs of facilities operated directly by the Service.

''(D) PRIORITY OF CERTAIN PROJECTS PROTECTED.—The priority of any project established under the construction priority system in effect on the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 shall not be affected by any change in the construction priority system taking place after that date if the project—

''(i) was identified in the fiscal year 2008 Service budget justification as—

''(I) 1 of the 10 top-priority inpatient projects;

''(II) 1 of the 10 top-priority outpatient projects;

''(III) 1 of the 10 top-priority staff quarters developments; or

''(IV) 1 of the 10 top-priority Youth Regional Treatment Centers;

''(ii) had completed both Phase I and Phase II of the construction priority system in effect on the date of enactment of such Act; or

''(iii) is not included in clause (i) or (ii) and is selected, as determined by the Secretary—

''(I) on the initiative of the Secretary; or

''(II) pursuant to a request of an Indian Tribe or Tribal Organization.

''(2) REPORT; CONTENTS.—

''(A) INITIAL COMPREHENSIVE REPORT.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) FACILITIES APPROPRIATION ADVISORY BOARD.—The term 'Facilities Appropriation Advisory Board' means the advisory board, comprised of 12 members representing Indian tribes and 2 members representing the Service, established at the discretion of the Assistant Secretary—

''(aa) to provide advice and recommendations for policies and procedures of the programs funded pursuant to facilities appropriations; and

''(bb) to address other facilities issues.

''(II) FACILITIES NEEDS ASSESSMENT WORKGROUP.—The term 'Facilities Needs Assessment Workgroup' means the workgroup established at the discretion of the Assistant Secretary—

''(aa) to review the health care facilities construction priority system; and

''(bb) to make recommendations to the Facilities Appropriation Advisory Board for revising the priority system.

''(ii) INITIAL REPORT.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the comprehensive, national, ranked list of all health care facilities needs for the Service, Indian Tribes, and Tribal Organizations (including inpatient health care facilities, outpatient health care facilities, specialized health care facilities (such as for long-term care and alcohol and drug abuse treatment), wellness centers, staff quarters and hostels associated with health care facilities, and the renovation and expansion needs, if any, of such facilities) developed by the Service, Indian Tribes, and Tribal Organizations for the Facilities Needs Assessment Workgroup and the Facilities Appropriation Advisory Board.

''(II) INCLUSIONS.—The initial report shall include—

''(aa) the methodology and criteria used by the Service in determining the needs and establishing the ranking of the facilities needs; and

''(bb) such other information as the Secretary determines to be appropriate.

''(iii) UPDATES OF REPORT.—Beginning in calendar year 2011, the Secretary shall—

''(I) update the report under clause (ii) not less frequently that once every 5 years; and

''(II) include the updated report in the appropriate annual report under subparagraph (B) for submission to Congress under section 801.

''(B) ANNUAL REPORTS.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth the following:

''(i) A description of the health care facility priority system of the Service established under paragraph (1).

''(ii) Health care facilities lists, which may include—

''(I) the 10 top-priority inpatient health care facilities;

''(II) the 10 top-priority outpatient health care facilities;

''(III) the 10 top-priority specialized health care facilities (such as long-term care and alcohol and drug abuse treatment);

''(IV) the 10 top-priority staff quarters developments associated with health care facilities; and

''(V) the 10 top-priority hostels associated with health care facilities.

''(iii) The justification for such order of priority.

''(iv) The projected cost of such projects.

''(v) The methodology adopted by the Service in establishing priorities under its health care facility priority system.

''(3) REQUIREMENTS FOR PREPARATION OF REPORTS.—In preparing the report required under paragraph (2), the Secretary shall—

''(A) consult with and obtain information on all health care facilities needs from Indian Tribes, Tribal Organizations, and Urban Indian Organizations; and

''(B) review the total unmet needs of all Indian Tribes, Tribal Organizations, and Urban Indian Organizations for health care facilities (including hostels and staff quarters), including needs for renovation and expansion of existing facilities.

''(d) REVIEW OF METHODOLOGY USED FOR HEALTH FACILITIES CONSTRUCTION PRIORITY SYSTEM.—

''(1) IN GENERAL.—Not later than 1 year after the establishment of the priority system under subsection (c)(1)(A), the Comptroller General of the United States shall prepare and finalize a report reviewing the methodologies applied, and the processes followed, by the Service in making each assessment of needs for the list under subsection (c)(2)(A)(ii) and developing the priority system under subsection (c)(1), including a review of—

''(A) the recommendations of the Facilities Appropriation Advisory Board and the Facilities Needs Assessment Workgroup (as those terms are defined in subsection (c)(2)(A)(i)); and

''(B) the relevant criteria used in ranking or prioritizing facilities other than hospitals or clinics.

''(2) SUBMISSION TO CONGRESS.—The Comptroller General of the United States shall submit the report under paragraph (1) to—

''(A) the Committees on Indian Affairs and Appropriations of the Senate;

''(B) the Committees on Natural Resources and Appropriations of the House of Representatives; and

''(C) the Secretary.

''(e) FUNDING CONDITION.—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), for the planning, design, construction, or renovation of health facilities for the benefit of 1 or more Indian Tribes shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(f) DEVELOPMENT OF INNOVATIVE APPROACHES.—The Secretary shall consult and cooperate with Indian Tribes, Tribal Organizations, and Urban Indian Organizations in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, including those provided for in other sections of this title and other approaches.

''SEC. 302. SANITATION FACILITIES.

''(a) FINDINGS.—Congress finds the following:

''(1) The provision of sanitation facilities is primarily a health consideration and function.

''(2) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of sanitation facilities.

''(3) The long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing sanitation facilities and other preventive health measures.

''(4) Many Indian homes and Indian communities still lack sanitation facilities.

''(5) It is in the interest of the United States, and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with sanitation facilities.

''(b) FACILITIES AND SERVICES.—In furtherance of the findings made in subsection (a), Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a). Under such authority, the Secretary, acting through the Service, is authorized to provide the following:

''(1) Financial and technical assistance to Indian Tribes, Tribal Organizations, and Indian communities in the establishment, training, and equipping of utility organizations to operate and maintain sanitation facilities, including the provision of existing plans, standard details, and specifications available in the Department, to be used at the option of the Indian Tribe, Tribal Organization, or Indian community.

''(2) Ongoing technical assistance and training to Indian Tribes, Tribal Organizations, and Indian communities in the management of utility organizations which operate and maintain sanitation facilities.

''(3) Priority funding for operation and maintenance assistance for, and emergency repairs to, sanitation facilities operated by an Indian Tribe, Tribal Organization or Indian community when necessary to avoid an imminent health threat or to protect the investment in sanitation facilities and the investment in the health benefits gained through the provision of sanitation facilities.

''(c) FUNDING.—Notwithstanding any other provision of law—

''(1) the Secretary of Housing and Urban Development is authorized to transfer funds appropriated under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to the Secretary of Health and Human Services;

''(2) the Secretary of Health and Human Services is authorized to accept and use such funds for the purpose of providing sanitation facilities and services for Indians under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a);

''(3) unless specifically authorized when funds are appropriated, the Secretary shall not use funds appropriated under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to provide sanitation facilities to new homes constructed using funds provided by the Department of Housing and Urban Development;

''(4) the Secretary of Health and Human Services is authorized to accept from any source, including Federal and State agencies, funds for the purpose of providing sanitation facilities and services and place these funds into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

''(5) except as otherwise prohibited by this section, the Secretary may use funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to fund up to 100 percent of the amount of an Indian Tribe's loan obtained under any Federal program for new projects to construct eligible sanitation facilities to serve Indian homes;

''(6) except as otherwise prohibited by this section, the Secretary may use funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) to meet matching or cost participation requirements under other Federal and non-Federal programs for new projects to construct eligible sanitation facilities;

''(7) all Federal agencies are authorized to transfer to the Secretary funds identified, granted, loaned, or appropriated whereby the Department's applicable policies, rules, and regulations shall apply in the implementation of such projects;

''(8) the Secretary of Health and Human Services shall enter into interagency agreements with Federal and State agencies for the purpose of providing financial assistance for sanitation facilities and services under this Act;

''(9) the Secretary of Health and Human Services shall, by regulation, establish standards applicable to the planning, design, and construction of sanitation facilities funded under this Act; and

''(10) the Secretary of Health and Human Services is authorized to accept payments for goods and services furnished by the Service from appropriate public authorities, nonprofit organizations or agencies, or Indian Tribes, as contributions by that authority, organization, agency, or tribe to agreements made under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), and such payments shall be credited to the same or subsequent appropriation account as funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

''(d) CERTAIN CAPABILITIES NOT PREREQUISITE.—The financial and technical capability of an Indian Tribe, Tribal Organization, or Indian community to safely operate, manage, and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary.

''(e) FINANCIAL ASSISTANCE.—The Secretary is authorized to provide financial assistance to Indian Tribes, Tribal Organizations, and Indian communities for operation, management, and maintenance of their sanitation facilities.

''(f) OPERATION, MANAGEMENT, AND MAINTENANCE OF FACILITIES.—The Indian Tribe has the primary responsibility to establish, collect, and use reasonable user fees, or otherwise set aside funding, for the purpose of operating, managing, and maintaining sanitation facilities. If a sanitation facility serving a community that is operated by an Indian Tribe or Tribal Organization is threatened with imminent failure and such operator lacks capacity to maintain the integrity or the health benefits of the sanitation facility, then the Secretary is authorized to assist the Indian Tribe, Tribal Organization, or Indian community in the resolution of the problem on a short-term basis through cooperation with the emergency coordinator or by providing operation, management, and maintenance service.

''(g) ISDEAA PROGRAM FUNDED ON EQUAL BASIS.—Tribal Health Programs shall be eligible (on an equal basis with programs that are administered directly by the Service) for—

''(1) any funds appropriated pursuant to this section; and

''(2) any funds appropriated for the purpose of providing sanitation facilities.

''(h) REPORT.—

''(1) REQUIRED; CONTENTS.—The Secretary, in consultation with the Secretary of Housing and Urban Development, Indian Tribes, Tribal Organizations, and tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth—

''(A) the current Indian sanitation facility priority system of the Service;

''(B) the methodology for determining sanitation deficiencies and needs;

''(C) the criteria on which the deficiencies and needs will be evaluated;

''(D) the level of initial and final sanitation deficiency for each type of sanitation facility for each project of each Indian Tribe or Indian community;

''(E) the amount and most effective use of funds, derived from whatever source, necessary to accommodate the sanitation facilities needs of new homes assisted with funds under the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4101 et seq.), and to reduce the identified sanitation deficiency levels of all Indian Tribes and Indian communities to level I sanitation deficiency as defined in paragraph (3)(A); and

''(F) a 10-year plan to provide sanitation facilities to serve existing Indian homes and Indian communities and new and renovated Indian homes.

''(2) UNIFORM METHODOLOGY.—The methodology used by the Secretary in determining, preparing cost estimates for, and reporting sanitation deficiencies for purposes of paragraph (1) shall be applied uniformly to all Indian Tribes and Indian communities.

''(3) SANITATION DEFICIENCY LEVELS.—For purposes of this subsection, the sanitation deficiency levels for an individual, Indian Tribe, or Indian community sanitation facility to serve Indian homes are determined as follows:

''(A) A level I deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community—

''(i) complies with all applicable water supply, pollution control, and solid waste disposal laws; and

''(ii) deficiencies relate to routine replacement, repair, or maintenance needs.

''(B) A level II deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community substantially or recently complied with all applicable water supply, pollution control, and solid waste laws and any deficiencies relate to—

''(i) small or minor capital improvements needed to bring the facility back into compliance;

''(ii) capital improvements that are necessary to enlarge or improve the facilities in order to meet the current needs for domestic sanitation facilities; or

''(iii) the lack of equipment or training by an Indian Tribe, Tribal Organization, or an Indian community to properly operate and maintain the sanitation facilities.

''(C) A level III deficiency exists if a sanitation facility serving an individual, Indian Tribe or Indian community meets 1 or more of the following conditions—

''(i) water or sewer service in the home is provided by a haul system with holding tanks and interior plumbing;

''(ii) major significant interruptions to water supply or sewage disposal occur frequently, requiring major capital improvements to correct the deficiencies; or

''(iii) there is no access to or no approved or permitted solid waste facility available.

''(D) A level IV deficiency exists—

''(i) if a sanitation facility for an individual home, an Indian Tribe, or an Indian community exists but—

''(I) lacks—

''(aa) a safe water supply system; or

''(bb) a waste disposal system;

''(II) contains no piped water or sewer facilities; or

''(III) has become inoperable due to a major component failure; or

''(ii) if only a washeteria or central facility exists in the community.

''(E) A level V deficiency exists in the absence of a sanitation facility, where individual homes do not have access to safe drinking water or adequate wastewater (including sewage) disposal.

''(i) DEFINITIONS.—For purposes of this section, the following terms apply:

''(1) INDIAN COMMUNITY.—The term 'Indian community' means a geographic area, a significant proportion of whose inhabitants are Indians and which is served by or capable of being served by a facility described in this section.

''(2) SANITATION FACILITIES.—The terms 'sanitation facility' and 'sanitation facilities' mean safe and adequate water supply systems, sanitary sewage disposal systems, and sanitary solid waste systems (and all related equipment and support infrastructure).

''SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.

''(a) BUY INDIAN ACT.—The Secretary, acting through the Service, may use the negotiating authority of section 23 of the Act of June 25, 1910 (25 U.S.C. 47, commonly known as the 'Buy Indian Act'), to give preference to any Indian or any enterprise, partnership, corporation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian Tribes in the State of New York (hereinafter referred to as an 'Indian firm') in the construction and renovation of Service facilities pursuant to section 301 and in the construction of sanitation facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to regulations, that the project or function to be contracted for will not be satisfactory or such project or function cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such a finding, shall consider whether the Indian or Indian firm will be deficient with respect to—

''(1) ownership and control by Indians;

''(2) equipment;

''(3) bookkeeping and accounting procedures;

''(4) substantive knowledge of the project or function to be contracted for;

''(5) adequately trained personnel; or

''(6) other necessary components of contract performance.

''(b) LABOR STANDARDS.—

''(1) IN GENERAL.—For the purposes of implementing the provisions of this title, contracts for the construction or renovation of health care facilities, staff quarters, and sanitation facilities, and related support infrastructure, funded in whole or in part with funds made available pursuant to this title, shall contain a provision requiring compliance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the 'Davis-Bacon Act'), unless such construction or renovation—

''(A) is performed by a contractor pursuant to a contract with an Indian Tribe or Tribal Organization with funds supplied through a contract or compact authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other statutory authority; and

''(B) is subject to prevailing wage rates for similar construction or renovation in the locality as determined by the Indian Tribes or Tribal Organizations to be served by the construction or renovation.

''(2) EXCEPTION.—This subsection shall not apply to construction or renovation carried out by an Indian Tribe or Tribal Organization with its own employees.

''SEC. 304. EXPENDITURE OF NON-SERVICE FUNDS FOR RENOVATION.

''(a) IN GENERAL.—Notwithstanding any other provision of law, if the requirements of subsection (c) are met, the Secretary, acting through the Service, is authorized to accept any major expansion, renovation, or modernization by any Indian Tribe or Tribal Organization of any Service facility or of any other Indian health facility operated pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including—

''(1) any plans or designs for such expansion, renovation, or modernization; and

''(2) any expansion, renovation, or modernization for which funds appropriated under any Federal law were lawfully expended.

''(b) PRIORITY LIST.—

''(1) IN GENERAL.—The Secretary shall maintain a separate priority list to address the needs for increased operating expenses, personnel, or equipment for such facilities. The methodology for establishing priorities shall be developed through regulations. The list of priority facilities will be revised annually in consultation with Indian Tribes and Tribal Organizations.

''(2) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, the priority list maintained pursuant to paragraph (1).

''(c) REQUIREMENTS.—The requirements of this subsection are met with respect to any expansion, renovation, or modernization if—

''(1) the Indian Tribe or Tribal Organization—

''(A) provides notice to the Secretary of its intent to expand, renovate, or modernize; and

''(B) applies to the Secretary to be placed on a separate priority list to address the needs of such new facilities for increased operating expenses, personnel, or equipment; and

''(2) the expansion, renovation, or modernization—

''(A) is approved by the appropriate area director of the Service for Federal facilities; and

''(B) is administered by the Indian Tribe or Tribal Organization in accordance with any applicable regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

''(d) ADDITIONAL REQUIREMENT FOR EXPANSION.—In addition to the requirements under subsection (c), for any expansion, the Indian Tribe or Tribal Organization shall provide to the Secretary additional information pursuant to regulations, including additional staffing, equipment, and other costs associated with the expansion.

''(e) CLOSURE OR CONVERSION OF FACILITIES.—If any Service facility which has been expanded, renovated, or modernized by an Indian Tribe or Tribal Organization under this section ceases to be used as a Service facility during the 20-year period beginning on the date such expansion, renovation, or modernization is completed, such Indian Tribe or Tribal Organization shall be entitled to recover from the United States an amount which bears the same ratio to the value of such facility at the time of such cessation as the value of such expansion, renovation, or modernization (less the total amount of any funds provided specifically for such facility under any Federal program that were expended for such expansion, renovation, or modernization) bore to the value of such facility at the time of the completion of such expansion, renovation, or modernization.

''SEC. 305. FUNDING FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES.

''(a) GRANTS.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall make grants to Indian Tribes and Tribal Organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians (and noneligible persons pursuant to subsections (b)(2) and (c)(1)(C)). A grant made under this section may cover up to 100 percent of the costs of such construction, expansion, or

modernization. For the purposes of this section, the term 'construction' includes the replacement of an existing facility.

''(2) GRANT AGREEMENT REQUIRED.—A grant under paragraph (1) may only be made available to a Tribal Health Program operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to an Indian Tribe or Tribal Organization).

''(b) USE OF GRANT FUNDS.—

''(1) ALLOWABLE USES.—A grant awarded under this section may be used for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

''(A) located apart from a hospital;

''(B) not funded under section 301 or section 306; and

''(C) which, upon completion of such construction or modernization will—

''(i) have a total capacity appropriate to its projected service population;

''(ii) provide annually no fewer than 150 patient visits by eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2); and

''(iii) provide ambulatory care in a Service Area (specified in the contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) with a population of no fewer than 1,500 eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2).

''(2) ADDITIONAL ALLOWABLE USE.—The Secretary may also reserve a portion of the funding provided under this section and use those reserved funds to reduce an outstanding debt incurred by Indian Tribes or Tribal Organizations for the construction, expansion, or modernization of an ambulatory care facility that meets the requirements under paragraph (1). The provisions of this section shall apply, except that such applications for funding under this paragraph shall be considered separately from applications for funding under paragraph (1).

''(3) USE ONLY FOR CERTAIN PORTION OF COSTS.—A grant provided under this section may be used only for the cost of that portion of a construction, expansion, or modernization project that benefits the Service population identified above in subsection (b)(1)(C)(ii) and (iii). The requirements of clauses (ii) and (iii) of paragraph (1)(C) shall not apply to an Indian Tribe or Tribal Organization applying for a grant under this section for a health care facility located or to be constructed on an island or when such facility is not located on a road system providing direct access to an inpatient hospital where care is available to the Service population.

''(c) GRANTS.—

''(1) APPLICATION.—No grant may be made under this section unless an application or proposal for the grant has been approved by the Secretary in accordance with applicable regulations and has set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out using a grant received under this section—

''(A) adequate financial support will be available for the provision of services at such facility;

''(B) such facility will be available to eligible Indians without regard to ability to pay or source of payment; and

''(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible Indians, serve non-eligible persons on a cost basis.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to Indian Tribes and Tribal Organizations that demonstrate—

''(A) a need for increased ambulatory care services; and

''(B) insufficient capacity to deliver such services.

''(3) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications and proposals and to advise the Secretary regarding such applications using the criteria developed pursuant to subsection (a)(1).

''(d) REVERSION OF FACILITIES.—If any facility (or portion thereof) with respect to which funds have been paid under this section, ceases, at any time after completion of the construction, expansion, or modernization carried out with such funds, to be used for the purposes of providing health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian Tribe or Tribal Organization.

''(e) FUNDING NONRECURRING.—Funding provided under this section shall be nonrecurring and shall not be available for inclusion in any individual Indian Tribe's tribal share for an award under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or for reallocation or redesign thereunder.

''SEC. 306. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECTS.

''(a) IN GENERAL.—The Secretary, acting through the Service, is authorized to carry out, or to enter into contracts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations to carry out, a health care delivery demonstration project to test alternative means of delivering health care and services to Indians through facilities.

''(b) USE OF FUNDS.—The Secretary, in approving projects pursuant to this section, may authorize such contracts for the construction and renovation of hospitals, health centers, health stations, and other facilities to deliver health care services and is authorized to—

''(1) waive any leasing prohibition;

''(2) permit carryover of funds appropriated for the provision of health care services;

''(3) permit the use of other available funds;

''(4) permit the use of funds or property donated from any source for project purposes;

''(5) provide for the reversion of donated real or personal property to the donor; and

''(6) permit the use of Service funds to match other funds, including Federal funds.

''(c) HEALTH CARE DEMONSTRATION PROJECTS.—

''(1) GENERAL PROJECTS.—

''(A) CRITERIA.—The Secretary may approve under this section demonstration projects that meet the following criteria:

''(i) There is a need for a new facility or program, such as a program for convenient care services, or the reorientation of an existing facility or program.

''(ii) A significant number of Indians, including Indians with low health status, will be served by the project.

''(iii) The project has the potential to deliver services in an efficient and effective manner.

''(iv) The project is economically viable.

''(v) For projects carried out by an Indian Tribe or Tribal Organization, the Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

''(vi) The project is integrated with providers of related health and social services and is coordinated with, and avoids duplication of, existing services in order to expand the availability of services.

''(B) PRIORITY.—In approving demonstration projects under this paragraph, the Secretary shall give priority to demonstration projects, to the extent the projects meet the criteria described in subparagraph (A), located in any of the following Service Units:

''(i) Cass Lake, Minnesota.

''(ii) Mescalero, New Mexico.

''(iii) Owyhee, Nevada.

''(iv) Schurz, Nevada.

''(v) Ft. Yuma, California.

''(2) CONVENIENT CARE SERVICE PROJECTS.—

''(A) DEFINITION OF CONVENIENT CARE SERVICE.—In this paragraph, the term 'convenient care service' means any primary health care service, such as urgent care services, non-emergent care services, prevention services and screenings, and any service authorized by sections 203 or 213(d), that is—

''(i) provided outside the regular hours of operation of a health care facility; or

''(ii) offered at an alternative setting.

''(B) APPROVAL.—In addition to projects described in paragraph (1), in any fiscal year, the Secretary is authorized to approve not more than 10 applications for health care delivery demonstration projects that—

''(i) include a convenient care services program as an alternative means of delivering health care services to Indians; and

''(ii) meet the criteria described in subparagraph (C).

''(C) CRITERIA.—The Secretary shall approve under subparagraph (B) demonstration projects that meet all of the following criteria:

''(i) The criteria set forth in paragraph (1)(A).

''(ii) There is a lack of access to health care services at existing health care facilities, which may be due to limited hours of operation at those facilities or other factors.

''(iii) The project—

''(I) expands the availability of services; or

''(II) reduces—

''(aa) the burden on Contract Health Services; or

''(bb) the need for emergency room visits.

''(d) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications using the criteria described in paragraphs (1)(A) and (2)(C) of subsection (c).

''(e) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with this section.

''(f) SERVICE TO INELIGIBLE PERSONS.—Subject to section 807, the authority to provide services to persons otherwise ineligible for the health care benefits of the Service, and the authority to extend hospital privileges in Service facilities to non-Service health practitioners as provided in section 807, may be included, subject to the terms of that section, in any demonstration project approved pursuant to this section.

''(g) EQUITABLE TREATMENT.—For purposes of subsection (c), the Secretary, in evaluating facilities operated under any contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the same criteria that the Secretary uses in evaluating facilities operated directly by the Service.

''(h) EQUITABLE INTEGRATION OF FACILITIES.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities that are the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for health services are

fully and equitably integrated into the implementation of the health care delivery demonstration projects under this section.

"SEC. 307. LAND TRANSFER.

"Notwithstanding any other provision of law, the Bureau of Indian Affairs and all other agencies and departments of the United States are authorized to transfer, at no cost, land and improvements to the Service for the provision of health care services. The Secretary is authorized to accept such land and improvements for such purposes.

"SEC. 308. LEASES, CONTRACTS, AND OTHER AGREEMENTS.

"The Secretary, acting through the Service, may enter into leases, contracts, and other agreements with Indian Tribes and Tribal Organizations which hold (1) title to, (2) a leasehold interest in, or (3) a beneficial interest in (when title is held by the United States in trust for the benefit of an Indian Tribe) facilities used or to be used for the administration and delivery of health services by an Indian Health Program. Such leases, contracts, or agreements may include provisions for construction or renovation and provide for compensation to the Indian Tribe or Tribal Organization of rental and other costs consistent with section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(l)) and regulations thereunder.

"SEC. 309. STUDY ON LOANS, LOAN GUARANTEES, AND LOAN REPAYMENT.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Treasury, Indian Tribes, and Tribal Organizations, shall carry out a study to determine the feasibility of establishing a loan fund to provide to Indian Tribes and Tribal Organizations direct loans or guarantees for loans for the construction of health care facilities, including—

"(1) inpatient facilities;

"(2) outpatient facilities;

"(3) staff quarters;

"(4) hostels; and

"(5) specialized care facilities, such as behavioral health and elder care facilities.

"(b) DETERMINATIONS.—In carrying out the study under subsection (a), the Secretary shall determine—

"(1) the maximum principal amount of a loan or loan guarantee that should be offered to a recipient from the loan fund;

"(2) the percentage of eligible costs, not to exceed 100 percent, that may be covered by a loan or loan guarantee from the loan fund (including costs relating to planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, improvements, medical equipment and furnishings, and other facility-related costs and capital purchase (but excluding staffing));

"(3) the cumulative total of the principal of direct loans and loan guarantees, respectively, that may be outstanding at any 1 time;

"(4) the maximum term of a loan or loan guarantee that may be made for a facility from the loan fund;

"(5) the maximum percentage of funds from the loan fund that should be allocated for payment of costs associated with planning and applying for a loan or loan guarantee;

"(6) whether acceptance by the Secretary of an assignment of the revenue of an Indian Tribe or Tribal Organization as security for any direct loan or loan guarantee from the loan fund would be appropriate;

"(7) whether, in the planning and design of health facilities under this section, users eligible under section 807(c) may be included in any projection of patient population;

"(8) whether funds of the Service provided through loans or loan guarantees from the loan fund should be eligible for use in matching other Federal funds under other programs;

"(9) the appropriateness of, and best methods for, coordinating the loan fund with the health care priority system of the Service under section 301; and

"(10) any legislative or regulatory changes required to implement recommendations of the Secretary based on results of the study.

"(c) REPORT.—Not later than September 30, 2009, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(1) the manner of consultation made as required by subsection (a); and

"(2) the results of the study, including any recommendations of the Secretary based on results of the study.

"SEC. 310. TRIBAL LEASING.

"A Tribal Health Program may lease permanent structures for the purpose of providing health care services without obtaining advance approval in appropriation Acts.

"SEC. 311. INDIAN HEALTH SERVICE/TRIBAL FACILITIES JOINT VENTURE PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall make arrangements with Indian Tribes and Tribal Organizations to establish joint venture demonstration projects under which an Indian Tribe or Tribal Organization shall expend tribal, private, or other available funds, for the acquisition or construction of a health facility for a minimum of 10 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of such a health facility. An Indian Tribe or Tribal Organization may use tribal funds, private sector, or other available resources, including loan guarantees, to fulfill its commitment under a joint venture entered into under this subsection. An Indian Tribe or Tribal Organization shall be eligible to establish a joint venture project if, when it submits a letter of intent, it—

"(1) has begun but not completed the process of acquisition or construction of a health facility to be used in the joint venture project; or

"(2) has not begun the process of acquisition or construction of a health facility for use in the joint venture project.

"(b) REQUIREMENTS.—The Secretary shall make such an arrangement with an Indian Tribe or Tribal Organization only if—

"(1) the Secretary first determines that the Indian Tribe or Tribal Organization has the administrative and financial capabilities necessary to complete the timely acquisition or construction of the relevant health facility; and

"(2) the Indian Tribe or Tribal Organization meets the need criteria determined using the criteria developed under the health care facility priority system under section 301, unless the Secretary determines, pursuant to regulations, that other criteria will result in a more cost-effective and efficient method of facilitating and completing construction of health care facilities.

"(c) CONTINUED OPERATION.—The Secretary shall negotiate an agreement with the Indian Tribe or Tribal Organization regarding the continued operation of the facility at the end of the initial 10 year no-cost lease period.

"(d) BREACH OF AGREEMENT.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this section, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid to the Indian Tribe or Tribal Organization, or paid to a third party on the Indian Tribe's or Tribal Organization's behalf, under the agreement. The Secretary has the right to recover tangible property (including supplies) and equipment, less depreciation, and any funds expended for operations and maintenance under this section. The preceding sentence does not apply to any funds expended for the delivery of health care services, personnel, or staffing.

"(e) RECOVERY FOR NONUSE.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this subsection shall be entitled to recover from the United States an amount that is proportional to the value of such facility if, at any time within the 10-year term of the agreement, the Service ceases to use the facility or otherwise breaches the agreement.

"(f) DEFINITION.—For the purposes of this section, the term 'health facility' or 'health facilities' includes quarters needed to provide housing for staff of the relevant Tribal Health Program.

"SEC. 312. LOCATION OF FACILITIES.

"(a) IN GENERAL.—In all matters involving the reorganization or development of Service facilities or in the establishment of related employment projects to address unemployment conditions in economically depressed areas, the Bureau of Indian Affairs and the Service shall give priority to locating such facilities and projects on Indian lands, or lands in Alaska owned by any Alaska Native village, or village or regional corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or any land allotted to any Alaska Native, if requested by the Indian owner and the Indian Tribe with jurisdiction over such lands or other lands owned or leased by the Indian Tribe or Tribal Organization. Top priority shall be given to Indian land owned by 1 or more Indian Tribes.

"(b) DEFINITION.—For purposes of this section, the term 'Indian lands' means—

"(1) all lands within the exterior boundaries of any reservation; and

"(2) any lands title to which is held in trust by the United States for the benefit of any Indian Tribe or individual Indian or held by any Indian Tribe or individual Indian subject to restriction by the United States against alienation.

"SEC. 313. MAINTENANCE AND IMPROVEMENT OF HEALTH CARE FACILITIES.

"(a) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which identifies the backlog of maintenance and repair work required at both Service and tribal health care facilities, including new health care facilities expected to be in operation in the next fiscal year. The report shall also identify the need for renovation and expansion of existing facilities to support the growth of health care programs.

"(b) MAINTENANCE OF NEWLY CONSTRUCTED SPACE.—The Secretary, acting through the Service, is authorized to expend maintenance and improvement funds to support maintenance of newly constructed space only if such space falls within the approved supportable space allocation for the Indian Tribe or Tribal Organization. Supportable space allocation shall be defined through the health care facility priority system under section 301(c).

"(c) REPLACEMENT FACILITIES.—In addition to using maintenance and improvement funds for renovation, modernization, and expansion of facilities, an Indian Tribe or Tribal Organization may use maintenance and improvement funds for construction of a replacement facility if the costs of renovation

of such facility would exceed a maximum renovation cost threshold. The maximum renovation cost threshold shall be determined through the negotiated rulemaking process provided for under section 802.

"SEC. 314. TRIBAL MANAGEMENT OF FEDERALLY-OWNED QUARTERS.

''(a) RENTAL RATES.—

''(1) ESTABLISHMENT.—Notwithstanding any other provision of law, a Tribal Health Program which operates a hospital or other health facility and the federally-owned quarters associated therewith pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall have the authority to establish the rental rates charged to the occupants of such quarters by providing notice to the Secretary of its election to exercise such authority.

''(2) OBJECTIVES.—In establishing rental rates pursuant to authority of this subsection, a Tribal Health Program shall endeavor to achieve the following objectives:

''(A) To base such rental rates on the reasonable value of the quarters to the occupants thereof.

''(B) To generate sufficient funds to prudently provide for the operation and maintenance of the quarters, and subject to the discretion of the Tribal Health Program, to supply reserve funds for capital repairs and replacement of the quarters.

''(3) EQUITABLE FUNDING.—Any quarters whose rental rates are established by a Tribal Health Program pursuant to this subsection shall remain eligible for quarters improvement and repair funds to the same extent as all federally-owned quarters used to house personnel in Services-supported programs.

''(4) NOTICE OF RATE CHANGE.—A Tribal Health Program which exercises the authority provided under this subsection shall provide occupants with no less than 60 days notice of any change in rental rates.

''(b) DIRECT COLLECTION OF RENT.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, and subject to paragraph (2), a Tribal Health Program shall have the authority to collect rents directly from Federal employees who occupy such quarters in accordance with the following:

''(A) The Tribal Health Program shall notify the Secretary and the subject Federal employees of its election to exercise its authority to collect rents directly from such Federal employees.

''(B) Upon receipt of a notice described in subparagraph (A), the Federal employees shall pay rents for occupancy of such quarters directly to the Tribal Health Program and the Secretary shall have no further authority to collect rents from such employees through payroll deduction or otherwise.

''(C) Such rent payments shall be retained by the Tribal Health Program and shall not be made payable to or otherwise be deposited with the United States.

''(D) Such rent payments shall be deposited into a separate account which shall be used by the Tribal Health Program for the maintenance (including capital repairs and replacement) and operation of the quarters and facilities as the Tribal Health Program shall determine.

''(2) RETROCESSION OF AUTHORITY.—If a Tribal Health Program which has made an election under paragraph (1) requests retrocession of its authority to directly collect rents from Federal employees occupying federally-owned quarters, such retrocession shall become effective on the earlier of—

''(A) the first day of the month that begins no less than 180 days after the Tribal Health Program notifies the Secretary of its desire to retrocede; or

''(B) such other date as may be mutually agreed by the Secretary and the Tribal Health Program.

''(c) RATES IN ALASKA.—To the extent that a Tribal Health Program, pursuant to authority granted in subsection (a), establishes rental rates for federally-owned quarters provided to a Federal employee in Alaska, such rents may be based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.

"SEC. 315. APPLICABILITY OF BUY AMERICAN ACT REQUIREMENT.

''(a) APPLICABILITY.—The Secretary shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to section 317. Indian Tribes and Tribal Organizations shall be exempt from these requirements.

''(b) EFFECT OF VIOLATION.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to section 317, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

''(c) DEFINITIONS.—For purposes of this section, the term 'Buy American Act' means title III of the Act entitled 'An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes', approved March 3, 1933 (41 U.S.C. 10a et seq.).

"SEC. 316. OTHER FUNDING FOR FACILITIES.

''(a) AUTHORITY TO ACCEPT FUNDS.—The Secretary is authorized to accept from any source, including Federal and State agencies, funds that are available for the construction of health care facilities and use such funds to plan, design, and construct health care facilities for Indians and to place such funds into a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Receipt of such funds shall have no effect on the priorities established pursuant to section 301.

''(b) INTERAGENCY AGREEMENTS.—The Secretary is authorized to enter into interagency agreements with other Federal agencies or State agencies and other entities and to accept funds from such Federal or State agencies or other sources to provide for the planning, design, and construction of health care facilities to be administered by Indian Health Programs in order to carry out the purposes of this Act and the purposes for which the funds were appropriated or for which the funds were otherwise provided.

''(c) ESTABLISHMENT OF STANDARDS.—The Secretary, through the Service, shall establish standards by regulation for the planning, design, and construction of health care facilities serving Indians under this Act.

"SEC. 317. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE IV—ACCESS TO HEALTH SERVICES

"SEC. 401. TREATMENT OF PAYMENTS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.

''(a) DISREGARD OF MEDICARE, MEDICAID, AND SCHIP PAYMENTS IN DETERMINING APPROPRIATIONS.—Any payments received by an Indian Health Program or by an Urban Indian Organization under title XVIII, XIX, or XXI of the Social Security Act for services provided to Indians eligible for benefits under such respective titles shall not be considered in determining appropriations for the provision of health care and services to Indians.

''(b) NONPREFERENTIAL TREATMENT.—Nothing in this Act authorizes the Secretary to provide services to an Indian with coverage under title XVIII, XIX, or XXI of the Social Security Act in preference to an Indian without such coverage.

''(c) USE OF FUNDS.—

''(1) SPECIAL FUND.—

''(A) 100 PERCENT PASS-THROUGH OF PAYMENTS DUE TO FACILITIES.—Notwithstanding any other provision of law, but subject to paragraph (2), payments to which a facility of the Service is entitled by reason of a provision of the Social Security Act shall be placed in a special fund to be held by the Secretary. In making payments from such fund, the Secretary shall ensure that each Service Unit of the Service receives 100 percent of the amount to which the facilities of the Service, for which such Service Unit makes collections, are entitled by reason of a provision of the Social Security Act.

''(B) USE OF FUNDS.—Amounts received by a facility of the Service under subparagraph (A) shall first be used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the programs of the Service operated by or through such facility which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act. Any amounts so received that are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to consultation with the Indian Tribes being served by the Service Unit, be used for reducing the health resource deficiencies (as determined under section 201(d)) of such Indian Tribes.

''(2) DIRECT PAYMENT OPTION.—Paragraph (1) shall not apply to a Tribal Health Program upon the election of such Program under subsection (d) to receive payments directly. No payment may be made out of the special fund described in such paragraph with respect to reimbursement made for services provided by such Program during the period of such election.

''(d) DIRECT BILLING.—

''(1) IN GENERAL.—Subject to complying with the requirements of paragraph (2), a Tribal Health Program may elect to directly bill for, and receive payment for, health care items and services provided by such Program for which payment is made under title XVIII or XIX of the Social Security Act or from any other third party payor.

''(2) DIRECT REIMBURSEMENT.—

''(A) USE OF FUNDS.—Each Tribal Health Program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be reimbursed directly by that program for items and services furnished without regard to subsection (c)(1), but all amounts so reimbursed shall be used by the Tribal Health Program for the purpose of making any improvements in facilities of the Tribal Health Program that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to such items and services under the program under such title and to provide additional health care services, improvements in health care facilities and Tribal Health Programs, any health care related purpose, or otherwise to achieve the objectives provided in section 3 of this Act.

''(B) AUDITS.—The amounts paid to a Tribal Health Program making the election described in paragraph (1) with respect to a

program under a title of the Social Security Act shall be subject to all auditing requirements applicable to the program under such title, as well as all auditing requirements applicable to programs administered by an Indian Health Program. Nothing in the preceding sentence shall be construed as limiting the application of auditing requirements applicable to amounts paid under title XVIII, XIX, or XXI of the Social Security Act.

''(C) IDENTIFICATION OF SOURCE OF PAYMENTS.—Any Tribal Health Program that receives reimbursements or payments under title XVIII, XIX, or XXI of the Social Security Act, shall provide to the Service a list of each provider enrollment number (or other identifier) under which such Program receives such reimbursements or payments.

''(3) EXAMINATION AND IMPLEMENTATION OF CHANGES.—

''(A) IN GENERAL.—The Secretary, acting through the Service and with the assistance of the Administrator of the Centers for Medicare & Medicaid Services, shall examine on an ongoing basis and implement any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this subsection, including any agreements with States that may be necessary to provide for direct billing under a program under a title of the Social Security Act.

''(B) COORDINATION OF INFORMATION.—The Service shall provide the Administrator of the Centers for Medicare & Medicaid Services with copies of the lists submitted to the Service under paragraph (2)(C), enrollment data regarding patients served by the Service (and by Tribal Health Programs, to the extent such data is available to the Service), and such other information as the Administrator may require for purposes of administering title XVIII, XIX, or XXI of the Social Security Act.

''(4) WITHDRAWAL FROM PROGRAM.—A Tribal Health Program that bills directly under the program established under this subsection may withdraw from participation in the same manner and under the same conditions that an Indian Tribe or Tribal Organization may retrocede a contracted program to the Secretary under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this subsection shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.

''(5) TERMINATION FOR FAILURE TO COMPLY WITH REQUIREMENTS.—The Secretary may terminate the participation of a Tribal Health Program or in the direct billing program established under this subsection if the Secretary determines that the Program has failed to comply with the requirements of paragraph (2). The Secretary shall provide a Tribal Health Program with notice of a determination that the Program has failed to comply with any such requirement and a reasonable opportunity to correct such noncompliance prior to terminating the Program's participation in the direct billing program established under this subsection.

''(e) RELATED PROVISIONS UNDER THE SOCIAL SECURITY ACT.—For provisions related to subsections (c) and (d), see sections 1880, 1911, and 2107(e)(1)(D) of the Social Security Act.

''SEC. 402. GRANTS TO AND CONTRACTS WITH THE SERVICE, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS TO FACILITATE OUTREACH, ENROLLMENT, AND COVERAGE OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS AND OTHER HEALTH BENEFITS PROGRAMS.

''(a) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—From funds appropriated to carry out this title in accordance with section 416, the Secretary, acting through the Service, shall make grants to or enter into contracts with Indian Tribes and Tribal Organizations to assist such Tribes and Tribal Organizations in establishing and administering programs on or near reservations and trust lands to assist individual Indians—

''(1) to enroll for benefits under a program established under title XVIII, XIX, or XXI of the Social Security Act and other health benefits programs; and

''(2) with respect to such programs for which the charging of premiums and cost sharing is not prohibited under such programs, to pay premiums or cost sharing for coverage for such benefits, which may be based on financial need (as determined by the Indian Tribe or Tribes or Tribal Organizations being served based on a schedule of income levels developed or implemented by such Tribe, Tribes, or Tribal Organizations).

''(b) CONDITIONS.—The Secretary, acting through the Service, shall place conditions as deemed necessary to effect the purpose of this section in any grant or contract which the Secretary makes with any Indian Tribe or Tribal Organization pursuant to this section. Such conditions shall include requirements that the Indian Tribe or Tribal Organization successfully undertake—

''(1) to determine the population of Indians eligible for the benefits described in subsection (a);

''(2) to educate Indians with respect to the benefits available under the respective programs;

''(3) to provide transportation for such individual Indians to the appropriate offices for enrollment or applications for such benefits; and

''(4) to develop and implement methods of improving the participation of Indians in receiving benefits under such programs.

''(c) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—

''(1) IN GENERAL.—The provisions of subsection (a) shall apply with respect to grants and other funding to Urban Indian Organizations with respect to populations served by such organizations in the same manner they apply to grants and contracts with Indian Tribes and Tribal Organizations with respect to programs on or near reservations.

''(2) REQUIREMENTS.—The Secretary shall include in the grants or contracts made or provided under paragraph (1) requirements that are—

''(A) consistent with the requirements imposed by the Secretary under subsection (b);

''(B) appropriate to Urban Indian Organizations and Urban Indians; and

''(C) necessary to effect the purposes of this section.

''(d) FACILITATING COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI of the Social Security Act.

''(e) AGREEMENTS RELATING TO IMPROVING ENROLLMENT OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.—For provisions relating to agreements between the Secretary, acting through the Service, and Indian Tribes, Tribal Organizations, and Urban Indian Organizations for the collection, preparation, and submission of applications by Indians for assistance under the Medicaid and State children's health insurance programs established under titles XIX and XXI of the Social Security Act, and benefits under the Medicare program established under title XVIII of such Act, see subsections (a) and (b) of section 1139 of the Social Security Act.

''(f) DEFINITION OF PREMIUMS AND COST SHARING.—In this section:

''(1) PREMIUM.—The term 'premium' includes any enrollment fee or similar charge.

''(2) COST SHARING.—The term 'cost sharing' includes any deduction, deductible, copayment, coinsurance, or similar charge.

''SEC. 403. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.

''(a) RIGHT OF RECOVERY.—Except as provided in subsection (f), the United States, an Indian Tribe, or Tribal Organization shall have the right to recover from an insurance company, health maintenance organization, employee benefit plan, third-party tortfeasor, or any other responsible or liable third party (including a political subdivision or local governmental entity of a State) the reasonable charges billed by the Secretary, an Indian Tribe, or Tribal Organization in providing health services through the Service, an Indian Tribe, or Tribal Organization to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive damages, reimbursement, or indemnification for such charges or expenses if—

''(1) such services had been provided by a nongovernmental provider; and

''(2) such individual had been required to pay such charges or expenses and did pay such charges or expenses.

''(b) LIMITATIONS ON RECOVERIES FROM STATES.—Subsection (a) shall provide a right of recovery against any State, only if the injury, illness, or disability for which health services were provided is covered under—

''(1) workers' compensation laws; or

''(2) a no-fault automobile accident insurance plan or program.

''(c) NONAPPLICATION OF OTHER LAWS.—No law of any State, or of any political subdivision of a State and no provision of any contract, insurance or health maintenance organization policy, employee benefit plan, self-insurance plan, managed care plan, or other health care plan or program entered into or renewed after the date of the enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery of the United States, an Indian Tribe, or Tribal Organization under subsection (a).

''(d) NO EFFECT ON PRIVATE RIGHTS OF ACTION.—No action taken by the United States, an Indian Tribe, or Tribal Organization to enforce the right of recovery provided under this section shall operate to deny to the injured person the recovery for that portion of the person's damage not covered hereunder.

''(e) ENFORCEMENT.—

''(1) IN GENERAL.—The United States, an Indian Tribe, or Tribal Organization may enforce the right of recovery provided under subsection (a) by—

''(A) intervening or joining in any civil action or proceeding brought—

''(i) by the individual for whom health services were provided by the Secretary, an Indian Tribe, or Tribal Organization; or

''(ii) by any representative or heirs of such individual, or

''(B) instituting a civil action, including a civil action for injunctive relief and other relief and including, with respect to a political

subdivision or local governmental entity of a State, such an action against an official thereof.

''(2) NOTICE.—All reasonable efforts shall be made to provide notice of action instituted under paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendency of such action.

''(3) RECOVERY FROM TORTFEASORS.—

''(A) IN GENERAL.—In any case in which an Indian Tribe or Tribal Organization that is authorized or required under a compact or contract issued pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to furnish or pay for health services to a person who is injured or suffers a disease on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 under circumstances that establish grounds for a claim of liability against the tortfeasor with respect to the injury or disease, the Indian Tribe or Tribal Organization shall have a right to recover from the tortfeasor (or an insurer of the tortfeasor) the reasonable value of the health services so furnished, paid for, or to be paid for, in accordance with the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), to the same extent and under the same circumstances as the United States may recover under that Act.

''(B) TREATMENT.—The right of an Indian Tribe or Tribal Organization to recover under subparagraph (A) shall be independent of the rights of the injured or diseased person served by the Indian Tribe or Tribal Organization.

''(f) LIMITATION.—Absent specific written authorization by the governing body of an Indian Tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), the United States shall not have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian Tribe, Tribal Organization, or Urban Indian Organization. Where such authorization is provided, the Service may receive and expend such amounts for the provision of additional health services consistent with such authorization.

''(g) COSTS AND ATTORNEYS' FEES.—In any action brought to enforce the provisions of this section, a prevailing plaintiff shall be awarded its reasonable attorneys' fees and costs of litigation.

''(h) NONAPPLICATION OF CLAIMS FILING REQUIREMENTS.—An insurance company, health maintenance organization, self-insurance plan, managed care plan, or other health care plan or program (under the Social Security Act or otherwise) may not deny a claim for benefits submitted by the Service or by an Indian Tribe or Tribal Organization based on the format in which the claim is submitted if such format complies with the format required for submission of claims under title XVIII of the Social Security Act or recognized under section 1175 of such Act.

''(i) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—The previous provisions of this section shall apply to Urban Indian Organizations with respect to populations served by such Organizations in the same manner they apply to Indian Tribes and Tribal Organizations with respect to populations served by such Indian Tribes and Tribal Organizations.

''(j) STATUTE OF LIMITATIONS.—The provisions of section 2415 of title 28, United States Code, shall apply to all actions commenced under this section, and the references therein to the United States are deemed to include Indian Tribes, Tribal Organizations, and Urban Indian Organizations.

''(k) SAVINGS.—Nothing in this section shall be construed to limit any right of recovery available to the United States, an Indian Tribe, or Tribal Organization under the provisions of any applicable, Federal, State, or Tribal law, including medical lien laws.

''SEC. 404. CREDITING OF REIMBURSEMENTS.

''(a) USE OF AMOUNTS.—

''(1) RETENTION BY PROGRAM.—Except as provided in section 202(f) (relating to the Catastrophic Health Emergency Fund) and section 807 (relating to health services for ineligible persons), all reimbursements received or recovered under any of the programs described in paragraph (2), including under section 807, by reason of the provision of health services by the Service, by an Indian Tribe or Tribal Organization, or by an Urban Indian Organization, shall be credited to the Service, such Indian Tribe or Tribal Organization, or such Urban Indian Organization, respectively, and may be used as provided in section 401. In the case of such a service provided by or through a Service Unit, such amounts shall be credited to such unit and used for such purposes.

''(2) PROGRAMS COVERED.—The programs referred to in paragraph (1) are the following:

''(A) Titles XVIII, XIX, and XXI of the Social Security Act.

''(B) This Act, including section 807.

''(C) Public Law 87–693.

''(D) Any other provision of law.

''(b) NO OFFSET OF AMOUNTS.—The Service may not offset or limit any amount obligated to any Service Unit or entity receiving funding from the Service because of the receipt of reimbursements under subsection (a).

''SEC. 405. PURCHASING HEALTH CARE COVERAGE.

''(a) IN GENERAL.—Insofar as amounts are made available under law (including a provision of the Social Security Act, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other law, other than under section 402) to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for health benefits for Service beneficiaries, Indian Tribes, Tribal Organizations, and Urban Indian Organizations may use such amounts to purchase health benefits coverage for such beneficiaries in any manner, including through—

''(1) a tribally owned and operated health care plan;

''(2) a State or locally authorized or licensed health care plan;

''(3) a health insurance provider or managed care organization; or

''(4) a self-insured plan.

The purchase of such coverage by an Indian Tribe, Tribal Organization, or Urban Indian Organization may be based on the financial needs of such beneficiaries (as determined by the Indian Tribe or Tribes being served based on a schedule of income levels developed or implemented by such Indian Tribe or Tribes).

''(b) EXPENSES FOR SELF-INSURED PLAN.—In the case of a self-insured plan under subsection (a)(4), the amounts may be used for expenses of operating the plan, including administration and insurance to limit the financial risks to the entity offering the plan.

''(c) CONSTRUCTION.—Nothing in this section shall be construed as affecting the use of any amounts not referred to in subsection (a).

''SEC. 406. SHARING ARRANGEMENTS WITH FEDERAL AGENCIES.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary may enter into (or expand) arrangements for the sharing of medical facilities and services between the Service, Indian Tribes, and Tribal Organizations and the Department of Veterans Affairs and the Department of Defense.

''(2) CONSULTATION BY SECRETARY REQUIRED.—The Secretary may not finalize any arrangement between the Service and a Department described in paragraph (1) without first consulting with the Indian Tribes which will be significantly affected by the arrangement.

''(b) LIMITATIONS.—The Secretary shall not take any action under this section or under subchapter IV of chapter 81 of title 38, United States Code, which would impair—

''(1) the priority access of any Indian to health care services provided through the Service and the eligibility of any Indian to receive health services through the Service;

''(2) the quality of health care services provided to any Indian through the Service;

''(3) the priority access of any veteran to health care services provided by the Department of Veterans Affairs;

''(4) the quality of health care services provided by the Department of Veterans Affairs or the Department of Defense; or

''(5) the eligibility of any Indian who is a veteran to receive health services through the Department of Veterans Affairs.

''(c) REIMBURSEMENT.—The Service, Indian Tribe, or Tribal Organization shall be reimbursed by the Department of Veterans Affairs or the Department of Defense (as the case may be) where services are provided through the Service, an Indian Tribe, or a Tribal Organization to beneficiaries eligible for services from either such Department, notwithstanding any other provision of law.

''(d) CONSTRUCTION.—Nothing in this section may be construed as creating any right of a non-Indian veteran to obtain health services from the Service.

''SEC. 407. PAYOR OF LAST RESORT.

''Indian Health Programs and health care programs operated by Urban Indian Organizations shall be the payor of last resort for services provided to persons eligible for services from Indian Health Programs and Urban Indian Organizations, notwithstanding any Federal, State, or local law to the contrary.

''SEC. 408. NONDISCRIMINATION UNDER FEDERAL HEALTH CARE PROGRAMS IN QUALIFICATIONS FOR REIMBURSEMENT FOR SERVICES.

''(a) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

''(1) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

''(2) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

''(b) APPLICATION OF EXCLUSION FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS.—

''(1) EXCLUDED ENTITIES.—No entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment or reimbursement under any such program for health care services furnished to an Indian.

''(2) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension shall be eligible to receive payment or reimbursement under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

''(3) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, 'Federal health care program' has the meaning given that term in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.

''(c) RELATED PROVISIONS.—For provisions related to nondiscrimination against providers operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, see section 1139(c) of the Social Security Act (42 U.S.C. 1320b–9(c)).

''SEC. 409. CONSULTATION.

''For provisions related to consultation with representatives of Indian Health Programs and Urban Indian Organizations with respect to the health care programs established under titles XVIII, XIX, and XXI of the Social Security Act, see section 1139(d) of the Social Security Act (42 U.S.C. 1320b–9(d)).

''SEC. 410. STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP).

''For provisions relating to—

''(1) outreach to families of Indian children likely to be eligible for child health assistance under the State children's health insurance program established under title XXI of the Social Security Act, see sections 2105(c)(2)(C) and 1139(a) of such Act (42 U.S.C. 1397ee(c)(2), 1320b–9); and

''(2) ensuring that child health assistance is provided under such program to targeted low-income children who are Indians and that payments are made under such program to Indian Health Programs and Urban Indian Organizations operating in the State that provide such assistance, see sections 2102(b)(3)(D) and 2105(c)(6)(B) of such Act (42 U.S.C. 1397bb(b)(3)(D), 1397ee(c)(6)(B)).

''SEC. 411. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

''For provisions relating to—

''(1) exclusion waiver authority for affected Indian Health Programs under the Social Security Act, see section 1128(k) of the Social Security Act (42 U.S.C. 1320a–7(k)); and

''(2) certain transactions involving Indian Health Programs deemed to be in safe harbors under that Act, see section 1128B(b)(4) of the Social Security Act (42 U.S.C. 1320a–7b(b)(4)).

''SEC. 412. PREMIUM AND COST SHARING PROTECTIONS AND ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

''For provisions relating to—

''(1) premiums or cost sharing protections for Indians furnished items or services directly by Indian Health Programs or through referral under the contract health service under the Medicaid program established under title XIX of the Social Security Act, see sections 1916(j) and 1916A(a)(1) of the Social Security Act (42 U.S.C. 1396o(j), 1396o–1(a)(1));

''(2) rules regarding the treatment of certain property for purposes of determining eligibility under such programs, see sections 1902(e)(13) and 2107(e)(1)(B) of such Act (42 U.S.C. 1396a(e)(13), 1397gg(e)(1)(B)); and

''(3) the protection of certain property from estate recovery provisions under the Medicaid program, see section 1917(b)(3)(B) of such Act (42 U.S.C. 1396p(b)(3)(B)).

''SEC. 413. TREATMENT UNDER MEDICAID AND SCHIP MANAGED CARE.

''For provisions relating to the treatment of Indians enrolled in a managed care entity under the Medicaid program under title XIX of the Social Security Act and Indian Health Programs and Urban Indian Organizations that are providers of items or services to such Indian enrollees, see sections 1932(h) and 2107(e)(1)(H) of the Social Security Act (42 U.S.C. 1396u–2(h), 1397gg(e)(1)(H)).

''SEC. 414. NAVAJO NATION MEDICAID AGENCY FEASIBILITY STUDY.

''(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of treating the Navajo Nation as a State for the purposes of title XIX of the Social Security Act, to provide services to Indians living within the boundaries of the Navajo Nation through an entity established having the same authority and performing the same functions as single-State medicaid agencies responsible for the administration of the State plan under title XIX of the Social Security Act.

''(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider the feasibility of—

''(1) assigning and paying all expenditures for the provision of services and related administration funds, under title XIX of the Social Security Act, to Indians living within the boundaries of the Navajo Nation that are currently paid to or would otherwise be paid to the State of Arizona, New Mexico, or Utah;

''(2) providing assistance to the Navajo Nation in the development and implementation of such entity for the administration, eligibility, payment, and delivery of medical assistance under title XIX of the Social Security Act;

''(3) providing an appropriate level of matching funds for Federal medical assistance with respect to amounts such entity expends for medical assistance for services and related administrative costs; and

''(4) authorizing the Secretary, at the option of the Navajo Nation, to treat the Navajo Nation as a State for the purposes of title XIX of the Social Security Act (relating to the State children's health insurance program) under terms equivalent to those described in paragraphs (2) through (4).

''(c) REPORT.—Not later then 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall submit to the Committee on Indian Affairs and Committee on Finance of the Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a report that includes—

''(1) the results of the study under this section;

''(2) a summary of any consultation that occurred between the Secretary and the Navajo Nation, other Indian Tribes, the States of Arizona, New Mexico, and Utah, counties which include Navajo Lands, and other interested parties, in conducting this study;

''(3) projected costs or savings associated with establishment of such entity, and any estimated impact on services provided as described in this section in relation to probable costs or savings; and

''(4) legislative actions that would be required to authorize the establishment of such entity if such entity is determined by the Secretary to be feasible.

''SEC. 415. GENERAL EXCEPTIONS.

''The requirements of this title shall not apply to any excepted benefits described in paragraph (1)(A) or (3) of section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg–91).

''SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

''TITLE V—HEALTH SERVICES FOR URBAN INDIANS

''SEC. 501. PURPOSE.

''The purpose of this title is to establish and maintain programs in Urban Centers to make health services more accessible and available to Urban Indians.

''SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.

''Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, or make grants to, Urban Indian Organizations to assist such organizations in the establishment and administration, within Urban Centers, of programs which meet the requirements set forth in this title. Subject to section 506, the Secretary, acting through the Service, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract into which the Secretary enters with, or in any grant the Secretary makes to, any Urban Indian Organization pursuant to this title.

''SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES.

''(a) REQUIREMENTS FOR GRANTS AND CONTRACTS.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, and make grants to, Urban Indian Organizations for the provision of health care and referral services for Urban Indians. Any such contract or grant shall include requirements that the Urban Indian Organization successfully undertake to—

''(1) estimate the population of Urban Indians residing in the Urban Center or centers that the organization proposes to serve who are or could be recipients of health care or referral services;

''(2) estimate the current health status of Urban Indians residing in such Urban Center or centers;

''(3) estimate the current health care needs of Urban Indians residing in such Urban Center or centers;

''(4) provide basic health education, including health promotion and disease prevention education, to Urban Indians;

''(5) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of Urban Indians; and

''(6) where necessary, provide, or enter into contracts for the provision of, health care services for Urban Indians.

''(b) CRITERIA.—The Secretary, acting through the Service, shall, by regulation, prescribe the criteria for selecting Urban Indian Organizations to enter into contracts or receive grants under this section. Such criteria shall, among other factors, include—

''(1) the extent of unmet health care needs of Urban Indians in the Urban Center or centers involved;

''(2) the size of the Urban Indian population in the Urban Center or centers involved;

''(3) the extent, if any, to which the activities set forth in subsection (a) would duplicate any project funded under this title, or under any current public health service project funded in a manner other than pursuant to this title;

''(4) the capability of an Urban Indian Organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary or to meet the requirements for receiving a grant under this section;

''(5) the satisfactory performance and successful completion by an Urban Indian Organization of other contracts with the Secretary under this title;

''(6) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an Urban Center or centers; and

''(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

''(c) ACCESS TO HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS.—The Secretary, acting through the Service, shall facilitate access to or provide health promotion and disease prevention services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

''(d) IMMUNIZATION SERVICES.—

''(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, immunization services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under this section.

''(2) DEFINITION.—For purposes of this subsection, the term 'immunization services' means services to provide without charge immunizations against vaccine-preventable diseases.

''(e) BEHAVIORAL HEALTH SERVICES.—

''(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, behavioral health services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

''(2) ASSESSMENT REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment of the following:

''(A) The behavioral health needs of the Urban Indian population concerned.

''(B) The behavioral health services and other related resources available to that population.

''(C) The barriers to obtaining those services and resources.

''(D) The needs that are unmet by such services and resources.

''(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

''(A) To prepare assessments required under paragraph (2).

''(B) To provide outreach, educational, and referral services to Urban Indians regarding the availability of direct behavioral health services, to educate Urban Indians about behavioral health issues and services, and effect coordination with existing behavioral health providers in order to improve services to Urban Indians.

''(C) To provide outpatient behavioral health services to Urban Indians, including the identification and assessment of illness, therapeutic treatments, case management, support groups, family treatment, and other treatment.

''(D) To develop innovative behavioral health service delivery models which incorporate Indian cultural support systems and resources.

''(f) PREVENTION OF CHILD ABUSE.—

''(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to or provide services for Urban Indians through grants to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a) to prevent and treat child abuse (including sexual abuse) among Urban Indians.

''(2) EVALUATION REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment that documents the prevalence of child abuse in the Urban Indian population concerned and specifies the services and programs (which may not duplicate existing services and programs) for which the grant is requested.

''(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

''(A) To prepare assessments required under paragraph (2).

''(B) For the development of prevention, training, and education programs for Urban Indians, including child education, parent education, provider training on identification and intervention, education on reporting requirements, prevention campaigns, and establishing service networks of all those involved in Indian child protection.

''(C) To provide direct outpatient treatment services (including individual treatment, family treatment, group therapy, and support groups) to Urban Indians who are child victims of abuse (including sexual abuse) or adult survivors of child sexual abuse, to the families of such child victims, and to Urban Indian perpetrators of child abuse (including sexual abuse).

''(4) CONSIDERATIONS WHEN MAKING GRANTS.—In making grants to carry out this subsection, the Secretary shall take into consideration—

''(A) the support for the Urban Indian Organization demonstrated by the child protection authorities in the area, including committees or other services funded under the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), if any;

''(B) the capability and expertise demonstrated by the Urban Indian Organization to address the complex problem of child sexual abuse in the community; and

''(C) the assessment required under paragraph (2).

''(g) OTHER GRANTS.—The Secretary, acting through the Service, may enter into a contract with or make grants to an Urban Indian Organization that provides or arranges for the provision of health care services (through satellite facilities, provider networks, or otherwise) to Urban Indians in more than 1 Urban Center.

"SEC. 504. CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS.

''(a) GRANTS AND CONTRACTS AUTHORIZED.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, may enter into contracts with or make grants to Urban Indian Organizations situated in Urban Centers for which contracts have not been entered into or grants have not been made under section 503.

''(b) PURPOSE.—The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (c)(1) in order to assist the Secretary in assessing the health status and health care needs of Urban Indians in the Urban Center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the Urban Indian Organization which the Secretary has entered into a contract with, or made a grant to, under this section.

''(c) GRANT AND CONTRACT REQUIREMENTS.—Any contract entered into, or grant made, by the Secretary under this section shall include requirements that—

''(1) the Urban Indian Organization successfully undertakes to—

''(A) document the health care status and unmet health care needs of Urban Indians in the Urban Center involved; and

''(B) with respect to Urban Indians in the Urban Center involved, determine the matters described in paragraphs (2), (3), (4), and (7) of section 503(b); and

''(2) the Urban Indian Organization complete performance of the contract, or carry out the requirements of the grant, within 1 year after the date on which the Secretary and such organization enter into such contract, or within 1 year after such organization receives such grant, whichever is applicable.

''(d) NO RENEWALS.—The Secretary may not renew any contract entered into or grant made under this section.

"SEC. 505. EVALUATIONS; RENEWALS.

''(a) PROCEDURES FOR EVALUATIONS.—The Secretary, acting through the Service, shall develop procedures to evaluate compliance with grant requirements and compliance with and performance of contracts entered into by Urban Indian Organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

''(b) EVALUATIONS.—The Secretary, acting through the Service, shall evaluate the compliance of each Urban Indian Organization which has entered into a contract or received a grant under section 503 with the terms of such contract or grant. For purposes of this evaluation, the Secretary shall—

''(1) acting through the Service, conduct an annual onsite evaluation of the organization; or

''(2) accept in lieu of such onsite evaluation evidence of the organization's provisional or full accreditation by a private independent entity recognized by the Secretary for purposes of conducting quality reviews of providers participating in the Medicare program under title XVIII of the Social Security Act.

''(c) NONCOMPLIANCE; UNSATISFACTORY PERFORMANCE.—If, as a result of the evaluations conducted under this section, the Secretary determines that an Urban Indian Organization has not complied with the requirements of a grant or complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract or grant, attempt to resolve with the organization the areas of noncompliance or unsatisfactory performance and modify the contract or grant to prevent future occurrences of noncompliance or unsatisfactory performance. If the Secretary determines that the noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew the contract or grant with the organization and is authorized to enter into a contract or make a grant under section 503 with another Urban Indian Organization which is situated in the same Urban Center as the

Urban Indian Organization whose contract or grant is not renewed under this section.

''(d) CONSIDERATIONS FOR RENEWALS.—In determining whether to renew a contract or grant with an Urban Indian Organization under section 503 which has completed performance of a contract or grant under section 504, the Secretary shall review the records of the Urban Indian Organization, the reports submitted under section 507, and shall consider the results of the onsite evaluations or accreditations under subsection (b).

''SEC. 506. OTHER CONTRACT AND GRANT REQUIREMENTS.

''(a) PROCUREMENT.—Contracts with Urban Indian Organizations entered into pursuant to this title shall be in accordance with all Federal contracting laws and regulations relating to procurement except that in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of sections 1304 and 3131 through 3133 of title 40, United States Code.

''(b) PAYMENTS UNDER CONTRACTS OR GRANTS.—

''(1) IN GENERAL.—Payments under any contracts or grants pursuant to this title, notwithstanding any term or condition of such contract or grant—

''(A) may be made in a single advance payment by the Secretary to the Urban Indian Organization by no later than the end of the first 30 days of the funding period with respect to which the payments apply, unless the Secretary determines through an evaluation under section 505 that the organization is not capable of administering such a single advance payment; and

''(B) if any portion thereof is unexpended by the Urban Indian Organization during the funding period with respect to which the payments initially apply, shall be carried forward for expenditure with respect to allowable or reimbursable costs incurred by the organization during 1 or more subsequent funding periods without additional justification or documentation by the organization as a condition of carrying forward the availability for expenditure of such funds.

''(2) SEMIANNUAL AND QUARTERLY PAYMENTS AND REIMBURSEMENTS.—If the Secretary determines under paragraph (1)(A) that an Urban Indian Organization is not capable of administering an entire single advance payment, on request of the Urban Indian Organization, the payments may be made—

''(A) in semiannual or quarterly payments by not later than 30 days after the date on which the funding period with respect to which the payments apply begins; or

''(B) by way of reimbursement.

''(c) REVISION OR AMENDMENT OF CONTRACTS.—Notwithstanding any provision of law to the contrary, the Secretary may, at the request and consent of an Urban Indian Organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title.

''(d) FAIR AND UNIFORM SERVICES AND ASSISTANCE.—Contracts with or grants to Urban Indian Organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to Urban Indians of services and assistance under such contracts or grants by such organizations.

''SEC. 507. REPORTS AND RECORDS.

''(a) REPORTS.—

''(1) IN GENERAL.—For each fiscal year during which an Urban Indian Organization receives or expends funds pursuant to a contract entered into or a grant received pursuant to this title, such Urban Indian Organization shall submit to the Secretary not more frequently than every 6 months, a report that includes the following:

''(A) In the case of a contract or grant under section 503, recommendations pursuant to section 503(a)(5).

''(B) Information on activities conducted by the organization pursuant to the contract or grant.

''(C) An accounting of the amounts and purpose for which Federal funds were expended.

''(D) A minimum set of data, using uniformly defined elements, as specified by the Secretary after consultation with Urban Indian Organizations.

''(2) HEALTH STATUS AND SERVICES.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, shall submit to Congress a report evaluating—

''(i) the health status of Urban Indians;

''(ii) the services provided to Indians pursuant to this title; and

''(iii) areas of unmet needs in the delivery of health services to Urban Indians.

''(B) CONSULTATION AND CONTRACTS.—In preparing the report under paragraph (1), the Secretary—

''(i) shall consult with Urban Indian Organizations; and

''(ii) may enter into a contract with a national organization representing Urban Indian Organizations to conduct any aspect of the report.

''(b) AUDIT.—The reports and records of the Urban Indian Organization with respect to a contract or grant under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

''(c) COSTS OF AUDITS.—The Secretary shall allow as a cost of any contract or grant entered into or awarded under section 502 or 503 the cost of an annual independent financial audit conducted by—

''(1) a certified public accountant; or

''(2) a certified public accounting firm qualified to conduct Federal compliance audits.

''SEC. 508. LIMITATION ON CONTRACT AUTHORITY.

''The authority of the Secretary to enter into contracts or to award grants under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

''SEC. 509. FACILITIES.

''(a) GRANTS.—The Secretary, acting through the Service, may make grants to contractors or grant recipients under this title for the lease, purchase, renovation, construction, or expansion of facilities, including leased facilities, in order to assist such contractors or grant recipients in complying with applicable licensure or certification requirements.

''(b) LOAN FUND STUDY.—The Secretary, acting through the Service, may carry out a study to determine the feasibility of establishing a loan fund to provide to Urban Indian Organizations direct loans or guarantees for loans for the construction of health care facilities in a manner consistent with section 309, including by submitting a report in accordance with subsection (c) of that section.

''SEC. 510. DIVISION OF URBAN INDIAN HEALTH.

''There is established within the Service a Division of Urban Indian Health, which shall be responsible for—

''(1) carrying out the provisions of this title;

''(2) providing central oversight of the programs and services authorized under this title; and

''(3) providing technical assistance to Urban Indian Organizations.

''SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE-RELATED SERVICES.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school- and community-based education regarding, alcohol and substance abuse in Urban Centers to those Urban Indian Organizations with which the Secretary has entered into a contract under this title or under section 201.

''(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

''(c) CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the following:

''(1) The size of the Urban Indian population.

''(2) Capability of the organization to adequately perform the activities required under the grant.

''(3) Satisfactory performance standards for the organization in meeting the goals set forth in such grant. The standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis.

''(4) Identification of the need for services.

''(d) ALLOCATION OF GRANTS.—The Secretary shall develop a methodology for allocating grants made pursuant to this section based on the criteria established pursuant to subsection (c).

''(e) GRANTS SUBJECT TO CRITERIA.—Any grant received by an Urban Indian Organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

''SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

''Notwithstanding any other provision of law, the Tulsa Clinic and Oklahoma City Clinic demonstration projects shall—

''(1) be permanent programs within the Service's direct care program;

''(2) continue to be treated as Service Units and Operating Units in the allocation of resources and coordination of care; and

''(3) continue to meet the requirements and definitions of an Urban Indian Organization in this Act, and shall not be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''SEC. 513. URBAN NIAAA TRANSFERRED PROGRAMS.

''(a) GRANTS AND CONTRACTS.—The Secretary, through the Division of Urban Indian Health, shall make grants or enter into contracts with Urban Indian Organizations, to take effect not later than September 30, 2010, for the administration of Urban Indian alcohol programs that were originally established under the National Institute on Alcoholism and Alcohol Abuse (hereafter in this section referred to as 'NIAAA') and transferred to the Service.

''(b) USE OF FUNDS.—Grants provided or contracts entered into under this section shall be used to provide support for the continuation of alcohol prevention and treatment services for Urban Indian populations and such other objectives as are agreed upon between the Service and a recipient of a grant or contract under this section.

''(c) ELIGIBILITY.—Urban Indian Organizations that operate Indian alcohol programs originally funded under the NIAAA and subsequently transferred to the Service are eligible for grants or contracts under this section.

''(d) REPORT.—The Secretary shall evaluate and report to Congress on the activities of programs funded under this section not less than every 5 years.

"SEC. 514. CONSULTATION WITH URBAN INDIAN ORGANIZATIONS.

''(a) IN GENERAL.—The Secretary shall ensure that the Service consults, to the greatest extent practicable, with Urban Indian Organizations.

''(b) DEFINITION OF CONSULTATION.—For purposes of subsection (a), consultation is the open and free exchange of information and opinions which leads to mutual understanding and comprehension and which emphasizes trust, respect, and shared responsibility.

"SEC. 515. URBAN YOUTH TREATMENT CENTER DEMONSTRATION.

''(a) CONSTRUCTION AND OPERATION.—The Secretary, acting through the Service, through grant or contract, is authorized to fund the construction and operation of at least 2 residential treatment centers in each State described in subsection (b) to demonstrate the provision of alcohol and substance abuse treatment services to Urban Indian youth in a culturally competent residential setting.

''(b) DEFINITION OF STATE.—A State described in this subsection is a State in which—

''(1) there resides Urban Indian youth with need for alcohol and substance abuse treatment services in a residential setting; and

''(2) there is a significant shortage of culturally competent residential treatment services for Urban Indian youth.

"SEC. 516. GRANTS FOR DIABETES PREVENTION, TREATMENT, AND CONTROL.

''(a) GRANTS AUTHORIZED.—The Secretary may make grants to those Urban Indian Organizations that have entered into a contract or have received a grant under this title for the provision of services for the prevention and treatment of, and control of the complications resulting from, diabetes among Urban Indians.

''(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished under the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

''(c) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a) relating to—

''(1) the size and location of the Urban Indian population to be served;

''(2) the need for prevention of and treatment of, and control of the complications resulting from, diabetes among the Urban Indian population to be served;

''(3) performance standards for the organization in meeting the goals set forth in such grant that are negotiated and agreed to by the Secretary and the grantee;

''(4) the capability of the organization to adequately perform the activities required under the grant; and

''(5) the willingness of the organization to collaborate with the registry, if any, established by the Secretary under section 204(e) in the Area Office of the Service in which the organization is located.

''(d) FUNDS SUBJECT TO CRITERIA.—Any funds received by an Urban Indian Organization under this Act for the prevention, treatment, and control of diabetes among Urban Indians shall be subject to the criteria developed by the Secretary under subsection (c).

"SEC. 517. COMMUNITY HEALTH REPRESENTATIVES.

''The Secretary, acting through the Service, may enter into contracts with, and make grants to, Urban Indian Organizations for the employment of Indians trained as health service providers through the Community Health Representatives Program under section 109 in the provision of health care, health promotion, and disease prevention services to Urban Indians.

"SEC. 518. EFFECTIVE DATE.

''The amendments made by the Indian Health Care Improvement Act Amendments of 2007 to this title shall take effect beginning on the date of enactment of that Act, regardless of whether the Secretary has promulgated regulations implementing such amendments.

"SEC. 519. ELIGIBILITY FOR SERVICES.

''Urban Indians shall be eligible for, and the ultimate beneficiaries of, health care or referral services provided pursuant to this title.

"SEC. 520. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE VI—ORGANIZATIONAL IMPROVEMENTS

"SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian Tribes, as are or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

''(2) ASSISTANT SECRETARY FOR INDIAN HEALTH.—The Service shall be administered by an Assistant Secretary for Indian Health, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall report to the Secretary. Effective with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 2007, the term of service of the Assistant Secretary shall be 4 years. An Assistant Secretary may serve more than 1 term.

''(3) INCUMBENT.—The individual serving in the position of Director of the Service on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 shall serve as Assistant Secretary.

''(4) ADVOCACY AND CONSULTATION.—The position of Assistant Secretary is established to, in a manner consistent with the government-to-government relationship between the United States and Indian Tribes—

''(A) facilitate advocacy for the development of appropriate Indian health policy; and

''(B) promote consultation on matters relating to Indian health.

''(b) AGENCY.—The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

''(c) DUTIES.—The Assistant Secretary shall—

''(1) perform all functions that were, on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, carried out by or under the direction of the individual serving as Director of the Service on that day;

''(2) perform all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and provision and utilization of, health services for Indians;

''(3) administer all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

''(A) this Act;

''(B) the Act of November 2, 1921 (25 U.S.C. 13);

''(C) the Act of August 5, 1954 (42 U.S.C. 2001 et seq.);

''(D) the Act of August 16, 1957 (42 U.S.C. 2005 et seq.); and

''(E) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

''(4) administer all scholarship and loan functions carried out under title I;

''(5) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

''(6) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

''(7) advise each Assistant Secretary of the Department concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

''(8) advise the heads of other agencies and programs of the Department concerning matters of Indian health with respect to which those heads have authority and responsibility;

''(9) coordinate the activities of the Department concerning matters of Indian health; and

''(10) perform such other functions as the Secretary may designate.

''(d) AUTHORITY.—

''(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary, shall have the authority—

''(A) except to the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

''(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

''(C) to manage, expend, and obligate all funds appropriated for the Service.

''(2) PERSONNEL ACTIONS.—Notwithstanding any other provision of law, the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472), shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).

''(e) REFERENCES.—Any reference to the Director of the Indian Health Service in any other Federal law, Executive order, rule, regulation, or delegation of authority, or in any document of or relating to the Director of the Indian Health Service, shall be deemed to refer to the Assistant Secretary.

"SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYSTEM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish an automated management information system for the Service.

''(2) REQUIREMENTS OF SYSTEM.—The information system established under paragraph (1) shall include—

''(A) a financial management system;

''(B) a patient care information system for each area served by the Service;

''(C) a privacy component that protects the privacy of patient information held by, or on behalf of, the Service;

''(D) a services-based cost accounting component that provides estimates of the costs associated with the provision of specific medical treatments or services in each Area office of the Service;

''(E) an interface mechanism for patient billing and accounts receivable system; and

''(F) a training component.

''(b) PROVISION OF SYSTEMS TO TRIBES AND ORGANIZATIONS.—The Secretary shall provide

each Tribal Health Program automated management information systems which—

''(1) meet the management information needs of such Tribal Health Program with respect to the treatment by the Tribal Health Program of patients of the Service; and

''(2) meet the management information needs of the Service.

''(c) ACCESS TO RECORDS.—Notwithstanding any other provision of law, each patient shall have reasonable access to the medical or health records of such patient which are held by, or on behalf of, the Service.

''(d) AUTHORITY TO ENHANCE INFORMATION TECHNOLOGY.—The Secretary, acting through the Assistant Secretary, shall have the authority to enter into contracts, agreements, or joint ventures with other Federal agencies, States, private and nonprofit organizations, for the purpose of enhancing information technology in Indian Health Programs and facilities.

''SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

''TITLE VII—BEHAVIORAL HEALTH PROGRAMS

''SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.

''(a) PURPOSES.—The purposes of this section are as follows:

''(1) To authorize and direct the Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, to develop a comprehensive behavioral health prevention and treatment program which emphasizes collaboration among alcohol and substance abuse, social services, and mental health programs.

''(2) To provide information, direction, and guidance relating to mental illness and dysfunction and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State, and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement, and judicial services.

''(3) To assist Indian Tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior.

''(4) To provide authority and opportunities for Indian Tribes and Tribal Organizations to develop, implement, and coordinate with community-based programs which include identification, prevention, education, referral, and treatment services, including through multidisciplinary resource teams.

''(5) To ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access.

''(6) To modify or supplement existing programs and authorities in the areas identified in paragraph (2).

''(b) PLANS.—

''(1) DEVELOPMENT.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall encourage Indian Tribes and Tribal Organizations to develop tribal plans, and Urban Indian Organizations to develop local plans, and for all such groups to participate in developing areawide plans for Indian Behavioral Health Services. The plans shall include, to the extent feasible, the following components:

''(A) An assessment of the scope of alcohol or other substance abuse, mental illness, and dysfunctional and self-destructive behavior, including suicide, child abuse, and family violence, among Indians, including—

''(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; or

''(ii) an estimate of the financial and human cost attributable to such illness or behavior.

''(B) An assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c).

''(C) An estimate of the additional funding needed by the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to meet their responsibilities under the plans.

''(2) NATIONAL CLEARINGHOUSE.—The Secretary, acting through the Service, shall coordinate with existing national clearinghouses and information centers to include at the clearinghouses and centers plans and reports on the outcomes of such plans developed by Indian Tribes, Tribal Organizations, Urban Indian Organizations, and Service Areas relating to behavioral health. The Secretary shall ensure access to these plans and outcomes by any Indian Tribe, Tribal Organization, Urban Indian Organization, or the Service.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in preparation of plans under this section and in developing standards of care that may be used and adopted locally.

''(c) PROGRAMS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide, to the extent feasible and if funding is available, programs including the following:

''(1) COMPREHENSIVE CARE.—A comprehensive continuum of behavioral health care which provides—

''(A) community-based prevention, intervention, outpatient, and behavioral health aftercare;

''(B) detoxification (social and medical);

''(C) acute hospitalization;

''(D) intensive outpatient/day treatment;

''(E) residential treatment;

''(F) transitional living for those needing a temporary, stable living environment that is supportive of treatment and recovery goals;

''(G) emergency shelter;

''(H) intensive case management; and

''(I) diagnostic services.

''(2) CHILD CARE.—Behavioral health services for Indians from birth through age 17, including—

''(A) preschool and school age fetal alcohol disorder services, including assessment and behavioral intervention;

''(B) mental health and substance abuse services (emotional, organic, alcohol, drug, inhalant, and tobacco);

''(C) identification and treatment of co-occurring disorders and comorbidity;

''(D) prevention of alcohol, drug, inhalant, and tobacco use;

''(E) early intervention, treatment, and aftercare;

''(F) promotion of healthy approaches to risk and safety issues; and

''(G) identification and treatment of neglect and physical, mental, and sexual abuse.

''(3) ADULT CARE.—Behavioral health services for Indians from age 18 through 55, including—

''(A) early intervention, treatment, and aftercare;

''(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

''(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

''(D) promotion of healthy approaches for risk-related behavior;

''(E) treatment services for women at risk of giving birth to a child with a fetal alcohol disorder; and

''(F) sex specific treatment for sexual assault and domestic violence.

''(4) FAMILY CARE.—Behavioral health services for families, including—

''(A) early intervention, treatment, and aftercare for affected families;

''(B) treatment for sexual assault and domestic violence; and

''(C) promotion of healthy approaches relating to parenting, domestic violence, and other abuse issues.

''(5) ELDER CARE.—Behavioral health services for Indians 56 years of age and older, including—

''(A) early intervention, treatment, and aftercare;

''(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

''(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

''(D) promotion of healthy approaches to managing conditions related to aging;

''(E) sex specific treatment for sexual assault, domestic violence, neglect, physical and mental abuse and exploitation; and

''(F) identification and treatment of dementias regardless of cause.

''(d) COMMUNITY BEHAVIORAL HEALTH PLAN.—

''(1) ESTABLISHMENT.—The governing body of any Indian Tribe, Tribal Organization, or Urban Indian Organization may adopt a resolution for the establishment of a community behavioral health plan providing for the identification and coordination of available resources and programs to identify, prevent, or treat substance abuse, mental illness, or dysfunctional and self-destructive behavior, including child abuse and family violence, among its members or its service population. This plan should include behavioral health services, social services, intensive outpatient services, and continuing aftercare.

''(2) TECHNICAL ASSISTANCE.—At the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, the Bureau of Indian Affairs and the Service shall cooperate with and provide technical assistance to the Indian Tribe, Tribal Organization, or Urban Indian Organization in the development and implementation of such plan.

''(3) FUNDING.—The Secretary, acting through the Service, may make funding available to Indian Tribes and Tribal Organizations which adopt a resolution pursuant to paragraph (1) to obtain technical assistance for the development of a community behavioral health plan and to provide administrative support in the implementation of such plan.

''(e) COORDINATION FOR AVAILABILITY OF SERVICES.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall coordinate behavioral health planning, to the extent feasible, with other Federal agencies and with State agencies, to encourage comprehensive behavioral health services for Indians regardless of their place of residence.

''(f) MENTAL HEALTH CARE NEED ASSESSMENT.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, shall make an assessment of the need for inpatient mental health care among Indians and the availability and cost of inpatient mental health facilities which can meet such need.

In making such assessment, the Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

"SEC. 702. MEMORANDA OF AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR.

''(a) CONTENTS.—Not later than 12 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, and the Secretary of the Interior shall develop and enter into a memoranda of agreement, or review and update any existing memoranda of agreement, as required by section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) under which the Secretaries address the following:

''(1) The scope and nature of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, among Indians.

''(2) The existing Federal, tribal, State, local, and private services, resources, and programs available to provide behavioral health services for Indians.

''(3) The unmet need for additional services, resources, and programs necessary to meet the needs identified pursuant to paragraph (1).

''(4)(A) The right of Indians, as citizens of the United States and of the States in which they reside, to have access to behavioral health services to which all citizens have access.

''(B) The right of Indians to participate in, and receive the benefit of, such services.

''(C) The actions necessary to protect the exercise of such right.

''(5) The responsibilities of the Bureau of Indian Affairs and the Service, including mental illness identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams), at the central, area, and agency and Service Unit, Service Area, and headquarters levels to address the problems identified in paragraph (1).

''(6) A strategy for the comprehensive coordination of the behavioral health services provided by the Bureau of Indian Affairs and the Service to meet the problems identified pursuant to paragraph (1), including—

''(A) the coordination of alcohol and substance abuse programs of the Service, the Bureau of Indian Affairs, and Indian Tribes and Tribal Organizations (developed under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.)) with behavioral health initiatives pursuant to this Act, particularly with respect to the referral and treatment of dually diagnosed individuals requiring behavioral health and substance abuse treatment; and

''(B) ensuring that the Bureau of Indian Affairs and Service programs and services (including multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services.

''(7) Directing appropriate officials of the Bureau of Indian Affairs and the Service, particularly at the agency and Service Unit levels, to cooperate fully with tribal requests made pursuant to community behavioral health plans adopted under section 701(c) and section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412).

''(8) Providing for an annual review of such agreement by the Secretaries which shall be provided to Congress and Indian Tribes and Tribal Organizations.

''(b) SPECIFIC PROVISIONS REQUIRED.—The memoranda of agreement updated or entered into pursuant to subsection (a) shall include specific provisions pursuant to which the Service shall assume responsibility for—

''(1) the determination of the scope of the problem of alcohol and substance abuse among Indians, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

''(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

''(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

''(c) PUBLICATION.—Each memorandum of agreement entered into or renewed (and amendments or modifications thereto) under subsection (a) shall be published in the Federal Register. At the same time as publication in the Federal Register, the Secretary shall provide a copy of such memoranda, amendment, or modification to each Indian Tribe, Tribal Organization, and Urban Indian Organization.

"SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PREVENTION AND TREATMENT PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide a program of comprehensive behavioral health, prevention, treatment, and aftercare, which shall include—

''(A) prevention, through educational intervention, in Indian communities;

''(B) acute detoxification, psychiatric hospitalization, residential, and intensive outpatient treatment;

''(C) community-based rehabilitation and aftercare;

''(D) community education and involvement, including extensive training of health care, educational, and community-based personnel;

''(E) specialized residential treatment programs for high-risk populations, including pregnant and postpartum women and their children; and

''(F) diagnostic services.

''(2) TARGET POPULATIONS.—The target population of such programs shall be members of Indian Tribes. Efforts to train and educate key members of the Indian community shall also target employees of health, education, judicial, law enforcement, legal, and social service programs.

''(b) CONTRACT HEALTH SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may enter into contracts with public or private providers of behavioral health treatment services for the purpose of carrying out the program required under subsection (a).

''(2) PROVISION OF ASSISTANCE.—In carrying out this subsection, the Secretary shall provide assistance to Indian Tribes and Tribal Organizations to develop criteria for the certification of behavioral health service providers and accreditation of service facilities which meet minimum standards for such services and facilities.

"SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.

''(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary shall establish and maintain a mental health technician program within the Service which—

''(1) provides for the training of Indians as mental health technicians; and

''(2) employs such technicians in the provision of community-based mental health care that includes identification, prevention, education, referral, and treatment services.

''(b) PARAPROFESSIONAL TRAINING.—In carrying out subsection (a), the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide high-standard paraprofessional training in mental health care necessary to provide quality care to the Indian communities to be served. Such training shall be based upon a curriculum developed or approved by the Secretary which combines education in the theory of mental health care with supervised practical experience in the provision of such care.

''(c) SUPERVISION AND EVALUATION OF TECHNICIANS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall supervise and evaluate the mental health technicians in the training program.

''(d) TRADITIONAL HEALTH CARE PRACTICES.—The Secretary, acting through the Service, shall ensure that the program established pursuant to this subsection involves the use and promotion of the traditional health care practices of the Indian Tribes to be served.

"SEC. 705. LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.

''(a) IN GENERAL.—Subject to the provisions of section 221, and except as provided in subsection (b), any individual employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under this Act is required to be licensed as a psychologist, social worker, or marriage and family therapist, respectively.

''(b) TRAINEES.—An individual may be employed as a trainee in psychology, social work, or marriage and family therapy to provide mental health care services described in subsection (a) if such individual—

''(1) works under the direct supervision of a licensed psychologist, social worker, or marriage and family therapist, respectively;

''(2) is enrolled in or has completed at least 2 years of course work at a post-secondary, accredited education program for psychology, social work, marriage and family therapy, or counseling; and

''(3) meets such other training, supervision, and quality review requirements as the Secretary may establish.

"SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.

''(a) GRANTS.—The Secretary, consistent with section 701, may make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to develop and implement a comprehensive behavioral health program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the cultural, historical, social, and child care needs of Indian women, regardless of age.

''(b) USE OF GRANT FUNDS.—A grant made pursuant to this section may be used to—

''(1) develop and provide community training, education, and prevention programs for Indian women relating to behavioral health issues, including fetal alcohol disorders;

''(2) identify and provide psychological services, counseling, advocacy, support, and relapse prevention to Indian women and their families; and

''(3) develop prevention and intervention models for Indian women which incorporate traditional health care practices, cultural values, and community and family involvement.

''(c) CRITERIA.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall establish criteria for the review

and approval of applications and proposals for funding under this section.

''(d) EARMARK OF CERTAIN FUNDS.—Twenty percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations.

"SEC. 707. INDIAN YOUTH PROGRAM.

''(a) DETOXIFICATION AND REHABILITATION.—The Secretary, acting through the Service, consistent with section 701, shall develop and implement a program for acute detoxification and treatment for Indian youths, including behavioral health services. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis and programs developed and implemented by Indian Tribes or Tribal Organizations at the local level under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

''(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTERS OR FACILITIES.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, at least 1 youth regional treatment center or treatment network in each area under the jurisdiction of an Area Office.

''(B) AREA OFFICE IN CALIFORNIA.—For the purposes of this subsection, the Area Office in California shall be considered to be 2 Area Offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

''(2) FUNDING.—For the purpose of staffing and operating such centers or facilities, funding shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).

''(3) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) agreed upon (by appropriate tribal resolution) by a majority of the Indian Tribes to be served by such center.

''(4) SPECIFIC PROVISION OF FUNDS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

''(i) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating, and maintaining a residential youth treatment facility in Fairbanks, Alaska; and

''(ii) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

''(B) PROVISION OF SERVICES TO ELIGIBLE YOUTHS.—Until additional residential youth treatment facilities are established in Alaska pursuant to this section, the facilities specified in subparagraph (A) shall make every effort to provide services to all eligible Indian youths residing in Alaska.

''(c) INTERMEDIATE ADOLESCENT BEHAVIORAL HEALTH SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide intermediate behavioral health services to Indian children and adolescents, including—

''(A) pretreatment assistance;

''(B) inpatient, outpatient, and aftercare services;

''(C) emergency care;

''(D) suicide prevention and crisis intervention; and

''(E) prevention and treatment of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence.

''(2) USE OF FUNDS.—Funds provided under this subsection may be used—

''(A) to construct or renovate an existing health facility to provide intermediate behavioral health services;

''(B) to hire behavioral health professionals;

''(C) to staff, operate, and maintain an intermediate mental health facility, group home, sober housing, transitional housing or similar facilities, or youth shelter where intermediate behavioral health services are being provided;

''(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units; and

''(E) for intensive home- and community-based services.

''(3) CRITERIA.—The Secretary, acting through the Service, shall, in consultation with Indian Tribes and Tribal Organizations, establish criteria for the review and approval of applications or proposals for funding made available pursuant to this subsection.

''(d) FEDERALLY-OWNED STRUCTURES.—

''(1) IN GENERAL.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall—

''(A) identify and use, where appropriate, federally-owned structures suitable for local residential or regional behavioral health treatment for Indian youths; and

''(B) establish guidelines for determining the suitability of any such federally-owned structure to be used for local residential or regional behavioral health treatment for Indian youths.

''(2) TERMS AND CONDITIONS FOR USE OF STRUCTURE.—Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure and any Indian Tribe or Tribal Organization operating the program.

''(e) REHABILITATION AND AFTERCARE SERVICES.—

''(1) IN GENERAL.—The Secretary, Indian Tribes, or Tribal Organizations, in cooperation with the Secretary of the Interior, shall develop and implement within each Service Unit, community-based rehabilitation and follow-up services for Indian youths who are having significant behavioral health problems, and require long-term treatment, community reintegration, and monitoring to support the Indian youths after their return to their home community.

''(2) ADMINISTRATION.—Services under paragraph (1) shall be provided by trained staff within the community who can assist the Indian youths in their continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff may include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

''(f) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youths authorized by this section, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide for the inclusion of family members of such youths in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (e) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

''(g) MULTIDRUG ABUSE PROGRAM.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall provide, consistent with section 701, programs and services to prevent and treat the abuse of multiple forms of substances, including alcohol, drugs, inhalants, and tobacco, among Indian youths residing in Indian communities, on or near reservations, and in urban areas and provide appropriate mental health services to address the incidence of mental illness among such youths.

''(h) INDIAN YOUTH MENTAL HEALTH.—The Secretary, acting through the Service, shall collect data for the report under section 801 with respect to—

''(1) the number of Indian youth who are being provided mental health services through the Service and Tribal Health Programs;

''(2) a description of, and costs associated with, the mental health services provided for Indian youth through the Service and Tribal Health Programs;

''(3) the number of youth referred to the Service or Tribal Health Programs for mental health services;

''(4) the number of Indian youth provided residential treatment for mental health and behavioral problems through the Service and Tribal Health Programs, reported separately for on- and off-reservation facilities; and

''(5) the costs of the services described in paragraph (4).

"SEC. 708. INDIAN YOUTH TELEMENTAL HEALTH DEMONSTRATION PROJECT.

''(a) PURPOSE.—The purpose of this section is to authorize the Secretary to carry out a demonstration project to test the use of telemental health services in suicide prevention, intervention and treatment of Indian youth, including through—

''(1) the use of psychotherapy, psychiatric assessments, diagnostic interviews, therapies for mental health conditions predisposing to suicide, and alcohol and substance abuse treatment;

''(2) the provision of clinical expertise to, consultation services with, and medical advice and training for frontline health care providers working with Indian youth;

''(3) training and related support for community leaders, family members and health and education workers who work with Indian youth;

''(4) the development of culturally-relevant educational materials on suicide; and

''(5) data collection and reporting.

''(b) DEFINITIONS.—For the purpose of this section, the following definitions shall apply:

''(1) DEMONSTRATION PROJECT.—The term 'demonstration project' means the Indian youth telemental health demonstration project authorized under subsection (c).

''(2) TELEMENTAL HEALTH.—The term 'telemental health' means the use of electronic information and telecommunications technologies to support long distance mental health care, patient and professional-related education, public health, and health administration.

''(c) AUTHORIZATION.—

''(1) IN GENERAL.—The Secretary is authorized to award grants under the demonstration project for the provision of telemental health services to Indian youth who—

''(A) have expressed suicidal ideas;

''(B) have attempted suicide; or

''(C) have mental health conditions that increase or could increase the risk of suicide.

''(2) ELIGIBILITY FOR GRANTS.—Such grants shall be awarded to Indian Tribes and Tribal

Organizations that operate 1 or more facilities—

''(A) located in Alaska and part of the Alaska Federal Health Care Access Network;

''(B) reporting active clinical telehealth capabilities; or

''(C) offering school-based telemental health services relating to psychiatry to Indian youth.

''(3) GRANT PERIOD.—The Secretary shall award grants under this section for a period of up to 4 years.

''(4) AWARDING OF GRANTS.—Not more than 5 grants shall be provided under paragraph (1), with priority consideration given to Indian Tribes and Tribal Organizations that—

''(A) serve a particular community or geographic area where there is a demonstrated need to address Indian youth suicide;

''(B) enter in to collaborative partnerships with Indian Health Service or Tribal Health Programs or facilities to provide services under this demonstration project;

''(C) serve an isolated community or geographic area which has limited or no access to behavioral health services; or

''(D) operate a detention facility at which Indian youth are detained.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—An Indian Tribe or Tribal Organization shall use a grant received under subsection (c) for the following purposes:

''(A) To provide telemental health services to Indian youth, including the provision of—

''(i) psychotherapy;

''(ii) psychiatric assessments and diagnostic interviews, therapies for mental health conditions predisposing to suicide, and treatment; and

''(iii) alcohol and substance abuse treatment.

''(B) To provide clinician-interactive medical advice, guidance and training, assistance in diagnosis and interpretation, crisis counseling and intervention, and related assistance to Service, tribal, or urban clinicians and health services providers working with youth being served under this demonstration project.

''(C) To assist, educate and train community leaders, health education professionals and paraprofessionals, tribal outreach workers, and family members who work with the youth receiving telemental health services under this demonstration project, including with identification of suicidal tendencies, crisis intervention and suicide prevention, emergency skill development, and building and expanding networks among these individuals and with State and local health services providers.

''(D) To develop and distribute culturally appropriate community educational materials on—

''(i) suicide prevention;

''(ii) suicide education;

''(iii) suicide screening;

''(iv) suicide intervention; and

''(v) ways to mobilize communities with respect to the identification of risk factors for suicide.

''(E) For data collection and reporting related to Indian youth suicide prevention efforts.

''(2) TRADITIONAL HEALTH CARE PRACTICES.—In carrying out the purposes described in paragraph (1), an Indian Tribe or Tribal Organization may use and promote the traditional health care practices of the Indian Tribes of the youth to be served.

''(e) APPLICATIONS.—To be eligible to receive a grant under subsection (c), an Indian Tribe or Tribal Organization shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of the project that the Indian Tribe or Tribal Organization will carry out using the funds provided under the grant;

''(2) a description of the manner in which the project funded under the grant would—

''(A) meet the telemental health care needs of the Indian youth population to be served by the project; or

''(B) improve the access of the Indian youth population to be served to suicide prevention and treatment services;

''(3) evidence of support for the project from the local community to be served by the project;

''(4) a description of how the families and leadership of the communities or populations to be served by the project would be involved in the development and ongoing operations of the project;

''(5) a plan to involve the tribal community of the youth who are provided services by the project in planning and evaluating the mental health care and suicide prevention efforts provided, in order to ensure the integration of community, clinical, environmental, and cultural components of the treatment; and

''(6) a plan for sustaining the project after Federal assistance for the demonstration project has terminated.

''(f) COLLABORATION; REPORTING TO NATIONAL CLEARINGHOUSE.—

''(1) COLLABORATION.—The Secretary, acting through the Service, shall encourage Indian Tribes and Tribal Organizations receiving grants under this section to collaborate to enable comparisons about best practices across projects.

''(2) REPORTING TO NATIONAL CLEARINGHOUSE.—The Secretary, acting through the Service, shall also encourage Indian Tribes and Tribal Organizations receiving grants under this section to submit relevant, declassified project information to the national clearinghouse authorized under section 701(b)(2) in order to better facilitate program performance and improve suicide prevention, intervention, and treatment services.

''(g) ANNUAL REPORT.—Each grant recipient shall submit to the Secretary an annual report that—

''(1) describes the number of telemental health services provided; and

''(2) includes any other information that the Secretary may require.

''(h) REPORT TO CONGRESS.—Not later than 270 days after the termination of the demonstration project, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a final report, based on the annual reports provided by grant recipients under subsection (h), that—

''(1) describes the results of the projects funded by grants awarded under this section, including any data available which indicates the number of attempted suicides;

''(2) evaluates the impact of the telemental health services funded by the grants in reducing the number of completed suicides among Indian youth;

''(3) evaluates whether the demonstration project should be—

''(A) expanded to provide more than 5 grants; and

''(B) designated a permanent program; and

''(4) evaluates the benefits of expanding the demonstration project to include Urban Indian Organizations.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for each of fiscal years 2008 through 2011.

''SEC. 709. INPATIENT AND COMMUNITY-BASED MENTAL HEALTH FACILITIES DESIGN, CONSTRUCTION, AND STAFFING.

''Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems. For the purposes of this subsection, California shall be considered to be 2 Area Offices, 1 office whose location shall be considered to encompass the northern area of the State of California and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California. The Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

''SEC. 710. TRAINING AND COMMUNITY EDUCATION.

''(a) PROGRAM.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement or assist Indian Tribes and Tribal Organizations to develop and implement, within each Service Unit or tribal program, a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education about behavioral health issues to political leaders, Tribal judges, law enforcement personnel, members of tribal health and education boards, health care providers including traditional practitioners, and other critical members of each tribal community. Such program may also include community-based training to develop local capacity and tribal community provider training for prevention, intervention, treatment, and aftercare.

''(b) INSTRUCTION.—The Secretary, acting through the Service, shall, either directly or through Indian Tribes and Tribal Organizations, provide instruction in the area of behavioral health issues, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, child sexual abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol disorders to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

''(c) TRAINING MODELS.—In carrying out the education and training programs required by this section, the Secretary, in consultation with Indian Tribes, Tribal Organizations, Indian behavioral health experts, and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

''(1) the elevated risk of alcohol and behavioral health problems faced by children of alcoholics;

''(2) the cultural, spiritual, and multigenerational aspects of behavioral health problem prevention and recovery; and

''(3) community-based and multidisciplinary strategies for preventing and treating behavioral health problems.

''SEC. 711. BEHAVIORAL HEALTH PROGRAM.

''(a) INNOVATIVE PROGRAMS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, consistent

with section 701, may plan, develop, implement, and carry out programs to deliver innovative community-based behavioral health services to Indians.

''(b) AWARDS; CRITERIA.—The Secretary may award a grant for a project under subsection (a) to an Indian Tribe or Tribal Organization and may consider the following criteria:

''(1) The project will address significant unmet behavioral health needs among Indians.

''(2) The project will serve a significant number of Indians.

''(3) The project has the potential to deliver services in an efficient and effective manner.

''(4) The Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

''(5) The project may deliver services in a manner consistent with traditional health care practices.

''(6) The project is coordinated with, and avoids duplication of, existing services.

''(c) EQUITABLE TREATMENT.—For purposes of this subsection, the Secretary shall, in evaluating project applications or proposals, use the same criteria that the Secretary uses in evaluating any other application or proposal for such funding.

''SEC. 712. FETAL ALCOHOL DISORDER PROGRAMS.

''(a) PROGRAMS.—

''(1) ESTABLISHMENT.—The Secretary, consistent with section 701, acting through the Service, Indian Tribes, and Tribal Organizations, is authorized to establish and operate fetal alcohol disorder programs as provided in this section for the purposes of meeting the health status objectives specified in section 3.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—Funding provided pursuant to this section shall be used for the following:

''(i) To develop and provide for Indians community and in-school training, education, and prevention programs relating to fetal alcohol disorders.

''(ii) To identify and provide behavioral health treatment to high-risk Indian women and high-risk women pregnant with an Indian's child.

''(iii) To identify and provide appropriate psychological services, educational and vocational support, counseling, advocacy, and information to fetal alcohol disorder affected Indians and their families or caretakers.

''(iv) To develop and implement counseling and support programs in schools for fetal alcohol disorder affected Indian children.

''(v) To develop prevention and intervention models which incorporate practitioners of traditional health care practices, cultural values, and community involvement.

''(vi) To develop, print, and disseminate education and prevention materials on fetal alcohol disorder.

''(vii) To develop and implement, in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, culturally sensitive assessment and diagnostic tools including dysmorphology clinics and multidisciplinary fetal alcohol disorder clinics for use in Indian communities and Urban Centers.

''(B) ADDITIONAL USES.—In addition to any purpose under subparagraph (A), funding provided pursuant to this section may be used for 1 or more of the following:

''(i) Early childhood intervention projects from birth on to mitigate the effects of fetal alcohol disorder among Indians.

''(ii) Community-based support services for Indians and women pregnant with Indian children.

''(iii) Community-based housing for adult Indians with fetal alcohol disorder.

''(3) CRITERIA FOR APPLICATIONS.—The Secretary shall establish criteria for the review and approval of applications for funding under this section.

''(b) SERVICES.—The Secretary, acting through the Service and Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall—

''(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol disorder in Indian communities; and

''(2) provide supportive services, including services to meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol disorder.

''(c) TASK FORCE.—The Secretary shall establish a task force to be known as the Fetal Alcohol Disorder Task Force to advise the Secretary in carrying out subsection (b). Such task force shall be composed of representatives from the following:

''(1) The National Institute on Drug Abuse.

''(2) The National Institute on Alcohol and Alcoholism.

''(3) The Office of Substance Abuse Prevention.

''(4) The National Institute of Mental Health.

''(5) The Service.

''(6) The Office of Minority Health of the Department of Health and Human Services.

''(7) The Administration for Native Americans.

''(8) The National Institute of Child Health and Human Development (NICHD).

''(9) The Centers for Disease Control and Prevention.

''(10) The Bureau of Indian Affairs.

''(11) Indian Tribes.

''(12) Tribal Organizations.

''(13) Urban Indian Organizations.

''(14) Indian fetal alcohol disorder experts.

''(d) APPLIED RESEARCH PROJECTS.—The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and Urban Indians affected by fetal alcohol disorder.

''(e) FUNDING FOR URBAN INDIAN ORGANIZATIONS.—Ten percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations funded under title V.

''SEC. 713. CHILD SEXUAL ABUSE AND PREVENTION TREATMENT PROGRAMS.

''(a) ESTABLISHMENT.—The Secretary, acting through the Service, and the Secretary of the Interior, Indian Tribes, and Tribal Organizations, shall establish, consistent with section 701, in every Service Area, programs involving treatment for—

''(1) victims of sexual abuse who are Indian children or children in an Indian household; and

''(2) perpetrators of child sexual abuse who are Indian or members of an Indian household.

''(b) USE OF FUNDS.—Funding provided pursuant to this section shall be used for the following:

''(1) To develop and provide community education and prevention programs related to sexual abuse of Indian children or children in an Indian household.

''(2) To identify and provide behavioral health treatment to victims of sexual abuse who are Indian children or children in an Indian household, and to their family members who are affected by sexual abuse.

''(3) To develop prevention and intervention models which incorporate traditional health care practices, cultural values, and community involvement.

''(4) To develop and implement culturally sensitive assessment and diagnostic tools for use in Indian communities and Urban Centers.

''(5) To identify and provide behavioral health treatment to Indian perpetrators and perpetrators who are members of an Indian household—

''(A) making efforts to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated; and

''(B) providing treatment after the perpetrator is released, until it is determined that the perpetrator is not a threat to children.

''(c) COORDINATION.—The programs established under subsection (a) shall be carried out in coordination with programs and services authorized under the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.).

''SEC. 714. BEHAVIORAL HEALTH RESEARCH.

''The Secretary, in consultation with appropriate Federal agencies, shall make grants to, or enter into contracts with, Indian Tribes, Tribal Organizations, and Urban Indian Organizations or enter into contracts with, or make grants to appropriate institutions for, the conduct of research on the incidence and prevalence of behavioral health problems among Indians served by the Service, Indian Tribes, or Tribal Organizations and among Indians in urban areas. Research priorities under this section shall include—

''(1) the multifactorial causes of Indian youth suicide, including—

''(A) protective and risk factors and scientific data that identifies those factors; and

''(B) the effects of loss of cultural identity and the development of scientific data on those effects;

''(2) the interrelationship and interdependence of behavioral health problems with alcoholism and other substance abuse, suicide, homicides, other injuries, and the incidence of family violence; and

''(3) the development of models of prevention techniques.

The effect of the interrelationships and interdependencies referred to in paragraph (2) on children, and the development of prevention techniques under paragraph (3) applicable to children, shall be emphasized.

''SEC. 715. DEFINITIONS.

''For the purpose of this title, the following definitions shall apply:

''(1) ASSESSMENT.—The term 'assessment' means the systematic collection, analysis, and dissemination of information on health status, health needs, and health problems.

''(2) ALCOHOL-RELATED NEURODEVELOPMENTAL DISORDERS OR ARND.—The term 'alcohol-related neurodevelopmental disorders' or 'ARND' means, with a history of maternal alcohol consumption during pregnancy, central nervous system involvement such as developmental delay, intellectual deficit, or neurologic abnormalities. Behaviorally, there can be problems with irritability, and failure to thrive as infants. As children become older there will likely be hyperactivity, attention deficit, language dysfunction, and perceptual and judgment problems.

''(3) BEHAVIORAL HEALTH AFTERCARE.—The term 'behavioral health aftercare' includes those activities and resources used to support recovery following inpatient, residential, intensive substance abuse, or mental health outpatient or outpatient treatment. The purpose is to help prevent or deal with relapse by ensuring that by the time a client

or patient is discharged from a level of care, such as outpatient treatment, an aftercare plan has been developed with the client. An aftercare plan may use such resources as a community-based therapeutic group, transitional living facilities, a 12-step sponsor, a local 12-step or other related support group, and other community-based providers.

''(4) DUAL DIAGNOSIS.—The term 'dual diagnosis' means coexisting substance abuse and mental illness conditions or diagnosis. Such clients are sometimes referred to as mentally ill chemical abusers (MICAs).

''(5) FETAL ALCOHOL DISORDERS.—The term 'fetal alcohol disorders' means fetal alcohol syndrome, partial fetal alcohol syndrome and alcohol related neurodevelopmental disorder (ARND).

''(6) FETAL ALCOHOL SYNDROME OR FAS.—The term 'fetal alcohol syndrome' or 'FAS' means a syndrome in which, with a history of maternal alcohol consumption during pregnancy, the following criteria are met:

''(A) Central nervous system involvement such as developmental delay, intellectual deficit, microencephaly, or neurologic abnormalities.

''(B) Craniofacial abnormalities with at least 2 of the following: microophthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

''(C) Prenatal or postnatal growth delay.

''(7) PARTIAL FAS.—The term 'partial FAS' means, with a history of maternal alcohol consumption during pregnancy, having most of the criteria of FAS, though not meeting a minimum of at least 2 of the following: microophthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

''(8) REHABILITATION.—The term 'rehabilitation' means to restore the ability or capacity to engage in usual and customary life activities through education and therapy.

''(9) SUBSTANCE ABUSE.—The term 'substance abuse' includes inhalant abuse.

''SEC. 716. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out the provisions of this title.

''TITLE VIII—MISCELLANEOUS

''SEC. 801. REPORTS.

''For each fiscal year following the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall transmit to Congress a report containing the following:

''(1) A report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and assessments and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians and ensure a health status for Indians, which are at a parity with the health services available to and the health status of the general population.

''(2) A report on whether, and to what extent, new national health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act and any steps that the Secretary may have taken to consult with Indian Tribes, Tribal Organizations, and Urban Indian Organizations to address such impact, including a report on proposed changes in allocation of funding pursuant to section 808.

''(3) A report on the use of health services by Indians—

''(A) on a national and area or other relevant geographical basis;

''(B) by gender and age;

''(C) by source of payment and type of service;

''(D) comparing such rates of use with rates of use among comparable non-Indian populations; and

''(E) provided under contracts.

''(4) A report of contractors to the Secretary on Health Care Educational Loan Repayments every 6 months required by section 110.

''(5) A general audit report of the Secretary on the Health Care Educational Loan Repayment Program as required by section 110(n).

''(6) A report of the findings and conclusions of demonstration programs on development of educational curricula for substance abuse counseling as required in section 125(f).

''(7) A separate statement which specifies the amount of funds requested to carry out the provisions of section 201.

''(8) A report of the evaluations of health promotion and disease prevention as required in section 203(c).

''(9) A biennial report to Congress on infectious diseases as required by section 212.

''(10) A report on environmental and nuclear health hazards as required by section 215.

''(11) An annual report on the status of all health care facilities needs as required by section 301(c)(2)(B) and 301(d).

''(12) Reports on safe water and sanitary waste disposal facilities as required by section 302(h).

''(13) An annual report on the expenditure of non-Service funds for renovation as required by sections 304(b)(2).

''(14) A report identifying the backlog of maintenance and repair required at Service and tribal facilities required by section 313(a).

''(15) A report providing an accounting of reimbursement funds made available to the Secretary under titles XVIII, XIX, and XXI of the Social Security Act.

''(16) A report on any arrangements for the sharing of medical facilities or services, as authorized by section 406.

''(17) A report on evaluation and renewal of Urban Indian programs under section 505.

''(18) A report on the evaluation of programs as required by section 513(d).

''(19) A report on alcohol and substance abuse as required by section 701(f).

''(20) A report on Indian youth mental health services as required by section 707(h).

''(21) A report on the reallocation of base resources if required by section 808.

''SEC. 802. REGULATIONS.

''(a) DEADLINES.—

''(1) PROCEDURES.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations or amendments thereto that are necessary to carry out titles II (except section 202) and VII, the sections of title III for which negotiated rulemaking is specifically required, and section 807. Unless otherwise required, the Secretary may promulgate regulations to carry out titles I, III, IV, and V, and section 202, using the procedures required by chapter V of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(2) PROPOSED REGULATIONS.—Proposed regulations to implement this Act shall be published in the Federal Register by the Secretary no later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 and shall have no less than a 120-day comment period.

''(3) FINAL REGULATIONS.—The Secretary shall publish in the Federal Register final regulations to implement this Act by not later than 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007.

''(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and representatives of Indian Tribes, and Tribal Organizations, a majority of whom shall be nominated by and be representatives of Indian Tribes and Tribal Organizations from each Service Area.

''(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

''(d) LACK OF REGULATIONS.—The lack of promulgated regulations shall not limit the effect of this Act.

''(e) INCONSISTENT REGULATIONS.—The provisions of this Act shall supersede any conflicting provisions of law in effect on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.

''SEC. 803. PLAN OF IMPLEMENTATION.

''Not later than 9 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall submit to Congress a plan explaining the manner and schedule, by title and section, by which the Secretary will implement the provisions of this Act. This consultation may be conducted jointly with the annual budget consultation pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq).

''SEC. 804. AVAILABILITY OF FUNDS.

''The funds appropriated pursuant to this Act shall remain available until expended.

''SEC. 805. LIMITATION ON USE OF FUNDS APPROPRIATED TO INDIAN HEALTH SERVICE.

''Any limitation on the use of funds contained in an Act providing appropriations for the Department for a period with respect to the performance of abortions shall apply for that period with respect to the performance of abortions using funds contained in an Act providing appropriations for the Service.

''SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.

''(a) IN GENERAL.—The following California Indians shall be eligible for health services provided by the Service:

''(1) Any member of a federally recognized Indian Tribe.

''(2) Any descendant of an Indian who was residing in California on June 1, 1852, if such descendant—

''(A) is a member of the Indian community served by a local program of the Service; and

''(B) is regarded as an Indian by the community in which such descendant lives.

''(3) Any Indian who holds trust interests in public domain, national forest, or reservation allotments in California.

''(4) Any Indian in California who is listed on the plans for distribution of the assets of rancherias and reservations located within the State of California under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

''(b) CLARIFICATION.—Nothing in this section may be construed as expanding the eligibility of California Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

''SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.

''(a) CHILDREN.—Any individual who—

''(1) has not attained 19 years of age;

''(2) is the natural or adopted child, stepchild, foster child, legal ward, or orphan of an eligible Indian; and

''(3) is not otherwise eligible for health services provided by the Service,

shall be eligible for all health services provided by the Service on the same basis and subject to the same rules that apply to eligible Indians until such individual attains 19 years of age. The existing and potential health needs of all such individuals shall be taken into consideration by the Service in determining the need for, or the allocation of, the health resources of the Service. If such an individual has been determined to be legally incompetent prior to attaining 19 years of age, such individual shall remain eligible for such services until 1 year after the date of a determination of competency.

''(b) SPOUSES.—Any spouse of an eligible Indian who is not an Indian, or who is of Indian descent but is not otherwise eligible for the health services provided by the Service, shall be eligible for such health services if all such spouses or spouses who are married to members of each Indian Tribe being served are made eligible, as a class, by an appropriate resolution of the governing body of the Indian Tribe or Tribal Organization providing such services. The health needs of persons made eligible under this paragraph shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

''(c) PROVISION OF SERVICES TO OTHER INDIVIDUALS.—

''(1) IN GENERAL.—The Secretary is authorized to provide health services under this subsection through health programs operated directly by the Service to individuals who reside within the Service Unit and who are not otherwise eligible for such health services if—

''(A) the Indian Tribes served by such Service Unit request such provision of health services to such individuals; and

''(B) the Secretary and the served Indian Tribes have jointly determined that—

''(i) the provision of such health services will not result in a denial or diminution of health services to eligible Indians; and

''(ii) there is no reasonable alternative health facilities or services, within or without the Service Unit, available to meet the health needs of such individuals.

''(2) ISDEAA PROGRAMS.—In the case of health programs and facilities operated under a contract or compact entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the governing body of the Indian Tribe or Tribal Organization providing health services under such contract or compact is authorized to determine whether health services should be provided under such contract to individuals who are not eligible for such health services under any other subsection of this section or under any other provision of law. In making such determinations, the governing body of the Indian Tribe or Tribal Organization shall take into account the considerations described in paragraph (1)(B).

''(3) PAYMENT FOR SERVICES.—

''(A) IN GENERAL.—Persons receiving health services provided by the Service under this subsection shall be liable for payment of such health services under a schedule of charges prescribed by the Secretary which, in the judgment of the Secretary, results in reimbursement in an amount not less than the actual cost of providing the health services. Notwithstanding section 404 of this Act or any other provision of law, amounts collected under this subsection, including Medicare, Medicaid, or SCHIP reimbursements under titles XVIII, XIX, and XXI of the Social Security Act, shall be credited to the account of the program providing the service and shall be used for the purposes listed in section 401(d)(2) and amounts collected under this subsection shall be available for expenditure within such program.

''(B) INDIGENT PEOPLE.—Health services may be provided by the Secretary through the Service under this subsection to an indigent individual who would not be otherwise eligible for such health services but for the provisions of paragraph (1) only if an agreement has been entered into with a State or local government under which the State or local government agrees to reimburse the Service for the expenses incurred by the Service in providing such health services to such indigent individual.

''(4) REVOCATION OF CONSENT FOR SERVICES.—

''(A) SINGLE TRIBE SERVICE AREA.—In the case of a Service Area which serves only 1 Indian Tribe, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which the governing body of the Indian Tribe revokes its concurrence to the provision of such health services.

''(B) MULTITRIBAL SERVICE AREA.—In the case of a multitribal Service Area, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which at least 51 percent of the number of Indian Tribes in the Service Area revoke their concurrence to the provisions of such health services.

''(d) OTHER SERVICES.—The Service may provide health services under this subsection to individuals who are not eligible for health services provided by the Service under any other provision of law in order to—

''(1) achieve stability in a medical emergency;

''(2) prevent the spread of a communicable disease or otherwise deal with a public health hazard;

''(3) provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through postpartum; or

''(4) provide care to immediate family members of an eligible individual if such care is directly related to the treatment of the eligible individual.

''(e) HOSPITAL PRIVILEGES FOR PRACTITIONERS.—Hospital privileges in health facilities operated and maintained by the Service or operated under a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) may be extended to non-Service health care practitioners who provide services to individuals described in subsection (a), (b), (c), or (d). Such non-Service health care practitioners may, as part of the privileging process, be designated as employees of the Federal Government for purposes of section 1346(b) and chapter 171 of title 28, United States Code (relating to Federal tort claims) only with respect to acts or omissions which occur in the course of providing services to eligible individuals as a part of the conditions under which such hospital privileges are extended.

''(f) ELIGIBLE INDIAN.—For purposes of this section, the term 'eligible Indian' means any Indian who is eligible for health services provided by the Service without regard to the provisions of this section.

"SEC. 808. REALLOCATION OF BASE RESOURCES.

''(a) REPORT REQUIRED.—Notwithstanding any other provision of law, any allocation of Service funds for a fiscal year that reduces by 5 percent or more from the previous fiscal year the funding for any recurring program, project, or activity of a Service Unit may be implemented only after the Secretary has submitted to Congress, under section 801, a report on the proposed change in allocation of funding, including the reasons for the change and its likely effects.

''(b) EXCEPTION.—Subsection (a) shall not apply if the total amount appropriated to the Service for a fiscal year is at least 5 percent less than the amount appropriated to the Service for the previous fiscal year.

"SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.

''The Secretary shall provide for the dissemination to Indian Tribes, Tribal Organizations, and Urban Indian Organizations of the findings and results of demonstration projects conducted under this Act.

"SEC. 810. PROVISION OF SERVICES IN MONTANA.

''(a) CONSISTENT WITH COURT DECISION.—The Secretary, acting through the Service, shall provide services and benefits for Indians in Montana in a manner consistent with the decision of the United States Court of Appeals for the Ninth Circuit in McNabb for McNabb v. Bowen, 829 F.2d 787 (9th Cir. 1987).

''(b) CLARIFICATION.—The provisions of subsection (a) shall not be construed to be an expression of the sense of Congress on the application of the decision described in subsection (a) with respect to the provision of services or benefits for Indians living in any State other than Montana.

"SEC. 811. MORATORIUM.

''During the period of the moratorium imposed on implementation of the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service, the Indian Health Service shall provide services pursuant to the criteria for eligibility for such services that were in effect on September 15, 1987, subject to the provisions of sections 806 and 807, until the Service has submitted to the Committees on Appropriations of the Senate and the House of Representatives a budget request reflecting the increased costs associated with the proposed final rule, and the request has been included in an appropriations Act and enacted into law.

"SEC. 812. TRIBAL EMPLOYMENT.

''For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, chapter 372), an Indian Tribe or Tribal Organization carrying out a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not be considered an 'employer'.

"SEC. 813. SEVERABILITY PROVISIONS.

''If any provision of this Act, any amendment made by the Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the remaining amendments made by this Act, and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

"SEC. 814. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON INDIAN HEALTH CARE.

''(a) ESTABLISHMENT.—There is established the National Bipartisan Indian Health Care Commission (the 'Commission').

''(b) DUTIES OF COMMISSION.—The duties of the Commission are the following:

''(1) To establish a study committee composed of those members of the Commission appointed by the Director of the Service and at least 4 members of Congress from among the members of the Commission, the duties of which shall be the following:

''(A) To the extent necessary to carry out its duties, collect and compile data necessary to understand the extent of Indian

needs with regard to the provision of health services, regardless of the location of Indians, including holding hearings and soliciting the views of Indians, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, which may include authorizing and making funds available for feasibility studies of various models for providing and funding health services for all Indian beneficiaries, including those who live outside of a reservation, temporarily or permanently.

''(B) To make legislative recommendations to the Commission regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

''(C) To determine the effect of the enactment of such recommendations on (i) the existing system of delivery of health services for Indians, and (ii) the sovereign status of Indian Tribes.

''(D) Not later than 12 months after the appointment of all members of the Commission, to submit a written report of its findings and recommendations to the full Commission. The report shall include a statement of the minority and majority position of the Committee and shall be disseminated, at a minimum, to every Indian Tribe, Tribal Organization, and Urban Indian Organization for comment to the Commission.

''(E) To report regularly to the full Commission regarding the findings and recommendations developed by the study committee in the course of carrying out its duties under this section.

''(2) To review and analyze the recommendations of the report of the study committee.

''(3) To make legislative recommendations to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

''(4) Not later than 18 months following the date of appointment of all members of the Commission, submit a written report to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

''(c) MEMBERS.—

''(1) APPOINTMENT.—The Commission shall be composed of 25 members, appointed as follows:

''(A) Ten members of Congress, including 3 from the House of Representatives and 2 from the Senate, appointed by their respective majority leaders, and 3 from the House of Representatives and 2 from the Senate, appointed by their respective minority leaders, and who shall be members of the standing committees of Congress that consider legislation affecting health care to Indians.

''(B) Twelve persons chosen by the congressional members of the Commission, 1 from each Service Area as currently designated by the Director of the Service to be chosen from among 3 nominees from each Service Area put forward by the Indian Tribes within the area, with due regard being given to the experience and expertise of the nominees in the provision of health care to Indians and to a reasonable representation on the commission of members who are familiar with various health care delivery modes and who represent Indian Tribes of various size populations.

''(C) Three persons appointed by the Director who are knowledgeable about the provision of health care to Indians, at least 1 of whom shall be appointed from among 3 nominees put forward by those programs whose funds are provided in whole or in part by the Service primarily or exclusively for the benefit of Urban Indians.

''(D) All those persons chosen by the congressional members of the Commission and by the Director shall be members of federally recognized Indian Tribes.

''(2) CHAIR; VICE CHAIR.—The Chair and Vice Chair of the Commission shall be selected by the congressional members of the Commission.

''(3) TERMS.—The terms of members of the Commission shall be for the life of the Commission.

''(4) DEADLINE FOR APPOINTMENTS.—Congressional members of the Commission shall be appointed not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, and the remaining members of the Commission shall be appointed not later than 60 days following the appointment of the congressional members.

''(5) VACANCY.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

''(d) COMPENSATION.—

''(1) CONGRESSIONAL MEMBERS.—Each congressional member of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission and shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

''(2) OTHER MEMBERS.—Remaining members of the Commission, while serving on the business of the Commission (including travel time), shall be entitled to receive compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Chairman of the Commission. For purpose of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the United States Senate.

''(e) MEETINGS.—The Commission shall meet at the call of the Chair.

''(f) QUORUM.—A quorum of the Commission shall consist of not less than 15 members, provided that no less than 6 of the members of Congress who are Commission members are present and no less than 9 of the members who are Indians are present.

''(g) EXECUTIVE DIRECTOR; STAFF; FACILITIES.—

''(1) APPOINTMENT; PAY.—The Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay for level V of the Executive Schedule.

''(2) STAFF APPOINTMENT.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.

''(3) STAFF PAY.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

''(4) TEMPORARY SERVICES.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(5) FACILITIES.—The Administrator of General Services shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

''(h) HEARINGS.—(1) For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, provided that at least 6 regional hearings are held in different areas of the United States in which large numbers of Indians are present. Such hearings are to be held to solicit the views of Indians regarding the delivery of health care services to them. To constitute a hearing under this subsection, at least 5 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established in this section may count toward the number of regional hearings required by this subsection.

''(2) Upon request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

''(3)(A) The Director of the Congressional Budget Office or the Chief Actuary of the Centers for Medicare & Medicaid Services, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

''(B) The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of that Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

''(4) Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

''(5) Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

''(6) The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

''(7) The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 4, United States Code. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

''(8) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

''(9) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of Congress.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 to carry out the provisions of this section, which sum shall not be deducted

from or affect any other appropriation for health care for Indian persons.

''(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

"SEC. 815. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS; QUALIFIED IMMUNITY FOR PARTICIPANTS.

''(a) CONFIDENTIALITY OF RECORDS.—Medical quality assurance records created by or for any Indian Health Program or a health program of an Urban Indian Organization as part of a medical quality assurance program are confidential and privileged. Such records may not be disclosed to any person or entity, except as provided in subsection (c).

''(b) PROHIBITION ON DISCLOSURE AND TESTIMONY.—

''(1) IN GENERAL.—No part of any medical quality assurance record described in subsection (a) may be subject to discovery or admitted into evidence in any judicial or administrative proceeding, except as provided in subsection (c).

''(2) TESTIMONY.—A person who reviews or creates medical quality assurance records for any Indian Health Program or Urban Indian Organization who participates in any proceeding that reviews or creates such records may not be permitted or required to testify in any judicial or administrative proceeding with respect to such records or with respect to any finding, recommendation, evaluation, opinion, or action taken by such person or body in connection with such records except as provided in this section.

''(c) AUTHORIZED DISCLOSURE AND TESTIMONY.—

''(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record described in subsection (a) may be disclosed, and a person referred to in subsection (b) may give testimony in connection with such a record, only as follows:

''(A) To a Federal executive agency or private organization, if such medical quality assurance record or testimony is needed by such agency or organization to perform licensing or accreditation functions related to any Indian Health Program or to a health program of an Urban Indian Organization to perform monitoring, required by law, of such program or organization.

''(B) To an administrative or judicial proceeding commenced by a present or former Indian Health Program or Urban Indian Organization provider concerning the termination, suspension, or limitation of clinical privileges of such health care provider.

''(C) To a governmental board or agency or to a professional health care society or organization, if such medical quality assurance record or testimony is needed by such board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was an employee of any Indian Health Program or Urban Indian Organization.

''(D) To a hospital, medical center, or other institution that provides health care services, if such medical quality assurance record or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was an employee of any Indian Health Program or Urban Indian Organization and who has applied for or been granted authority or employment to provide health care services in or on behalf of such program or organization.

''(E) To an officer, employee, or contractor of the Indian Health Program or Urban Indian Organization that created the records or for which the records were created. If that officer, employee, or contractor has a need for such record or testimony to perform official duties.

''(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record or testimony be provided for a purpose authorized by law.

''(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (F), but only with respect to the subject of such proceeding.

''(2) IDENTITY OF PARTICIPANTS.—With the exception of the subject of a quality assurance action, the identity of any person receiving health care services from any Indian Health Program or Urban Indian Organization or the identity of any other person associated with such program or organization for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record described in subsection (a) shall be deleted from that record or document before any disclosure of such record is made outside such program or organization. Such requirement does not apply to the release of information pursuant to section 552a of title 5.

''(d) DISCLOSURE FOR CERTAIN PURPOSES.—

''(1) IN GENERAL.—Nothing in this section shall be construed as authorizing or requiring the withholding from any person or entity aggregate statistical information regarding the results of any Indian Health Program or Urban Indian Organizations's medical quality assurance programs.

''(2) WITHHOLDING FROM CONGRESS.—Nothing in this section shall be construed as authority to withhold any medical quality assurance record from a committee of either House of Congress, any joint committee of Congress, or the Government Accountability Office if such record pertains to any matter within their respective jurisdictions.

''(e) PROHIBITION ON DISCLOSURE OF RECORD OR TESTIMONY.—A person or entity having possession of or access to a record or testimony described by this section may not disclose the contents of such record or testimony in any manner or for any purpose except as provided in this section.

''(f) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—Medical quality assurance records described in subsection (a) may not be made available to any person under section 552 of title 5.

''(g) LIMITATION ON CIVIL LIABILITY.—A person who participates in or provides information to a person or body that reviews or creates medical quality assurance records described in subsection (a) shall not be civilly liable for such participation or for providing such information if the participation or provision of information was in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

''(h) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including a patient's medical records, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

''(i) REGULATIONS.—The Secretary, acting through the Service, shall promulgate regulations pursuant to section 802.

''(j) DEFINITIONS.—In this section:

''(1) The term 'health care provider' means any health care professional, including community health aides and practitioners certified under section 121, who are granted clinical practice privileges or employed to provide health care services in an Indian Health Program or health program of an Urban Indian Organization, who is licensed or certified to perform health care services by a governmental board or agency or professional health care society or organization.

''(2) The term 'medical quality assurance program' means any activity carried out before, on, or after the date of enactment of this Act by or for any Indian Health Program or Urban Indian Organization to assess the quality of medical care, including activities conducted by or on behalf of individuals, Indian Health Program or Urban Indian Organization medical or dental treatment review committees, or other review bodies responsible for quality assurance, credentials, infection control, patient safety, patient care assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review and identification and prevention of medical or dental incidents and risks.

''(3) The term 'medical quality assurance record' means the proceedings, records, minutes, and reports that emanate from quality assurance program activities described in paragraph (2) and are produced or compiled by or for an Indian Health Program or Urban Indian Organization as part of a medical quality assurance program.

"SEC. 816. APPROPRIATIONS; AVAILABILITY.

''Any new spending authority (described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (Public Law 93–344; 88 Stat. 317)) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

"SEC. 817. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.''.

(b) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of Health and Human Services (6).'' and inserting ''Assistant Secretaries of Health and Human Services (7)''.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking ''Director, Indian Health Service, Department of Health and Human Services''.

(c) AMENDMENTS TO OTHER PROVISIONS OF LAW.—

(1) Section 3307(b)(1)(C) of the Children's Health Act of 2000 (25 U.S.C. 1671 note; Public Law 106–310) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(2) The Indian Lands Open Dump Cleanup Act of 1994 is amended—

(A) in section 3 (25 U.S.C. 3902)—

(i) by striking paragraph (2);

(ii) by redesignating paragraphs (1), (3), (4), (5), and (6) as paragraphs (4), (5), (2), (6), and (1), respectively, and moving those paragraphs so as to appear in numerical order; and

(iii) by inserting before paragraph (4) (as redesignated by subclause (II)) the following:

''(3) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary for Indian Health.'';

(B) in section 5 (25 U.S.C. 3904), by striking the section designation and heading and inserting the following:

"SEC. 5. AUTHORITY OF ASSISTANT SECRETARY FOR INDIAN HEALTH.";

(C) in section 6(a) (25 U.S.C. 3905(a)), in the subsection heading, by striking ''DIRECTOR'' and inserting ''ASSISTANT SECRETARY'';

(D) in section 9(a) (25 U.S.C. 3908(a)), in the subsection heading, by striking ''DIRECTOR'' and inserting ''ASSISTANT SECRETARY''; and

(E) by striking ''Director'' each place it appears and inserting ''Assistant Secretary''.

(3) Section 5504(d)(2) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note; Public Law 100–297) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(4) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 763(a)(1)) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(5) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377) are amended by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health''.

(6) Section 317M(b) of the Public Health Service Act (42 U.S.C. 247b–14(b)) is amended—

(A) by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health''; and

(B) in paragraph (2)(A), by striking ''the Directors referred to in such paragraph'' and inserting ''the Director of the Centers for Disease Control and Prevention and the Assistant Secretary for Indian Health''.

(7) Section 417C(b) of the Public Health Service Act (42 U.S.C. 285–9(b)) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(8) Section 1452(i) of the Safe Drinking Water Act (42 U.S.C. 300j–12(i)) is amended by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health''.

(9) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)) is amended in the last sentence by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(10) Section 203(b) of the Michigan Indian Land Claims Settlement Act (Public Law 105–143; 111 Stat. 2666) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

SEC. 102. SOBOBA SANITATION FACILITIES.

The Act of December 17, 1970 (84 Stat. 1465), is amended by adding at the end the following:

''SEC. 9. Nothing in this Act shall preclude the Soboba Band of Mission Indians and the Soboba Indian Reservation from being provided with sanitation facilities and services under the authority of section 7 of the Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267).''.

SEC. 103. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

(a) IN GENERAL.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

''TITLE VIII—NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION

''SEC. 801. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the Board of Directors of the Foundation.

''(2) COMMITTEE.—The term 'Committee' means the Committee for the Establishment of Native American Health and Wellness Foundation established under section 802(f).

''(3) FOUNDATION.—The term 'Foundation' means the Native American Health and Wellness Foundation established under section 802.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(5) SERVICE.—The term 'Service' means the Indian Health Service of the Department of Health and Human Services.

''SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, the Native American Health and Wellness Foundation.

''(2) FUNDING DETERMINATIONS.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

''(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of health care and services to Indians; or

''(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of health care and services to Indians.

''(b) PERPETUAL EXISTENCE.—The Foundation shall have perpetual existence.

''(c) NATURE OF CORPORATION.—The Foundation—

''(1) shall be a charitable and nonprofit federally chartered corporation; and

''(2) shall not be an agency or instrumentality of the United States.

''(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

''(e) DUTIES.—The Foundation shall—

''(1) encourage, accept, and administer private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, the mission of the Service;

''(2) undertake and conduct such other activities as will further the health and wellness activities and opportunities of Native Americans; and

''(3) participate with and assist Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the health and wellness activities and opportunities of Native Americans.

''(f) COMMITTEE FOR THE ESTABLISHMENT OF NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.—

''(1) IN GENERAL.—The Secretary shall establish the Committee for the Establishment of Native American Health and Wellness Foundation to assist the Secretary in establishing the Foundation.

''(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

''(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

''(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the Board is established;

''(C) establish the constitution and initial bylaws of the Foundation;

''(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

''(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

''(g) BOARD OF DIRECTORS.—

''(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation.

''(2) POWERS.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

''(3) SELECTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

''(B) REQUIREMENTS.—

''(i) NUMBER OF MEMBERS.—The Board shall have at least 11 members, who shall have staggered terms.

''(ii) INITIAL VOTING MEMBERS.—The initial voting members of the Board—

''(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

''(II) shall have staggered terms.

''(iii) QUALIFICATION.—The members of the Board shall be United States citizens who are knowledgeable or experienced in Native American health care and related matters.

''(C) COMPENSATION.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

''(h) OFFICERS.—

''(1) IN GENERAL.—The officers of the Foundation shall be—

''(A) a secretary, elected from among the members of the Board; and

''(B) any other officers provided for in the constitution and bylaws of the Foundation.

''(2) CHIEF OPERATING OFFICER.—The secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation, or the Board may appoint a chief operating officer, who shall serve at the direction of the Board.

''(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

''(i) POWERS.—The Foundation—

''(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

''(2) may adopt and alter a corporate seal;

''(3) may enter into contracts;

''(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

''(5) may sue and be sued; and

''(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

''(j) PRINCIPAL OFFICE.—

''(1) IN GENERAL.—The principal office of the Foundation shall be in the District of Columbia.

''(2) ACTIVITIES; OFFICES.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

''(k) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

''(l) LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.—

''(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of their authority.

''(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

''(m) RESTRICTIONS.—

''(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the

Foundation shall not exceed the percentage described in paragraph (2) of the sum of—

''(A) the amounts transferred to the Foundation under subsection (o) during the preceding fiscal year; and

''(B) donations received from private sources during the preceding fiscal year.

''(2) PERCENTAGES.—The percentages referred to in paragraph (1) are—

''(A) for the first fiscal year described in that paragraph, 20 percent;

''(B) for the following fiscal year, 15 percent; and

''(C) for each fiscal year thereafter, 10 percent.

''(3) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

''(4) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

''(n) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

''(o) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (e)(1) $500,000 for each fiscal year, as adjusted to reflect changes in the Consumer Price Index for all-urban consumers published by the Department of Labor.

''(2) TRANSFER OF DONATED FUNDS.—The Secretary shall transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), if the transfer or use of the funds is not prohibited by any term under which the funds were donated.

''SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.

''(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

''(1) may provide personnel, facilities, and other administrative support services to the Foundation;

''(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

''(3) shall require and accept reimbursements from the Foundation for—

''(A) services provided under paragraph (1); and

''(B) funds provided under paragraph (2).

''(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

''(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

''(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

''(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services—

''(1) are available; and

''(2) are provided on reimbursable cost basis.''.

(b) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (25 U.S.C. 458bbb et seq.) as title VII;

(2) by redesignating sections 501, 502, and 503 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sections 701, 702, and 703, respectively; and

(3) in subsection (a)(2) of section 702 and paragraph (2) of section 703 (as redesignated by paragraph (2)), by striking ''section 501'' and inserting ''section 701''.

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

SEC. 201. EXPANSION OF PAYMENTS UNDER MEDICARE, MEDICAID, AND SCHIP FOR ALL COVERED SERVICES FURNISHED BY INDIAN HEALTH PROGRAMS.

(a) MEDICAID.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended—

(A) by amending the heading to read as follows:

''SEC. 1911. INDIAN HEALTH PROGRAMS.''; and

(B) by amending subsection (a) to read as follows:

''(a) ELIGIBILITY FOR PAYMENT FOR MEDICAL ASSISTANCE.—The Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payment for medical assistance provided under a State plan or under waiver authority with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title and under such plan or waiver authority.''.

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—A facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title and under a State plan or waiver authority which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.''.

(3) REVISION OF AUTHORITY TO ENTER INTO AGREEMENTS.—Subsection (c) of such section is amended to read as follows:

''(c) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into an agreement with a State for the purpose of reimbursing the State for medical assistance provided by the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization (as so defined), directly, through referral, or under contracts or other arrangements between the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization and another health care provider to Indians who are eligible for medical assistance under the State plan or under waiver authority.''.

(4) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—Such section is further amended by striking subsection (d) and adding at the end the following new subsections:

''(d) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

''(e) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.

''(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe','Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

(b) MEDICARE.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1880 of such Act (42 U.S.C. 1395qq) is amended—

(A) by amending the heading to read as follows:

''SEC. 1880. INDIAN HEALTH PROGRAMS.''; and

(B) by amending subsection (a) to read as follows:

''(a) ELIGIBILITY FOR PAYMENTS.—Subject to subsection (e), the Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payments under this title with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title.''.

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subject to subsection (e), a facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.''.

(3) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—

(A) IN GENERAL.—Such section is further amended by striking subsections (c) and (d) and inserting the following new subsections:

''(c) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement

to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

''(d) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.''.

(B) CONFORMING AMENDMENT.—Paragraph (3) of section 1880(e) of such Act (42 U.S.C. 1395qq(e)) is amended by inserting ''and section 401(c)(1) of the Indian Health Care Improvement Act'' after ''Subsection (c)''.

(4) DEFINITIONS.—Such section is further amended by amending subsection (f) to read as follows:

''(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe', 'Service Unit', 'Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

(c) APPLICATION TO SCHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C), the following new subparagraph:

''(D) Section 1911 (relating to Indian Health Programs, other than subsection (d) of such section).''.

SEC. 202. INCREASED OUTREACH TO INDIANS UNDER MEDICAID AND SCHIP AND IMPROVED COOPERATION IN THE PROVISION OF ITEMS AND SERVICES TO INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9) is amended to read as follows:

''SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XVIII, XIX, AND XXI.

''(a) AGREEMENTS WITH STATES FOR MEDICAID AND SCHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

''(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

''(2) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

''(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI.

''(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

SEC. 203. ADDITIONAL PROVISIONS TO INCREASE OUTREACH TO, AND ENROLLMENT OF, INDIANS IN SCHIP AND MEDICAID.

(a) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) NONAPPLICATION TO EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—The limitation under subparagraph (A) on expenditures for items described in subsection (a)(1)(D) shall not apply in the case of expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).''.

(b) ASSURANCE OF PAYMENTS TO INDIAN HEALTH CARE PROVIDERS FOR CHILD HEALTH ASSISTANCE.—Section 2102(b)(3)(D) of such Act (42 U.S.C. 1397bb(b)(3)(D)) is amended by striking ''(as defined in section 4(c) of the Indian Health Care Improvement Act, 25 U.S.C. 1603(c))'' and inserting '', including how the State will ensure that payments are made to Indian Health Programs and Urban Indian Organizations operating in the State for the provision of such assistance''.

(c) INCLUSION OF OTHER INDIAN FINANCED HEALTH CARE PROGRAMS IN EXEMPTION FROM PROHIBITION ON CERTAIN PAYMENTS.—Section 2105(c)(6)(B) of such Act (42 U.S.C. 1397ee(c)(6)(B)) is amended by striking ''insurance program, other than an insurance program operated or financed by the Indian Health Service'' and inserting ''program, other than a health care program operated or financed by the Indian Health Service or by an Indian Tribe, Tribal Organization, or Urban Indian Organization''.

(d) SATISFACTION OF MEDICAID DOCUMENTATION REQUIREMENTS.—

(1) IN GENERAL.—Section 1903(x)(3)(B) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

''(v)(I) Except as provided in subclause (II), a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe.

''(II) With respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.''.

(2) TRANSITION RULE.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by paragraph (1)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

(e) DEFINITIONS.—Section 2110(c) of such Act (42 U.S.C. 1397jj(c)) is amended by adding at the end the following new paragraph:

''(9) INDIAN; INDIAN HEALTH PROGRAM; INDIAN TRIBE; ETC.—The terms 'Indian', 'Indian Health Program', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

SEC. 204. PREMIUMS AND COST SHARING PROTECTIONS UNDER MEDICAID, ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP, AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

(a) PREMIUMS AND COST SHARING PROTECTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''and (i)'' and inserting '', (i), and (j)''; and

(B) by adding at the end the following new subsection:

''(j) NO PREMIUMS OR COST SHARING FOR INDIANS FURNISHED ITEMS OR SERVICES DIRECTLY BY INDIAN HEALTH PROGRAMS OR THROUGH REFERRAL UNDER THE CONTRACT HEALTH SERVICE.—

''(1) NO COST SHARING FOR ITEMS OR SERVICES FURNISHED TO INDIANS THROUGH INDIAN HEALTH PROGRAMS.—

''(A) IN GENERAL.—No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing, or similar charge shall be imposed against an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under the contract health service for which payment may be made under this title.

''(B) NO REDUCTION IN AMOUNT OF PAYMENT TO INDIAN HEALTH PROVIDERS.—Payment due under this title to the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, or a health care provider through referral under the contract health service for the furnishing of an item or service to an Indian who is eligible for assistance under such title, may not be reduced by the amount of any enrollment fee, premium, or similar charge, or any deduction, copayment, cost sharing, or similar charge that would be due from the Indian but for the operation of subparagraph (A).

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as restricting the application of any other limitations on the imposition of premiums or cost sharing that may apply to an individual receiving medical assistance under this title who is an Indian.

''(3) DEFINITIONS.—In this subsection, the terms 'contract health service', 'Indian', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

(2) CONFORMING AMENDMENT.—Section 1916A (a)(1) of such Act (42 U.S.C. 1396o–1(a)(1)) is amended by striking ''section 1916(g)'' and inserting ''subsections (g), (i), or (j) of section 1916''.

(b) TREATMENT OF CERTAIN PROPERTY FOR MEDICAID AND SCHIP ELIGIBILITY.—

(1) MEDICAID.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new paragraph:

''(13) Notwithstanding any other requirement of this title or any other provision of Federal or State law, a State shall disregard the following property for purposes of determining the eligibility of an individual who is an Indian (as defined in section 4 of the Indian Health Care Improvement Act) for medical assistance under this title:

''(A) Property, including real property and improvements, that is held in trust, subject to Federal restrictions, or otherwise under the supervision of the Secretary of the Interior, located on a reservation, including any federally recognized Indian Tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established by the Alaska Native Claims Settlement Act, and Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs of the Department of the Interior.

''(B) For any federally recognized Tribe not described in subparagraph (A), property located within the most recent boundaries of a prior Federal reservation.

''(C) Ownership interests in rents, leases, royalties, or usage rights related to natural resources (including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish, and shellfish) resulting from the exercise of federally protected rights.

''(D) Ownership interests in or usage rights to items not covered by subparagraphs (A) through (C) that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.''.

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (E), as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

''(B) Section 1902(e)(13) (relating to disregard of certain property for purposes of making eligibility determinations).''.

(c) CONTINUATION OF CURRENT LAW PROTECTIONS OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.—Section 1917(b)(3) of the Social Security Act (42 U.S.C. 1396p(b)(3)) is amended—

(1) by inserting ''(A)'' after ''(3)''; and

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

''(B) The standards specified by the Secretary under subparagraph (A) shall require that the procedures established by the State agency under subparagraph (A) exempt income, resources, and property that are exempt from the application of this subsection as of April 1, 2003, under manual instructions issued to carry out this subsection (as in effect on such date) because of the Federal responsibility for Indian Tribes and Alaska Native Villages. Nothing in this subparagraph shall be construed as preventing the Secretary from providing additional estate recovery exemptions under this title for Indians.''.

SEC. 205. NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by section 202, is amended by redesignating subsection (c) as subsection (d), and inserting after subsection (b) the following new subsection:

''(c) NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.—

''(1) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

''(A) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

''(B) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221 of the Indian Health Care Improvement Act, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

''(2) PROHIBITION ON FEDERAL PAYMENTS TO ENTITIES OR INDIVIDUALS EXCLUDED FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS OR WHOSE STATE LICENSES ARE UNDER SUSPENSION OR HAVE BEEN REVOKED.—

''(A) EXCLUDED ENTITIES.—No entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment under any such program for health care services furnished to an Indian.

''(B) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension or has been revoked shall be eligible to receive payment under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

''(C) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, 'Federal health care program' has the meaning given that term in section 1128B(f), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.''.

SEC. 206. CONSULTATION ON MEDICAID, SCHIP, AND OTHER HEALTH CARE PROGRAMS FUNDED UNDER THE SOCIAL SECURITY ACT INVOLVING INDIAN HEALTH PROGRAMS AND URBAN INDIAN ORGANIZATIONS.

(a) IN GENERAL.—Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by sections 202 and 205, is amended by redesignating subsection (d) as subsection (e), and inserting after subsection (c) the following new subsection:

''(d) CONSULTATION WITH TRIBAL TECHNICAL ADVISORY GROUP (TTAG).—The Secretary shall maintain within the Centers for Medicaid & Medicare Services (CMS) a Tribal Technical Advisory Group, established in accordance with requirements of the charter dated September 30, 2003, and in such group shall include a representative of the Urban Indian Organizations and the Service. The representative of the Urban Indian Organization shall be deemed to be an elected officer of a tribal government for purposes of applying section 204(b) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534(b)).''.

(b) SOLICITATION OF ADVICE UNDER MEDICAID AND SCHIP.—

(1) MEDICAID STATE PLAN AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69), by striking ''and'' at the end;

(B) in paragraph (70)(B)(iv), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70)(B)(iv), the following new paragraph:

''(71) in the case of any State in which the Indian Health Service operates or funds health care programs, or in which 1 or more Indian Health Programs or Urban Indian Organizations (as such terms are defined in section 4 of the Indian Health Care Improvement Act) provide health care in the State for which medical assistance is available under such title, provide for a process under which the State seeks advice on a regular, ongoing basis from designees of such Indian Health Programs and Urban Indian Organizations on matters relating to the application of this title that are likely to have a direct effect on such Indian Health Programs and Urban Indian Organizations and that—

''(A) shall include solicitation of advice prior to submission of any plan amendments, waiver requests, and proposals for demonstration projects likely to have a direct effect on Indians, Indian Health Programs, or Urban Indian Organizations; and

''(B) may include appointment of an advisory committee and of a designee of such Indian Health Programs and Urban Indian Organizations to the medical care advisory committee advising the State on its State plan under this title.''.

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 204(b)(2), is amended—

(A) by redesignating subparagraphs (B) through (F) as subparagraphs (C) through (G), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

''(B) Section 1902(a)(71) (relating to the option of certain States to seek advice from designees of Indian Health Programs and Urban Indian Organizations).''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as superseding existing advisory committees, working groups, guidance, or other advisory procedures established by the Secretary of Health and Human Services or by any State with respect to the provision of health care to Indians.

SEC. 207. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

(a) EXCLUSION WAIVER AUTHORITY.—Section 1128 of the Social Security Act (42 U.S.C. 1320a–7) is amended by adding at the end the following new subsection:

''(k) ADDITIONAL EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS.—In addition to the authority granted the Secretary under subsections (c)(3)(B) and (d)(3)(B) to waive an exclusion under subsection (a)(1), (a)(3), (a)(4), or (b), the Secretary may, in the case of an Indian Health Program, waive such an exclusion upon the

request of the administrator of an affected Indian Health Program (as defined in section 4 of the Indian Health Care Improvement Act) who determines that the exclusion would impose a hardship on individuals entitled to benefits under or enrolled in a Federal health care program.''.

(b) CERTAIN TRANSACTIONS INVOLVING INDIAN HEALTH CARE PROGRAMS DEEMED TO BE IN SAFE HARBORS.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended by adding at the end the following new paragraph:

''(4) Subject to such conditions as the Secretary may promulgate from time to time as necessary to prevent fraud and abuse, for purposes of paragraphs (1) and (2) and section 1128A(a), the following transfers shall not be treated as remuneration:

''(A) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS.—Transfers of anything of value between or among an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that are made for the purpose of providing necessary health care items and services to any patient served by such Program, Tribe, or Organization and that consist of—

''(i) services in connection with the collection, transport, analysis, or interpretation of diagnostic specimens or test data;

''(ii) inventory or supplies;

''(iii) staff; or

''(iv) a waiver of all or part of premiums or cost sharing.

''(B) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, OR URBAN INDIAN ORGANIZATIONS AND PATIENTS.—Transfers of anything of value between an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization and any patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, including any patient served or eligible for service pursuant to section 807 of the Indian Health Care Improvement Act, but only if such transfers—

''(i) consist of expenditures related to providing transportation for the patient for the provision of necessary health care items or services, provided that the provision of such transportation is not advertised, nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided);

''(ii) consist of expenditures related to providing housing to the patient (including a pregnant patient) and immediate family members or an escort necessary to assuring the timely provision of health care items and services to the patient, provided that the provision of such housing is not advertised nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided); or

''(iii) are for the purpose of paying premiums or cost sharing on behalf of such a patient, provided that the making of such payment is not subject to conditions other than conditions agreed to under a contract for the delivery of contract health services.

''(C) CONTRACT HEALTH SERVICES.—A transfer of anything of value negotiated as part of a contract entered into between an Indian Health Program, Indian Tribe, Tribal Organization, Urban Indian Organization, or the Indian Health Service and a contract care provider for the delivery of contract health services authorized by the Indian Health Service, provided that—

''(i) such a transfer is not tied to volume or value of referrals or other business generated by the parties; and

''(ii) any such transfer is limited to the fair market value of the health care items or services provided or, in the case of a transfer of items or services related to preventative care, the value of the future health care costs reasonably expected to be avoided.

''(D) OTHER TRANSFERS.—Any other transfer of anything of value involving an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, or a patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that the Secretary, in consultation with the Attorney General, determines is appropriate, taking into account the special circumstances of such Indian Health Programs, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, and of patients served by such Programs, Tribes, and Organizations.''.

SEC. 208. RULES APPLICABLE UNDER MEDICAID AND SCHIP TO MANAGED CARE ENTITIES WITH RESPECT TO INDIAN ENROLLEES AND INDIAN HEALTH CARE PROVIDERS AND INDIAN MANAGED CARE ENTITIES.

(a) IN GENERAL.—Section 1932 of the Social Security Act (42 U.S.C. 1396u–2) is amended by adding at the end the following new subsection:

''(h) SPECIAL RULES WITH RESPECT TO INDIAN ENROLLEES, INDIAN HEALTH CARE PROVIDERS, AND INDIAN MANAGED CARE ENTITIES.—

''(1) ENROLLEE OPTION TO SELECT AN INDIAN HEALTH CARE PROVIDER AS PRIMARY CARE PROVIDER.—In the case of a non-Indian Medicaid managed care entity that—

''(A) has an Indian enrolled with the entity; and

''(B) has an Indian health care provider that is participating as a primary care provider within the network of the entity,

insofar as the Indian is otherwise eligible to receive services from such Indian health care provider and the Indian health care provider has the capacity to provide primary care services to such Indian, the contract with the entity under section 1903(m) or under section 1905(t)(3) shall require, as a condition of receiving payment under such contract, that the Indian shall be allowed to choose such Indian health care provider as the Indian's primary care provider under the entity.

''(2) ASSURANCE OF PAYMENT TO INDIAN HEALTH CARE PROVIDERS FOR PROVISION OF COVERED SERVICES.—Each contract with a managed care entity under section 1903(m) or under section 1905(t)(3) shall require any such entity that has a significant percentage of Indian enrollees (as determined by the Secretary), as a condition of receiving payment under such contract to satisfy the following requirements:

''(A) DEMONSTRATION OF PARTICIPATING INDIAN HEALTH CARE PROVIDERS OR APPLICATION OF ALTERNATIVE PAYMENT ARRANGEMENTS.—Subject to subparagraph (E), to—

''(i) demonstrate that the number of Indian health care providers that are participating providers with respect to such entity are sufficient to ensure timely access to covered Medicaid managed care services for those enrollees who are eligible to receive services from such providers; or

''(ii) agree to pay Indian health care providers who are not participating providers with the entity for covered Medicaid managed care services provided to those enrollees who are eligible to receive services from such providers at a rate equal to the rate negotiated between such entity and the provider involved or, if such a rate has not been negotiated, at a rate that is not less than the level and amount of payment which the entity would make for the services if the services were furnished by a participating provider which is not an Indian health care provider.

''(B) PROMPT PAYMENT.—To agree to make prompt payment (in accordance with rules applicable to managed care entities) to Indian health care providers that are participating providers with respect to such entity or, in the case of an entity to which subparagraph (A)(ii) or (E) applies, that the entity is required to pay in accordance with that subparagraph.

''(C) SATISFACTION OF CLAIM REQUIREMENT.—To deem any requirement for the submission of a claim or other documentation for services covered under subparagraph (A) by the enrollee to be satisfied through the submission of a claim or other documentation by an Indian health care provider that is consistent with section 403(h) of the Indian Health Care Improvement Act.

''(D) COMPLIANCE WITH GENERALLY APPLICABLE REQUIREMENTS.—

''(i) IN GENERAL.—Subject to clause (ii), as a condition of payment under subparagraph (A), an Indian health care provider shall comply with the generally applicable requirements of this title, the State plan, and such entity with respect to covered Medicaid managed care services provided by the Indian health care provider to the same extent that non-Indian providers participating with the entity must comply with such requirements.

''(ii) LIMITATIONS ON COMPLIANCE WITH MANAGED CARE ENTITY GENERALLY APPLICABLE REQUIREMENTS.—An Indian health care provider—

''(I) shall not be required to comply with a generally applicable requirement of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) if such compliance would conflict with any other statutory or regulatory requirements applicable to the Indian health care provider; and

''(II) shall only need to comply with those generally applicable requirements of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) that are necessary for the entity's compliance with the State plan, such as those related to care management, quality assurance, and utilization management.

''(E) APPLICATION OF SPECIAL PAYMENT REQUIREMENTS FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—

''(i) FEDERALLY-QUALIFIED HEALTH CENTERS.—

''(I) MANAGED CARE ENTITY PAYMENT REQUIREMENT.—To agree to pay any Indian health care provider that is a Federally-qualified health center but not a participating provider with respect to the entity, for the provision of covered Medicaid managed care services by such provider to an Indian enrollee of the entity at a rate equal to the amount of payment that the entity would pay a Federally-qualified health center that is a participating provider with respect to the entity but is not an Indian health care provider for such services.

''(II) CONTINUED APPLICATION OF STATE REQUIREMENT TO MAKE SUPPLEMENTAL PAYMENT.—Nothing in subclause (I) or subparagraph (A) or (B) shall be construed as waiving the application of section 1902(bb)(5) regarding the State plan requirement to make any supplemental payment due under such section to a Federally-qualified health center for services furnished by such center

to an enrollee of a managed care entity (regardless of whether the Federally-qualified health center is or is not a participating provider with the entity).

''(ii) CONTINUED APPLICATION OF ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—If the amount paid by a managed care entity to an Indian health care provider that is not a Federally-qualified health center and that has elected to receive payment under this title as an Indian Health Service provider under the July 11, 1996, Memorandum of Agreement between the Health Care Financing Administration (now the Centers for Medicare & Medicaid Services) and the Indian Health Service for services provided by such provider to an Indian enrollee with the managed care entity is less than the encounter rate that applies to the provision of such services under such memorandum, the State plan shall provide for payment to the Indian health care provider of the difference between the applicable encounter rate under such memorandum and the amount paid by the managed care entity to the provider for such services.

''(F) CONSTRUCTION.—Nothing in this paragraph shall be construed as waiving the application of section 1902(a)(30)(A) (relating to application of standards to assure that payments are consistent with efficiency, economy, and quality of care).

''(3) OFFERING OF MANAGED CARE THROUGH INDIAN MEDICAID MANAGED CARE ENTITIES.—If—

''(A) a State elects to provide services through Medicaid managed care entities under its Medicaid managed care program; and

''(B) an Indian health care provider that is funded in whole or in part by the Indian Health Service, or a consortium composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Indian Health Service, has established an Indian Medicaid managed care entity in the State that meets generally applicable standards required of such an entity under such Medicaid managed care program, the State shall offer to enter into an agreement with the entity to serve as a Medicaid managed care entity with respect to eligible Indians served by such entity under such program.

''(4) SPECIAL RULES FOR INDIAN MANAGED CARE ENTITIES.—The following are special rules regarding the application of a Medicaid managed care program to Indian Medicaid managed care entities:

''(A) ENROLLMENT.—

''(i) LIMITATION TO INDIANS.—An Indian Medicaid managed care entity may restrict enrollment under such program to Indians and to members of specific Tribes in the same manner as Indian Health Programs may restrict the delivery of services to such Indians and tribal members.

''(ii) NO LESS CHOICE OF PLANS.—Under such program the State may not limit the choice of an Indian among Medicaid managed care entities only to Indian Medicaid managed care entities or to be more restrictive than the choice of managed care entities offered to individuals who are not Indians.

''(iii) DEFAULT ENROLLMENT.—

''(I) IN GENERAL.—If such program of a State requires the enrollment of Indians in a Medicaid managed care entity in order to receive benefits, the State, taking into consideration the criteria specified in subsection (a)(4)(D)(ii)(I), shall provide for the enrollment of Indians described in subclause (II) who are not otherwise enrolled with such an entity in an Indian Medicaid managed care entity described in such clause.

''(II) INDIAN DESCRIBED.—An Indian described in this subclause, with respect to an Indian Medicaid managed care entity, is an Indian who, based upon the service area and capacity of the entity, is eligible to be enrolled with the entity consistent with subparagraph (A).

''(iv) EXCEPTION TO STATE LOCK-IN.—A request by an Indian who is enrolled under such program with a non-Indian Medicaid managed care entity to change enrollment with that entity to enrollment with an Indian Medicaid managed care entity shall be considered cause for granting such request under procedures specified by the Secretary.

''(B) FLEXIBILITY IN APPLICATION OF SOLVENCY.—In applying section 1903(m)(1) to an Indian Medicaid managed care entity—

''(i) any reference to a 'State' in subparagraph (A)(ii) of that section shall be deemed to be a reference to the 'Secretary'; and

''(ii) the entity shall be deemed to be a public entity described in subparagraph (C)(ii) of that section.

''(C) EXCEPTIONS TO ADVANCE DIRECTIVES.—The Secretary may modify or waive the requirements of section 1902(w) (relating to provision of written materials on advance directives) insofar as the Secretary finds that the requirements otherwise imposed are not an appropriate or effective way of communicating the information to Indians.

''(D) FLEXIBILITY IN INFORMATION AND MARKETING.—

''(i) MATERIALS.—The Secretary may modify requirements under subsection (a)(5) to ensure that information described in that subsection is provided to enrollees and potential enrollees of Indian Medicaid managed care entities in a culturally appropriate and understandable manner that clearly communicates to such enrollees and potential enrollees their rights, protections, and benefits.

''(ii) DISTRIBUTION OF MARKETING MATERIALS.—The provisions of subsection (d)(2)(B) requiring the distribution of marketing materials to an entire service area shall be deemed satisfied in the case of an Indian Medicaid managed care entity that distributes appropriate materials only to those Indians who are potentially eligible to enroll with the entity in the service area.

''(5) MALPRACTICE INSURANCE.—Insofar as, under a Medicaid managed care program, a health care provider is required to have medical malpractice insurance coverage as a condition of contracting as a provider with a Medicaid managed care entity, an Indian health care provider that is—

''(A) a Federally-qualified health center that is covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

''(B) providing health care services pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.); or

''(C) the Indian Health Service providing health care services that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

are deemed to satisfy such requirement.

''(6) DEFINITIONS.—For purposes of this subsection:

''(A) INDIAN HEALTH CARE PROVIDER.—The term 'Indian health care provider' means an Indian Health Program or an Urban Indian Organization.

''(B) INDIAN; INDIAN HEALTH PROGRAM; SERVICE; TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian Health Program', 'Service', 'Tribe', 'tribal organization', 'Urban Indian Organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.

''(C) INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'Indian Medicaid managed care entity' means a managed care entity that is controlled (within the meaning of the last sentence of section 1903(m)(1)(C)) by the Indian Health Service, a Tribe, Tribal Organization, or Urban Indian Organization, or a consortium, which may be composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Service.

''(D) NON-INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'non-Indian Medicaid managed care entity' means a managed care entity that is not an Indian Medicaid managed care entity.

''(E) COVERED MEDICAID MANAGED CARE SERVICES.—The term 'covered Medicaid managed care services' means, with respect to an individual enrolled with a managed care entity, items and services that are within the scope of items and services for which benefits are available with respect to the individual under the contract between the entity and the State involved.

''(F) MEDICAID MANAGED CARE PROGRAM.—The term 'Medicaid managed care program' means a program under sections 1903(m) and 1932 and includes a managed care program operating under a waiver under section 1915(b) or 1115 or otherwise.''.

(b) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(1)), as amended by section 206(b)(2), is amended by adding at the end the following new subparagraph:

''(H) Subsections (a)(2)(C) and (h) of section 1932.''.

SEC. 209. ANNUAL REPORT ON INDIANS SERVED BY SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by the sections 202, 205, and 206, is amended by redesignating subsection (e) as subsection (f), and inserting after subsection (d) the following new subsection:

''(e) ANNUAL REPORT ON INDIANS SERVED BY HEALTH BENEFIT PROGRAMS FUNDED UNDER THIS ACT.—Beginning January 1, 2007, and annually thereafter, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Indian Health Service, shall submit a report to Congress regarding the enrollment and health status of Indians receiving items or services under health benefit programs funded under this Act during the preceding year. Each such report shall include the following:

''(1) The total number of Indians enrolled in, or receiving items or services under, such programs, disaggregated with respect to each such program.

''(2) The number of Indians described in paragraph (1) that also received health benefits under programs funded by the Indian Health Service.

''(3) General information regarding the health status of the Indians described in paragraph (1), disaggregated with respect to specific diseases or conditions and presented in a manner that is consistent with protections for privacy of individually identifiable health information under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(4) A detailed statement of the status of facilities of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization with respect to such facilities' compliance with the applicable conditions and requirements of titles XVIII, XIX, and XXI, and, in the case of title XIX or XXI, under a State plan under such title or under waiver authority, and of the progress being made by such facilities (under plans submitted under section 1880(b), 1911(b) or otherwise) toward the achievement and maintenance of such compliance.

''(5) Such other information as the Secretary determines is appropriate.''.

Mr. THOMAS. Mr. President, I rise today regarding the introduction of the Indian Health Care Improvement Act Amendments of 2007. This legislation will reauthorize the Indian Health Care Improvement Act and provide essential improvements to the Indian health system.

These improvements are needed to raise the health status of Indian communities where the mortality and disease rates are far greater than the national averages. For example, on the Wind River Indian Reservation in Wyoming, the average age at death is 49, according to recent data from the Indian Health Service.

The reauthorization has been an ongoing effort since 1999 and significant progress has been made particularly in the last two Congresses. The bill being introduced today incorporates provisions that the Committee has developed in the course of the previous two Congresses.

Even though there may be remaining issues on certain provisions, the introduction of this very important bill will facilitate the process of resolving those issues. I look forward to continuing work on those issues and advancing a bill that is effective in addressing the health care needs of Indian people.

I encourage my colleagues to join Chairman DORGAN and me in these efforts to improve the lives of Indian people.

By Mr. SANDERS (for himself, Mr. LIEBERMAN, Mr. LEAHY, and Mr. FEINGOLD):

S. 1201. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Environment and Public Works.

Mr. SANDERS. Mr. President, today I am introducing the Clean Power Act of 2007. I ask unanimous consent that the full text of the bill be printed in the RECORD. This legislation is modeled after legislation spearheaded by my predecessor and ardent protector of the environment and the public health, Senator JIM JEFFORDS. I am proud to sit on the Environment and Public Works Committee that was under his leadership for a time, and I am also honored to be a member of another Committee of significant importance, the Energy and Natural Resources Committee.

The Clean Power Act of 2007 gets to a problem on the minds of those in the northeast, who suffer insults to their health and their environment in the form of dirty air and polluted lakes, as well as those all across the country who want to see power plants shape up their act. This legislation will help clean the air and reduce global warming pollution by dramatically reducing the four major pollutants emitted by power plants—carbon dioxide, nitrogen oxide, sulfur dioxide, and mercury.

Congress must work toward an economy-wide approach to addressing global warming, along the lines of the legislation I introduced with Senator BOXER and others: S. 309, the Global Warming Pollution Reduction Act. However, power plants should begin reducing their greenhouse gas emissions now, at the same time they are reducing emissions of other air pollutants. The Clean Power Act of 2007 would set this process in motion by using a cap and trade approach for reducing carbon dioxide, nitrogen oxide, and sulfur dioxide emissions. Additionally, the legislation makes specific linkages to an economy-wide reduction of pollutants responsible for global warming by specifying that if Congress has not passed, and the President has not signed, legislation affecting at least 85 percent of manmade sources of global warming pollutants by 2012, that the emissions from power plants must be decreased each year by 3 percent until atmospheric concentrations of global warming pollutants are stabilized at 450 parts per million carbon dioxide equivalent. So, while I am putting forward this power plant only bill today, let it be clear that I remain firm in my belief that we must tackle the problem of global warming in a way that will actually make a difference to the future of the planet.

I am happy to be joined in introducing this legislation by Senator LIEBERMAN, Senator LEAHY, and Senator FEINGOLD. Additionally, I am glad to have the support of many national organizations, including the Clean Air Task Force, National Wildlife Federation, Environmental Defense, National Environmental Trust, the American Lung Association, Natural Resources Defense Council, and U.S. PIRG.

As we move forward to address global warming and to protect current and future generations, dealing with power plant emissions is a good start. I look forward to gaining the support of my colleagues on this important legislation.

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

S. 1201

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Power Act of 2007''.

SEC. 2. ELECTRIC ENERGY GENERATION EMISSION REDUCTIONS.

(a) IN GENERAL.—The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''TITLE VII—ELECTRIC ENERGY GENERATION EMISSION REDUCTIONS

''Sec. 701. Findings.
''Sec. 702. Purposes.
''Sec. 703. Definitions.
''Sec. 704. Emission limitations.
''Sec. 705. Emission allowances.
''Sec. 706. Permitting and trading of emission allowances.
''Sec. 707. Emission allowance allocation.
''Sec. 708. Mercury emission limitations.
''Sec. 709. Other hazardous air pollutants.
''Sec. 710. Emission standards for affected units.
''Sec. 711. Low-carbon generation requirement.
''Sec. 712. Geological disposal of global warming pollutants.
''Sec. 713. Energy efficiency performance standard.
''Sec. 714. Renewable portfolio standard.
''Sec. 715. Standards to account for biological sequestration of carbon.
''Sec. 716. Effect of failure to promulgate regulations.
''Sec. 717. Prohibitions.
''Sec. 718. Modernization of electric generation facilities.
''Sec. 719. Condition for treatment of electric generation facilities after 2020.
''Sec. 720. Paramount interest waiver.
''Sec. 721. Relationship to other law.

''SEC. 701. FINDINGS.

''Congress finds that—

''(1) public health and the environment continue to suffer as a result of pollution emitted by powerplants across the United States, despite the success of Public Law 101–549 (commonly known as the 'Clean Air Act Amendments of 1990') (42 U.S.C. 7401 et seq.) in reducing emissions;

''(2) according to the most reliable scientific knowledge, acid rain precursors must be significantly reduced for the ecosystems of the Northeast and Southeast to recover from the ecological harm caused by acid deposition;

''(3) because lakes and sediments across the United States are being contaminated by mercury emitted by powerplants, there is an increasing risk of mercury poisoning of aquatic habitats and fish-consuming human populations;

''(4) electricity generation accounts for approximately 40 percent of the total emissions in the United States of carbon dioxide, a major global warming pollutant causing global warming;

''(5) the cumulative impact of powerplant emissions on public and environmental health must be addressed swiftly by reducing those harmful emissions to levels that are less threatening;

''(6) 1,803,000,000 metric tons of carbon dioxide equivalent were emitted during 1990;

''(7)(A) the atmosphere is a public resource; and

''(B) emission allowances, representing permission to use that resource for disposal of air pollution from electricity generation, should be allocated to promote public purposes, including—

''(i) protecting electricity consumers from adverse economic impacts;

''(ii) providing transition assistance to adversely affected employees, communities, and industries; and

''(iii) promoting clean energy resources and energy efficiency;

''(8) an array of technological options exist for use in reducing global warming pollution emissions, and significant reductions can be attained using a portfolio of options that will not adversely impact the economy;

''(9) the ingenuity of the people of the United States will allow the United States to become a leader in solving global warming; and

''(10) it should be a goal of the United States to achieve a reduction in global warming pollution emissions in the United States—

''(A) to ensure that the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

''(B) to ensure the achievement of an average global atmospheric concentration of global warming pollutants that does not exceed 450 parts per million in carbon dioxide equivalent.

"SEC. 702. PURPOSES.

''The purposes of this title are—

''(1) to alleviate the environmental and public health damage caused by emissions of sulfur dioxide, nitrogen oxides, global warming pollutants, and mercury resulting from the combustion of fossil fuels in the generation of electric and thermal energy;

''(2) to reduce the annual national emissions from electric generation facilities to not more than—

''(A) for calendar years 2010 through 2012—

''(i) 2,250,000 tons of sulfur dioxide; and

''(ii) 1,510,000 tons of nitrogen oxides; and

''(B) for calendar year 2013 and each calendar year thereafter—

''(i) 1,300,000 tons of sulfur dioxide; and

''(ii) 900,000 tons of nitrogen oxides;

''(3)(A) to reduce, by December 31, 2012, the annual national emissions of mercury from electric generation facilities to not more than 5 tons; and

''(B) to the maximum extent practicable, to achieve a facility-specific reduction in emissions of mercury of more than 90 percent;

''(4) beginning in calendar year 2010, to reduce each calendar year the annual national emissions of global warming pollutants from electric generation facilities to achieve a reduction in emissions of global warming pollutants equal to—

''(A) by December 31, 2011, not more than 2,300,000,000 metric tons of carbon dioxide equivalent;

''(B) by December 31, 2015, not more than 2,100,000,000 metric tons of carbon dioxide equivalent;

''(C) by December 31, 2020, not more than 1,803,000,000 metric tons of carbon dioxide equivalent; and

''(D) by December 31, 2025, not more than 1,500,000,000 metric tons of carbon dioxide equivalent;

''(5) to effectuate the reductions described in paragraphs (2) through (4) by—

''(A) requiring electric generation facilities to comply with specified emission limitations by specified deadlines; and

''(B) allowing electric generation facilities to meet the emission limitations (other than the emission limitation for mercury) through an alternative method of compliance consisting of an emission allowance and transfer system;

''(6) to reduce, by December 31, 2050, emissions from power plants of global warming pollutants that cause global warming to facilitate the achievement of an economy-wide reduction, consistent with the goal of stabilization of worldwide atmospheric concentrations of global warming pollutants at 450 parts per million carbon dioxide equivalent; and

''(7) to encourage energy conservation, use of renewable and clean alternative technologies, and pollution prevention as long-range strategies, consistent with this title, for reducing air pollution and other adverse impacts of energy generation and use.

"SEC. 703. DEFINITIONS.

''In this title:

''(1) ACADEMY.—The term 'Academy' means the National Academy of Sciences.

''(2) CARBON DIOXIDE EQUIVALENT.—The term 'carbon dioxide equivalent' means, for each global warming pollutant, the quantity of the global warming pollutant that makes the same contribution to global warming as 1 metric ton of carbon dioxide, as determined by the Administrator, taking into consideration the report described in section 705(d)(1).

''(3) COVERED POLLUTANT.—The term 'covered pollutant' means—

''(A) sulfur dioxide;

''(B) any nitrogen oxide;

''(C) mercury; and

''(D) any global warming pollutant.

''(4) ELECTRIC GENERATION FACILITY.—The term 'electric generation facility' means an electric or thermal electricity generating unit, a combination of such units, or a combination of 1 or more such units and 1 or more combustion devices, that—

''(A) has a nameplate capacity of 25 megawatts or more (or the equivalent in thermal energy generation, determined in accordance with a methodology developed by the Administrator);

''(B) generates electric energy, for sale, through combustion of fossil fuel; and

''(C) emits a covered pollutant into the atmosphere.

''(5) ELECTRICITY INTENSIVE PRODUCT.—The term 'electricity intensive product' means a product with respect to which the cost of electricity consumed in the production of the product represents more than 5 percent of the value of the product.

''(6) EMISSION ALLOWANCE.—The term 'emission allowance' means a limited authorization to emit in accordance with this title—

''(A) 1 ton of sulfur dioxide;

''(B) 1 ton of nitrogen oxides; or

''(C) 1 ton of global warming pollutant.

''(7) ENERGY EFFICIENCY PROJECT.—The term 'energy efficiency project' means any specific action (other than ownership or operation of an energy efficient building) commenced after the date of enactment of this title—

''(A) at a facility (other than an electric generation facility), that verifiably reduces the annual electricity or natural gas consumption per unit output of the facility, as compared with the annual electricity or natural gas consumption per unit output that would be expected in the absence of an allocation of emission allowances (as determined by the Administrator); or

''(B) by an entity that is primarily engaged in the transmission and distribution of electricity, that significantly improves the efficiency of that type of entity, as compared with standards for efficiency developed by the Administrator, in consultation with the Secretary of Energy, after the date of enactment of this title.

''(8) ENERGY EFFICIENT BUILDING.—The term 'energy efficient building' means a residential building or commercial building completed after the date of enactment of this title for which the projected lifetime consumption of electricity or natural gas for heating, cooling, and ventilation is at least 30 percent less than the lifetime consumption of a typical new residential building or commercial building, as determined by the Administrator (in consultation with the Secretary of Energy)—

''(A) on a State or regional basis; and

''(B) taking into consideration—

''(i) applicable building codes; and

''(ii) consumption levels achieved in practice by new residential buildings or commercial buildings in the absence of an allocation of emission allowances.

''(9) ENERGY EFFICIENT PRODUCT.—The term 'energy efficient product' means a product manufactured after the date of enactment of this title that has an expected lifetime electricity or natural gas consumption that—

''(A) is less than the average lifetime electricity or natural gas consumption for that type of product; and

''(B) does not exceed the lesser of—

''(i) the maximum energy consumption that qualifies for the applicable Energy Star label for that type of product; or

''(ii) the average energy consumption of the most efficient 25 percent of that type of product manufactured in the same year.

''(10) FACILITY.—The term 'facility' means any building, structure, or installation that is located—

''(A) on 1 or more contiguous or adjacent properties under the common control of at least 1 person; and

''(B) in the United States.

''(11) GLOBAL WARMING POLLUTANT.—The term 'global warming pollutant' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons;

''(F) sulfur hexafluoride; and

''(G) any other anthropogenically-emitted gas that the Administrator, after notice and comment, determines to contribute to global warming.

''(12) GLOBAL WARMING POLLUTION.—The term 'global warming pollution' means any combination of 1 or more global warming pollutants emitted into the ambient air or atmosphere.

''(13) LIFETIME.—The term 'lifetime' means—

''(A) in the case of a residential building that is an energy efficient building, 30 years;

''(B) in the case of a commercial building that is an energy efficient building, 15 years; and

''(C) in the case of an energy efficient product, a period determined by the Administrator to be the average life of that type of energy efficient product.

''(14) MERCURY.—The term 'mercury' includes any mercury compound.

''(15) NAS REPORT.—The term 'NAS report' means a report completed by the Academy under subsection (d)(1) or (e)(2) of section 705.

''(16) NONWESTERN REGION.—The term 'nonwestern region' means the area of the States that is not included in the western region.

''(17) RENEWABLE ELECTRICITY GENERATING UNIT.—The term 'renewable electricity generating unit' means a unit that—

''(A) has been in operation for 10 years or less; and

''(B) generates electric energy by means of—

''(i) wind;

''(ii) biomass;

''(iii) landfill gas;

''(iv) a geothermal, solar thermal, or photovoltaic source; or

''(v) a fuel cell operating on fuel derived from a renewable source of energy.

''(18) SMALL ELECTRIC GENERATION FACILITY.—The term 'small electric generation facility' means an electric or thermal electricity generating unit, or combination of units, that—

''(A) has a nameplate capacity of less than 25 megawatts (or the equivalent in thermal energy generation, determined in accordance with a methodology developed by the Administrator);

''(B) generates electric energy, for sale, through combustion of fossil fuel; and

''(C) emits a covered pollutant into the atmosphere.

''(19) WESTERN REGION.—The term 'western region' means the area comprising the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

"SEC. 704. CONDITION FOR TREATMENT OF ELECTRIC GENERATION FACILITIES AFTER 2020.

''If, by December 31, 2012, Congress does not enact, and the President does not sign, an Act affecting at least 85 percent of man-made sources of global warming pollution in the United States designed to reduce, on an economy-wide basis, the quantity of global warming pollutants emitted from those

sources, the emissions limitations for electric generation facilities shall be successively decreased by at least 3 percent below the limitations required by this title for the preceding calendar year—

''(1) for each of calendar years 2026 through 2050;

''(2) until, as determined by the Administrator, the purpose described in section 702(6) is achieved; or

''(3) until Congress enacts, and the President signs, such an Act.

''SEC. 705. EMISSION LIMITATIONS.

''(a) IN GENERAL.—Subject to subsections (b) through (e), the Administrator shall promulgate regulations to ensure that the total annual emissions of covered pollutants from all electric generation facilities located in all States does not exceed—

''(1) in the case of sulfur dioxide—

''(A) in the western region—

''(i) for calendar years 2010 through 2012, 274,500 tons; and

''(ii) for calendar year 2013 and each calendar year thereafter, 158,600 tons; and

''(B) in the nonwestern region—

''(i) for calendar years 2010 through 2012, 1,975,500 tons; and

''(ii) for calendar year 2013 and each calendar year thereafter, 1,141,400 tons;

''(2) in the case of nitrogen oxides—

''(A) for calendar years 2010 through 2012, 1,510,000 tons; and

''(B) for calendar year 2013 and each calendar year thereafter, 900,000 tons;

''(3) in the case of global warming pollutants, beginning in calendar year 2010, a quantity to be reduced each calendar year to achieve a reduction in emissions of global warming pollutants equal to—

''(A) by December 31, 2011, not more than 2,300,000,000 metric tons of carbon dioxide equivalent;

''(B) by December 31, 2015, not more than 2,100,000,000 metric tons of carbon dioxide equivalent;

''(C) by December 31, 2020, not more than 1,803,000,000 metric tons of carbon dioxide equivalent; and

''(D) by December 31, 2025, not more than 1,500,000,000 metric tons of carbon dioxide equivalent; and

''(4) in the case of mercury, by December 31, 2012, and during each calendar year thereafter, the lower of, as applicable—

''(A) 5 tons; and

''(B) to the maximum extent practicable, with respect to an electric generation facility, a quantity of mercury emissions that represents more than a 90-percent reduction of emissions of mercury by the electric generation facility, as compared to the average emissions of mercury during calendar years 2009 through 2011.

''(b) EXCESS EMISSIONS BASED ON UNUSED ALLOWANCES.—The regulations promulgated under subsection (a) shall authorize emissions of covered pollutants in excess of the national emission limitations established under that subsection for a calendar year to the extent that the number of tons of the excess emissions is less than or equal to the number of emission allowances that are—

''(1) used in the calendar year; but

''(2) allocated for any preceding calendar year under section 708.

''(c) REDUCTIONS.—For calendar year 2010 and each calendar year thereafter, the quantity of emissions specified for each covered pollutant in subsection (a) shall be reduced by the sum of—

''(1) the number of tons of the covered pollutant that were emitted by small electric generation facilities in the second preceding calendar year; and

''(2) any number of tons of reductions in emissions of the covered pollutant required under section 706(h).

''(d) ACCELERATED GLOBAL WARMING POLLUTION EMISSIONS LIMITATIONS.—

''(1) ACADEMY REPORT ON GLOBAL CHANGE EVENTS.—

''(A) IN GENERAL.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title, and every 3 years thereafter, shall submit to Congress and the Administrator a report that describes whether any event described in subparagraph (B)—

''(i) has occurred or is more likely than not to occur in the foreseeable future; and

''(ii) in the judgment of the Academy, is the result of anthropogenic climate change.

''(B) EVENTS.—The events referred to in subparagraph (A) are—

''(i) the exceedance of an atmospheric concentration of global warming pollutants of 450 parts per million in carbon dioxide equivalent; and

''(ii) an increase of global average temperatures in excess of 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average.

''(2) ACCELERATION OF LIMITATIONS.—If a NAS report determines that an event described in paragraph (1)(B) has occurred, or is more likely than not to occur in the foreseeable future, not later than 2 years after the date of completion of the NAS report, the Administrator, after an opportunity for notice and public comment and taking into consideration the new information contained in the NAS report, may—

''(A) adjust any global warming pollution emissions limitation under this section; and

''(B) promulgate such regulations as the Administrator determines to be necessary—

''(i) to reduce the aggregate net levels of global warming pollution emissions from the United States on an accelerated schedule; and

''(ii) to minimize the effects of rapid climate change and otherwise achieve the purposes of this title.

''(e) REPORT ON ACHIEVEMENT OF GLOBAL WARMING POLLUTION EMISSIONS LIMITATIONS.—

''(1) DEFINITION OF TECHNOLOGICALLY INFEASIBLE.—In this subsection, the term 'technologically infeasible', with respect to compliance with a standard or requirement under this subsection, means that adequate technology or infrastructure does not exist, or is not reasonably anticipated to exist, within a sufficient time to permit compliance with the standard or requirement.

''(2) TECHNOLOGY REPORTS.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title and every 3 years thereafter, shall submit to Congress and the Administrator a report that analyzes—

''(A) the status of current global warming pollution emission reduction technologies, including—

''(i) technologies for capture and disposal of global warming pollutants;

''(ii) efficiency improvement technologies;

''(iii) zero-global-warming-pollution-emitting energy technologies; and

''(iv) above- and below-ground biological sequestration technologies;

''(B) whether any requirement under this title (including regulations promulgated pursuant to this title) requires a level of emission control or reduction that, based on available or expected technology, will be technologically infeasible at the time at which the requirement becomes effective;

''(C) the projected date on which any technology determined to be technologically infeasible will become technologically feasible;

''(D) whether any technology determined to be technologically infeasible cannot reasonably be expected to become technologically feasible before January 1, 2050; and

''(E) the costs of available alternative global warming pollution emission reduction strategies that could be used or pursued in lieu of any technology that is determined to be technologically infeasible.

''(3) CONCLUSION.—If a NAS report concludes that a global warming pollution emissions limitation required by this section cannot be achieved because the limitation is technologically infeasible, the Administrator shall submit to Congress a notification of that conclusion.

''(4) EVALUATION OF CERTAIN PURPOSE.—Not later than December 31, 2037, the Administrator shall offer to enter into a contract with the Academy under which, not later than December 31, 2039, the Academy shall prepare and submit to Congress and the Administrator a report on the appropriateness of the purpose described in section 702(6), taking into consideration—

''(A) information that was not available as of the date of enactment of this title; and

''(B) events that have occurred since that date relating to—

''(i) climate change;

''(ii) climate change technologies; and

''(iii) national and international climate change commitments.

''SEC. 706. EMISSION ALLOWANCES.

''(a) CREATION AND ALLOCATION.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), there are created, and the Administrator shall allocate in accordance with section 708, emission allowances as follows:

''(A) In the case of sulfur dioxide—

''(i) in the western region—

''(I) for calendar years 2010 through 2012, emission allowances for 274,500 tons; and

''(II) for calendar year 2013 and each calendar year thereafter, emission allowances for 158,600 tons; and

''(ii) in the nonwestern region—

''(I) for calendar years 2010 through 2012, emission allowances for 1,975,500 tons; and

''(II) for calendar year 2013 and each calendar year thereafter, emission allowances for 1,141,400 tons.

''(B) In the case of nitrogen oxides—

''(i) for calendar years 2010 through 2012, emission allowances for 1,510,000 tons; and

''(ii) for calendar year 2013 and each calendar year thereafter, emission allowances for 900,000 tons.

''(C) In the case of global warming pollutants, beginning in calendar year 2010, a quantity of emission allowances to be reduced each calendar year to achieve a reduction in emissions of global warming pollutants equal to—

''(i) by December 31, 2011, not more than 2,300,000,000 metric tons of carbon dioxide equivalent;

''(ii) by December 31, 2015, not more than 2,100,000,000 metric tons of carbon dioxide equivalent;

''(iii) by December 31, 2020, not more than 1,803,000,000 metric tons of carbon dioxide equivalent; and

''(iv) by December 31, 2025, not more than 1,500,000,000 metric tons of carbon dioxide equivalent.

''(2) REDUCTIONS.—For calendar year 2010 and each calendar year thereafter, the number of emission allowances specified for each covered pollutant in paragraph (1) shall be reduced by a number equal to the sum of—

''(A) the number of tons of the covered pollutant that were emitted by small electric generation facilities in the second preceding calendar year; and

''(B) any number of tons of reductions in emissions of the covered pollutant required under subsection (h).

''(3) UPDATES.—Once every 5 years, the Administrator shall—

''(A) review the formula by which the Administrator allocates allowances under this title; and

''(B) update that formula, as the Administrator determines to be necessary given the results of the review.

''(b) NATURE OF EMISSION ALLOWANCES.—

''(1) NOT A PROPERTY RIGHT.—An emission allowance allocated by the Administrator under subsection (a) is not a property right.

''(2) NO LIMIT ON AUTHORITY TO TERMINATE OR LIMIT.—Nothing in this title or any other provision of law limits the authority of the United States to terminate or limit an emission allowance.

''(3) TRACKING AND TRANSFER OF EMISSION ALLOWANCES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish an emission allowance tracking and transfer system for emission allowances of sulfur dioxide, nitrogen oxides, and global warming pollutants.

''(B) REQUIREMENTS.—The emission allowance tracking and transfer system established under subparagraph (A) shall—

''(i) incorporate the requirements of subsections (b) and (d) of section 412 (except that written certification by the transferee shall not be necessary to effect a transfer); and

''(ii) permit any entity—

''(I) to buy, sell, or hold an emission allowance; and

''(II) to permanently retire an unused emission allowance.

''(C) PROCEEDS OF TRANSFERS.—Proceeds from the transfer of emission allowances by any person to which the emission allowances have been allocated—

''(i) shall not constitute funds of the United States; and

''(ii) shall not be available to meet any obligations of the United States.

''(c) IDENTIFICATION AND USE.—

''(1) IN GENERAL.—Each emission allowance allocated by the Administrator shall bear a unique serial number, including—

''(A) an identifier of the covered pollutant to which the emission allowance pertains; and

''(B) the first calendar year for which the allowance may be used.

''(2) SULFUR DIOXIDE EMISSION ALLOWANCES.—In the case of sulfur dioxide emission allowances, the Administrator shall ensure that the emission allowances allocated to electric generation facilities in the western region are distinguishable from emission allowances allocated to electric generation facilities in the nonwestern region.

''(3) YEAR OF USE.—Each emission allowance may be used in the calendar year for which the emission allowance is allocated or in any subsequent calendar year.

''(d) ANNUAL SUBMISSION OF EMISSION ALLOWANCES.—

''(1) IN GENERAL.—On or before April 1, 2011, and April 1 of each year thereafter, the owner or operator of each electric generation facility shall submit to the Administrator 1 emission allowance for the applicable covered pollutant (other than mercury) for each ton of sulfur dioxide, nitrogen oxides, or global warming pollutants emitted by the electric generation facility during the preceding calendar year.

''(2) SPECIAL RULE FOR OZONE EXCEEDANCES.—

''(A) IDENTIFICATION OF FACILITIES CONTRIBUTING TO NONATTAINMENT.—Not later than December 31, 2009, and the end of each 3-year period thereafter, each State, consistent with the obligations of the State under section 110(a)(2)(D), shall identify the electric generation facilities in the State and in other States that are significantly contributing (as determined based on guidance issued by the Administrator) to nonattainment of the national ambient air quality standard for ozone in the State.

''(B) SUBMISSION OF ADDITIONAL ALLOWANCES.—In calendar year 2010 and each calendar year thereafter, on petition from a State or a person demonstrating that the control measures in effect at an electric generation facility that is identified under subparagraph (A) as significantly contributing to nonattainment of the national ambient air quality standard for ozone in a State during the preceding calendar year are inadequate to prevent the significant contribution described in subparagraph (A), the Administrator, if the Administrator determines that the electric generation facility is inadequately controlled for nitrogen oxides, may require that the electric generation facility submit 3 nitrogen oxide emission allowances for each ton of nitrogen oxides emitted by the electric generation facility during any period of an exceedance of the national ambient air quality standard for ozone in the State during the preceding calendar year.

''(3) REGIONAL LIMITATIONS FOR SULFUR DIOXIDE.—The Administrator shall not allow—

''(A) the use of sulfur dioxide emission allowances allocated for the western region to meet the obligations under this subsection of electric generation facilities in the nonwestern region; or

''(B) the use of sulfur dioxide emission allowances allocated for the nonwestern region to meet the obligations under this subsection of electric generation facilities in the western region.

''(e) EMISSION VERIFICATION, MONITORING, AND RECORDKEEPING.—

''(1) IN GENERAL.—The Administrator shall ensure that Federal regulations, in combination with any applicable State regulations, are adequate to verify, monitor, and document emissions of covered pollutants from electric generation facilities.

''(2) INVENTORY OF EMISSIONS FROM SMALL ELECTRIC GENERATION FACILITIES.—On or before July 1, 2008, the Administrator, in cooperation with State agencies, shall complete, and on an annual basis update, a comprehensive inventory of emissions of sulfur dioxide, nitrogen oxides, global warming pollutants, and particulate matter from small electric generation facilities.

''(3) MONITORING INFORMATION.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Administrator shall promulgate regulations to require each electric generation facility to submit to the Administrator—

''(i) not later than April 1 of each year, verifiable information on covered pollutants emitted by the electric generation facility in the preceding calendar year, expressed in—

''(I) tons of covered pollutants; and

''(II) tons of covered pollutants per megawatt hour of energy (or the equivalent thermal energy) generated; and

''(ii) as part of the first submission under clause (i), verifiable information on covered pollutants emitted by the electric generation facility in each of calendar years 2002 through 2006 if the electric generation facility was required to report that information in those calendar years.

''(B) SOURCE OF INFORMATION.—Information submitted under subparagraph (A) shall be obtained using a continuous emission monitoring system (as defined in section 402).

''(C) AVAILABILITY TO THE PUBLIC.—The information described in subparagraph (A) shall be made available to the public—

''(i) in the case of the first year in which the information is required to be submitted under that subparagraph, not later than 18 months after the date of enactment of this title; and

''(ii) in the case of each year thereafter, not later than April 1 of the year.

''(4) AMBIENT AIR QUALITY MONITORING FOR SULFUR DIOXIDE AND HAZARDOUS AIR POLLUTANTS.—

''(A) IN GENERAL.—Beginning January 1, 2008, each coal-fired electric generation facility with an aggregate generating capacity of 50 megawatts or more shall, in accordance with guidelines issued by the Administrator, commence ambient air quality monitoring within a 30-mile radius of the coal-fired electric generation facility for the purpose of measuring maximum concentrations of sulfur dioxide and hazardous air pollutants emitted by the coal-fired electric generation facility.

''(B) LOCATION OF MONITORING POINTS.—Monitoring under subparagraph (A) shall include monitoring at not fewer than 2 points—

''(i) that are at ground level and within 3 miles of the coal-fired electric generation facility;

''(ii) at which the concentration of pollutants being monitored is expected to be the greatest; and

''(iii) at which the monitoring shall be the most frequent.

''(C) FREQUENCY OF MONITORING OF SULFUR DIOXIDE.—Monitoring of sulfur dioxide under subparagraph (A) shall be carried out on a continuous basis and averaged over 5-minute periods.

''(D) AVAILABILITY TO THE PUBLIC.—The results of the monitoring under subparagraph (A) shall be made available to the public.

''(f) EXCESS EMISSION PENALTY.—

''(1) IN GENERAL.—Subject to paragraph (2), section 411 shall be applicable to an owner or operator of an electric generation facility.

''(2) CALCULATION OF PENALTY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the penalty for failure to submit emission allowances for covered pollutants as required under subsection (d) shall be equal to 3 times the product obtained by multiplying—

''(i) as applicable—

''(I) the number of tons emitted in excess of the emission limitation requirement applicable to the electric generation facility; or

''(II) the number of emission allowances that the owner or operator failed to submit; and

''(ii) the average annual market price of emission allowances (as determined by the Administrator).

''(B) MERCURY.—In the case of mercury, the penalty shall be equal to 3 times the product obtained by multiplying—

''(i) the number of grams emitted in excess of the emission limitation requirement for mercury applicable to the electric generation facility; and

''(ii) the average cost of mercury controls at electricity generating units that have a nameplate capacity of 25 megawatts or more in all States (as determined by the Administrator).

''(g) SIGNIFICANT ADVERSE LOCAL IMPACTS.—

''(1) IN GENERAL.—If the Administrator determines that emissions of an electric generation facility may reasonably be anticipated to cause or contribute to a significant adverse impact on an area (including endangerment of public health, contribution to acid deposition in a sensitive receptor area, and other degradation of the environment), the Administrator shall limit the emissions of the electric generation facility as necessary to avoid that impact.

''(2) VIOLATION.—Notwithstanding the availability of emission allowances, it shall be a violation of this Act for any electric

generation facility to exceed any limitation on emissions established under paragraph (1).

''(h) ADDITIONAL REDUCTIONS.—

''(1) PROTECTION OF PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT.—If the Administrator determines that the emission levels necessary to achieve the national emission limitations established under section 705 are not reasonably anticipated to protect public health or welfare or the environment (including protection of children, pregnant women, minority or low-income communities, and other sensitive populations), the Administrator may require reductions in emissions from electric generation facilities in addition to the reductions required under the other provisions of this title.

''(2) EMISSION ALLOWANCE TRADING.—

''(A) STUDIES.—

''(i) IN GENERAL.—In 2015 and at the end of each 3-year period thereafter, the Administrator shall complete a study of the impacts of the emission allowance trading authorized under this title.

''(ii) REQUIRED ASSESSMENT.—The study shall include an assessment of ambient air quality in areas surrounding electric generation facilities that participate in emission allowance trading, including a comparison between—

''(I) the ambient air quality in those areas; and

''(II) the national average ambient air quality.

''(B) LIMITATION ON EMISSIONS.—If the Administrator determines, based on the results of a study under subparagraph (A), that adverse local impacts result from emission allowance trading, the Administrator may require reductions in emissions from electric generation facilities in addition to the reductions required under the other provisions of this title.

''(i) USE OF CERTAIN OTHER EMISSION ALLOWANCES.—

''(1) IN GENERAL.—Subject to paragraph (2), emission allowances or other emission trading instruments created under title I or IV for sulfur dioxide or nitrogen oxides shall not be valid for submission under subsection (d).

''(2) EMISSION ALLOWANCES PLACED IN RESERVE.—

''(A) IN GENERAL.—An emission allowance described in paragraph (1) that was placed in reserve under section 404(a)(2) or 405 or through regulations implementing controls on nitrogen oxides, because an affected unit emitted fewer tons of sulfur dioxide or nitrogen oxides than were permitted under an emission limitation imposed under title I or IV before the date of enactment of this title, shall be valid for submission under subsection (d).

''(B) EMISSION ALLOWANCES RESULTING FROM ACHIEVEMENT OF NEW SOURCE PERFORMANCE STANDARDS.—If an emission allowance described in subparagraph (A) was created and placed in reserve during the period of 2001 through 2009 by the owner or operator of an electric generation facility through the application of pollution control technology that resulted in the achievement and maintenance by the electric generation facility of the applicable standards of performance required of new sources under section 111, the emission allowance shall be valid for submission under subsection (d).

''SEC. 707. PERMITTING AND TRADING OF EMISSION ALLOWANCES.

''Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish a permitting and emission allowance trading compliance program to implement the limitations on emissions of covered pollutants from electric generation facilities established under section 705.

''SEC. 708. EMISSION ALLOWANCE ALLOCATION.

''(a) SULFUR DIOXIDE AND NITROGEN OXIDES.—

''(1) INITIAL ALLOCATIONS.—For calendar years 2010 through 2012, the Administrator shall allocate emission allowances for sulfur dioxide and nitrogen oxides, consistent with applicable law (including regulations).

''(2) SUBSEQUENT ALLOCATIONS.—

''(A) IN GENERAL.—For calendar year 2013 and each calendar year thereafter, the Administrator shall allocate emission allowances for sulfur dioxide and nitrogen oxides as the Administrator determines to be appropriate in accordance with subparagraphs (B) and (C).

''(B) ALLOCATION FACTORS.—In allocating emission allowances for sulfur dioxide and nitrogen oxides under subparagraph (A), the Administrator, in consultation with the Secretary of Commerce, shall take into consideration the factors described in subsection (c)(1).

''(b) GLOBAL WARMING POLLUTANTS.—

''(1) IN GENERAL.—For calendar year 2010, the Administrator shall transfer to each trustee appointed pursuant to paragraph (4)(A) for auction not less than 50 percent of the quantity of emission allowances available for allocation for global warming pollutants for the calendar year for the purposes described in paragraph (4).

''(2) INCREASE IN QUANTITY.—For calendar year 2011 and each calendar year thereafter, taking into consideration the factors described in paragraph (3), the Administrator shall successively increase the quantity of emission allowances transferred to trustees for auction under paragraph (1) until, by not later than 15 years after the date of enactment of this title, 100 percent of emission allowances available for allocation for global warming pollutants for a calendar year are available for auction.

''(3) ALLOCATION FACTORS.—In transferring emission allowances to trustees for auction under paragraph (1), the Administrator, in consultation with the Secretary of Commerce, shall take into consideration the factors described in subsection (c)(1).

''(4) REQUIREMENTS.—Regulations promulgated to carry out this subsection may provide for, as the Administrator determines to be necessary, the appointment of 1 or more trustees—

''(A)(i) to receive emission allowances for the benefit of households, communities, and other entities;

''(ii) to sell the emission allowances at fair market value; and

''(iii) to distribute the proceeds of any sale of emission allowances to the appropriate beneficiaries; or

''(B) to allocate emission allowances, in accordance with applicable regulations, to—

''(i) communities, individuals, and companies that have experienced disproportionate adverse impacts as a result of—

''(I) the transition to a lower carbon-emitting economy; or

''(II) global warming;

''(ii) owners and operators of highly energy-efficient buildings, including—

''(I) residential users;

''(II) producers of highly energy-efficient products; and

''(III) entities that carry out energy-efficiency improvement projects that result in consumer-side reductions in electricity use;

''(iii) entities that will use the emission allowances for the purpose of carrying out geological sequestration of carbon dioxide produced by an anthropogenic global warming pollution emission source in accordance with requirements established by the Administrator;

''(iv) such individuals and entities as the Administrator determines to be appropriate, for use in carrying out projects to reduce net carbon dioxide emissions through above-ground and below-ground biological carbon dioxide sequestration (including sequestration in forests, forest soils, agricultural soils, rangeland, or grassland in the United States);

''(v) such individuals and entities (including fish and wildlife agencies) as the Administrator determines to be appropriate, for use in carrying out projects to protect and restore ecosystems (including fish and wildlife) affected by climate change; and

''(vi) manufacturers producing consumer products that result in substantially reduced global warming pollution emissions, for use in funding rebates for purchasers of those products.

''(c) ADMINISTRATION.—

''(1) ALLOCATION FACTORS.—Before making any allocation or transfer of emission allowances under subsection (a) or (b), the Administrator, in consultation with the Secretary of Commerce, shall take into consideration—

''(A) the distributive effect of the allocations on household income and net worth of individuals;

''(B) the impact of the allocations on corporate income, taxes, and asset value;

''(C) the impact of the allocations on income levels and energy consumption of consumers;

''(D) the effects of the allocations with respect to economic efficiency;

''(E) the ability of electric generation facilities to pass through compliance costs to customers of the electric generation facilities;

''(F) the degree to which the quantity of allocations to the covered sectors should decrease over time; and

''(G) the need to maintain the international competitiveness of United States manufacturing and avoid the additional loss of United States manufacturing jobs.

''(2) ALLOCATION RECOMMENDATIONS AND IMPLEMENTATION.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this title, and before making any allocation or transfer of emission allowances under subsection (a) or (b), the Administrator shall submit a description of any determination of the Administrator relating to the allocation or transfer under that subsection to—

''(i) the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate; and

''(ii) the Committees on Energy and Commerce and Science of the House of Representatives.

''(B) TREATMENT OF DETERMINATIONS.—A determination of the Administrator described in subparagraph (A), and any allocation or transfer of emission allowances made pursuant to such a determination, shall be—

''(i) considered to be a major rule (as defined in section 804 of title 5, United States Code); and

''(ii) subject to the requirements of chapter 8 of that title.

''(d) RATEPAYER PROTECTION.—

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

''(A) AFFECTED FACILITY.—The term 'affected facility' means an electric generation facility that uses a conventional coal technology.

''(B) AUTHORIZED RATE.—The term 'authorized rate' means a rate charged for electricity generated by an affected facility that is—

''(i) authorized by an appropriate regulatory agency; and

''(ii) based on, or calculated to recover, the reasonable capital and operating costs of the generation.

''(C) CONVENTIONAL COAL TECHNOLOGY.—The term 'conventional coal technology' means a

technology for the generation of electricity that—

''(i) involves the combustion of coal in a boiler; and

''(ii) does not provide for the capture or sequestration of carbon.

''(2) PROTECTION.—

''(A) IN GENERAL.—Subject to paragraph (3) and except as provided in subparagraph (B), no owner or lessor of an affected facility who sells, at wholesale or retail, any electricity generated by the affected facility at an authorized rate shall recover through the authorized rate, in whole or in part, the cost of compliance with any Federal greenhouse gas reduction requirement relating to emissions from the affected facility.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to an owner or lessor of an affected facility if the appropriate regulatory agency determines no feasible alternative exists to the use of conventional coal technology by the affected facility.

''(3) APPLICABILITY.—Paragraph (2)(A) shall apply to an owner or lessor described in that paragraph only if—

''(A) the affected facility enters operation after January 1, 2009; and

''(B) the cost of compliance described in paragraph (2) is incurred after the date of enactment of this title.

''SEC. 709. MERCURY EMISSION LIMITATIONS.

''(a) IN GENERAL.—

''(1) REGULATIONS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish emission limitations for mercury emissions by coal-fired electric generation facilities.

''(B) NO EXCEEDANCE OF NATIONAL LIMITATION.—The regulations shall ensure that the national limitation for mercury emissions from each coal-fired electric generation facility established under section 705(a)(4)(A) (and, to the maximum extent practicable, the goal described in section 705(a)(4)(B)) is not exceeded.

''(C) EMISSION LIMITATIONS FOR 2012 AND THEREAFTER.—In carrying out subparagraph (A), for calendar year 2012 and each calendar year thereafter, the Administrator shall not—

''(i) subject to subsections (e) and (f) of section 112, establish limitations on emissions of mercury from coal-fired electric generation facilities that allow emissions in excess of 2.48 grams of mercury per 1000 megawatt hours; or

''(ii) differentiate between facilities that burn different types of coal.

''(2) ANNUAL REVIEW AND DETERMINATION.—

''(A) IN GENERAL.—Not later than April 1 of each year, the Administrator shall—

''(i) review the total mercury emissions during the 2 preceding calendar years from electric generation facilities located in all States; and

''(ii) determine whether, during the 2 preceding calendar years, the total mercury emissions from facilities described in clause (i) exceeded the national limitation for mercury emissions established under section 705(a)(4)(A).

''(B) EXCEEDANCE OF NATIONAL LIMITATION.—If the Administrator determines under subparagraph (A)(ii) that, during the 2 preceding calendar years, the total mercury emissions from facilities described in subparagraph (A)(i) exceeded the national limitation for mercury emissions established under section 705(a)(4)(A), the Administrator shall, not later than 1 year after the date of the determination, revise the regulations promulgated under paragraph (1) to reduce the emission rates specified in the regulations as necessary to ensure that the national limitation for mercury emissions is not exceeded in any future year.

''(3) COMPLIANCE FLEXIBILITY.—

''(A) IN GENERAL.—Each coal-fired electric generation facility subject to an emission limitation under this section shall be in compliance with that limitation if that limitation is greater than or equal to the quotient obtained by dividing—

''(i) the total mercury emissions of the coal-fired electric generation facility during each 30-day period; by

''(ii) the quantity of electricity generated by the coal-fired electric generation facility during that period.

''(B) MORE THAN 1 UNIT AT A FACILITY.—In any case in which more than 1 coal-fired electricity generating unit at a coal-fired electric generation facility subject to an emission limitation under this section was operated in 1999 under common ownership or control, compliance with the emission limitation may be determined by averaging the emission rates of all coal-fired electricity generating units at the electric generation facility during each 30-day period.

''(b) PREVENTION OF RE-RELEASE.—

''(1) REGULATIONS.—Not later than July 1, 2008, the Administrator shall promulgate regulations to ensure that any mercury captured or recovered by emission controls installed at an electric generation facility is not re-released into the environment.

''(2) REQUIRED ELEMENTS.—The regulations shall require—

''(A) daily covers on all active waste disposal units, and permanent covers on all inactive waste disposal units, to prevent the release of mercury into the air;

''(B) monitoring of groundwater to ensure that mercury or mercury compounds do not migrate from the waste disposal unit;

''(C) waste disposal siting requirements and cleanup requirements to protect groundwater and surface water resources;

''(D) elimination of agricultural application of coal combustion wastes; and

''(E) appropriate limitations on mercury emissions from sources or processes that reprocess or use coal combustion waste, including manufacturers of wallboard and cement.

''(c) NEW AFFECTED UNIT LIMITATION.—An affected unit that enters operation on or after the date of enactment of this title shall achieve, on an annual average basis, a mercury emission rate of not more than 2.48 grams of mercury per 1,000 megawatt hours, regardless of the type of coal used at the affected unit.

''SEC. 710. OTHER HAZARDOUS AIR POLLUTANTS.

''(a) IN GENERAL.—Not later than January 1, 2008, the Administrator shall issue to owners and operators of coal-fired electric generation facilities requests for information under section 114 that are of sufficient scope to generate data sufficient to support issuance of standards under section 112(d) for hazardous air pollutants other than mercury emitted by coal-fired electric generation facilities.

''(b) DEADLINE FOR SUBMISSION OF REQUESTED INFORMATION.—The Administrator shall require each recipient of a request for information described in subsection (a) to submit the requested data not later than 180 days after the date of the request.

''(c) PROMULGATION OF EMISSION STANDARDS.—The Administrator shall—

''(1) not later than January 1, 2008, propose emission standards under section 112(d) for hazardous air pollutants other than mercury; and

''(2) not later than January 1, 2009, promulgate emission standards under section 112(d) for hazardous air pollutants other than mercury.

''(d) PROHIBITION ON EXCESS EMISSIONS.—It shall be unlawful for an electric generation facility subject to standards for hazardous air pollutants other than mercury promulgated under subsection (c) to emit, after December 31, 2010, any such pollutant in excess of the standards.

''(e) EFFECT ON OTHER LAW.—Nothing in this section or section 709 affects any requirement of subsection (e), (f)(2), or (n)(1)(A) of section 112, except that the emission limitations established by regulations promulgated under this section shall be deemed to represent the maximum achievable control technology for mercury emissions from electricity generating units under section 112(d).

''SEC. 711. EMISSION STANDARDS FOR AFFECTED UNITS.

''(a) DEFINITION OF AFFECTED UNIT.—In this subsection, the term 'affected unit' means a unit that—

''(1) is designed and intended to provide electricity at a unit capacity factor of at least 60 percent; and

''(2) begins operation after December 31, 2011.

''(b) INITIAL STANDARD.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations requiring each affected unit to meet the standard described in paragraph (2).

''(2) STANDARD.—Beginning on December 31, 2015, an affected unit shall meet a global warming pollution emission standard that is not higher than the emission rate of a new combined cycle natural gas generating unit.

''(3) MORE STRINGENT REQUIREMENTS.—For the period beginning on January 1 of the calendar year following the effective date of the regulations promulgated pursuant to paragraph (1) and ending on December 31, 2029, the Administrator may increase the stringency of the global warming pollution emission standard described in paragraph (2) with respect to affected units as the Administrator determines to be appropriate to ensure a reduction in the emission rate of global warming pollutants of at least 90 percent from each affected unit.

''(c) FINAL STANDARD.—Not later than December 31, 2030, the Administrator shall require each unit that is designed and intended to provide electricity at a unit capacity factor of at least 60 percent, regardless of the date on which the unit entered operation, to meet the applicable emission standard under subsection (b).

''(d) ADJUSTMENT OF REQUIREMENTS.—If the Academy determines, pursuant to section 705(e), that a requirement of this section is or will be technologically infeasible at the time at which the requirement becomes effective, the Administrator, by regulation, may adjust or delay the effective date of the requirement as the Administrator determines to be necessary, taking into consideration the determination of the Academy.

''SEC. 712. LOW-CARBON GENERATION REQUIREMENT.

''(a) DEFINITIONS.—In this section:

''(1) BASE QUANTITY OF ELECTRICITY.—The term 'base quantity of electricity' means the total quantity of electricity produced for sale by a covered generator during the calendar year immediately preceding a compliance year from—

''(A) coal;

''(B) petroleum coke;

''(C) lignite; or

''(D) any combination of the fuels described in subparagraphs (A) through (C).

''(2) COVERED GENERATOR.—The term 'covered generator' means an electric generation facility that—

''(A) has a rated capacity of 25 megawatts or more; and

''(B) has an annual fuel input at least 50 percent of which is provided by—

''(i) coal;

''(ii) petroleum coke;

''(iii) lignite; or

''(iv) any combination of the fuels described in clauses (i) through (iii).

''(3) LOW-CARBON GENERATION.—The term 'low-carbon generation' means electric energy generated from an electric generation facility at least 50 percent of the annual fuel input of which, in any year—

''(A) is provided by—

''(i) coal;

''(ii) petroleum coke;

''(iii) lignite; or

''(iv) any combination of the fuels described in clauses (i) through (iii); and

''(B) results in an emission rate into the atmosphere of not more than 250 pounds of carbon dioxide per megawatt-hour (after adjustment for any carbon dioxide emitted from the electric generation facility that is geologically sequestered in a geological repository approved by the Administrator pursuant to section 713).

''(4) PROGRAM.—The term 'program' means the low-carbon generation credit trading program established under subsection (d)(1).

''(b) REQUIREMENT.—

''(1) CALENDAR YEARS 2015 THROUGH 2020.—Of the base quantity of electricity produced for sale by a covered generator for a calendar year, the covered generator shall provide a minimum percentage of that base quantity of electricity for the calendar year from low-carbon generation, as specified in the following table:

"Calendar year:	**Minimum annual percentage:**
2015	0.5
2016	1.0
2017	2.0
2018	3.0
2019	4.0
2020	5.0

''(2) CALENDAR YEARS 2021 THROUGH 2025.—For each of calendar years 2021 through 2025, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by not more than 2 percentage points from the preceding year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 705(a)(3).

''(3) CALENDAR YEARS 2026 THROUGH 2030.—For each of calendar years 2026 through 2030, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by not more than 3 percentage points from the preceding year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 705(a)(3).

''(c) MEANS OF COMPLIANCE.—An owner or operator of a covered generator shall comply with subsection (b) by—

''(1) generating electric energy using low-carbon generation;

''(2) purchasing electric energy generated by low-carbon generation;

''(3) purchasing low-carbon generation credits issued under the program; or

''(4) any combination of the actions described in paragraphs (1) through (3).

''(d) LOW-CARBON GENERATION CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than January 1, 2008, the Administrator shall establish, by regulation, after notice and opportunity for comment, a low-carbon generation trading program to permit an owner or operator of a covered generator that does not generate or purchase enough electric energy from low-carbon generation to comply with subsection (b) to achieve that compliance by purchasing sufficient low-carbon generation credits.

''(2) REQUIREMENTS.—In carrying out the program, the Administrator shall—

''(A) issue to producers of low-carbon generation, on a quarterly basis, a single low-carbon generation credit for each kilowatt hour of low-carbon generation sold during the preceding quarter; and

''(B) ensure that a kilowatt hour, including the associated low-carbon generation credit, shall be used only once for purposes of compliance with subsection (b).

''(e) ENFORCEMENT.—An owner or operator of a covered generator that fails to comply with subsection (b) shall be subject to a civil penalty in an amount equal to the product obtained by multiplying—

''(1) the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b); and

''(2) the greater of—

''(A) 2.5 cents (as adjusted under subsection (g)); or

''(B) 200 percent of the average market value of those low-carbon generation credits during the year in which the violation occurred.

''(f) EXEMPTION.—This section shall not apply, for any calendar year, to an owner or operator of a covered generator that sold less than 40,000 megawatt-hours of electric energy produced from covered generators during the preceding calendar year.

''(g) INFLATION ADJUSTMENT.—Not later than December 31, 2008, and annually thereafter, the Administrator shall adjust the amount of the civil penalty for each kilowatt-hour calculated under subsection (e)(2) to reflect changes for the 12-month period ending on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(h) TECHNOLOGICAL INFEASIBILITY.—If the Academy determines, pursuant to section 705(e), that the schedule for compliance described in subsection (b) is or will be technologically infeasible for covered generators to meet, the Administrator, by regulation, may adjust the schedule as the Administrator determines to be necessary, taking into consideration the determination of the Academy.

''(i) TERMINATION OF AUTHORITY.—This section and the authority provided by this section shall terminate on December 31, 2030.

"SEC. 713. GEOLOGICAL DISPOSAL OF GLOBAL WARMING POLLUTANTS.

''(a) GEOLOGICAL CARBON DIOXIDE DISPOSAL DEPLOYMENT PROJECTS.—

''(1) IN GENERAL.—The Administrator shall establish a competitive grant program to provide grants to 5 entities for the deployment of projects to geologically dispose of carbon dioxide (referred to in this subsection as 'geological disposal deployment projects').

''(2) LOCATION.—Each geological disposal deployment project shall be conducted in a geologically distinct location in order to demonstrate the suitability of a variety of geological structures for carbon dioxide disposal.

''(3) COMPONENTS.—Each geological disposal deployment project shall include an analysis of—

''(A) mechanisms for trapping the carbon dioxide to be geologically disposed;

''(B) techniques for monitoring the geologically disposed carbon dioxide;

''(C) public response to the geological disposal deployment project; and

''(D) the permanency of carbon dioxide storage in geological reservoirs.

''(4) REQUIREMENTS.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Administrator shall establish—

''(i) appropriate conditions for environmental protection with respect to geological disposal deployment projects to protect public health and the environment, including—

''(I) site characterization and selection;

''(II) geomechanical, geochemical, and hydrogeological simulation;

''(III) risk assessment;

''(IV) mitigation and remediation protocols;

''(V) the issuance of permits for test, injection, and monitoring wells;

''(VI) specifications for the drilling, construction, and maintenance of wells;

''(VII) ownership of subsurface rights and pore space;

''(VIII) transportation pipeline specifications;

''(IX) the allowed composition of injected matter;

''(X) testing, monitoring, measurement, and verification for the entire chain of operations, beginning with the point of capture of carbon dioxide to a storage site;

''(XI) closure and decommissioning procedures;

''(XII) transportation pipeline siting; and

''(XIII) short- and long-term legal responsibility and indemnification procedures for storage sites; and

''(ii) requirements relating to applications for grants under this subsection.

''(B) RULEMAKING.—The establishment of requirements under subparagraph (A) shall not require a rulemaking.

''(C) MINIMUM REQUIREMENTS.—At a minimum, each application for a grant under this subsection shall include—

''(i) a description of the geological disposal deployment project proposed in the application;

''(ii) an estimate of the quantity of carbon dioxide to be geologically disposed over the life of the geological disposal deployment project; and

''(iii) a plan to collect and disseminate data relating to each geological disposal deployment project to be funded by the grant.

''(5) PARTNERS.—An applicant for a grant under this subsection may carry out a geological disposal deployment project under a pilot program in partnership with 1 or more public or private entities.

''(6) SELECTION CRITERIA.—In evaluating applications under this subsection, the Administrator shall—

''(A) consider the previous experience of each applicant with similar projects; and

''(B) give priority consideration to applications for geological disposal deployment projects that—

''(i) offer the greatest geological diversity, as compared to other geological disposal deployment projects that received grants under this subsection;

''(ii) are located in closest proximity to a source of carbon dioxide;

''(iii) make use of the most affordable source of carbon dioxide;

''(iv) are expected to geologically dispose of—

''(I) the largest quantity of carbon dioxide; and

''(II) a minimum quantity of 1,000,000 tons of carbon dioxide for each project carried out as part of the demonstration project;

''(v) are combined with demonstrations of advanced coal electricity generation technologies;

''(vi) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed demonstration project and the greatest likelihood that the demonstration project will be maintained or expanded after Federal assistance under this subsection is completed; and

''(vii) minimize any adverse environmental effects from the project.

''(7) PERIOD OF GRANTS.—

''(A) IN GENERAL.—A geological disposal deployment project funded by a grant under this subsection shall begin construction not later than 3 years after the date on which the grant is provided.

''(B) TERM.—The Administrator shall not provide grant funds to any applicant under this subsection for a period of more than 5 years.

''(8) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Administrator shall establish mechanisms to ensure that the information and knowledge gained by participants in the program are published and disseminated, including to other applicants that submitted applications for a grant under this subsection.

''(9) SCHEDULE.—

''(A) PUBLICATION.—Not later than 180 days after the date of enactment of this title, the Administrator shall publish in the Federal Register, and elsewhere as appropriate, a request for applications to carry out geological disposal deployment projects.

''(B) DATE FOR APPLICATIONS.—An application for a grant under this subsection shall be submitted not later than 180 days after the date of publication of the request under subparagraph (A).

''(C) SELECTION.—After the date by which applications for grants are required to be submitted under subparagraph (B), the Administrator, in a timely manner, shall select, after peer review and based on the criteria under paragraph (6), those geological disposal deployment projects to be provided a grant under this subsection.

''(b) INTERIM STANDARDS.—Not later than 3 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of Energy, shall, by regulation, establish interim geological carbon dioxide disposal standards that address—

''(1) site selection;

''(2) permitting processes;

''(3) monitoring requirements;

''(4) public participation; and

''(5) such other issues as the Administrator and the Secretary of Energy determine to be appropriate.

''(c) FINAL STANDARDS.—Not later than 6 years after the date of enactment of this title, taking into consideration the results of geological disposal deployment projects carried out under subsection (a), the Administrator, by regulation, shall establish final geological carbon dioxide disposal standards.

''(d) CONSIDERATIONS.—In developing standards under subsections (b) and (c), the Administrator shall consider the experience in the United States in regulating—

''(1) underground injection of waste;

''(2) enhanced oil recovery;

''(3) short-term storage of natural gas; and

''(4) long-term waste storage.

''(e) TERMINATION OF AUTHORITY.—This section and the authority provided by this section shall terminate on December 31, 2030.

''SEC. 714. ENERGY EFFICIENCY PERFORMANCE STANDARD.

''(a) DEFINITIONS.—In this section:

''(1) ELECTRICITY SAVINGS.—

''(A) IN GENERAL.—The term 'electricity savings' means reductions in end-use electricity consumption relative to consumption by the same customer or at the same new or existing facility in a given year, as defined in regulations promulgated by the Administrator under subsection (e).

''(B) INCLUSIONS.—The term 'electricity savings' includes savings achieved as a result of—

''(i) installation of energy-saving technologies and devices; and

''(ii) the use of combined heat and power systems, fuel cells, or any other technology identified by the Administrator that recaptures or generates energy solely for onsite customer use.

''(C) EXCLUSION.—The term 'electricity savings' does not include savings from measures that would likely be adopted in the absence of energy-efficiency programs, as determined by the Administrator.

''(2) RETAIL ELECTRICITY SALES.—The term 'retail electricity sales' means the total quantity of electric energy sold by a retail electricity supplier to retail customers during the most recent calendar year for which that information is available.

''(3) RETAIL ELECTRICITY SUPPLIER.—The term 'retail electricity supplier' means a distribution or integrated utility, or an independent company or entity, that sells electric energy to consumers.

''(b) ENERGY EFFICIENCY PERFORMANCE STANDARD.—Each retail electricity supplier shall implement programs and measures to achieve improvements in energy efficiency and peak load reduction, as verified by the Administrator.

''(c) TARGETS.—For calendar year 2008 and each calendar year thereafter, the Administrator shall ensure that retail electric suppliers annually achieve electricity savings and reduce peak power demand and electricity use by retail customers by a percentage that is not less than the applicable target percentage specified in the following table:''

Calendar Year	Reduction in peak demand	Reduction in electricity use
2008	.25 percent	.25 percent
2009	.75 percent	.75 percent
2010	1.75 percent	1.5 percent
2011	2.75 percent	2.25 percent
2012	3.75 percent	3.0 percent
2013	4.75 percent	3.75 percent
2014	5.75 percent	4.5 percent
2015	6.75 percent	5.25 percent
2016	7.75 percent	6.0 percent
2017	8.75 percent	6.75 percent
2018	9.75 percent	7.5 percent
2019	10.75 percent	8.25 percent
2020 and each calendar year thereafter.	11.75 percent	9.0 percent

''(d) BEGINNING DATE.—For the purpose of meeting the targets established under subsection (c), electricity savings shall be calculated based on the sum of—

''(1) electricity savings realized as a result of actions taken by the retail electric supplier during the specified calendar year; and

''(2) cumulative electricity savings realized as a result of electricity savings achieved in all preceding calendar years (beginning with calendar year 2006).

''(e) IMPLEMENTING REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to implement the targets established under subsection (c).

''(2) REQUIREMENTS.—The regulations shall establish—

''(A) a national credit system permitting credits to be awarded, bought, sold, or traded by and among retail electricity suppliers;

''(B) a fee equivalent to not less than 4 cents per kilowatt hour for retail energy suppliers that do not meet the targets established under subsection (c); and

''(C) standards for monitoring and verification of electricity use and demand savings reported by the retail electricity suppliers.

''(3) CONSIDERATION OF TRANSMISSION AND DISTRIBUTION EFFICIENCY.—In developing regulations under this subsection, the Administrator shall consider whether electricity savings, in whole or part, achieved by retail electricity suppliers by improving the efficiency of electric distribution and use should be eligible for credits established under this section.

''(f) COMPLIANCE WITH STATE LAW.—Nothing in this section supersedes or otherwise affects any State or local law requiring, or otherwise relating to, reductions in total annual electricity consumption or peak power consumption by electric consumers to the extent that the State or local law requires more stringent reductions than the reductions required under this section.

''(g) VOLUNTARY PARTICIPATION.—The Administrator may—

''(1) pursuant to the regulations promulgated under subsection (e)(1), issue a credit to any entity that is not a retail electric supplier if the entity implements electricity savings; and

''(2) in a case in which an entity described in paragraph (1) is a nonprofit or educational organization, provide to the entity 1 or more grants in lieu of a credit.

''SEC. 715. RENEWABLE PORTFOLIO STANDARD.

''(a) RENEWABLE ENERGY.—

''(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Energy, shall promulgate regulations defining the types and sources of renewable energy generation that may be carried out in accordance with this section.

''(2) INCLUSIONS.—In promulgating regulations under paragraph (1), the Administrator shall include of all types of renewable energy (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))) other than energy generated from—

''(A) municipal solid waste;

''(B) wood contaminated with plastics or metals; or

''(C) tires.

''(b) RENEWABLE ENERGY REQUIREMENT.—Of the base quantity of electricity sold by each retail electric supplier to electric consumers during a calendar year, the quantity generated by renewable energy sources shall be not less than the following percentages:''

''Calendar year:	**Minimum annual percentage:**
2008 through 2009	5
2010 through 2014	10
2015 through 2019	15
2020 and subsequent years	20

''(c) RENEWABLE ENERGY CREDIT PROGRAM.—Not later than 1 year after the date of enactment of this title, the Administrator shall establish—

''(1) a program to issue, establish the value of, monitor the sale or exchange of, and track renewable energy credits; and

''(2) penalties for any retail electric supplier that does not comply with this section.

''(d) PROHIBITION ON DOUBLE COUNTING.—A renewable energy credit issued under subsection (c)—

''(1) may be counted toward meeting the requirements of subsection (b) only once; and

''(2) shall vest with the owner of the system or facility that generates the renewable energy that is covered by the renewable energy credit, unless the owner explicitly transfers the renewable energy credit.

''(e) SALE UNDER PURPA CONTRACT.—If the Administrator, after consultation with the Secretary of Energy, determines that a renewable energy generator is selling electricity to comply with this section to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a–3), the retail electric supplier shall be treated as the generator of the electric energy for the purposes of this title for the duration of the contract.

''(f) STATE PROGRAMS.—Nothing in this section precludes any State from requiring additional renewable energy generation under any State renewable energy program.

''(g) VOLUNTARY PARTICIPATION.—The Administrator may issue a renewable energy credit pursuant to subsection (c) to any entity that is not subject to this section only if the entity applying for the renewable energy credit meets the terms and conditions of this section to the same extent as retail electric suppliers subject to this section.

''SEC. 716. STANDARDS TO ACCOUNT FOR BIOLOGICAL SEQUESTRATION OF CARBON.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of title, the Secretary of Agriculture, with the concurrence of the Administrator, shall establish standards for accrediting certified reductions in the emission of carbon dioxide through above-ground and below-ground biological sequestration activities.

''(b) REQUIREMENTS.—The standards shall include—

''(1) a national biological carbon storage baseline or inventory; and

''(2) measurement, monitoring, and verification guidelines based on—

''(A) measurement of increases in carbon storage in excess of the carbon storage that would have occurred in the absence of a new management practice designed to achieve biological sequestration of carbon;

''(B) comprehensive carbon accounting that—

''(i) reflects sustained net increases in carbon reservoirs; and

''(ii) takes into account any carbon emissions resulting from disturbance of carbon reservoirs in existence as of the date of commencement of any new management practice designed to achieve biological sequestration of carbon;

''(C) adjustments to account for—

''(i) emissions of carbon that may result at other locations as a result of the impact of the new biological sequestration management practice on timber supplies; or

''(ii) potential displacement of carbon emissions to other land owned by the entity that carries out the new biological sequestration management practice; and

''(D) adjustments to reflect the expected carbon storage over various time periods, taking into account the likely duration of the storage of carbon in a biological reservoir.

''(c) UPDATING OF STANDARDS.—Not later than 3 years after the date of establishment of the standards under subsection (a), and every 3 years thereafter, the Secretary of Agriculture shall update the standards to take into consideration the most recent scientific information.

''SEC. 717. EFFECT OF FAILURE TO PROMULGATE REGULATIONS.

''If the Administrator fails to promulgate regulations to implement and enforce the limitations specified in section 705—

''(1)(A) each electric generation facility shall achieve, not later than January 1, 2010, an annual quantity of emissions that is less than or equal to—

''(i) in the case of nitrogen oxides, 15 percent of the annual emissions by a similar electric generation facility that has no controls for emissions of nitrogen oxides; and

''(ii) in the case of global warming pollutants, 75 percent of the annual emissions by a similar electric generation facility that has no controls for emissions of global warming pollutants; and

''(B) each electric generation facility that does not use natural gas as the primary combustion fuel shall achieve, not later than January 1, 2010, an annual quantity of emissions that is less than or equal to—

''(i) in the case of sulfur dioxide, 5 percent of the annual emissions by a similar electric generation facility that has no controls for emissions of sulfur dioxide; and

''(ii) in the case of mercury, 10 percent of the annual emissions by a similar electric generation facility that has no controls included specifically for the purpose of controlling emissions of mercury; and

''(2) the applicable permit under this Act for each electric generation facility shall be deemed to incorporate a requirement for achievement of the reduced levels of emissions specified in paragraph (1).

''SEC. 718. PROHIBITIONS.

''It shall be unlawful—

''(1) for the owner or operator of any electric generation facility—

''(A) to operate the electric generation facility in noncompliance with the requirements of this title (including any regulations implementing this title);

''(B) to fail to submit by the required date any emission allowances, or pay any penalty, for which the owner or operator is liable under section 706;

''(C) to fail to provide and comply with any plan to offset excess emissions required under section 706(f); or

''(D) to emit mercury in excess of the emission limitations established under section 709; or

''(2) for any person to hold, use, or transfer any emission allowance allocated under this title except in accordance with regulations promulgated by the Administrator.

''SEC. 719. MODERNIZATION OF ELECTRIC GENERATION FACILITIES.

''(a) IN GENERAL.—Beginning on the later of January 1, 2015, or the date that is 40 years after the date on which the electric generation facility commences operation, each electric generation facility shall be subject to emission limitations reflecting the application of best available control technology on a new major source of a similar size and type (as determined by the Administrator) as determined in accordance with the procedures specified in part C of title I.

''(b) ADDITIONAL REQUIREMENTS.—The requirements of this section shall be in addition to the other requirements of this title.

''SEC. 720. PARAMOUNT INTEREST WAIVER.

''(a) IN GENERAL.—If the President determines that a national security emergency exists and, in light of information that was not available as of the date of enactment of this title, that it is in the paramount interest of the United States to modify any requirement under this title to minimize the effects of the emergency, the President, after opportunity for notice and public comment, may temporarily adjust, suspend, or waive any regulation promulgated pursuant to this title to achieve that minimization.

''(b) CONSULTATION.—In making an emergency determination under subsection (a), the President, to the maximum extent practicable, shall consult with and take into consideration any advice received from—

''(1) the Academy;

''(2) the Secretary of Energy; or

''(3) the Administrator.

''(c) JUDICIAL REVIEW.—An emergency determination under subsection (a) shall be subject to judicial review under section 307.

''SEC. 721. RELATIONSHIP TO OTHER LAW.

''(a) IN GENERAL.—Except as expressly provided in this title, nothing in this title—

''(1) limits or otherwise affects the application of any other provision of this Act; or

''(2) precludes a State from adopting and enforcing any requirement for the control of emissions of air pollutants that is more stringent than the requirements imposed under this title.

''(b) REGIONAL SEASONAL EMISSION CONTROLS.—Nothing in this title affects any regional seasonal emission control for nitrogen oxides established by the Administrator or a State under title I.''.

(b) CONFORMING AMENDMENT.—Section 412(a) of the Clean Air Act (42 U.S.C. 7651k(a)) is amended in the first sentence by striking ''opacity'' and inserting ''mercury, opacity,''.

SEC. 3. SAVINGS CLAUSE.

Section 193 of the Clean Air Act (42 U.S.C. 7515) is amended by striking ''date of the enactment of the Clean Air Act Amendments of 1990'' each place it appears and inserting ''date of enactment of the Clean Power Act of 2007''.

SEC. 4. ACID PRECIPITATION RESEARCH PROGRAM.

Section 103(j) of the Clean Air Act (42 U.S.C. 7403(j)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (F)(i), by striking ''effects; and'' and inserting ''effects, including an assessment of—

''(I) acid-neutralizing capacity; and

''(II) changes in the number of water bodies in the sensitive ecosystems referred to in subparagraph (G)(ii) with an acid-neutralizing capacity greater than zero; and''; and

(B) by adding at the end the following:

''(G) SENSITIVE ECOSYSTEMS.—

''(i) IN GENERAL.—Beginning in 2008, and every 4 years thereafter, the report under subparagraph (E) shall include—

''(I) an identification of environmental objectives necessary to be achieved (and related indicators to be used in measuring achievement of the objectives) to adequately protect and restore sensitive ecosystems; and

''(II) an assessment of the status and trends of the environmental objectives and indicators identified in preceding reports under this paragraph.

''(ii) SENSITIVE ECOSYSTEMS TO BE ADDRESSED.—Sensitive ecosystems to be addressed under clause (i) include—

''(I) the Adirondack Mountains, mid-Appalachian Mountains, Rocky Mountains, and southern Blue Ridge Mountains;

''(II) the Great Lakes, Lake Champlain, Long Island Sound, and the Chesapeake Bay; and

''(III) other sensitive ecosystems, as determined by the Administrator.

''(H) ACID DEPOSITION STANDARDS.—Beginning in 2008, and every 4 years thereafter, the report under subparagraph (E) shall include a revision of the report under section 404 of Public Law 101–549 (42 U.S.C. 7651 note) that includes a reassessment of the health and chemistry of the lakes and streams that were subjects of the original report under that section.''; and

(2) by adding at the end the following:

''(4) PROTECTION OF SENSITIVE ECOSYSTEMS.—

''(A) DETERMINATION.—Not later than December 31, 2014, the Administrator, taking into consideration the findings and recommendations of the report revisions under paragraph (3)(H), shall determine whether emission reductions under titles IV and VII are sufficient to—

''(i) achieve the necessary reductions identified under paragraph (3)(F); and

''(ii) ensure achievement of the environmental objectives identified under paragraph (3)(G).

''(B) REGULATIONS.—

''(i) IN GENERAL.—Not later than 2 years after the Administrator makes a determination under subparagraph (A) that emission reductions are not sufficient, the Administrator shall promulgate regulations to protect the sensitive ecosystems referred to in paragraph (3)(G)(ii).

''(ii) CONTENTS.—Regulations under clause (i) shall include modifications to—

''(I) provisions relating to nitrogen oxide and sulfur dioxide emission reductions;

''(II) provisions relating to allocations of nitrogen oxide and sulfur dioxide allowances; and

''(III) such other provisions as the Administrator determines to be necessary.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR DEPOSITION MONITORING.

(a) OPERATIONAL SUPPORT.—In addition to amounts made available under any other law, there are authorized to be appropriated for each of fiscal years 2008 through 2017—

(1) for operational support of the National Atmospheric Deposition Program National Trends Network—

(A) $2,000,000 to the United States Geological Survey;

(B) $600,000 to the Environmental Protection Agency;

(C) $600,000 to the National Park Service; and

(D) $400,000 to the Forest Service;

(2) for operational support of the National Atmospheric Deposition Program Mercury Deposition Network—

(A) $400,000 to the Environmental Protection Agency;

(B) $400,000 to the United States Geological Survey;

(C) $100,000 to the National Oceanic and Atmospheric Administration; and

(D) $100,000 to the National Park Service;

(3) for the National Atmospheric Deposition Program Atmospheric Integrated Research Monitoring Network $1,500,000 to the National Oceanic and Atmospheric Administration;

(4) for the Clean Air Status and Trends Network $5,000,000 to the Environmental Protection Agency; and

(5) for the Temporally Integrated Monitoring of Ecosystems and Long-Term Monitoring Program $2,500,000 to the Environmental Protection Agency.

(b) MODERNIZATION.—In addition to amounts made available under any other law, there are authorized to be appropriated—

(1) for equipment and site modernization of the National Atmospheric Deposition Program National Trends Network $6,000,000 to the Environmental Protection Agency;

(2) for equipment and site modernization and network expansion of the National Atmospheric Deposition Program Mercury Deposition Network $2,000,000 to the Environmental Protection Agency;

(3) for equipment and site modernization and network expansion of the National Atmospheric Deposition Program Atmospheric Integrated Research Monitoring Network $1,000,000 to the National Oceanic and Atmospheric Administration; and

(4) for equipment and site modernization and network expansion of the Clean Air Status and Trends Network $4,600,000 to the Environmental Protection Agency.

(c) AVAILABILITY OF AMOUNTS.—Each of the amounts appropriated under subsection (b) shall remain available until expended.

SEC. 6. TECHNICAL AMENDMENTS.

Title IV of the Clean Air Act (relating to noise pollution) (42 U.S.C. 7641 et seq.)—

(1) is amended by redesignating sections 401 through 403 as sections 801 through 803, respectively; and

(2) is redesignated as title VIII and moved to appear at the end of that Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 167—CONGRATULATING THE UNIVERSITY OF WISCONSIN MEN'S INDOOR TRACK AND FIELD TEAM ON BECOMING THE 2006–2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I INDOOR TRACK AND FIELD CHAMPIONS

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 167

Whereas, on March 10, 2007, in Fayetteville, Arkansas, the University of Wisconsin men's indoor track and field team (referred to in this preamble as the ''Badgers indoor track and field team'') became the first-ever Big 10 Conference school to win the National Collegiate Athletic Association (NCAA) Division I Indoor Track and Field Championship, by placing first with 40 points, 5 points ahead of second place finisher Florida State University, and 6 points ahead of the third place finisher, the University of Texas;

Whereas the Badgers indoor track and field team secured its victory through the strong performances of its members, including—

(1) senior Chris Solinsky, who placed first in the 5,000-meter run, with a time of 13:38.61, and placed second in the 3,000-meter run, with a time of 7:51.69;

(2) senior Demi Omole, who placed second in the 60-meter dash with a time of 6.57;

(3) senior Tim Nelson, who placed fifth in the 5,000-meter run with a time of 13:48.08;

(4) senior Joe Detmer, who finished fifth in the Heptathlon with 5,761 points; and

(5) freshman Craig Miller, sophomore James Groce, junior Joe Pierre, and freshman Jack Bolas, who finished fifth in the Distance Medley Relay with a time of 9:35.81;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the Badgers indoor track and field team, including—

(1) Zach Beth;
(2) Brandon Bethke;
(3) Brennan Boettcher;
(4) Jack Bolas;
(5) Nathan Brown;
(6) Joe Conway;
(7) Ryan Craven;
(8) Joe Detmer;
(9) Victor Dupuy;
(10) Peter Dykstra;
(11) Stu Eagon;
(12) Sal Fadel;
(13) Jake Fritz;
(14) Ryan Gasper;
(15) Barry Gill;
(16) Dan Goesch;
(17) James Groce;
(18) Eric Hatchell;
(19) Luke Hoenecke;
(20) Paul Hubbard;
(21) Lance Kendricks;
(22) Andrew Lacy;
(23) Nate Larkin;
(24) Billy Lease;
(25) Jim Liermann;
(26) Rory Linder;
(27) Steve Ludwig;
(28) Steve Markson;
(29) Zach McCollum;
(30) James McConkey;
(31) Brian McCulliss;
(32) Chad Melotte;
(33) Craig Miller;
(34) Tim Nelson;
(35) Pat Nichols;
(36) Demi Omole;
(37) Landon Peacock;
(38) Seth Pelock;
(39) Tim Pierie;
(40) Joe Pierre;
(41) Adam Pischke;
(42) Jarad Plummer;
(43) Ben Porter;
(44) Nathan Probst;
(45) Codie See;
(46) Noah Shannon;
(47) Chris Solinsky;
(48) Mike Sracic;
(49) Derek Thiel;
(50) Joe Thomas;
(51) Jeff Tressley;
(52) Christian Wagner; and
(53) Matt Withrow;

Whereas the success of the Badgers indoor track and field team was facilitated by the knowledge and commitment of the team's coaching staff, including—

(1) Head Coach Ed Nuttycombe;
(2) Assistant Coach Jerry Schumacher;
(3) Assistant Coach Mark Guthrie;
(4) Assistant Coach Will Wabaunsee;
(5) Volunteer Coach Pascal Dorbert;
(6) Volunteer Coach Nick Winkel; and
(7) Volunteer Coach Chris Ratzenberg;

Whereas, on February 24, 2007, in Bloomington, Indiana, the Badgers indoor track and field team won its seventh consecutive Big 10 Championship by placing first with 120 points, 27 points ahead of the second place finisher, the University of Minnesota, and 31 points ahead of the third place finisher, the University of Michigan;

Whereas numerous members of the Badgers indoor track and field team were recognized for their performances in the Big 10 Conference, including—

(1) Demi Omole, who was named Track Athlete of the Year and Track Athlete of the Championships;

(2) Joe Detmer, who was named Field Athlete of the Year and was a Sportsmanship Award honoree;

(3) Craig Miller, who was named Freshman of the Year;

(4) Ed Nuttycombe, who was named Coach of the Year;

(5) Chris Solinsky, Demi Omole, and Joe Detmer, who were named First Team All-Big 10; and

(6) Brandon Bethke, Craig Miller, Luke Hoenecke, Steve Markson, and Tim Nelson, who were named Second Team All-Big 10;

Whereas numerous members of the Badgers indoor track and field team were recognized for their performance in the NCAA Indoor Track and Field Championships, including—

(1) Ed Nuttycombe, who was named Division I Men's Indoor Track and Field Coach of the Year by the U.S. Track and Field and Cross Country Coaches Association;

(2) Jack Bolas, Joe Detmer, Stu Eagon, James Groce, Tim Nelson, Demi Omole, Joe Pierre, and Chris Solinsky, who were recognized as 2007 Men's Indoor Track All-Americans; and

(3) Chris Solinsky, who was named Division I Men's Track Athlete of the Year by the U.S. Track and Field and Cross Country Coaches Association, and was the first University of Wisconsin men's track athlete to be named national athlete of the year; and

Whereas several members of the 2007 Badgers indoor track and field team were also members of the 2005 University of Wisconsin men's cross country NCAA Division I Championship team, including—

(1) Brandon Bethke;
(2) Stu Eagon;
(3) Ryan Gasper;
(4) Tim Nelson;
(5) Tim Pierie;
(6) Joe Pierre;
(7) Ben Porter;
(8) Codie See;

(9) Chris Solinsky;
(10) Christian Wagner; and
(11) Matt Wintrow: Now, therefore, be it
Resolved, That the Senate—
(1) congratulates the University of Wisconsin-Madison men's indoor track and field team, Head Coach Ed Nuttycombe, Athletic Director Barry Alvarez, and Chancellor John D. Wiley, on an outstanding championship season; and
(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

SENATE RESOLUTION 168—CONGRATULATING THE UNIVERSITY OF WISCONSIN WOMEN'S HOCKEY TEAM FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S ICE HOCKEY CHAMPIONSHIP

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 168

Whereas, on March 18, 2007, in Lake Placid, New York, by defeating the University of Minnesota-Duluth by a score of 4–1 in the championship game and defeating St. Lawrence University by a score of 4–0 in the semifinals, the University of Wisconsin women's hockey team (referred to in this preamble as the ''Badgers'') won the women's Frozen Four championship, earning their second consecutive National Collegiate Athletic Association (NCAA) title;

Whereas Sara Bauer scored a goal and tallied 2 assists, Erika Lawler scored a goal and tallied an assist, Jinelle Zaugg scored a goal, Jasmine Giles scored a goal, Meghan Duggan contributed an assist, Meaghan Mikkelson contributed an assist, and Jessie Vetter stopped 17 shots in the final game to earn her 20th win of the season;

Whereas every player on the University of Wisconsin women's hockey team (Sara Bauer, Rachel Bible, Christine Dufour, Meghan Duggan, Maria Evans, Jasmine Giles, Kayla Hagen, Tia Hanson, Angie Keseley, Heidi Kletzien, Emily Kranz, Erika Lawler, Alycia Matthews, Alannah McCready, Meaghan Mikkelson, Phoebe Monteleone, Emily Morris, Mikka Nordby, Kyla Sanders, Bobbi-Jo Slusar, Ally Strickler, Jessie Vetter, Kristen Witting, and Jinelle Zaugg) contributed to the success of the team;

Whereas Sara Bauer was named to the RBK/American Hockey Coaches Association All-American First Team, and was a finalist for the Patty Kazmaier Memorial Award for national player of the year, the United States College Hockey Online's (USCHO) Player of the Year for the second straight season, and the WCHA Player of the Year and WCHA Scoring Champion, and earned a spot on the All-USCHO First Team and the All-Western Collegiate Hockey Association (WCHA) First Team;

Whereas Bobbi-Jo Slusar was named to the RBK All-American Second team, the All-USCHO First Team, and the All-WCHA Second Team, and was named USCHO Defensive Player of the Year;

Whereas Meaghan Mikkelson was named to the All-USCHO First Team and the All-WCHA First Team, and was named the WCHA Defensive Player of the Year;

Whereas Jessie Vetter was named to the RBK All-American First Team, All-USCHO Second Team, and All-WCHA First Team;

Whereas Meghan Duggan was named to the All-USCHO Rookie Team and named WCHA Rookie of the Year, Christine Dufour was named to the All-WCHA Third Team and was WCHA Goaltending Champion, and Erika Lawler was named to the All-WCHA Third Team;

Whereas Coach Mark Johnson, who won an NCAA championship as member of the University of Wisconsin men's hockey team in 1977, was a member of the gold-medal winning 1980 United States Olympic hockey team, and is one of the few people who have won a national championship as both a player and coach, was named the WCHA Coach of the Year;

Whereas the Badgers are the first University of Wisconsin program to repeat as NCAA champions since the University of Wisconsin women's cross country team won the title in both 1984 and 1985; and

Whereas the Badgers ended the season on a 26-game undefeated streak, finishing with a record of 36–1–4, while outscoring opponents 166–36, and the Badgers broke or tied 6 NCAA single-season team records: Now, therefore, be it

Resolved, That the Senate—
(1) congratulates the University of Wisconsin women's hockey team, the coaching staff, including Head Coach Mark Johnson and Assistant Coaches Tracey Cornell and Daniel Koch, Program Assistant Sharon Eley, Director of Women's Hockey Operations Paul Hickman, Athletic Trainer Jennifer Pepoy, Volunteer Coach Jeff Sanger, and Athletic Director Barry Alvarez, and Chancellor John D. Wiley on an outstanding championship season; and
(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

SENATE RESOLUTION 169—RECOGNIZING SUSAN G. KOMEN FOR THE CURE ON ITS LEADERSHIP IN THE BREAST CANCER MOVEMENT ON THE OCCASION OF ITS 25TH ANNIVERSARY

Mrs. HUTCHISON (for herself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 169

Whereas, Nancy G. Brinker promised her dying sister, Susan G. Komen, that she would do everything in her power to end breast cancer;

Whereas, in Dallas, Texas, in 1982, that promise became Susan G. Komen for the Cure and launched the global breast cancer movement;

Whereas, Susan G. Komen for the Cure has grown to become the world's largest grassroots network of breast cancer survivors and activists fighting to save lives, empower people, ensure quality care for all, and energize science to find the cure;

Whereas, Susan G. Komen for the Cure has invested nearly $1,000,000,000 to fulfill its promise, becoming the largest source of nonprofit funds in the world dedicated to curing breast cancer;

Whereas, Susan G. Komen for the Cure is committed to investing an additional $1,000,000,000 over the next decade in breast health care and treatment and in research to discover the causes of breast cancer and, ultimately, its cure;

Whereas, Susan G. Komen for the Cure serves the breast health and treatment needs of millions, especially under-served women, through education and support to thousands of community health organizations, with grants to date of more than $480,000,000;

Whereas, Susan G. Komen for the Cure has played a critical role in virtually every major advance in breast cancer research over the past 25 years, with research investments to date of more than $300,000,000;

Whereas, Susan G. Komen for the Cure has advocated for more research on breast cancer treatment and prevention, with the Federal Government now devoting more than $900,000,000 each year to breast cancer research, compared with $30,000,000 in 1982;

Whereas, Susan G. Komen for the Cure is a leader in the global breast cancer movement, with more than 100,000 activists in 125 cities and communities, mobilizing more than 1,000,000 people every year through events like the Komen Race for the Cure Series – the world's largest and most successful awareness and fundraising event for breast cancer;

Whereas, Susan G. Komen for the Cure has been a strong supporter of the National Breast and Cervical Cancer Early Detection Program and the Mammography Quality Standards Act;

Whereas, in the last 25 years early detection and testing rates have increased, with nearly 75 percent of women over 40 years of age now receiving regular mammograms, compared with 30 percent of such women in 1982;

Whereas, in the last 25 years, the 5 year breast cancer survival rate has increased to 98 percent when the cancer is caught before it spreads beyond the breast, compared with 74 percent in 1982;

Whereas, without better prevention and a cure, 1 in 8 women in the United States will continue to suffer from breast cancer – a devastating disease with physical, emotional, psychological, and financial pain that can last a lifetime;

Whereas, without a cure, an estimated 5,000,000 Americans will be diagnosed with breast cancer – and more than 1,000,000 could die – over the next 25 years;

Whereas, Susan G. Komen for the Cure is challenging individuals, communities, States, and Congress to make breast cancer an urgent priority;

Whereas, Susan G. Komen for the Cure recognizes that in the world of breast cancer, the big questions are still without answers: what causes the disease and how it can be prevented; and

Whereas, Susan G. Komen for the Cure is marking its 25th anniversary by recommitting to finish what it started and end breast cancer: Now, therefore, be it

Resolved, That the Senate—
(1) congratulates Susan G. Komen for the Cure on its 25th anniversary;
(2) recognizes Susan G. Komen for the Cure as a global leader in the fight against breast cancer and commends the strides the organization has made in that fight; and
(3) supports Susan G. Komen for the Cure'scommitment to attaining the goal of a world withoutbreast cancer.

SENATE RESOLUTION 170—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL CHILD CARE WORTHY WAGE DAY

Mr. MENENDEZ (for himself, Mr. KERRY, Mrs. BOXER, Mr. INOUYE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. DURBIN, and Mr. DODD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 170

Whereas approximately 63 percent of the Nation's children under 5 are in nonparental care during part or all of the day while their parents work;

Whereas the early care and education industry employs more than 2,300,000 workers;

Whereas these workers indirectly add $580,000,000,000 to the economy by enabling millions of parents to perform their own jobs;

Whereas the average salary of early care and education workers is $18,180 per year, and only ⅓ of these workers have health insurance and even fewer have a pension plan;

Whereas the quality of early care and education programs is directly linked to the quality of early childhood educators;

Whereas the turnover rate of early childhood program staff is roughly 30 percent per year, and low wages and lack of benefits, among other factors, make it difficult to retain high quality educators who have the consistent, caring relationships with young children that are important to the children's development;

Whereas the compensation of early childhood program staff should be commensurate with the importance of the job of helping the young children of the Nation develop their social, emotional, physical, and cognitive skills, and helping them to be ready for school;

Whereas providing adequate compensation to early childhood program staff should be a priority, and resources can be allocated to improve the compensation of early childhood educators to ensure that quality care and education are accessible for all families;

Whereas additional training and education for the early care and education workforce is critical to ensuring high-quality early learning environments;

Whereas child care workers should receive compensation commensurate with such training and experience; and

Whereas the Center for the Child Care Workforce, a project of the American Federation of Teachers Educational Foundation, with support from the National Association for the Education of Young Children and other early childhood organizations, recognizes May 1 as National Child Care Worthy Wage Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1, 2007, as National Child Care Worthy Wage Day; and

(2) calls on the people of the United States to observe National Child Care Worthy Wage Day by honoring early childhood care and education staff and programs in their communities.

Mr. MENENDEZ. Mr. President, I am proud to be submitting a resolution designating May 1, 2007, as National Child Care Worthy Wage Day. On this day, child care providers and other early childhood professionals nationwide conduct public awareness and education efforts highlighting the importance of good early childhood education for our Nation's young children. This resolution is an effort to support these initiatives and to help develop greater public awareness to our early educators and the critical work they do.

Every day, nearly 63 percent of children under the age of 5 are cared for outside their home so their parents can work. Early care and education workers, who number more than 2.3 million, make it possible for millions of parents to leave their children at day care and go to work. By enabling parents to go to work every day, our early education workers add more than $580 billion to our economy nationwide.

The importance of early education cannot be overstated. From the day they are born, children begin to learn, and the quality of care they receive will affect their language development, math skills, behavior, and general readiness for school. Our early educators help future leaders and workers of our Nation develop their social, emotional, physical and cognitive skills so they can be ready for school.

However, the committed individuals who nurture and teach these young children continue to be undervalued, with grossly low wages and lack of benefits. It is outrageous that the average salary of our early education staff is just a little over $18,000 per year, that only one-third has health insurance and even fewer have pension plans.

Early childhood educators perform essential work by supporting the development of our Nation's children. Yet poor wages and benefits have made it difficult to attract and retain high-quality early childhood care takers and educators, and one-third of all early childhood educators leave their jobs every year. This is not only unfair to our child care workers, but it undermines the quality of care that our children receive.

Our early educators deserve nothing less than to be recognized and adequately compensated for the work they do. We must give our Nation's early childcare workers wages worthy of the incredible work they do every day to train and develop the future workforce of America.

The Nation's childcare workforce, and the families who depend on them, deserve our support, and I urge my colleagues to join me in supporting this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 913. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table.

SA 914. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 915. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 916. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 917. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 918. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 919. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 920. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 921. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 922. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 923. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 924. Mr. OBAMA (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 925. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 926. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 927. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 928. Mr. DEMINT (for himself, Mr. MARTINEZ, Mr. CORNYN, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 929. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 930. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 931. Mrs. MCCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 932. Mrs. MCCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 933. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 934. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 935. Mr. VOINOVICH (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 936. Mr. SANDERS (for himself, Mr. BAUCUS, Mr. LEAHY, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 937. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 938. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 939. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 940. Mr. KENNEDY proposed an amendment to the bill S. 761, supra.

SA 941. Ms. SNOWE (for herself and Mr. KOHL) submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 942. Mr. KOHL (for himself, Ms. SNOWE, Mr. REED, Ms. STABENOW, Mr. BROWN, Mr. LEVIN, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, Mr. LEAHY, Mr. ROBERTS, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 943. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 944. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 945. Mr. WYDEN (for himself, Mr. SMITH, Mr. PRYOR , and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 946. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 947. Mr. BINGAMAN (for Mr. DODD (for himself, Mr. SHELBY, and Mr. REED)) proposed an amendment to the bill S. 761, supra.

SA 948. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 949. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 902 proposed by Mr. CORNYN to the bill S. 761, supra; which was ordered to lie on the table.

SA 950. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 951. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 952. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 953. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 954. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 955. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 956. Mr. CRAPO (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 957. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 958. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 959. Mr. NELSON of Florida (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 960. Mr. LEVIN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 961. Mr. BROWN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 962. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 963. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 964. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 913. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEASIBILITY STUDY ON FREE ONLINE COLLEGE DEGREE PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct and complete a feasibility study on creating a national, free online college degree program that would be available to all United States citizens who wish to pursue a degree in a field of strategic importance to the United States and where expertise is in demand, such as mathematics, sciences, and foreign languages. The study shall look at the need for a free college degree program as well as the feasibility of—

(1) developing online course content;

(2) developing sufficiently rigorous tests to determine mastery of a field of study; and

(3) sustaining the program through private funding.

(b) STUDY.—The study described in subsection (a) shall also include a review of existing online education programs to determine the extent to which these programs offer a rigorous curriculum in areas like mathematics and science and the National Academy of Sciences shall make recommendations for how online degree programs can be assessed and accredited.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008.

SA 914. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(B)) is amended by striking ''$1,500'' and inserting ''$2,000''.

(b) USE OF ADDITIONAL FEE.—Section 286 of such Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(w) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 25 percent of the fees collected under section 214(c)(9)(B).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 915. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 120, strike lines 1 through 8, and insert the following:

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(1) are part of a statewide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(2) make Advanced Placement math, science, and critical foreign language courses available to students who are prepared for such work not later than 9th or 10th grade.

On page 127, line 6, insert ''by the grade the student is enrolled in,'' after ''subject,''.

On page 127, line 12, insert ''by the grade the student is enrolled in at the time of the examination'' before the semicolon.

SA 916. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Beginning on page 69, strike line 21 and all that follows through line 4 on page 70, and insert the following:

''(1) PROGRAMS AT THE NATIONAL LABORATORIES.—The Secretary, acting through the Director, shall establish or expand programs of summer institutes at each of the National Laboratories to provide—

''(A) additional training to strengthen the mathematics and science teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d); and

''(B) experimental learning opportunities to advanced students in middle and secondary schools to strengthen learning in mathematics and science in accordance with the activities authorized under subsection (c).''.

On page 70, line 13, inserting after ''grade 12,'' the following: ''and to provide experimental learning opportunities to advanced students in middle and secondary schools to strengthen learning in mathematics and science''.

On page 70, line 21, strike ''and'' at the end.

On page 70, between lines 21 and 22, insert the following:

''(ii) assists in providing experimental learning opportunities to advanced middle and secondary school students; and''.

On page 70, line 22, strike ''(ii)'' and insert ''(iii)''.

On page 72, line 2, strike ''and'' at the end.

On page 72, line 4, strike the period and insert ''; and''.

On page 72, between lines 4 and 5, insert the following:

''(9) in the case of a program described in subsection (b)(1)(B), create, under the guidance of experienced teachers, college faculty, and math and science professionals, experimental, hands-on opportunities for advanced middle and secondary school students that supplement coursework available in their school districts, allows them to explore science topics in depth, provides opportunities to work with scientists on current and

future research projects, and expose students to math and science career paths.''.

SA 917. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) The national debt of the United States of America now exceeds $8,500,000,000,000.

(2) Each United States citizen's share of this debt exceeds $29,000.

(3) Every cent that the United States Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security.

(4) The power of the purse belongs to Congress.

(5) Congress authorizes and appropriates all Federal discretionary spending and creates new mandatory spending programs.

(6) For too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints Americans face everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources.

(7) Last year, the interest costs of the Federal debt the government must pay to those who buy U.S. Treasury bonds were about 8 percent of the total Federal budget. In total, the Federal government spent $226 billion on interest costs alone last year.

(8) According to the Government Accountability Office, interest costs will consume 25 percent of the entire Federal budget by 2035. By way of comparison, the Department of Education's share of Federal spending in 2005 was approximately 3 percent of all Federal spending. The Department of Health and Human Services was responsible for approximately 23 percent of all Federal spending. Spending by the Social Security Administration was responsible for about 20 percent of all Federal spending. Spending on Medicare was about 12 percent of all Federal spending. Spending in 2005 by the Department of Defense—in the midst of two wars in Iraq and Afghanistan and a global war against terrorism—comprised about 19 percent of all Federal spending. Thus, if we do not change our current spending habits, GAO estimates that as a percentage of Federal spending, interest costs in 2035 will be larger than defense costs today, Social Security costs today, Medicare costs today, and education costs today.

(9) The Federal debt undermines United States competitiveness by consuming capital that would otherwise be available for private enterprise and innovation.

(10) It is irresponsible for Congress to create or expand government programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans without reductions in spending elsewhere within the Federal budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress has a moral obligation to offset the cost of new Government programs and initiatives.

SA 918. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. SUNSET.

The provisions of this Act, and the amendments made by this Act, shall cease to have force or effect on and after October 1, 2011.

SA 919. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Strike title III.

SA 920. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Beginning on page 68, strike line 16 and all that follows through page 74, line 8, and insert the following:

''CHAPTER 4—NUCLEAR SCIENCE

SA 921. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows.

At the appropriate place, insert the following:

SEC. ___. DISCONTINUATION OF THE ADVANCED TECHNOLOGY PROGRAM.

(a) REPEAL.—Section 28 of the Act of March 3, 1901 (15 U.S.C. 278n) is repealed.

(b) UNOBLIGATED BALANCES.—Any amounts appropriated for the Advanced Technology Program of the National Institute of Standards and Technology, which are unobligated as of the effective date of this section, shall be deposited in the General Fund of the Treasury of the United States for debt reduction.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 922. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows.

At the end of title V of division A, add the following:

SEC. 1503. NOAA ACCOUNTABILITY AND TRANSPARENCY.

(a) REVIEW OF ACTIVITIES CARRIED OUT WITH NOAA FUNDS.—

(1) REQUIREMENT FOR REVIEW.—The Inspector General of the Department of Commerce shall conduct routine, independent reviews of the activities carried out with grants or other financial assistance made available by the Administrator of the National Oceanic and Atmospheric Administration. Such reviews shall include cost-benefit analysis of such activities and reviews to determine if the goals of such activities are being accomplished.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make each review conducted pursuant to paragraph (1) available to the public through the website of the Administration not later than 60 days after the date such review is completed.

(b) PROHIBITION ON USE OF NOAA FUNDS FOR MEETINGS.—No funds made available by the Administrator through a grant or contract may be used by the person who received such grant or contract, including any subcontractor to such person, for a banquet or conference, other than a conference related to training or a routine meeting with officers or employees of the Administration to discuss an ongoing project or training.

(c) PROHIBITION ON CONFLICTS OF INTEREST.—Each person who receives funds from the Administrator through a grant or contract shall submit to the Administrator a certification stating that none of such funds will be made available through a subcontract or in any other manner to another person who has a financial interest or other conflict of interest with the person who received such funds from the Administrator.

SA 923. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows.

On page 5, line 19, strike the period at the end and insert the following: '', including representatives of science, technology, and engineering organizations and associations that represent women and underrepresented minorities in science and technology enterprises.''.

On page 5, line 24, strike ''for areas'' and insert '', including recommendations to increase the representation of women and underrepresented minorities in science, engineering, and technology enterprises, for areas''.

Beginning on page 8, strike line 9 and all that follows through page 9, line 8, and insert the following:

''(11) the extent to which individuals are being equipped with the knowledge and skills necessary for success in the 21st century workforce, as measured by—

''(A) elementary school and secondary school student academic achievement on the State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 (b)(3)), especially in mathematics, science, and reading, identified by ethnicity, race, and gender;

''(B) the rate of student entrance into institutions of higher education, identified by ethnicity, race, and gender, by type of institution, and barriers to access to institutions of higher education;

''(C) the rates of—

''(i) students successfully completing postsecondary education programs, identified by ethnicity, race, and gender; and

''(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics, identified by ethnicity, race, and gender; and

''(D) access to, and availability of, high quality job training programs;

''(12) the projected outcomes of increasing the number of members of underrepresented groups, such as women and underrepresented minorities, in science, technology, engineering, and mathematics fields; and

''(13) the identification of strategies to increase the participation of women and underrepresented minorities into science, technology, engineering, and mathematics fields.

On page 12, line 20, after ''employees'' insert the following: '', including partnerships with scientific, engineering, and mathematical professional organizations representing women and minorities underrepresented in such areas,''.

On page 17, line 18, strike the period at the end and insert the following: '', including strategies for increasing the participation of women and underrepresented minorities into science, technology, engineering, and mathematics fields.''.

On page 19, insert between lines 22 and 23, the following:

''(vi) Nongovernmental organizations, such as professional organizations, that represent women and underrepresented minorities in the areas of science, engineering, technology, and mathematics.

SA 924. Mr. OBAMA (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 145, between lines 13 and 14, insert the following:

SEC. 3202. SUMMER TERM EDUCATION PROGRAMS.

(a) PURPOSE.—The purpose of this section is to create opportunities for summer learning by providing students with access to summer learning in mathematics, technology, and problem-solving to ensure that students do not experience learning losses over the summer and to remedy, reinforce, and accelerate the learning of mathematics and problem-solving.

(b) DEFINITIONS.—In this section:

(1) EDUCATIONAL SERVICE AGENCY.—The term ''educational service agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that—

(A) desires to participate in a summer learning grant program under this section by providing summer learning opportunities described in subsection (d)(4)(A)(ii) to eligible students; and

(B) is—

(i) a local educational agency;

(ii) a for-profit educational provider, nonprofit organization, science center, museum, or summer enrichment camp, that has been approved by the State educational agency to provide the summer learning opportunity described in subsection (d)(4)(A)(ii), including an entity that is in good standing that has been previously approved by a State educational agency to provide supplemental educational services; or

(iii) a consortium consisting of a local educational agency and 1 or more of the following entities:

(I) Another local educational agency.

(II) A community–based youth development organization with a demonstrated record of effectiveness in helping students learn.

(III) An institution of higher education.

(IV) An educational service agency.

(V) A for-profit educational provider described in clause (ii).

(VI) A nonprofit organization described in clause (ii).

(VII) A summer enrichment camp described in clause (ii)

(3) ELIGIBLE STUDENT.—The term ''eligible student'' means a student who—

(A) is eligible for a free lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(B) is served by a local educational agency identified by the State educational agency in the application described in subsection (c)(2); or

(C)(i) in the case of a summer learning grant program authorized under this section for fiscal year 2008, 2009, or 2010, is eligible to enroll in any of the grades kindergarten through grade 3 for the school year following participation in the program; or

(ii) in the case of a summer learning grant program authorized under this section for fiscal year 2011 or 2012, is eligible to enroll in any of the grades kindergarten through grade 5 for the school year following participation in the program.

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

(5) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(7) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(8) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(c) DEMONSTRATION GRANT PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—From the funds appropriated under subsection (f) for a fiscal year, the Secretary shall carry out a demonstration grant program in which the Secretary awards grants, on a competitive basis, to State educational agencies to enable the State educational agencies to pay the Federal share of summer learning grants for eligible students.

(B) NUMBER OF GRANTS.—For each fiscal year, the Secretary shall award not more than 5 grants under this section.

(2) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall identify the areas in the State where the summer learning grant program will be offered and the local educational agencies that serve such areas.

(3) AWARD BASIS.—

(A) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to a State educational agency that agrees, to the extent possible, to enter into agreements under subsection (d)(4) with eligible entities that are consortia described in subsection (b)(2)(B)(iii) and that include 2 or more of the entities described in subclauses (I) through (VII) of such subsection (b)(2)(B)(iii) as partners.

(B) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall take into consideration an equitable geographic distribution of the grants.

(d) SUMMER LEARNING GRANTS.—

(1) USE OF GRANTS FOR SUMMER LEARNING GRANTS.—

(A) IN GENERAL.—Each State educational agency that receives a grant under subsection (c) for a fiscal year shall use the grant funds to provide summer learning grants for the fiscal year to eligible students in the State who desire to attend a summer learning opportunity offered by an eligible entity that enters into an agreement with the State educational agency under paragraph (4)(A).

(B) AMOUNT; FEDERAL AND NON-FEDERAL SHARES.—

(i) AMOUNT.—The amount of a summer learning grant provided under this section shall be—

(I) for each of the fiscal years 2008 through 2011, $1,600; and

(II) for fiscal year 2012, $1,800.

(ii) FEDERAL SHARE.—The Federal share of each summer learning grant shall be not more than 50 percent of the amount of the summer learning grant determined under clause (i).

(iii) NON-FEDERAL SHARE.—The non-Federal share of each summer learning grant shall be not less than 50 percent of the amount of the summer learning grant determined under clause (i), and shall be provided from non-Federal sources, such as State or local sources.

(2) DESIGNATION OF SUMMER SCHOLARS.—Eligible students who receive summer learning grants under this section shall be known as ''summer scholars''.

(3) SELECTION OF SUMMER LEARNING OPPORTUNITY.—

(A) DISSEMINATION OF INFORMATION.—A State educational agency that receives a grant under subsection (c) shall disseminate information about summer learning opportunities and summer learning grants to the families of eligible students in the State.

(B) APPLICATION.—The parents of an eligible student who are interested in having their child participate in a summer learning opportunity and receive a summer learning grant shall submit an application to the State educational agency that includes a ranked list of preferred summer learning opportunities.

(C) PROCESS.—A State educational agency that receives an application under subparagraph (B) shall—

(i) process such application;

(ii) determine whether the eligible student shall receive a summer learning grant;

(iii) coordinate the assignment of eligible students receiving summer learning grants with summer learning opportunities; and

(iv) if demand for a summer learning opportunity exceeds capacity—

(I) in a case where information on the school readiness (based on school records and assessments of student achievement) of the eligible students is available, give priority for the summer learning opportunity to eligible students with low levels of school readiness; or

(II) in a case where such information on school readiness is not available, rely on randomization to assign the eligible students.

(D) FLEXIBILITY.—A State educational agency may assign a summer scholar to a summer learning opportunity program that is offered in an area served by a local educational agency that is not the local educational agency serving the area where such scholar resides.

(E) REQUIREMENT OF ACCEPTANCE.—An eligible entity shall accept, enroll, and provide the summer learning opportunity of such entity to, any summer scholar assigned to such summer learning opportunity by a State educational agency pursuant to this subsection.

(4) AGREEMENT WITH ELIGIBLE ENTITY.—

(A) IN GENERAL.—A State educational agency shall enter into an agreement with the eligible entity offering a summer learning opportunity, under which—

(i) the State educational agency shall agree to make payments to the eligible entity, in accordance with subparagraph (B), for a summer scholar; and

(ii) the eligible entity shall agree to provide the summer scholar with a summer learning opportunity that—

(I) provides a total of not less than the equivalent of 30 full days of instruction (or not less than the equivalent of 25 full days of instruction, if the equivalent of an additional 5 days is devoted to field trips or other enrichment opportunities) to the summer scholar;

(II) employs small-group, research-based educational programs, materials, curricula, and practices;

(III) provides a curriculum that—

(aa) emphasizes mathematics, technology, engineering, and problem-solving through experiential learning opportunities;

(bb) is primarily designed to increase the numeracy and problem-solving skills of the summer scholar; and

(cc) is aligned with the standards and goals of the school year curriculum of the local educational agency serving the summer scholar;

(IV) applies assessments to measure the skills taught in the summer learning opportunity and disaggregates the results of the assessments for summer scholars by race and ethnicity, economic status, limited English proficiency status, and disability category, in order to determine the opportunity's impact on each subgroup of summer scholars;

(V) collects daily attendance data on each summer scholar;

(VI) provides professional development opportunities for teachers to improve their practice in teaching numeracy, and in integrating problem-solving techniques into the curriculum; and

(VII) meets all applicable Federal, State, and local civil rights laws.

(B) AMOUNT OF PAYMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), a State educational agency shall make a payment to an eligible entity for a summer scholar in the amount determined under paragraph (1)(B)(i).

(ii) ADJUSTMENT.—In the case in which a summer scholar does not attend the full summer learning opportunity, the State educational agency shall reduce the amount provided to the eligible entity pursuant to clause (i) by a percentage that is equal to the percentage of the summer learning opportunity not attended by such scholar.

(5) USE OF SCHOOL FACILITIES.—State educational agencies are encouraged to require local educational agencies in the State to allow eligible entities, in offering summer learning opportunities, to make use of school facilities in schools served by such local educational agencies at reasonable or no cost.

(6) ACCESS OF RECORDS.—An eligible entity offering a summer learning opportunity under this section is eligible to receive, upon request, the school records and any previous supplemental educational services assessment records of a summer scholar served by such entity.

(7) ADMINISTRATIVE COSTS.—A State educational agency or eligible entity receiving funding under this section may use not more than 5 percent of such funding for administrative costs associated with carrying out this section.

(e) EVALUATIONS; REPORT; WEBSITE.—

(1) EVALUATION AND ASSESSMENT.—For each year that an eligible entity enters into an agreement under subsection (d)(4), the eligible entity shall prepare and submit to the Secretary a report on the activities and outcomes of each summer learning opportunity that enrolled a summer scholar, including—

(A) information on the design of the summer learning opportunity;

(B) the alignment of the summer learning opportunity with State standards; and

(C) data from assessments of student mathematics and problem-solving skills for the summer scholars and on the attendance of the scholars, disaggregated by the subgroups described in subsection (d)(4)(A)(ii)(IV).

(2) REPORT.—For each year funds are appropriated under subsection (f) for this section, the Secretary shall prepare and submit a report to Congress on the summer learning grant programs, including the effectiveness of the summer learning opportunities in improving student achievement and learning.

(3) SUMMER LEARNING GRANTS WEBSITE.—The Secretary shall make accessible, on the Department of Education website, information for parents and school personnel on successful programs and curricula, and best practices, for summer learning opportunities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2012.

SA 925. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —TECHNOLOGY TRANSFER

SEC. —01. TECHNOLOGY TRANSFER OPPORTUNITIES.

(a) IN GENERAL.—The Secretary of Commerce shall conduct a study of technology transfer barriers, best practices, and outcomes of technology transfer activities at Federal laboratories related to the licensing and commercialization of energy efficient technologies, and other technologies that, compared to similar technology in commercial use, result in reduced emissions of greenhouse gases, increased ability to adapt to climate change impacts, or increased sequestration of greenhouse gases. The Secretary shall submit a report setting forth the findings and conclusions of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The Secretary shall work with the existing interagency working group to address identified barriers to technology transfer.

(b) BUSINESS OPPORTUNITIES STUDY.—The Secretary of Commerce shall perform an analysis of business opportunities, both domestically and internationally, available for climate change technologies. The Secretary shall transmit the Secretary's findings and recommendations from the first such analysis to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act, and shall transmit a revised report of such findings and recommendations to those Committees annually thereafter.

(c) AGENCY REPORT TO INCLUDE INFORMATION ON TECHNOLOGY TRANSFER INCOME AND ROYALTIES.—Paragraph (2)(B) of section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is amended—

(1) by striking ''and'' after the semicolon in clause (vi);

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

''(vii) the number of fully-executed licenses which received royalty income in the preceding fiscal year for climate-change or energy-efficient technology;

''(viii) the total earned royalty income for climate-change or energy-efficient technology; and''.

(d) INCREASED INCENTIVES FOR DEVELOPMENT OF CLIMATE-CHANGE OR ENERGY-EFFICIENT TECHNOLOGY.—Section 14(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)) is amended—

(1) by striking ''15 percent,'' in paragraph (1)(A) and inserting ''15 percent (25 percent for climate change-related technologies),''; and

(2) by inserting ''($250,000 for climate change-related technologies)'' after ''$150,000'' each place it appears in paragraph (3).

SEC. —02. INTERDISCIPLINARY RESEARCH AND COMMERCIALIZATION.

(a) IN GENERAL.—The Director of the National Science Foundation shall develop and implement a plan to increase and establish priorities for funding for multidisciplinary and interdisciplinary research at universities in support of the adaptation to and mitigation of climate change. The plan shall—

(1) address the cross-fertilization and fusion of research within and across the biological and physical sciences, the spectrum of engineering disciplines, and entirely new fields of scientific exploration; and

(2) include the area of emerging service sciences.

(b) REPORT TO CONGRESS.—The Director shall transmit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act.

(c) SERVICE SCIENCE DEFINED.—In this section, the term ''service science'' means the melding together of the fields of computer science, operations research, industrial engineering, mathematics, management science, decision sciences, social sciences, and legal sciences in a manner that may transform entire enterprises and drive innovation at the intersection of business and technology expertise.

SEC. —03. CLIMATE INNOVATION PARTNERSHIPS.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Director of the National Science Foundation, shall create a program of public-private partnerships that—

(1) focus on supporting climate change related regional innovation;

(2) bridge the gap between the long-term research and commercialization;

(3) focus on deployment of technologies needed by a particular region in adapting or mitigating the impacts of climate change; and

(4) support activities that are selected from proposals submitted in merit-based competitions.

(b) INSTITUTIONAL DIVERSITY.—In creating the program, the Secretary and the Administrator shall—

(1) encourage institutional diversity; and

(2) provide that universities, research centers, national laboratories, and other nonprofit organizations are allowed to partner with private industry in submitting applications.

(c) GRANTS.—The Secretary may make grants under the program to the partnerships, but the Federal share of funding for any project may not exceed 50 percent of the total investment in any fiscal year.

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

SEC. —04. RESEARCH GRANTS.

Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) RESEARCH GRANTS.—

''(1) COMMITTEE TO DEVELOP LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being addressed by Federal agencies.

''(2) DIRECTOR OF OSTP TO TRANSMIT LIST TO NSF.—The Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.

''(3) FUNDING THROUGH NSF.—

''(A) BUDGET REQUEST.—The National Science Foundation shall include, as part of the annual request for appropriations for the Science and Technology Policy Institute, a request for appropriations to fund research in the priority areas on the list developed under paragraph (1).

''(B) AUTHORIZATION.—For fiscal year 2008 and each fiscal year thereafter, there are authorized to be appropriated to the National Science Foundation not less than $25,000,000, to be made available through the Science and Technology Policy Institute, for research in those priority areas.''.

SEC. —05. ABRUPT CLIMATE CHANGE RESEARCH.

(a) IN GENERAL.—The Secretary, through the National Oceanic and Atmospheric Administration, shall carry out a program of scientific research on potential abrupt climate change designed—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order sufficiently to identify and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate these mechanisms into advanced geophysical models of climate change; and

(4) to test the output of these models against an improved global array of records of past abrupt climate changes.

(b) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in climate that occurs so rapidly or unexpectedly that human or natural systems may have difficulty adapting to it.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $60,000,000 for fiscal year 2008 to carry out this section, such sum to remain available until expended.

SEC. —06. NATIONAL CLIMATE CHANGE VULNERABILITY AND RESILIENCE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Commerce shall establish a National Climate Change Vulnerability and Resilience Program to evaluate and make recommendations about local, regional, and national vulnerability and resilience to impacts relating to longer-term climatic changes and shorter-term climatic variations, including changes and variations resulting from human activities.

(b) CONSULTATION.—In designing the Program, the Administrator of the National Oceanic and Atmospheric Administration shall consult with Federal agencies participating in the United States Global Change Research Program established under section 103 of the Global Change Research Act of 1990 (15 U.S.C. 2933) and any other appropriate Federal, State, or local agency.

(c) OFFICE OF CLIMATE CHANGE VULNERABILITY AND RESILIENCE RESEARCH.—The Secretary shall establish an Office of Climate Change Vulnerability and Resilience Research within the Department of Commerce, which shall—

(1) be responsible for managing the Program; and

(2) in accordance with the design of the Program, coordinate climatic change and climatic variation vulnerability and resilience research in the United States.

(d) VULNERABILITY ASSESSMENTS.—The Program shall include—

(1) evaluations, based on historical data, current observational data, and, where appropriate, available predictions, of local, State, regional, and national vulnerability to phenomena associated with climatic change and climatic variation, including—

(A) severe weather events, such as severe thunderstorms, tornadoes, and hurricanes;

(B) annual and interannual climate events, such as the El Niño Southern Oscillation and the North Atlantic Oscillation;

(C) changes in sea level and shifts in the hydrological cycle;

(D) natural hazards, including tsunamis, droughts, floods, and wildfires; and

(E) alterations of ecological communities as a result of climatic change and climatic variation; and

(2) the production of a vulnerability scorecard, in cooperation with State and local institutions including university researchers and programs, that assesses the vulnerability and capacity of each State to respond to climatic change and climatic variation hazards.

(e) PREPAREDNESS RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, the Office shall submit to Congress a report that—

(1) includes the vulnerability scorecards produced under subsection (d)(2); and

(2) identifies, and recommends implementation and funding strategies for, short-term and long-term actions that may be taken at the local, State, regional, or national level—

(A) to minimize climatic change and climatic variation threats to human life and property;

(B) to minimize negative economic impacts of climatic change and climatic variation; and

(C) to improve resilience to climatic change and climatic variation hazards.

(f) VULNERABILITY RESEARCH.—In addition to other responsibilities under this section, the Office shall—

(1) apply the results of available vulnerability research to develop and improve criteria that measure resilience to climatic change and climatic variation hazards at the local, State, regional, and national levels;

(2) coordinate the implementation of short-term and long-term research programs based on the recommendations made under subsection (e)(2);

(3) measure progress in increasing the capacity of each State to respond to climatic change and climatic variation hazards, using the vulnerability scorecards produced under subsection (d)(2) as a benchmark; and

(4) not less than annually, review and, if appropriate due to the availability of additional information, update the vulnerability scorecards and the recommendations made under subsection (e)(2).

(g) INFORMATION AND TECHNOLOGY DISSEMINATION.—The Secretary shall—

(1) make widely available appropriate information, technologies, and products to assist local, State, regional, and national efforts to reduce loss of life and property due to climatic change and climatic variation; and

(2) coordinate the dissemination of the information, technologies, and products through all appropriate channels.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000.

SA 926. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division D, insert the following:

SEC. _____. PARTNERSHIPS FOR ACCESS TO LABORATORY SCIENCE PILOT PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) To remain competitive in science and technology in the global economy, the United States must increase the number of students graduating from high school prepared to pursue postsecondary education in science, technology, engineering, and mathematics.

(2) There is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that laboratory experience is so integral to the nature of science that it must be included in every science program for every science student.

(3) In America's Lab Report, the National Research Council concluded that the current quality of laboratory experiences is poor for most students and that educators and researchers do not agree on how to define high school science laboratories or on their purpose, hampering the accumulation of research on how to improve labs.

(4) The National Research Council found that schools with higher concentrations of non-Asian minorities and schools with higher concentrations of poor students are less likely to have adequate laboratory facilities than other schools.

(5) The Government Accountability Office reported that 49.1 percent of schools where the minority student population is greater than 50.5 percent reported not meeting functional requirements for laboratory science well or at all.

(6) 40 percent of those college students who left the science fields reported some problems related to high school science preparation, including lack of laboratory experience and no introduction to theoretical or to analytical modes of thought.

(7) It is the national interest for the Federal Government to invest in research and demonstration projects to improve the teaching of laboratory science in the Nation's high schools.

(b) GRANT PROGRAM.—Section 8(8) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and indenting appropriately;

(2) by moving the flush language at the end 2 ems to the right;

(3) in the flush language at the end, by striking ''paragraph'' and inserting ''subparagraph'';

(4) by striking ''INITIATIVE.—A program of'' and inserting ''INITIATIVE.—

''(A) IN GENERAL.—A program of''; and

(5) by inserting at the end the following:

''(B) PILOT PROGRAM.—

''(i) IN GENERAL.—In accordance with subparagraph (A)(v), the Director shall establish a pilot program designated as 'Partnerships for Access to Laboratory Science' to award grants to partnerships to pay the Federal share of the costs of improving laboratories and providing instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

''(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

''(II) maintenance, renovation, and improvement of laboratory facilities;

''(III) professional development and training for teachers;

''(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science academic achievement standards;

''(V) training in laboratory safety for school personnel;

''(VI) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

''(VII) assessment of the activities funded under this subparagraph.

''(ii) PARTNERSHIP.—Grants awarded under clause (i) shall be to a partnership that—

''(I) includes an institution of higher education or a community college;

''(II) includes a high-need local educational agency;

''(III) includes a business or eligible nonprofit organization; and

''(IV) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

''(iii) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts from a grant under clause (i) shall not exceed 50 percent.''.

(c) REPORT.—The Director of the National Science Foundation shall evaluate the effectiveness of activities carried out under the pilot projects funded by the grant program established pursuant to the amendment made by subsection (b) in improving student performance in mathematics, science, engineering, and technology. A report documenting the results of that evaluation shall be submitted to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Science and Technology of the House of Representatives not later than 5 years after the date of enactment of this Act. The report shall identify best practices and materials developed and demonstrated by grant awardees.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section and the amendments made by this section $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

SA 927. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 24, between lines 19 and 20, insert the following:

SEC. 1203. BRINGING UNIVERSITY GENERATED TECHNOLOGICAL INNOVATIONS TO MARKET.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by adding at the end the following:

''(g) GRANTS TO BRING TECHNOLOGICAL INNOVATIONS TO COMMERCIAL MARKETS.—

''(1) IN GENERAL.—The Secretary shall work with technology transfer offices of institutions of higher education to develop a program to identify technological innovations with commercial potential, enhance the commercial viability of those technological innovations, bring them to the attention of potential investors, and bring their technological innovations to market.

''(2) GRANTS.—

''(A) IN GENERAL.—As part of the program developed under paragraph (1), the Secretary shall establish a grant program to underwrite efforts by a higher education institution's technology transfer office—

''(i) to identify technological innovations with significant potential commercial applications;

''(ii) to evaluate steps necessary to modify, enhance, or further develop the technological innovations for commercial applications;

''(iii) to assist in such modification, enhancement, or development; and

''(iv) to bring the technological innovations to the attention of potential investors.

''(B) SUPPORT LEVELS.—The Secretary may make grants under the program of—

''(i) not more than $5,000 for the evaluation of a technological innovation for further development, including market analysis, determining adoption drivers, assessment of risk factors and identification of additional steps required, including the production of preliminary product or prototype specifications, analysis of critical success factors, and prospects for private sector funding; and

''(ii) not more than $50,000 for investment in a working prototype or detailed development plan.

''(3) ADMINISTRATIVE MATTERS.—

''(A) COMPETITIVE AWARDS.—Grants under the program shall be awarded on a competitive basis.

''(B) APPLICATIONS.—An application for a grant under the program shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(C) RELATED TECHNOLOGICAL INNOVATIONS.—For the purpose of determining the amount of a grant awarded under the program, all related technological innovations intended or designed to function in concert for a product or technology shall be considered a single technological innovation.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2008 through 2013 such sums as may be necessary to carry out this section not to exceed 20 million dollars.''.

SA 928. Mr. DEMINT (for himself, Mr. MARTINEZ, Mr. CORNYN, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

At the appropriate place, insert the following:

SEC. _____. SMALLER PUBLIC COMPANY OPTION REGARDING INTERNAL CONTROL PROVISION.

Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended by adding at the end the following:

''(c) SMALLER PUBLIC COMPANY OPTION.—

''(1) VOLUNTARY COMPLIANCE.—A smaller issuer shall not be subject to the requirements of subsection (a), unless the smaller issuer voluntarily elects to comply with such requirements, in accordance with regulations prescribed by the Commission. Any smaller issuer that does not elect to comply with subsection (a) shall state such election, together with the reasons therefor, in its annual report to the Commission under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)).

''(2) DEFINITION OF SMALLER ISSUER.—

''(A) IN GENERAL.—For purposes of this subsection, and subject to subparagraph (B), the term 'smaller issuer' means an issuer for which an annual report is required by section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)), that—

''(i) has a total market capitalization at the beginning of the relevant reporting period of less than $700,000,000;

''(ii) has total product and services revenue for that reporting period of less than $125,000,000; or

''(iii) has, at the beginning of the relevant reporting period, fewer than 1500 record beneficial holders.

''(B) ANNUAL ADJUSTMENTS.—The amounts referred to in clauses (i) and (ii) of subparagraph (A) shall be adjusted annually to account for changes in the Consumer Price Index for all urban consumers, United States city average, as published by the Bureau of Labor Statistics.''.

SA 929. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 8, strike lines 7 through 9, and insert the following:

(10) all provisions of the Internal Revenue Code of 1986, including tax provisions, compliance costs, and reporting requirements, that discourage innovation;

(11) the extent to which Federal funding promotes or hinders innovation; and

(12) the extent to which individuals are being

SA 930. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes a congressional earmark of appropriated funds authorized by this Act.

(b) DEFINITIONS.—For the purpose of this section, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to

a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 931. Mrs. MCCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS, AND PROGRAMS.

(a) REVIEW.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines each annual and interim report required to be submitted to Congress under this Act (including any amendment made by this Act);

(2) assesses the effectiveness of the activities, grants, and programs carried out under this Act (including any amendment made by this Act); and

(3) includes any recommendation of legislative or administrative actions as the Comptroller General determines are appropriate to improve the effectiveness of such activities, grants, and programs.

(b) SURVEY.—

(1) IN GENERAL.—In carrying out subsection (a), the Comptroller General shall conduct an anonymous, double blind survey of employees of departments and agencies, contractors, and other recipients of relevant funds, and stakeholders to assess—

(A) compliance with the provisions of law applicable to activities, grants, and programs carried out under this Act (including any amendment made by this Act);

(B) any mismanagement of such activities, grants, and programs; and

(C) any retaliation or pressure against any individual who reports or refuses to participate in any violation of law applicable to such activities, grants, and programs.

(2) PUBLICATION.—The Comptroller General shall—

(A) publish the results of the survey conducted under this subsection in the Federal Register; and

(B) post the results on the website of the Government Accountability Office.

SA 932. Mrs. MCCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS, AND PROGRAMS.

(a) REVIEW.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines each annual and interim report required to be submitted under this Act (including any amendment made by this Act);

(2) assesses the effectiveness of the activities, grants, and programs carried out under this Act (including any amendment made by this Act); and

(3) includes any recommendation of legislative or administrative actions as the Comptroller General determines are appropriate to improve the effectiveness of such activities, grants, and programs.

(b) SURVEY.—

(1) IN GENERAL.—In carrying out subsection (a), the Comptroller General shall conduct an anonymous, double blind survey of employees of departments and agencies, contractors, and other recipients of relevant funds, and stakeholders to assess—

(A) compliance with the provisions of law applicable to activities, grants, and programs carried out under this Act (including any amendment made by this Act);

(B) any mismanagement of such activities, grants, and programs; and

(C) any retaliation or pressure against any individual who reports or refuses to participate in any violation of law applicable to such activities, grants, and programs.

(2) PUBLICATION.—The Comptroller General shall—

(A) publish the results of the survey conducted under this subsection in the Federal Register; and

(B) post the results on the website of the Government Accountability Office.

(c) SUNSET.—Effective on and after the date occurring 5 years after the date of enactment of this Act, the provisions of this Act (including any amendment made by this Act) shall cease to have any force and effect.

SA 933. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL INSTITUTE FOR LEARNING SCIENCE AND TECHNOLOGY.

(a) ESTABLISHMENT.—There is established within the Department of Commerce a pilot program, which shall be known as the ''National Institute for Learning Science and Technology'' (referred to in this section as the ''Institute''), to provide leadership and coordination in developing applications for the research described in subsection (c)(1).

(b) DIRECTOR.—The Institute shall be headed by a Director, who shall be appointed by the Secretary of Commerce.

(c) GRANTS.—

(1) AUTHORIZATION.—The Director shall award grants, on a competitive basis, to entities described in paragraph (2), to support basic and applied research in developing technologies for enhancing education, learning, and workforce training, including—

(A) innovative learning and assessment systems;

(B) advanced technology prototypes for learning;

(C) education and training; and

(D) the tools needed to create the systems and prototypes referred to in subparagraphs (A) and (B).

(2) APPLICATIONS.—An entity with demonstrated scientific research experience in technology, learning, math, or science, which is seeking a grant under this subsection, shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director, in consultation with the Secretary, may reasonably require.

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, on an annual basis, a rigorous evaluation of all of the programs and projects carried out with grants awarded under this section.

(2) REPORT.—Not later than April 30 of each year, the Director shall submit a report describing the activities of the Institute during the previous year to—

(A) the Secretary of Commerce; and

(B) the appropriate committees of Congress.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each of the fiscal years 2009 through 2012.

(f) SUNSET DATE.—This section is repealed on September 30, 2012.

SA 934. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Strike title III of division A.

SA 935. Mr. VOINOVICH (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADVANCED MULTIDISCIPLINARY COMPUTING SOFTWARE CENTERS.

(a) DEFINITIONS.—In this section:

(1) ADVANCED MULTIDISCIPLINARY COMPUTING SOFTWARE CENTER; CENTER.—The terms ''Advanced Multidisciplinary Computing Software Center'' and ''Center'' mean a center created by an eligible entity with a grant awarded under subsection (b).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any—

(A) nonprofit organization;

(B) consortium of nonprofit organizations; or

(C) partnership between a for profit and a nonprofit organization.

(3) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means any organization that—

(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(B) is exempt from taxation under section 501(a) of such Code.

(4) SMALL BUSINESS OR MANUFACTURER.—The term ''small business or manufacturer'' has the meaning given the term ''small business concern'' in section 3(a) of the Small Business Act (15 U.S.C. 632(a)), including a small manufacturing concern.

(5) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Technology of the Department of Commerce.

(b) GRANTS.—

(1) IN GENERAL.—The Under Secretary shall award grants to eligible entities to establish up to 5 Advanced Multidisciplinary Computing Software Centers throughout the United States.

(2) PURPOSES.—Each Center established with grant funds awarded under paragraph (1) shall—

(A) conduct general outreach to small businesses and manufacturers in all industry sectors within the geographic region assigned to the Center by the Under Secretary; and

(B) conduct technology transfer, development, and utilization programs for businesses throughout the United States in the specific industry sector assigned to the Center by the Under Secretary.

(3) APPLICATION.—

(A) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Under Secretary at such time, in such manner, and accompanied by such additional information as the Under Secretary may reasonably require.

(B) PUBLICATION IN FEDERAL REGISTER.—Not later than 6 months after the date of the enactment of this Act, the Under Secretary shall publish the application requirements referred to in subparagraph (A) in the Federal Register.

(C) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) conform to the requirements prescribed by the Under Secretary under this paragraph; and

(ii) a proposal for the allocation of the legal rights associated with any invention that may result from the activities of the proposed Center.

(D) SELECTION CRITERIA.—In evaluating each application submitted under subparagraph (A) on the basis of merit, the Under Secretary shall consider—

(i) the extent to which the eligible entity—

(I) has a partnership with nonprofit organizations, businesses, software vendors, and academia recognized for relevant expertise in its selected industry sector;

(II) uses State-funded academic supercomputing centers and universities or colleges with expertise in the computational needs of the industry assigned to the eligible entity under paragraph (2)(A);

(III) has a history of working with small businesses and manufacturers;

(IV) has experience providing educational programs aimed at helping organizations adopt the use of high-performance computing and computational science;

(V) has partnerships with education or training organizations that can help educate future workers on the application of computational science to industry needs;

(VI) is accessible to businesses, academia, incubators, or other economic development organizations via high-speed networks; and

(VII) is capable of partnering with small businesses and manufacturers to enhance the ability of such entities to compete in the global marketplace;

(ii) the ability of the eligible entity to enter successfully into collaborative agreements with small businesses and manufacturers to experiment with new high performance computing and computational science technologies; and

(iii) such other factors that the Under Secretary considers relevant.

(4) MAXIMUM AMOUNT.—The Under Secretary may not award a grant under this section in an amount which exceeds $5,000,000 for any year of the grant period.

(5) DURATION.—

(A) IN GENERAL.—Except as provided under subparagraph (B), a grant may not be awarded under this subsection for a period exceeding 5 years.

(B) RENEWAL.—The Under Secretary may renew any grant awarded under this subsection.

(6) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The Under Secretary may not award a grant under this subsection unless the eligible entity receiving such grant agrees to provide not less than 50 percent of the capital and annual operating and maintenance funds required to create and maintain the Center established with such grant funds.

(B) FUNDING FROM OTHER FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCIES.—The funds provided by the eligible entity under subparagraph (A) may include amounts received by the eligible entity from the Federal Government (other than the Department of Commerce), a State, or a unit of local government.

(7) LIMITATION ON ADMINISTRATIVE EXPENSES.—The Under Secretary may establish a reasonable limitation on the portion of each grant awarded under this subsection that may be used for administrative expenses or other overhead costs.

(8) FEES AND ALTERNATIVE FUNDING SOURCES AUTHORIZED.—

(A) IN GENERAL.—A Center established with a grant awarded under this Act may, in accordance with regulations established by the Under Secretary—

(i) collect a nominal fee from a small business or manufacturer for a service provided under this section, if such fee is utilized for the budget and operation of the Center; and

(ii) accept financial assistance from the Federal Government (other than the Department of Commerce) for capital costs and operating budget expenses.

(B) CONDITION.—Any Center receiving financial assistance from the Federal Government (other than the Department of Commerce) may be selected, and if selected shall be operated, in accordance with this section.

(c) USE OF FUNDS.—Grant funds received under subsection (b) shall be used for the benefit of businesses in the industry sector designated by the Under Secretary under subsection (b)(2)(A) to—

(1) create a repository of nonclassified, nonproprietary new and existing federally funded software and algorithms;

(2) test and validate software in the repository;

(3) determine when and how the industry sector it serves could benefit from resources in the repository;

(4) work with software vendors to commercialize repository software and algorithms from the repository;

(5) make software available to small businesses and manufacturers where it has not been commercialized by a software vendor;

(6) help software vendors, small businesses, and manufacturers test or utilize the software on high-performance computing systems; and

(7) maintain a research and outreach team that will work with small businesses and manufacturers to aid in the identification of software or computational science techniques which can be used to solve challenging problems, or meet contemporary business needs of such organizations.

(d) REPORTS AND EVALUATIONS.—

(1) ANNUAL REPORT.—Each eligible entity that receives a grant under subsection (b) shall submit an annual report to the Under Secretary that describes—

(A) the goals of the Center established by the eligible entity; and

(B) the progress made by the eligible entity in achieving the purposes described in subsection (b)(2).

(2) EVALUATION.—The Under Secretary shall establish a peer review committee, composed of representatives from industry and academia, to review the goals and progress made by each Center during the grant period.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $25,000,000 for each of the fiscal years 2008 through 2012 to carry out this section.

(2) AVAILABILITY.—Funds appropriated pursuant to paragraph (1) shall remain available until expended.

SA 936. Mr. SANDERS (for himself, Mr. BAUCUS, Mr. LEAHY, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYEE OWNERSHIP EXPANSION.

(a) FINDINGS.—Congress makes the following findings:

(1) Between 2000 and 2006, the United States lost more than 3,000,000 manufacturing jobs.

(2) In 2006, the international trade deficit of the United States was more than $763,000,000,000, $232,000,000,000 of which was due to the Nation's trade imbalance with China.

(3) Preserving and increasing jobs in the United States that pay a living wage should be a top priority of Congress.

(4) Providing loan guarantees, direct loans, grants, and technical assistance to employees to buy their own companies will increase the competitiveness of the United States.

(b) UNITED STATES EMPLOYEE OWNERSHIP COMPETITIVENESS FUND.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce (referred to in this section as the ''Secretary'') shall establish the United States Employee Ownership Competitiveness Fund (referred to in this section as the ''Fund'') to foster increased employee ownership of companies and greater employee participation in company decision-making throughout the United States.

(2) ORGANIZATION.—

(A) MANAGEMENT.—The Fund shall be managed by a Director, who shall be appointed by, and serve at the pleasure of, the Secretary.

(B) STAFF.—The Director may select, appoint, employ, and fix the compensation of such employees as shall be necessary to carry out the functions of the Fund.

(3) FUNCTIONS.—Amounts in the Fund established under paragraph (1) may be used to provide—

(A) loans subordinated to the interests of all other creditors, loan guarantees, and technical assistance, on such terms and subject to such conditions as the Secretary determines to be appropriate, to employees to purchase a business through an employee stock ownership plan or eligible worker-owned cooperative that are at least 51 percent employee owned; and

(B) grants to States and nonprofit and cooperative organizations with experience in developing employee-owned businesses and worker-owned cooperatives to—

(i) provide education and outreach to inform people about the possibilities and benefits of employee ownership of companies, gain sharing, and participation in company decision-making, including some financial education;

(ii) provide technical assistance to assist employee efforts to become business owners;

(iii) provide participation training to teach employees and employers methods of employee participation in company decision-making; and

(iv) conduct objective third party prefeasibility and feasibility studies to determine if employees desiring to start employee stock ownership plans or worker cooperatives could make a profit.

(4) PRECONDITIONS.—Before the Director makes any subordinated loan or loan guarantee from the Fund under paragraph (3)(A), the recipient employees shall submit to the Fund—

(A) a business plan showing that—

(i) at least 51 percent of all interests in the employee stock ownership plan or eligible worker-owned cooperative is owned or controlled by employees;

(ii) the Board of Directors of the employee stock ownership plan or eligible worker-owned cooperative is elected by all of the employees; and

(iii) all employees receive basic information about company progress and have the opportunity to participate in day-to-day operations; and

(B) a feasibility study from an objective third party with a positive determination that the employee stock ownership plan or eligible worker-owned cooperative will be profitable enough to pay any loan, subordinated loan, or loan guarantee that was made possible through the Fund.

(5) INSURANCE OF SUBORDINATED LOANS AND LOAN GUARANTEES.—

(A) IN GENERAL.—The Director shall use amounts in the Fund to insure any subordinated loan or loan guarantee provided under this section against the nonrepayment of the outstanding balance of the loan.

(B) ANNUAL PREMIUMS.—The annual premium for the insurance of each subordinated loan or loan guarantee under this subsection shall be paid by the borrower in such manner and in such amount as the Secretary determines to be appropriate.

(C) PREMIUMS AND GUARANTEE FEES AVAILABLE TO COVER LOSSES.—The premiums paid to the Fund from insurance issued under this paragraph and the fees paid to the Fund for loan guarantees issued under paragraph (2)(A) shall be deposited in an account managed by the Secretary of Commerce and may be used to reimburse the Fund for any losses incurred by the Fund in connection with any such loan or loan guarantee.

(6) TECHNICAL ASSISTANCE IN THE DISCRETION OF THE SECRETARY.—If a grant is made under paragraph (3)(B)(ii), the Secretary may require the Director to—

(A) provide for the targeting of key groups such as retiring business owners, unions, managers, trade associations, and community organizations;

(B) encourage cooperation in organizing workshops and conferences; and

(C) provide for the preparation and distribution of materials concerning employee ownership and participation.

(7) PARTICIPATION TRAINING IN THE DISCRETION OF THE SECRETARY.—If a grant is made under paragraph (3)(B)(iii), the Secretary may require the Director to provide for—

(A) courses on employee participation; and

(B) the development and fostering of networks of employee-owned companies to spread the use of successful participation techniques.

(c) RULEMAKING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce shall promulgate regulations that ensure—

(1) the safety and soundness of the Fund; and

(2) that the Fund does not compete with commercial financial institutions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $100,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for subsequent fiscal years.

SA 937. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

After section 3002 of division C, insert the following:

SEC. 3003. CONSOLIDATION AND ELIMINATION AUTHORITY FOR STEM PROGRAMS.

(a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the Office of Science and Technology Policy shall be authorized to—

(1) eliminate existing Federal education programs focused on science, technology, engineering, and mathematics; or

(2) consolidate such Federal education programs.

(b) EFFECTIVE DATE OF ELIMINATION OR CONSOLIDATION.—The Director of the Office of Science and Technology Policy's decision to eliminate or consolidate any program under subsection (a) shall become effective 60 days after the Director notifies Congress of such consolidation or elimination.

SA 938. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

Strike section 4002.

SA 939. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking ''taxes during the period beginning November 1, 2003, and ending November 1, 2007:'' and inserting ''taxes:''.

SA 940. Mr. KENNEDY proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 98, lines 14 and 15, strike ''mathematics, science,'' and insert ''mathematics, science, technology,''.

On page 98, between lines 17 and 18, insert the following:

(3) to develop programs for professionals in mathematics, science, or critical foreign language education that lead to a master's degree in teaching that results in teacher certification.

On page 103, lines 19 and 20, strike ''mathematics, science,'' and insert ''mathematics, science, technology, engineering,''.

On page 105, line 18, strike ''mathematics or science'' and insert ''mathematics, science, technology, or engineering''.

On page 105, lines 22 and 23, strike ''mathematics, science'' and insert ''mathematics, science, technology, engineering,''.

On page 106, line 15, strike ''mathematics and science'' and insert ''mathematics, science, and where applicable, technology and engineering''.

On page 106, line 18, strike ''mathematics and science'' and insert ''mathematics, science, and, where available, technology and engineering''.

On page 109, lines 1 and 2, strike ''**MATHEMATICS, SCIENCE,**'' and insert ''**MATHEMATICS, SCIENCE, TECHNOLOGY,**''.

On page 109, line 10, strike ''and implement'' and all that follows through line 13, and insert the following:

and implement—

(1) 2- or 3-year part-time master's degree programs in mathematics, science, technology, or critical foreign language education for teachers in order to enhance the teacher's content knowledge and teaching skills; or

(2) programs for professionals in mathematics, science, engineering, or critical foreign language that lead to a 1 year master's degree in teaching that results in teacher certification.

On page 109, line 18, strike ''mathematics, science,'' and insert ''mathematics, science, engineering, technology,''.

On page 109, line 21, insert ''the'' after ''of''.

On page 109, lines 21 through 24, strike ''in mathematics, science, or a critical foreign language for teachers that enhance the teachers' content knowledge and teaching skills'' and insert ''authorized under subsection (a)''.

On page 110, line 12, strike ''mathematics and science'' and insert ''mathematics, science, and, where applicable, technology and engineering''.

On page 110, line 19, strike ''teachers'' and insert ''participants''.

On page 110, line 22, strike ''teachers'' and insert ''participants''.

On page 110, line 24, insert ''(or mathematics, science, or critical language professionals)'' after ''teachers''.

Beginning on page 110, line 25 through page 111, line 1, strike ''mathematics, science,'' and insert ''mathematics, science, engineering, technology,''.

On page 111, line 12, strike ''teachers participating in the program'' and insert ''the program participants''.

On page 111, insert between lines 12 and 13 the following:

(11) methods to ensure applicants to the master's degree program for professionals in mathematics, science, or critical foreign language demonstrate advanced knowledge in the relevant subject.

On page 111, line 19, insert '', or programs for professionals in mathematics, science, or critical foreign language that lead to a 1-year master's degree in teaching that results in teacher certification'' after ''skills''.

On page 111, lines 20 and 21, strike ''the teachers participating in the program'' and insert ''that program participants''.

On page 112, lines 2 and 3, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 113, line 1, strike ''mathematics, science,'' and insert ''mathematics, science, engineering, technology,''.

On page 113, insert between lines 6 and 7 the following:

(9) create opportunities for enhanced and ongoing professional development for teachers that improves the mathematics and science content knowledge and teaching skills of such teachers; and

On page 113, line 14, strike ''increasing''.

On page 113, line 15, strike ''The'' and insert ''Increasing the''.

On page 113, lines 15 and 16, strike ''mathematics, science,'' and insert ''mathematics, science, engineering, technology,''.

On page 114, strike lines 6 and 7 and insert the following:

(2) Bringing professionals in mathematics, science, engineering, or critical foreign language into the field of teaching.

(3) Retaining teachers who participate in the program.

On page 114, line 13, strike ''section'' and insert ''subtitle''.

On page 117, line 21, insert '', or another highly rigorous, evidence-based, postsecondary preparatory program terminating in an examination administered by a nationally recognized educational association'' before the period at the end.

On page 129, between lines 11 and 12, insert the following:

Subtitle C—Promising Practices in Mathematics, Science, Technology, and Engineering Teaching

SEC. 3131. PROMISING PRACTICES.

(a) PURPOSE.—The purpose of this section is to strengthen the skills of mathematics, science, technology, and engineering teachers by identifying promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education.

(b) NATIONAL PANEL ON PROMISING PRACTICES IN TEACHING MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING.—The Secretary is authorized to contract with the National Academy of Sciences to convene, not later than 1 year after the date of enactment of this Act, a national panel to identify existing promising practices in the teaching of mathematics, science, technology, and engineering in kindergarten through grade 12.

(c) COMPOSITION OF NATIONAL PANEL.—

(1) CONSULTATION.—The Secretary shall enter into a contract with the National Academy of Sciences to establish a panel to identify existing promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education with demonstrated evidence of increasing student academic achievement.

(2) SELECTION.—The National Academy of Sciences shall ensure that the panel established under paragraph (1) broadly represents scientists, practitioners, teachers, principals, and representatives from entities with expertise in education, mathematics, and science. The National Academy of Sciences shall ensure that the panel includes the following:

(A) A majority representation of teachers and principals directly involved in teaching mathematics, science, technology, or engineering in kindergarten through grade 12.

(B) Representation of teachers and principals from all demographic areas, including urban, suburban, and rural schools.

(C) Representation of teachers from public and private schools.

(3) QUALIFICATIONS OF MEMBERS.—The members of the panel established under paragraph (1) shall be individuals who have substantial knowledge or experience relating to—

(A) mathematics, science, technology, or engineering education programs; or

(B) mathematics, science, technology, or engineering curricula content development.

(d) AUTHORIZED ACTIVITIES OF NATIONAL PANEL.—The panel shall—

(1) identify promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education;

(2) identify techniques proven to help teachers increase their skills and expertise in improving student achievement in mathematics, science, technology, and engineering; and

(3) identify areas of need for promising practices in mathematics, science, technology, and engineering.

(e) DISSEMINATION.—The Secretary shall disseminate information collected pursuant to this section to the public, State educational agencies, and local educational agencies, and shall publish appropriate and relevant information on the promising practices on the website of the Department in an easy to understand format.

(f) MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING ''PROMISING PRACTICES''.—

(1) RELIABILITY AND MEASUREMENT.—The promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education collected under this section shall be—

(A) reliable, valid, and grounded in scientific theory and research;

(B) reviewed regularly to assess effectiveness; and

(C) reviewed in the context of State academic assessments and student academic achievement standards.

(2) STUDENTS WITH DIVERSE LEARNING NEEDS.—In identifying promising practices under this section, the panel established under subsection (c) shall take into account the needs of students with diverse learning needs, particularly for students with disabilities and students who are limited English proficient.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008.

On page 129, strike line 12 and insert the following:

TITLE II—MATHEMATICS

On page 129, lines 23 and 24, strike ''based on the best available evidence of effectiveness'' and insert ''research-based and reflect a demonstrated record of effectiveness''.

On page 133, strike lines 12 through 15 and insert the following:

(i) implementing mathematics programs or comprehensive mathematics initiatives that are research-based and reflect a demonstrated record of effectiveness;

On page 134, lines 9 through 11, strike ''instructional materials and interventions (including intensive and systematic instruction)'' and insert ''programs or comprehensive mathematics initiatives''.

On page 134, lines 16 and 17, strike ''based on the best available evidence of effectiveness'' and insert ''research-based and reflect a demonstrated record of effectiveness''.

On page 136, line 24, strike ''materials or''.

On page 137, lines 2 and 3, strike ''based on the best available evidence of effectiveness'' and insert ''research-based and reflect a demonstrated record of effectiveness''.

On page 137, line 11, strike ''and''.

On page 137, line 19, strike the period at the end and insert ''; and''.

On page 137, between lines 19 and 20, insert the following:

(E) an assurance that the State will establish a process to safeguard against conflicts of interest, consistent with subsection (g)(2), for individuals providing technical assistance on behalf of the State educational agency or participating in the State peer review process under this title.

On page 138, line 16, strike ''materials or''.

On page 138, lines 20 and 21, strike ''and materials are based on the best available evidence of effectiveness'' and insert ''are research-based and reflect a demonstrated record of effectiveness''.

On page 139, strike lines 19 and 20 and insert the following:

(g) PROHIBITIONS.—

On page 140, between lines 5 and 6, insert the following:

(2) CONFLICT OF INTEREST.—Any Federal employee, contractor, or subcontractor involved in the administration, implementation, or provision of oversight or technical assistance duties or activities under this section shall—

(A) disclose to the Secretary any financial ties to publishers, entities, private individuals, or organizations that will benefit from funds provided under this section; and

(B) be prohibited from maintaining significant financial interests in areas directly related to duties or activities under this section, unless granted a waiver by the Secretary.

(3) REPORTING.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and Labor of the House of Representatives on any of the special allowances or waivers granted under paragraph (2)(B).

On page 140, line 6, strike ''(2)'' and insert ''(3)''.

Beginning on page 156, line 24, strike ''elementary'' and all that follows through ''requirements'' on page 157, line 1, and insert ''State academic content standards''.

On page 157, lines 18 and 19, strike ''prekindergarten'' and insert ''preschool''.

On page 158, between lines 5 and 6, insert the following:

(iii) a representative of the agencies in the State that administer Federal or State-funded early childhood education programs;

(iv) not less than 1 representative of a public community college;

On page 158, strike lines 15 through 17 and insert the following:

(viii) not less than 1 early childhood educator in the State;

On page 161, line 7, strike ''prekindergarten'' and insert ''preschool''.

On page 161, line 21, after ''developing'' insert ''or providing guidance to local educational agencies within the State on the adoption of''.

On page 162, lines 20 through 22, strike ''the students are adequately prepared when the students enter secondary school'' and insert ''such standards and assessments are appropriately aligned and adequately reflect the content needed to prepare students to enter secondary school''.

On page 165, line 3, strike ''PREKINDERGARTEN'' and insert ''PRESCHOOL''.

On page 165, line 6, strike ''prekindergarten'' and insert ''preschool''.

On page 166, line 1, strike ''PREKINDERGARTEN'' and insert ''PRESCHOOL''.

On page 166, line 3, strike ''prekindergarten'' and insert ''preschool''.

On page 168, lines 1 and 2, strike ''student knowledge and skills'' and insert ''State academic content standards''.

On page 168, line 25, after ''school'' insert ''and preschool''.

On page 169, line 7, strike ''content'' and all that follows through ''students'' on line 11, and insert ''academic content standards, substantive curricula, remediation, and acceleration opportunities for students, as well as other changes determined necessary by the State''.

On page 177, strike lines 7 through 15, and insert the following:

(3) PREFERENCES.—The Director shall give preference in making awards to 4-year institutions of higher education seeking Federal funding to create or improve professional science master's degree programs, to those applicants—

(A) located in States with low percentages of citizens with graduate or professional degrees, as determined by the Bureau of the Census, that demonstrate success in meeting the unique needs of the corporate, non-profit, and government communities in the State, as evidenced by providing internships for professional science master's degree students or similar partnership arrangements; or

(B) that secure more than ⅔ of the funding for such professional science master's degree

programs from sources other than the Federal Government.

On page 181, line 17, after ''science'' insert '', technology,''.

Strike section 4012 and insert the following:

SEC. 4012. ROBERT NOYCE TEACHER PROGRAM.

(a) IN GENERAL.—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) is amended—

(1) in the section heading, by striking ''**SCHOLARSHIP**'' and inserting ''**TEACHER**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''(or consortia of such institutions)'' and inserting '', consortia of such institutions, or partnerships'';

(ii) by striking ''to provide scholarships, stipends, and programming designed'';

(iii) by inserting ''and to provide scholarships, stipends, or fellowships to individuals participating in the program'' after ''science teachers''; and

(iv) by striking ''Scholarship'' and inserting ''Teacher'';

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''or consortia'' and inserting ''consortia, or partnerships'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking ''encourage top college juniors and seniors majoring in'' and inserting ''recruit and prepare undergraduate students to pursue degrees in''; and

(bb) by striking ''to become'' and inserting ''and become qualified as'';

(II) in clause (ii)—

(aa) by striking ''programs to help scholarship recipients'' and inserting ''academic courses and clinical teaching experiences designed to prepare students participating in the program'';

(bb) by striking ''programs that will result in'' and inserting ''such preparation as is necessary to meet requirements for''; and

(cc) by striking ''licensing; and'' and inserting ''licensing;'';

(III) in clause (iii)—

(aa) by striking ''scholarship recipients'' and inserting ''students participating in the program'';

(bb) by striking ''enable the recipients'' and inserting ''enable the students''; and

(cc) by striking ''; or'' and inserting ''; and''; and

(IV) by adding at the end the following:

''(iv) providing summer internships for freshman and sophomore students participating in the program;'';

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking ''encourage'' and inserting ''recruit and prepare''; and

(bb) by inserting ''qualified as'' after ''to become'';

(II) by striking clause (ii) and inserting the following:

''(ii) offering academic courses and clinical teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools, including such preparation as is necessary to meet requirements for teacher certification or licensing; and''; and

(III) in clause (iii), by striking the period at the end and inserting ''; or''; and

(iv) by adding at the end the following:

''(C) to develop and implement a program to recruit and prepare mathematics, science, or engineering professionals to become NSF Teaching Fellows, and to recruit existing teachers to become NSF Master Teaching Fellows, through—

''(i) administering fellowships in accordance with subsection (e);

''(ii) offering academic courses and clinical teaching experiences that are designed to prepare students participating in the program to teach in secondary schools and that, in the case of NSF Teaching Fellows, result in a master's degree in teaching and teacher certification or licensing; and

''(iii) offering programs to participants to assist in the fulfillment of the participants' responsibilities under this section, including mentoring, training, mentoring training, and induction and professional development programs.''; and

(C) by adding at the end the following:

''(4) ELIGIBILITY REQUIREMENT.—To be eligible for an award under this section, an institution of higher education, a consortium of such institutions, or a partnership shall ensure that specific faculty members and staff from the mathematics, science, or engineering department of the institution (or a participating institution of the consortium or partnership) and specific education faculty members of the institution (or such participating institution) are designated to carry out the development and implementation of the program. An institution of higher education and consortium may also include teachers to participate in developing the pedagogical content of the program and to supervise students participating in the program in the students' field teaching experiences. No institution of higher education, consortium, or partnership shall be eligible for an award unless faculty from the mathematics, science, or engineering department of the institution (or such participating institution) are active participants in the program.

''(5) MATCHING REQUIREMENT.—An institution of higher education, consortium of institutions of higher education, or partnership receiving a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

''(6) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, and not supplant, other Federal or State funds available for the type of activities supported by the grant.'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''or consortium'' and inserting ''consortium, or partnership'';

(ii) by striking subparagraph (A) and inserting the following:

''(A) a description of the program that the applicant intends to operate, including—

''(i) the number of scholarships and summer internships or the size and number of stipends or fellowships the applicant intends to award;

''(ii) the type of activities proposed for the recruitment of students to the program; and

''(iii) the selection process that will be used in awarding the scholarships, stipends, or fellowships;'';

(iii) in subparagraph (B)—

(I) by striking ''scholarship or stipend''; and

(II) by striking ''; and'' and inserting '', which may include a description of any existing programs at the applicant's institution that are targeted to the education of mathematics and science teachers and the number of teachers graduated annually from such programs;''; and

(iv) by striking subparagraph (C) and inserting the following:

''(C) a description of the academic courses and clinical teaching experiences required under subparagraph (A)(ii), (B)(ii), or (C)(ii) of subsection (a)(3), as applicable, including—

''(i)(I) a description of the undergraduate program under subsection (a)(3)(A)(ii) that will enable a student to graduate in 4 years with a major in mathematics, science, or engineering and to obtain teacher certification or licensing; or

''(II) a description of the master's degree programs offered under subsection (a)(3)(C)(ii);

''(ii) a description of clinical teaching experiences proposed; and

''(iii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which clinical teaching experiences will occur;

''(D) a description of the programs required under subparagraph (A)(iii), (B)(iii), or (C)(iii) of subsection (a)(3), as applicable, including activities to assist new teachers in fulfilling their service requirements under this section; and

''(E) an identification of the applicant's mathematics, science, or engineering faculty and its education faculty who will carry out the development and implementation of the program as required under subsection (a)(4).''; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively;

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

''(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognize the specialized pedagogy required to teach mathematics and science effectively in elementary schools and secondary schools;''; and

(iii) in subparagraph (D) (as redesignated by clause (i)), by striking ''or stipend'' and inserting '', stipend, or fellowship'';

(4) in subsection (c)—

(A) in paragraph (3)—

(i) by striking ''$7,500'' and inserting ''$10,000''; and

(ii) by striking ''of scholarship support'' and inserting ''of scholarship support, unless the Director establishes a policy by which part-time students may receive additional years of support''; and

(B) in paragraph (4), by inserting ''with a maximum service requirement of 4 years'' after ''scholarship was received'';

(5) in subsection (d)—

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

''(1) IN GENERAL.—Stipends under this section shall be available only to—

''(A) teachers enrolled in a master's degree program in science, technology, engineering, or mathematics; and

''(B) mathematics, science, or engineering professionals who, while receiving the stipend, are enrolled in a program to receive certification or licensing to teach.'';

(B) in paragraph (3), by inserting '', except that if an individual is enrolled in a part-time program, such stipend shall be prorated according to the length of the program'' after ''stipend support''; and

(C) in paragraph (4), by striking ''for each year a stipend was received'';

(6) by redesignating subsections (e) through (h) and subsection (i) as subsections (f) through (i) and subsection (l), respectively;

(7) by inserting after subsection (d) the following:

''(e) NATIONAL SCIENCE FOUNDATION TEACHING FELLOWSHIPS.—

''(1) PURPOSE.—The purpose of the fellowships under this subsection is to promote and recognize high-level achievement in advanced mathematics and science teaching.

''(2) PARTNERSHIP REQUIREMENTS.—In order to receive a grant under this section to carry out this subsection, the recipient of such grant shall be a partnership and the only local educational agencies that shall be members of the partnership shall be local educational agencies that agree not to reduce the base salary normally paid to an individual solely because such individual receives a salary supplement under this subsection.

''(3) GENERAL CRITERIA.—A partnership receiving a grant to carry out a fellowship program under this subsection shall award such fellowships only to—

''(A) mathematics, science, or engineering professionals who enroll in 1-year master's degree programs in teaching that result in teacher certification or licensing and who shall be referred to as 'NSF Teaching Fellows'; and

''(B) mathematics and science teachers who possess a master's degree in their field and who shall be referred to as 'NSF Master Teaching Fellows'.

''(4) SELECTION.—Individuals shall be selected to receive fellowships under this section primarily on the basis of—

''(A) professional achievement;

''(B) academic merit;

''(C) demonstrated advanced content knowledge; and

''(D) in the case of NSF Master Teaching Fellows, demonstrated success in improving student academic achievement in mathematics, science, technology, or engineering.

''(5) USE OF FUNDS.—Each partnership receiving a grant under this section to award fellowships under this subsection shall—

''(A) provide a stipend to each NSF Teaching Fellow for the duration of the Fellow's enrollment in the master's degree program, to be used to offset the cost of tuition, fees, and living expenses; and

''(B) provide salary supplements to each NSF Teaching Fellow and NSF Master Teaching Fellow during the period of the Fellow's service obligation under paragraph (4).

''(6) SERVICE OBLIGATION.—If an individual is awarded a fellowship under this subsection, that individual shall be required to serve in a high-need local educational agency for—

''(A) in the case of a NSF Teaching Fellow, 4 years; and

''(B) in the case of a NSF Master Teaching Fellow, 5 years.

''(7) DUTIES.—A recipient of a fellowship under this section, during the service obligation required under paragraph (6) and in addition to regular classroom activities, shall take on a leadership role within the school or local educational agency in which the recipient is employed, as defined by the partnership according to the recipient's expertise, including serving as a mentor or master teacher, developing curricula, and assisting in the development and implementation of professional development activities.'';

(8) in subsection (f) (as redesignated by paragraph (6))—

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

''(1) accepting—

''(A) the terms of the scholarship pursuant to subsection (c), the stipend pursuant to subsection (d), or the fellowship pursuant to subsection (e); and

''(B) the terms regarding the failure to complete a service obligation required for the scholarship, stipend, or fellowship pursuant to subsection (h);''; and

(B) in paragraph (3)—

(i) by striking ''scholarship'' and inserting ''scholarship, stipend, or fellowship''; and

(ii) by striking ''subsection (g)'' and inserting ''subsection (h)'';

(9) in subsection (g)(1) (as redesignated by paragraph (6))—

(A) by striking ''(or consortium thereof)'' and inserting '', consortium, or partnership''; and

(B) by striking ''scholarship and stipend'' and inserting ''scholarship, stipend, and fellowship'';

(10) in subsection (h) (as redesignated by paragraph (6))—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting '', stipend, or fellowship'' after ''scholarship''; and

(ii) in subparagraph (C), by striking ''baccalaureate degree''; and

(B) by striking paragraph (2) and inserting the following:

''(2) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—

''(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance described in paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.

''(B) 1 YEAR OR MORE OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, an amount equal to ½ of the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.'';

(11) in subsection (i) (as redesignated by paragraph (6))—

(A) by striking ''or consortia'' and inserting '', consortia, or partnerships'';

(B) by striking ''scholarship recipients and stipend recipients'' and inserting ''scholarship, stipend, and fellowship recipients''; and

(C) by striking ''subsection (e)'' and inserting ''subsection (f)'';

(12) by inserting after subsection (i) (as redesignated by paragraph (6)) the following:

''(j) SCIENCE AND MATHEMATICS SCHOLARSHIP GIFT FUND.—In accordance with section 11(f) of the National Science Foundation Act of 1950, the Director is authorized to accept donations from the private sector to supplement, but not supplant, scholarships, stipends, internships, or fellowships associated with the programs under this section.

''(k) ASSESSMENT OF TEACHER RETENTION.—Not later than 4 years after the date of enactment of the America COMPETES Act, the Director shall transmit to Congress a report on the effectiveness of the program carried out under this section regarding the retention of participants in the teaching profession beyond the service obligation required under this section.'';

(13) in subsection (l) (as redesignated by paragraph (6))—

(A) by redesignating paragraphs (1), (2), (3), (4), and (5) as paragraphs (2), (5), (7), (9), and (10), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) the term 'advanced content knowledge' means demonstrated mathematics or science content knowledge as measured by a rigorous, valid assessment tool that has been approved by the Director;'';

(C) by inserting after paragraph (2) (as redesignated by subparagraph (A)) the following:

''(3) the term 'fellowship' means an award under subsection (e);

''(4) the term 'high-need local educational agency' means a local educational agency or educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

''(A)(i) that serves not less than 10,000 children from low-income families;

''(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

''(B)(i) for which there is a higher percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure;'';

(D) in paragraph (5) (as redesignated by subparagraph (A)), by inserting ''engineering,'' after ''mathematics, science,'';

(E) by inserting after paragraph (5) (as redesignated by subparagraph (A)) the following:

''(6) the term 'mathematics and science teaching' means mathematics, science, engineering, or technology teaching at the elementary or secondary school level;'';

(F) in paragraph (7) (as redesignated by subparagraph (A)) by inserting ''or had a career'' after ''is working''; and

(G) by inserting after paragraph (7) (as redesignated by subparagraph (A)) the following:

''(8) the term 'partnership' means a partnership that shall include—

''(A) an institution of higher education or a consortium of such institutions;

''(B) a department within an institution of higher education participating in the partnership that provides an advanced program of study in mathematics and science;

''(C)(i) a school or department within an institution of higher education participating in the partnership that provides a master teacher's preparation program; or

''(ii) a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with an institution of higher education participating in the partnership;

''(D) not less than 1 high-need local educational agency and a public school or a consortium of public schools served by the agency; and

''(E) 1 or more nonprofit organizations that have the capacity to provide expertise or support to meet the purposes of this section;''; and

(14) by adding at the end the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001 of the America COMPETES Act and except as provided in paragraph (2), there are authorized to be appropriated to the Director for the Robert Noyce Teacher Program under this section—

''(A) $117,000,000 for fiscal year 2008, of which at least $18,000,000 shall be used for capacity building activities described in clauses (ii) and (iii) of subsection (a)(3)(A), clauses (ii) and (iii) of subsection (a)(3)(B), and clauses (ii) and (iii) of subsection (a)(3)(C);

''(B) $130,000,000 for fiscal year 2009, of which at least $21,000,000 shall be used for such capacity building activities;

''(C) $148,000,000 for fiscal year 2010, of which at least $24,000,000 shall be used for such capacity building activities; and

''(D) $200,000,000 for fiscal year 2011, of which at least $27,000,000 shall be used for such capacity building activities.

''(2) EXCEPTION.—For any fiscal year for which the funding allocated for activities under this section is less than $105,000,000, the amount of funding available for capacity building activities described in subparagraphs (A) through (D) of paragraph (1) shall not exceed 15 percent of the allocated funds.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 4.—Section 4 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended in the matter preceding paragraph (1) by striking ''In this Act:'' and inserting ''Except as otherwise provided, in this Act:''.

(2) SECTION 8.—Section 8(6) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(A) in the paragraph heading, by striking ''SCHOLARSHIP'' and inserting ''TEACHER''; and

(B) by striking ''Scholarship'' and inserting ''Teacher''.

On page 205, line 8, strike ''during the summer''.

SA 941. Ms. SNOWE (for herself and Mr. KOHL) submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of title IV of division A, insert the following:

SEC. 1407. CLARIFICATION OF ELIGIBLE CONTRIBUTIONS IN CONNECTION WITH REGIONAL CENTERS RESPONSIBLE FOR IMPLEMENTING THE OBJECTIVES OF THE HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.

Paragraph (3) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(3)) is amended to read as follows:

''(3) FINANCIAL SUPPORT.—

''(A) IN GENERAL.—Any nonprofit institution, or group thereof, or consortia of nonprofit institutions, including entities existing on August 23, 1988, may submit to the Secretary an application for financial support under this subsection, in accordance with the procedures established by the Secretary and published in the Federal Register under paragraph (2).

''(B) CENTER CONTRIBUTIONS.—In order to receive assistance under this section, an applicant for financial assistance under subparagraph (A) shall provide adequate assurances that non-Federal assets obtained from the applicant and the applicant's partnering organizations will be used as a funding source to meet not less than 50 percent of the costs incurred for the first 3 years and an increasing share for each of the last 3 years. For purposes of the preceding sentence, the costs incurred means the costs incurred in connection with the activities undertaken to improve the management, productivity, and technological performance of small- and medium-sized manufacturing companies.

''(C) AGREEMENTS WITH OTHER ENTITIES.—In meeting the 50 percent requirement, it is anticipated that a Center will enter into agreements with other entities such as private industry, universities, and State governments to accomplish programmatic objectives and access new and existing resources that will further the impact of the Federal investment made on behalf of small- and medium-sized manufacturing companies. All non-Federal costs, contributed by such entities and determined by a Center as programmatically reasonable and allocable are includable as a portion of the Center's contribution.

''(D) ALLOCATION OF LEGAL RIGHTS.—Each applicant under subparagraph (A) shall also submit a proposal for the allocation of any legal right associated with any invention that may result from an activity of a Center for which such applicant receives financial assistance under this section.''.

SA 942. Mr. KOHL (for himself, Ms. SNOWE, Mr. REED, Ms. STABENOW, Mr. BROWN, Mr. LEVIN, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, Mr. LEAHY, Mr. ROBERTS, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 34, line 17, strike ''$120,000,000'' and insert ''$122,005,000''.

On page 34, line 20, strike ''$125,000,000'' and insert ''$131,766,000''.

On page 34, line 23, strike ''$130,000,000'' and insert ''$142,300,000''.

SA 943. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENGLISH FOR ALL CHILDREN.

(a) IN GENERAL.—Notwithstanding any other provision of law, Executive Order, administrative rule, or policy:

(1) Any Federal funds provided for the education of English language learners or limited English proficient children shall be used solely for English language immersion programs that are limited to a duration of 1 year.

(2) Any consent decree that requires a State, county, school district, or school to conduct programs of transitional bilingual education or dual language immersion is null and void and shall not be enforced.

(b) REPEAL.—Subsections (b) and (c) of section 3001 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801(b) and (c)) are repealed.

SA 944. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of Division C, insert the following:

TITLE __—MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

SEC. __01. MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

(a) IN GENERAL.—From amounts appropriated under subsection (d), the Secretary of Education shall award a grant—

(1) for each of the school years 2007–2008 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools in each State, whose students demonstrate the most improvement in mathematics, as measured by the improvement in the students' average score on the State's assessments in mathematics for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded; and

(2) for each of the school years 2008–2009 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools in each State, whose students demonstrate the most improvement in science, as measured by the improvement in the students' average score on the State's assessments in science for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded.

(b) GRANT AMOUNT.—The amount of each grant awarded under this section shall be $50,000.

SEC. __02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2008, and $30,000,000 for each of the fiscal years 2009 through 2011.

SA 945. Mr. WYDEN (for himself, Mr. SMITH, Mr. PRYOR, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows.

In division D, insert after section 4014 the following:

SEC. 4015. NANOTECHNOLOGY IN THE SCHOOLS.

(a) FINDINGS.—Congress makes the following findings:

(1) The rapidly growing field of nanotechnology is generating scientific and technological breakthroughs that will benefit society by improving the way many things are designed and made.

(2) Nanotechnology is likely to have a significant, positive impact on the security, economic well-being, and health of Americans as fields related to nanotechnology expand.

(3) In order to maximize the benefits of nanotechnology to individuals in the United States, the United States must maintain world leadership in the field of nanotechnology, including nanoscience and microtechnology, in the face of determined competition from other nations.

(4) According to the National Science Foundation, foreign students on temporary visas earned 32 percent of all science and engineering doctorates awarded in the United States in 2003, the last year for which data is available. Foreign students earned 55 percent of the engineering doctorates. Many of these students expressed an intent to return to their country of origin after completing their study.

(5) To maintain world leadership in nanotechnology, the United States must make a long-term investment in educating United States students in secondary schools and institutions of higher education, so that the students are able to conduct nanoscience research and develop and commercialize nanotechnology applications.

(6) Preparing United States students for careers in nanotechnology, including nanoscience, requires that the students have access to the necessary scientific tools, including scanning electron microscopes designed for teaching, and requires training to enable teachers and professors to use those tools in the classroom and the laboratory.

(b) PURPOSE.—The purpose of this section is to strengthen the capacity of United

States secondary schools and institutions of higher education to prepare students for careers in nanotechnology by providing grants to those schools and institutions to provide the tools necessary for such preparation.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means an institution that is—

(A) a public or charter secondary school that offers 1 or more advanced placement science courses or international baccalaureate science courses;

(B) a community college, as defined in section 3301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011); or

(C) a 4-year institution of higher education or a branch, within the meaning of section 498 of the Higher Education Act of 1965 (20 U.S.C. 1099c), of such an institution.

(2) QUALIFIED NANOTECHNOLOGY EQUIPMENT.—The term ''qualified nanotechnology equipment'' means equipment, instrumentation, or hardware that is—

(A) used for teaching nanotechnology in the classroom; and

(B) manufactured in the United States at least 50 percent from articles, materials, or supplies that are mined, produced, or manufactured, as the case may be, in the United States.

(d) PROGRAM AUTHORIZED.—

(1) PROGRAM AUTHORIZED.—The Director of the National Science Foundation (referred to in this section as the ''Director'') shall establish a nanotechnology in the schools program to strengthen the capacity of eligible institutions to provide instruction in nanotechnology. In carrying out the program, the Director shall award grants of not more than $150,000 to eligible institutions to provide such instruction.

(2) ACTIVITIES SUPPORTED.—

(A) IN GENERAL.—An eligible institution shall use a grant awarded under this section—

(i) to acquire qualified nanotechnology equipment and software designed for teaching students about nanotechnology in the classroom;

(ii) to develop and provide educational services, including carrying out faculty development, to prepare students or faculty seeking a degree or certificate that is approved by the State, or a regional accrediting body recognized by the Secretary of Education; and

(iii) to provide teacher education and certification to individuals who seek to acquire or enhance technology skills in order to use nanotechnology in the classroom or instructional process.

(B) LIMITATION.—

(i) USES.—Not more than ¼ of the amount of the funds made available through a grant awarded under this section may be used for software, educational services, or teacher education and certification as described in this paragraph.

(ii) PROGRAMS.—In the case of a grant awarded under this section to a community college or institution of higher education, the funds made available through the grant may be used only in undergraduate programs.

(3) APPLICATIONS AND SELECTION.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, an eligible institution shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(B) PROCEDURE.—Not later than 180 days after the date of enactment of this Act, the Director shall establish a procedure for accepting such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

(C) SELECTION.—In selecting eligible institutions to receive grants under this section, and encouraging eligible institutions to apply for such grants, the Director shall, to the greatest extent practicable—

(i) select eligible entities in geographically diverse locations;

(ii) encourage the application of historically Black colleges and universities (meaning part B institutions, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) and minority institutions (as defined in section 365 of such Act (20 U.S.C. 1067k)); and

(iii) select eligible institutions that include institutions located in States participating in the Experimental Program to Stimulate Competitive Research (commonly known as ''EPSCoR'').

(4) MATCHING REQUIREMENT AND LIMITATION.—

(A) IN GENERAL.—

(i) REQUIREMENT.—The Director may not award a grant to an eligible institution under this section unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to ¼ of the amount of the grant.

(ii) WAIVER.—The Director shall waive the matching requirement described in clause (i) for any institution with no endowment, or an endowment that has a dollar value lower than $5,000,000, as of the date of the waiver.

(B) LIMITATION.—

(i) BRANCHES.—If a branch described in subsection (c)(1)(C) receives a grant under this section that exceeds $100,000, that branch shall not be eligible, until 2 years after the date of receipt of the grant, to receive another grant under this section.

(ii) OTHER ELIGIBLE INSTITUTIONS.—If an eligible institution other than a branch referred to in clause (i) receives a grant under this section that exceeds $100,000, that institution shall not be eligible, until 2 years after the date of receipt of the grant, to receive another grant under this section.

(5) ANNUAL REPORT AND EVALUATION.—

(A) REPORT BY INSTITUTIONS.—Each institution that receives a grant under this section shall prepare and submit a report to the Director, not later than 1 year after the date of receipt of the grant, on its use of the grant funds.

(B) REVIEW AND EVALUATION.—

(i) REVIEW.—The Director shall annually review the reports submitted under subparagraph (A).

(ii) EVALUATION.—At the end of every third year, the Director shall evaluate the program authorized by this section on the basis of those reports. The Director, in the evaluation, shall describe the activities carried out by the institutions receiving grants under this section and shall assess the short-range and long-range impact of the activities carried out under the grants on the students, faculty, and staff of the institutions.

(C) REPORT TO CONGRESS.—Not later than 6 months after conducting an evaluation under subparagraph (B), the Director shall prepare and submit a report to Congress based on the evaluation. In the report, the Director shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program carried out under this section, as may be appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director to carry out this section $15,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal years 2009 through 2011.

SA 946. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. SBIR–STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration;

(2) the term ''eligible entity'' means a grantee under the SBIR Program that provides an internship program for STEM college students;

(3) the terms ''Phase I'' and ''Phase II'' mean Phase I and Phase II grants under the SBIR Program, respectively;

(4) the term ''pilot program'' means the SBIR–STEM Workforce Development Grant Pilot Program established under subsection (b);

(5) the term ''SBIR Program'' has the meaning given that term in section 9(e) of the Small Business Act (15 U.S.C. 638(e)); and

(6) the term ''STEM college student'' means a college student in the field of science, technology, engineering, or math.

(b) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish an SBIR–STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities to STEM college students, by providing an SBIR bonus grant to eligible entities.

(c) AWARDS.—A bonus grant to an eligible entity under the pilot program shall be in an amount equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the pilot program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2008;

(2) $1,000,000 for fiscal year 2009;

(3) $1,000,000 for fiscal year 2010; and

(4) $1,000,000 for fiscal year 2011.

SA 947. Mr. BINGAMAN (for Mr. DODD (for himself, Mr. SHELBY, and Mr. REED)) proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING SMALL BUSINESS GROWTH AND CAPITAL MARKETS.

(a) FINDINGS.—The Congress finds that—

(1) the United States has the most fair, most transparent, and most efficient capital markets in the world, in part due to its strong securities statutory and regulatory scheme;

(2) it is of paramount importance for the continued growth of our Nation's economy, that our capital markets retain their leading position in the world;

(3) small businesses are vital participants in United States capital markets, and play a critical role in future economic growth and high-wage job creation;

(4) section 404 of the Sarbanes-Oxley Act of 2002, has greatly enhanced the quality of corporate governance and financial reporting for public companies and increased investor confidence;

(5) the Securities and Exchange Commission (in this section referred to as the ''Commission'') and the Public Company Accounting Oversight Board (in this section referred to as the ''PCAOB'') have both determined that the current auditing standard implementing section 404 of the Sarbanes-Oxley Act of 2002 has imposed unnecessary and unintended cost burdens on small and mid-sized public companies;

(6) the Commission and PCAOB are now near completion of a 2-year process intended to revise the standard in order to provide more efficient and effective regulation; and

(7) the chairman of the Commission recently has said, with respect to section 404 of the Sarbanes-Oxley Act of 2002, that, ''We don't need to change the law, we need to change the way the law is implemented. It is the implementation of the law that has caused the excessive burden, not the law itself. That's an important distinction. I don't believe these important investor protections, which are even now only a few years old, should be opened up for amendment, or that they need to be.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Commission and the PCAOB should complete promulgation of the final rules implementing section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262).

SA 948. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division D, add the following:

SEC. 4015. CENTER FOR NANOTECHNOLOGY RESEARCH AND ENGINEERING.

(a) CENTER ESTABLISHED.—The Director of the National Science Foundation shall establish a geographically diverse, interdisciplinary Center for Nanotechnology Research and Engineering (hereafter in this section referred to as the ''Center'') to focus on—

(1) the science and engineering of manufacturing at the nanoscale in multiple dimensions; or

(2) nanotechnology for sustainable energy, water, agriculture, and the environment.

(b) CENTER OR NODE.—The Center may be a Nanoscale Science and Engineering Center or a National Nanotechnology Infrastructure Network Node.

(c) COMPOSITION.—The Center shall consist of a lead academic institution located in an Experimental Program to Stimulate Competitive Research (EPSCoR) State and at least 1 additional academic institution located in a second EPSCoR State.

(d) DUTIES.—The Center shall—

(1) collaborate with other National Science Foundation grantees, and with grantees from other Federal agencies, working on nanomanufacturing;

(2) share resources with the programs of the grantees described in paragraph (1) for the purpose of mutual advantage; and

(3) work toward a nanomanufacturing network that encourages extensive industrial collaboration.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section $2,500,000 for each of the fiscal years 2008 through 2012.

SA 949. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 902 proposed by Mr. CORNYN to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 21, after line 2, add the following:

Subtitle E—H–1B and L–1 Visa Fraud and Abuse Prevention

SEC. 1651. SHORT TITLE.

This subtitle may be cited as the ''H–1B and L–1 Visa Fraud and Abuse Prevention Act of 2007''.

SEC. 1652. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking ''(E)(i) In the case of an application described in clause (ii), the'' and inserting ''(E) The''; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking ''In the case of'' and all that follows through ''where—'' and inserting the following: ''The employer will not place the nonimmigrant with another employer if—''; and

(iii) in subparagraph (G), by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ''If an H–1B-dependent employer'' and inserting ''If an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days'';

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided'';

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

''(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and''.

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of available jobs, which shall be publicly accessible without charge—

''(i) on a website maintained by the Department of Labor, which website shall be searchable by—

''(I) the name, city, State, and zip code of the employer;

''(II) the date on which the job is expected to begin;

''(III) the title and description of the job; and

''(IV) the State and city (or county) at which the work will be performed; and

''(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105–220).

''(B) Each available job advertised on the list shall include—

''(i) the employer's full legal name;

''(ii) the address of the employer's principal place of business;

''(iii) the employer's State, city, and zip code;

''(iv) the employer's Federal Employer Identification Number;

''(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

''(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

''(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

''(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

''(ix) a statement of the expected hours per week that the job will require;

''(x) the date on which the job is expected to begin;

''(xi) the date on which the job is expected to end, if applicable;

''(xii) the number of persons expected to be employed for the job;

''(xiii) the job title;

''(xiv) the job description;

''(xv) the city and State of the physical location at which the work will be performed; and

''(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

''(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment—

''(i) to carry out the requirements of this paragraph; and

''(ii) that require employers to provide other information in order to advertise available jobs on the list.''.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date that is 30 days after the creation of the list described in section 212(n)(6) of the Immigration and Nationality Act, as added by paragraph (2); and

(B) shall apply to all applications filed on or after such date.

(d) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer;'' and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.''.

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) PROVISION OF W–2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.''.

SEC. 1653. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 1652(d)(2), is amended—

(1) by inserting ''and through the website of the Department of Labor, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.'';

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants.''.

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.''.

SEC. 1654. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) RESTRICTION ON BLANKET PETITIONS.—Section 214(c)(2)(A) of such Act is amended to read as follows:

''(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants described in section 101(a)(15)(L).''.

(c) PROHIBITION ON OUTPLACEMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L–1 nonimmigrant with another employer.''.

(d) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide the Secretary with information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).''.

(2) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(e) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year,

approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(f) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. 1655. WHISTLEBLOWER PROTECTIONS.

(a) H–1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting ''take, fail to take, or threaten to take or fail to take, a personnel action, or'' before ''to intimidate''; and

(2) by adding at the end the following: ''An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.''.

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section 1654, is further amended by adding at the end the following:

''(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

''(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

''(iii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. 1656. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

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

SA 950. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 163, between lines 6 and 7, insert the following:

(v) incorporating 21st century learning skills into the State plan, which skills shall include critical thinking, problem solving, communication, collaboration, global awareness, and business and financial literacy.

SA 951. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 153, between lines 12 and 13, insert the following:

(M) distance learning projects for critical foreign language learning.

SA 952. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. COLLECTION OF DATA RELATING TO TRADE IN SERVICES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall establish a program within the Bureau of Economic Analysis to collect and study data relating to export and import of services. As part of the program, the Secretary shall annually—

(1) provide data collection and analysis relating to export and import of services;

(2) collect and analyze data for service imports and exports in not less than 40 service industry categories, on a state-by-state basis;

(3) include data collection and analysis of the employment effects of exports and imports on the service industry; and

(4) integrate ongoing and planned data collection and analysis initiatives in research and development and innovation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce $3,000,000 for each of the fiscal years 2008, 2009, 2010, 2011, 2012, to carry out the provisions of this section.

SA 953. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Beginning on page 85, strike line 18 and all that follows through page 86, line 5, and insert the following:

Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) $5,000,000,000 for fiscal year 2008;

''(3) $6,000,000,000 for fiscal year 2009;

''(4) $7,000,000,000 for fiscal year 2010; and

''(5) $8,000,000,000 for fiscal year 2011.''.

SA 954. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Strike section 2005 and insert the following:

SEC. 2005. ADVANCED RESEARCH PROJECTS ADMINISTRATION-ENERGY.

(a) ESTABLISHMENT.—There is established the Advanced Research Projects Administration-Energy (referred to in this section as ''ARPA–E'').

(b) GOALS.—The goals of ARPA–E are to reduce the quantity of energy the United States imports from foreign sources and to improve the competitiveness of the United States economy by—

(1) promoting revolutionary changes in the critical technologies that would promote energy competitiveness;

(2) turning cutting-edge science and engineering into technologies for energy and environmental application; and

(3) accelerating innovation in energy and the environment for both traditional and alternative energy sources and in energy efficiency mechanisms to—

(A) reduce energy use;

(B) decrease the reliance of the United States on foreign energy sources; and

(C) improve energy competitiveness.

(c) DIRECTOR.—

(1) IN GENERAL.—ARPA–E shall be headed by a Director (referred to in this section as the ''Director'') appointed by the President.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

''Director, Advanced Research Projects Administration-Energy.''.

(d) DUTIES.—

(1) IN GENERAL.—In carrying out this section, the Director shall award competitive grants, cooperative agreements, or contracts to institutions of higher education, companies, or consortia of such entities (which may include federally funded research and development centers) to achieve the goal described in subsection (b) through acceleration of—

(A) energy-related research;

(B) development of resultant techniques, processes, and technologies, and related testing and evaluation; and

(C) demonstration and commercial application of the most promising technologies and research applications.

(2) SMALL-BUSINESS CONCERNS.—The Director shall carry out programs established under this section, to the maximum extent practicable, in a manner that is similar to the Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638) to ensure that small-business concerns are fully able to participate in the programs.

(e) PERSONNEL.—

(1) PROGRAM MANAGERS.—

(A) APPOINTMENT.—The Director shall appoint employees to serve as program managers for each of the programs that are established to carry out the duties of ARPA–E under this section.

(B) DUTIES.—Program managers shall be responsible for—

(i) establishing research and development goals for the program, as well as publicizing goals of the program to the public and private sectors;

(ii) soliciting applications for specific areas of particular promise, especially areas for which the private sector cannot or will not provide funding;

(iii) selecting research projects for support under the program from among applications submitted to ARPA–E, based on—

(I) the scientific and technical merit of the proposed projects;

(II) the demonstrated capabilities of the applicants to successfully carry out the proposed research project; and

(III) such other criteria as are established by the Director; and

(iv) monitoring the progress of projects supported under the program.

(2) OTHER PERSONNEL.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director shall appoint such employees as are necessary to carry out the duties of ARPA–E under this section.

(B) LIMITATIONS.—The Director shall appoint not more than 250 employees to carry out the duties of ARPA–E under this section, including not less than 180 technical staff, of which—

(i) not less than 20 staff shall be senior technical managers (including program managers designated under paragraph (1)); and

(ii) not less than 80 staff shall be technical program managers.

(3) EXPERIMENTAL PERSONNEL AUTHORITY.—In appointing personnel for ARPA–E, the Director shall have the hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(4) MAXIMUM DURATION OF EMPLOYMENT.—

(A) PROGRAM MANAGERS AND SENIOR TECHNICAL MANAGERS.—

(i) IN GENERAL.—Subject to clause (ii), a program manager and a senior technical manager appointed under this subsection shall serve for a term not to exceed 4 years after the date of appointment.

(ii) EXTENSIONS.—The Director may extend the term of employment of a program manager or a senior technical manager appointed under this subsection for not more than 4 years through 1 or more 2-year terms.

(B) TECHNICAL PROGRAM MANAGERS.—A technical program manager appointed under this subsection shall serve for a term not to exceed 6 years after the date of appointment.

(5) LOCATION.—The office of an officer or employee of ARPA–E shall not be located in the headquarters of the Department of Energy.

(f) TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.—

(1) IN GENERAL.—To carry out projects through ARPA–E, the Director may enter into transactions (other than contracts, cooperative agreements, and grants) to carry out advanced research projects under this section under similar terms and conditions as the authority is exercised under section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)).

(2) PEER REVIEW.—Peer review shall not be required for 75 percent of the research projects carried out by the Director under this section.

(g) PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.—The Director may carry out a program to award cash prizes in recognition of outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that have the potential for application to the performance of the mission of ARPA–E under similar terms and conditions as the authority is exercised under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396).

(h) COORDINATION OF ACTIVITIES.—The Director—

(1) shall ensure that the activities of ARPA–E are coordinated with activities of Department of Energy offices and outside agencies; and

(2) may carry out projects jointly with other agencies.

(i) REPORT.—Not later than September 30, 2008, the Director shall submit to Congress a report on the activities of ARPA–E under this section, including a recommendation on whether ARPA–E needs an energy research laboratory.

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

(1) $300,000,000 for fiscal year 2008;

(2) $600,000,000 for fiscal year 2009;

(3) $1,100,000,000 for fiscal year 2010;

(4) $1,500,000,000 for fiscal year 2011; and

(5) $2,000,000,000 for fiscal year 2012.

SA 955. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION AGAINST FUNDING ANTI-COMPETITIVENESS

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

SA 956. Mr. CRAPO (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING CAPITAL MARKETS.

(a) FINDINGS.—The Senate finds that—

(1) United States capital markets are losing their competitive edge in the face of intensifying global competition, posing a risk to economic growth, a problem that is well-documented in initial public offerings (IPO), over-the-counter (OTC) derivatives, securitization, and traditional lending;

(2) according to the Senator Charles E. Schumer and Mayor Michael R. Bloomberg report, entitled ''Sustaining New York's and the US's Global Financial Services Leadership'', ''In looking at several of the critical contested investment banking and sales and trading markets—initial public offerings (IPOs), over-the-counter (OTC) derivatives, and debt—it is clear that the declining position of the US goes beyond this natural market evolution to more controllable, intrinsic issues of US competitiveness. As market effectiveness, liquidity and safety become more prevalent in the world's financial markets, the competitive arena for financial services is shifting toward a new set of factors—like availability of skilled people and a balanced and effective legal and regulatory environment—where the US is moving in the wrong direction.'';

(3) further, the report referred to in paragraph (2) stated that—

(A) ''The IPO market also offers the most dramatic illustration of the change in capital-raising needs around the world, and US exchanges are rapidly losing ground to foreign rivals. When looking at all IPOs that took place globally in 2006, the share of IPO volume attracted by US exchanges is barely one-third of that captured in 2001. By contrast, the global share of IPO volume captured by European exchanges has expanded by more than 30 percent over the same period, while non-Japan Asian markets have doubled their equivalent market share since 2001. When one considers mega-IPOs – those over $1 billion – US exchanges attracted 57 percent of such transactions in 2001, compared with just 16 percent during the first ten months of 2006.''; and

(B) ''London already enjoys clear leadership in the fast-growing and innovative over-the-counter (OTC) derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both of which are key competitive factors for financial centers. Dealers and investors increasingly see derivatives and cash markets as interchangeable and are therefore combining trading operations for both products.

Indeed, the derivatives markets can be more liquid than the underlying cash markets. Therefore, as London takes the global lead in derivatives, America's competitiveness in both cash and derivatives flow trading is at risk, as is its position as a center for financial innovation.'';

(4) on March 13, 2007, the Department of the Treasury convened a conference on United States capital markets competitiveness, where—

(A) key policymakers, consumer advocates, members of the international community, business representatives, and academic experts, each with different perspectives, discussed ways to keep United States capital markets the strongest and most innovative in the world; and

(B) conference delegates examined the impact of the United States regulatory structure and philosophy, the legal and corporate governance environment, and the auditing profession and financial reporting on United States capital markets competitiveness;

(5) the foundation of any competitive capital market is investor confidence, and since1930, the United States has required some of the most extensive financial disclosures, supported by one of the most robust enforcement regimes in the world;

(6) a balanced regulatory system is essential to protecting investors and the efficient functioning of capital markets; and

(7) too much regulation stifles entrepreneurship, competition, and innovation, and too little regulation creates excessive risk to industry, investors, and the overall system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress, the President, regulators, industry leaders, and other stakeholders should take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace;

(2) the Federal and State financial regulatory agencies should, to the maximum extent possible, coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits, and, at the same time, ensure that the regulatory framework overseeing the United States capital markets continues to promote and protect the interests of investors in those markets; and

(3) given the complexity of the financial services marketplace today, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations, while ensuring that necessary investor protections are not compromised.

SA 957. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 98, line 14, insert after ''master's degree programs'' the following: '', or full-time online master's degree programs,''.

On page 99, line 5, strike ''critical foreign language'' and insert the following: ''a critical foreign language, or on behalf of a department or school with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification,''.

Beginning on page 100, strike line 16 and all that follows through page 101, line 3, and insert the following:

(ii)(I)(aa) a department within the eligible recipient that provides a program of study in mathematics, engineering, science, or a critical foreign language; and

(bb) a school or department within the eligible recipient that provides a teacher preparation program, or a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; or

(II) a department or school within the eligible recipient with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification; and

(iii) not less than 1 high-need local

On page 103, line 13, insert before the semicolon the following: ''or how a department or school participating in the partnership with a competency-based degree program has ensured, in the development of a baccalaureate degree program in mathematics, science, engineering, or a critical foreign language, the provision of concurrent teacher certification, including providing student teaching and other clinical classroom experiences''.

On page 109, line 11, insert after ''grams'' the following: '', or full-time online master's degree programs,''.

On page 109, line 24, insert before the semicolon the following: '', or how a department or school with a competency-based degree program has ensured, in the development of a master's degree program, the provision of rigorous studies in mathematics, science, or a critical foreign language that enhance the teachers' content knowledge and teaching skills''.

On page 111, line 16, insert after ''program'' the following: '', or a full-time online master's degree program,''.

SA 958. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. FEASIBILITY STUDY ON FREE ONLINE COLLEGE DEGREE PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct and complete a feasibility study on creating a national, free online college degree program that would be available to all individuals described under section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5)) who wish to pursue a degree in a field of strategic importance to the United States and where expertise is in demand, such as mathematics, sciences, and foreign languages. The study shall look at the need for a free college degree program as well as the feasibility of—

(1) developing online course content;

(2) developing sufficiently rigorous tests to determine mastery of a field of study; and

(3) sustaining the program through private funding.

(b) STUDY.—The study described in subsection (a) shall also include a review of existing online education programs to determine the extent to which these programs offer a rigorous curriculum in areas like mathematics and science and the National Academy of Sciences shall make recommendations for how online degree programs can be assessed and accredited.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008.

SA 959. Mr. NELSON of Florida (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division A, add the following new title:

TITLE VI—BROADBAND REPORTING REQUIREMENTS

SEC. 1601. BROADBAND REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—

(1) GENERAL REQUIREMENTS.—The Federal Communications Commission shall revise FCC Form 477 reporting requirements within 180 days after the date of enactment of this Act to require broadband service providers to report the following information:

(A) Identification of where the provider provides broadband service to customers, identified by zip code plus 4 digit location (hereinafter referred to as ''service area'').

(B) Percentage of households and businesses in each service area that are offered broadband service by the provider, and the percentage of such households that subscribe to each service plan offered.

(C) The average price per megabyte of download speed and upload speed in each service area.

(D) Identification by service area of the provider's broadband service's—

(i) actual average throughput; and

(ii) contention ratio of the number of users sharing the same line.

(2) EXCEPTION.—The Federal Communications Commission shall exempt a broadband service provider from the requirements in paragraph (1) if the Commission determines that a provider's compliance with the reporting requirements is cost prohibitive, as defined by the Commission.

(b) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—The Federal Communications Commission, using available Census Bureau data, shall provide to Congress, on an annual basis, a report containing the following information for each service area that is not served by any broadband service provider—

(1) population;

(2) population density; and

(3) average per capita income.

SA 960. Mr. LEVIN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 48, line 9, strike ''ocean'' and insert ''ocean, coastal, Great Lakes,''

On page 48, line 22, insert ''Great Lakes,'' after ''coastal,''.

SA 961. Mr. BROWN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 24, between lines 19 and 20, insert the following:

SEC. 1203. REVOLVING LOAN FUNDS FOR SMALL MANUFACTURERS.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means a Regional Center for the Transfer of Manufacturing Technology described in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

(2) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—The term ''Manufacturing Extension Partnership program'' means the program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

(3) REVOLVING LOAN FUND.—The term ''revolving loan fund'' means a revolving loan fund described in subsection (d).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(5) SMALL MANUFACTURER.—The term ''small manufacturer'' means a manufacturer with less than $50,000,000 in annual sales.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to States to establish revolving loan funds.

(2) MAXIMUM AMOUNT.—The Secretary may not award a grant under this section in an amount that exceeds $10,000,000.

(3) MULTIPLE GRANT AWARDS.—A State may not receive more than 1 grant under this section in any fiscal year.

(c) CRITERIA FOR THE AWARDING OF GRANTS.—

(1) MATCHING FUNDS.—The Secretary may not make a grant to a State under this section unless the State agrees to provide contributions in an amount equal to not less than 25 percent of the Federal funds provided under the grant.

(2) ADMINISTRATIVE COSTS.—A State receiving a grant under this section may only use such amount of the grant for the costs of administering the revolving loan fund as the Secretary shall provide in regulations.

(3) PREFERENCE.—In awarding grants each year, the Secretary shall give preference to States that have not previously been awarded a grant under this section.

(4) APPLICATION.—

(A) IN GENERAL.—Each State seeking a grant under this section shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

(B) CONTENT.—Each application submitted under subparagraph (A) shall contain the following:

(i) Evidence that the applicant can establish and administer a revolving loan fund.

(ii) The applicant's need for a grant under this section.

(iii) The impact that receipt of a grant under this section would have on the applicant.

(d) REVOLVING LOAN FUNDS.—

(1) IN GENERAL.—A State receiving a grant under this section shall establish, maintain, and administer a revolving loan fund in accordance with this subsection.

(2) DEPOSITS.—A revolving loan fund shall consist of the following:

(A) Amounts from grants awarded under this section.

(B) All amounts held or received by the State incident to the provision of loans described in subsection (e), including all collections of principal and interest.

(3) EXPENDITURES.—Amounts in the revolving loan fund shall be available for the provision and administration of loans in accordance with subsection (e).

(4) ADMINISTRATION.—A State may enter into an agreement with a Center to administer a revolving loan fund.

(e) LOANS.—

(1) IN GENERAL.—A State receiving a grant under this section shall use the amount in the revolving loan fund to make the following loans:

(A) STAGE-1 LOANS.—A stage-1 loan means a loan made to a small manufacturer in an amount not to exceed $50,000, for new product development to conduct the following:

(i) Patent research.

(ii) Market research.

(iii) Technical feasibility testing.

(iv) Competitive analysis.

(B) STAGE-2 LOANS.—A stage-2 loan means a loan made to a small manufacturer in an amount not to exceed $100,000 to develop a prototype of and test a new product.

(2) LOAN TERMS AND CONDITIONS.—The following shall apply with respect to loans provided under paragraph (1):

(A) DURATION.—Except as provided in subparagraph (B), loans shall be for a period not to exceed 10 years.

(B) PREPAYMENT.—A recipient of a loan may prepay such loan at any time without penalty.

(C) INTEREST RATE.—Loans shall bear interest at a rate of 3.5 percent annually.

(D) ACCRUAL OF INTEREST.—Loans shall accrue interest during the entire duration of the loan.

(E) PAYMENT OF INTEREST.—A State may not require a recipient of a loan to make interest payments on such loan during the first 3 years of such loan.

(F) COLLATERAL.—No collateral or personal guaranty shall be required for receipt of a loan.

(G) SECURED INTEREST IN INTELLECTUAL PROPERTY.—Each loan shall be secured by an interest in any intellectual property developed by the recipient of such loan through the use of amounts from such loan.

(H) DEVELOPMENT OF BUSINESS PLANS AND BUDGETS.—Each recipient of a loan shall develop, in cooperation with a Center, a business plan and a budget for the use of loan amounts.

(I) PREFERENCE FOR LOAN APPLICANTS THAT PARTICIPATE IN THE MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—In selecting small manufacturers to receive a loan, a recipient of a grant under this section shall give preference to small manufacturers that are participants in the Manufacturing Extension Partnership program.

(J) LOCATION OF PRODUCT DEVELOPMENT.—Each recipient of a loan shall commit to developing and manufacturing the product for which a loan is sought in the State that provides the loan for the duration of the loan if such product is developed during such duration.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the provisions of this section, $52,000,000 for each of the fiscal years 2008 through 2014, of which—

(1) $50,000,000 shall be for providing grants under this section; and

(2) $2,000,000 shall be for the costs of administering grants awarded under this section.

SA 962. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. REQUIREMENTS FOR RECEIPT OF FEDERAL ASSISTANCE BY CERTAIN LARGE BUSINESS ENTITIES.

(a) INFORMATION REQUIRED.—Each Federal department or agency that provides grants, loans, or loan guarantees to certain large business entities after the date of the enactment of this Act shall require that, as a condition of that grant, loan, or loan guarantee, the business entity shall provide to the department or agency on an annual basis for the duration of the grant, loan, or loan guarantee the following information:

(1) The number of individuals employed by the business entity in the United States.

(2) The number of individuals employed by the business entity outside the United States.

(3) A description of the wages and benefits being provided to the employees of the business entity in the United States.

(4) A description of the wages and benefits being provided to the employees of the business entity outside the United States.

(b) CERTIFICATION REGARDING LAYOFFS.—In addition to the information required under subsection (a), beginning on the date that is 1 year after the date on which a Federal department or agency provides a grant, loan, or loan guarantee to a large business entity, the department or agency shall require the business entity to provide to the department or agency on an annual basis for the duration of the grant, loan, or loan guarantee a written certification that contains the following information:

(1) The percentage of the workforce of the business entity employed in the United States that has been laid off or induced to resign from the business entity during the 12-month period preceding the submission of the certification.

(2) The percentage of the total workforce of the business entity that has been laid off or induced to resign from the business entity during the 12-month period preceding the submission of the certification.

(c) PROHIBITION ON FEDERAL ASSISTANCE TO CERTAIN LARGE BUSINESS ENTITIES THAT LAY OFF A GREATER PERCENTAGE OF WORKERS IN THE UNITED STATES THAN IN OTHER COUNTRIES.—Notwithstanding any other provision of law, if, in the written certification provided to a Federal department or agency by a large business entity under subsection (b), the percentage described in paragraph (1) of subsection (b) is greater than the percentage described in paragraph (2) of subsection (b), the business entity shall be ineligible for further assistance from the department or agency. The business entity shall also be ineligible for assistance from any other Federal department or agency, unless and until the business entity provides to the department or agency a written certification that the number of employees of the business entity in the United States is in the same proportion to the number of the employees of the business entity worldwide, as that number was, on the later of—

(1) the date the business entity last made a certification under subsection (b), concerning the same financial assistance, that did not cause the business entity to become ineligible under this subsection for further financial assistance; or

(2) the date on which the business entity received the financial assistance for which this certification is being made.

(d) DEFINITIONS.—In this section:

(1) BUSINESS ENTITY; LARGE BUSINESS ENTITY.—The terms ''business entity'' and ''large business entity'' mean a corporation, partnership, or any other business entity that employs 1,000 or more employees, including the subsidiaries, parent companies, and affiliated businesses of the entity.

(2) UNITED STATES.—The term ''United States'' includes the territories of the United States.

SA 963. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him

to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 3, after line 5, add the following:

Subtitle __—H–1B and L–1 Visa Fraud and Abuse Prevention

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''H–1B and L–1 Visa Fraud and Abuse Prevention Act of 2007''.

SEC. ___2. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking ''(E)(i) In the case of an application described in clause (ii), the'' and inserting ''(E) The''; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking ''In the case of'' and all that follows through ''where—'' and inserting the following: ''The employer will not place the nonimmigrant with another employer if—''; and

(iii) in subparagraph (G), by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ''If an H–1B-dependent employer'' and inserting ''If an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days'';

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided'';

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

''(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and''.

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of available jobs, which shall be publicly accessible without charge—

''(i) on a website maintained by the Department of Labor, which website shall be searchable by—

''(I) the name, city, State, and zip code of the employer;

''(II) the date on which the job is expected to begin;

''(III) the title and description of the job; and

''(IV) the State and city (or county) at which the work will be performed; and

''(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105–220).

''(B) Each available job advertised on the list shall include—

''(i) the employer's full legal name;

''(ii) the address of the employer's principal place of business;

''(iii) the employer's State, city, and zip code;

''(iv) the employer's Federal Employer Identification Number;

''(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

''(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

''(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

''(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

''(ix) a statement of the expected hours per week that the job will require;

''(x) the date on which the job is expected to begin;

''(xi) the date on which the job is expected to end, if applicable;

''(xii) the number of persons expected to be employed for the job;

''(xiii) the job title;

''(xiv) the job description;

''(xv) the city and State of the physical location at which the work will be performed; and

''(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

''(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment—

''(i) to carry out the requirements of this paragraph; and

''(ii) that require employers to provide other information in order to advertise available jobs on the list.''.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date that is 30 days after the creation of the list described in section 212(n)(6) of the Immigration and Nationality Act, as added by paragraph (2); and

(B) shall apply to all applications filed on or after such date.

(d) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer;'' and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.''.

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) PROVISION OF W–2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(1) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.''.

SEC. ___3. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section ___2(d)(2), is amended—

(1) by inserting ''and through the website of the Department of Labor, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.'';

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants.''.

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.''.

SEC. ___4. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties

the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) RESTRICTION ON BLANKET PETITIONS.—Section 214(c)(2)(A) of such Act is amended to read as follows:

''(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants described in section 101(a)(15)(L).''.

(c) PROHIBITION ON OUTPLACEMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L–1 nonimmigrant with another employer.''.

(d) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide the Secretary with information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).''.

(2) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(e) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(f) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. ___5. WHISTLEBLOWER PROTECTIONS.

(a) H–1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting ''take, fail to take, or threaten to take or fail to take, a personnel action, or'' before ''to intimidate''; and

(2) by adding at the end the following: ''An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.''.

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section ___4, is further amended by adding at the end the following:

''(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

''(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

''(iii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. ___6. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

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

SA 964. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie ont he table; as follows:

On page 36, between lines 14 and 15, insert the following:

(c) DEVELOPMENT OF SCIENCE PARKS.—

(1) FINDING.—Section 2 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701) is amended by adding at the end the following:

''(12) It is in the best interests of the Nation to encourage the formation of science parks to promote the clustering of innovation through high technology activities.''.

(2) DEFINITION.—Section 4 of such Act (15 U.S.C. 3703) is amended by adding at the end the following:

''(14) 'Business or industrial park' means a primarily for-profit real estate venture of businesses or industries which do not necessarily reinforce each other through supply chain or technology transfer mechanisms.

''(15) 'Science park'—

''(A) means a group of interrelated companies and institutions, including suppliers, service providers, institutions of higher education, start-up incubators, and trade associations that—

''(i) cooperate and compete with each other;

''(ii) are located in a specific area whose administration promotes real estate development, technology transfer, and partnerships between such companies and institutions; and

''(B) does not mean a business or industrial park.

''(16) 'Science park infrastructure' means facilities that support the daily economic activity of a science park.''.

(3) SCIENCE PARKS.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following:

''SEC. 24. SCIENCE PARKS.

''(a) DEVELOPMENT OF PLANS FOR CONSTRUCTION OF SCIENCE PARKS.—

''(1) IN GENERAL.—The Secretary shall award grants for the development of feasibility studies and plans for the construction of new or expansion of existing science parks.

''(2) LIMITATION ON AMOUNT OF GRANTS.—The amount of a grant awarded under this subsection may not exceed $750,000.

''(3) AWARD.—

''(A) COMPETITION REQUIRED.—The Secretary shall award any grant under this subsection pursuant to a full and open competition.

''(B) ADVERTISING.—The Secretary shall advertise any competition under this paragraph in the Commerce Business Daily.

''(C) SELECTION CRITERIA.—The Secretary shall publish the criteria to be utilized in any competition under this paragraph for the selection of recipients of grants under this subsection, which shall include requirements relating to—

''(i) the number of jobs to be created at the science park each year during its first 5 years;

''(ii) the funding to be required to construct or expand the science park during its first 5 years;

''(iii) the amount and type of cost matching by the applicant;

''(iv) the types of businesses and research entities expected in the science park and surrounding community;

''(v) letters of intent by businesses and research entities to locate in the science park;

''(vi) the expansion capacity of the science park during a 25-year period;

''(vii) the quality of life at the science park for employees at the science park;

''(viii) the capability to attract a well trained workforce to the science park;

''(ix) the management of the science park;

''(x) expected risks in the construction and operation of the science park;

''(xi) risk mitigation;

''(xii) transportation and logistics;

''(xiii) physical infrastructure, including telecommunications; and

''(xiv) ability to collaborate with other science parks throughout the world.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,500,000 for each of the fiscal years 2008 through 2012 to carry out this subsection.

''(b) LOAN GUARANTEES FOR SCIENCE PARK INFRASTRUCTURE.—

''(1) IN GENERAL.—The Secretary may guarantee up to 80 percent of the loan amount for loans exceeding $10,000,000 for projects for the construction of science park infrastructure.

''(2) LIMITATIONS ON GUARANTEE AMOUNTS.—The maximum amount of loan principal guaranteed under this subsection may not exceed—

''(A) $50,000,000 with respect to any single project; and

''(B) $500,000,000 with respect to all projects.

''(3) SELECTION OF GUARANTEE RECIPIENTS.—The Secretary shall select recipients of loan guarantees under this subsection based upon the ability of the recipient to collateralize the loan amount through bonds, equity, property, and other such criteria as the Secretary shall prescribe. Entities receiving a grant under subsection (a) are not eligible for a loan guarantee during the period of such grant.

''(4) TERMS AND CONDITIONS FOR LOAN GUARANTEES.—The loans guaranteed under this subsection shall be subject to such terms and conditions as the Secretary may prescribe, except that—

''(A) the final maturity of such loans made or guaranteed may not exceed the lesser of—

''(i) 30 years and 32 days; or

''(ii) 90 percent of the useful life of any physical asset to be financed by such loan;

''(B) a loan made or guaranteed under this subsection may not be subordinated to another debt contracted by the borrower or to any other claims against the borrowers in the case of default;

''(C) a loan may not be guaranteed under this subsection unless the Secretary determines that the lender is responsible and that adequate provision is made for servicing the loan on reasonable terms and protecting the financial interest of the United States;

''(D) a loan may not be guaranteed under this subsection if—

''(i) the income from such loan is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986; or

''(ii) the guarantee provides significant collateral or security, as determined by the Secretary, for other obligations the income from which is so excluded;

''(E) any guarantee provided under this subsection shall be conclusive evidence that—

''(i) the guarantee has been properly obtained;

''(ii) the underlying loan qualified for such guarantee; and

''(iii) absent fraud or material misrepresentation by the holder, the guarantee is presumed to be valid, legal, and enforceable;

''(F) the Secretary shall prescribe explicit standards for use in periodically assessing the credit risk of new and existing direct loans or guaranteed loans;

''(G) the Secretary may not extend credit assistance unless the Secretary has determined that there is a reasonable assurance of repayment; and

''(H) new loan guarantees may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required under section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

''(5) PAYMENT OF LOSSES.—

''(A) IN GENERAL.—If, as a result of a default by a borrower under a loan guaranteed under this subsection, after the holder has made such further collection efforts and instituted such enforcement proceedings as the Secretary may require, the Secretary determines that the holder has suffered a loss, the Secretary shall pay to such holder the percentage of such loss specified in the guarantee contract. Upon making any such payment, the Secretary shall be subrogated to

all the rights of the recipient of the payment. The Secretary shall be entitled to recover from the borrower the amount of any payments made pursuant to any guarantee entered into under this section.

''(B) ENFORCEMENT OF RIGHTS.—The Attorney General shall take such action as may be appropriate to enforce any right accruing to the United States as a result of the issuance of any guarantee under this section.

''(C) FORBEARANCE.—Nothing in this section may be construed to preclude any forbearance for the benefit of the borrower which may be agreed upon by the parties to the guaranteed loan and approved by the Secretary, if budget authority for any resulting subsidy costs (as defined under the Federal Credit Reform Act of 1990) is available.

''(D) MANAGEMENT OF PROPERTY.—Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary may complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell any property acquired by the Secretary pursuant to the provisions of this section.

''(6) REVIEW.—The Comptroller General of the United States shall, not later than 2 years after the date of the enactment of this section—

''(A) conduct a review of the subsidy estimates for the loan guarantees under this subsection; and

''(B) submit to Congress a report on the review conducted under this paragraph.

''(7) TERMINATION.—A loan may not be guaranteed under this subsection after September 30, 2012.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(A) $35,000,000 for the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of guaranteeing $500,000,000 of loans under this subsection; and

''(B) $6,000,000 for administrative expenses for fiscal year 2008, and such sums as necessary for administrative expenses in subsequent years.

''(c) NATIONAL ACADEMY OF SCIENCES EVALUATION.—

''(1) IN GENERAL.—The Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall evaluate, every 3 years, the activities under this section.

''(2) TRI-ANNUAL REPORT.—Under the agreement entered into under paragraph (1), the Academy shall submit to the Secretary a report on its evaluation of science park development under that paragraph. Each report may include such recommendations as the Academy considers appropriate for additional activities to promote and facilitate the development of science parks in the United States.

''(d) TRI-ANNUAL REPORT.—Not later than March 31 of every third year, the Secretary shall submit to Congress a report on the activities under this section during the preceding 3 years, including any recommendations made by the National Academy of Sciences under subsection (c)(2) during such period. Each report may include such recommendations for legislative or administrative action as the Secretary considers appropriate to further promote and facilitate the development of science parks in the United States.

''(e) RULEMAKING.—Not later than 1 year after the date of the enactment of this section, the Secretary shall prescribe regulations to carry out this section in accordance with with Office of Management and Budget Circular A–129, 'Policies for Federal Credit Programs and Non-Tax Receivables'.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on April 24, 2007, at 9:30 a.m. in SD–106. The title of this committee hearing is, ''Challenges and Opportunities Facing American Agriculture Producers Today, Part II.''

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

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 24, 2007, at 9:30 a.m., in open session to receive testimony on United States Pacific Command, United States Forces Korea, and United States Special Operations Command in review of the defense authorization request for fiscal year 2008 and the future years defense program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, April 24 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing will examine the state of U.S. broadband deployment and penetration. In addition, it will provide a forum for considering the state of U.S. telecommunications research and development and the consequences for competitiveness in the global economy.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, April 24, 2007 at 9:45 a.m. in Room 406 of the Dirksen Senate Office Building.

The agenda to be considered: Hearing on the Implications of the Supreme Court's Decision Regarding EPA's Authorities with Respect to Greenhouse Gases under the Clean Air Act.

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

COMMITTEE ON HEALTH, EDUCATION, PENSIONS, AND LABOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on the No Child Left Behind Reauthorization during the session of the Senate on Tuesday, April 24, 2007 at 10 a.m. in SD–628.

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

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''The Insurrection Act Rider and State Control of the National Guard'' on Tuesday, April 24, 2007 at 2:30 p.m. in Dirksen Senate Office Building Room 226.

The Honorable Michael F. Easley, Governor, State of North Carolina, Raleigh, NC.

Lieutenant General H. Steven Blum, USA, Chief, National Guard Bureau, Alexandria, VA.

Major General Timothy Lowenberg, USAF, The Adjutant General, State of Washington, Tacoma, WA.

Sheriff Ted G. Kamatchus, Sheriff, Marshall County Iowa, President, National Sheriffs' Association, Marshalltown, IA.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 24, 2007 at 2:30 p.m. to hold a closed hearing.

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery be authorized to meet on Tuesday, April 24, 2007, at 9:30 a.m. for a hearing titled ''Beyond Trailers, Part I: Creating a More Flexible, Efficient, and Cost Effective Federal Disaster Housing Program.''

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet on Tuesday, April 24, 2007, at 2:30 p.m., for a hearing entitled ''Transit Benefits: How Some Federal Employees Are Taking Uncle Sam for a Ride.''

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

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Human Rights and the Law be authorized to meet on Tuesday, April 24, 2007 at 10 a.m. to conduct a hearing on ''A Long Way Gone: Memoirs of a Boy Soldier'' in room 226 of the Dirksen Senate Office Building.

Witness List

Ishmael Beah, author, ''A Long Way Gone: Memoirs of a Boy Soldier,'' New York, NY; Kenneth Roth, executive director, Human Rights Watch, New York, NY; Anwen Hughes, senior counsel, Refugee Protection Program, Human Rights First, New York, NY; Joseph Mettimano, director, Public Policy and Advocacy, World Vision, Washington, DC.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on Tuesday, April 24, 2007, at 3 p.m., to receive testimony on the readiness of U.S. ground forces in review of the defense authorization request for fiscal year 2008 and the future years defense program.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–27g, as amended, appoints the following Senator as a member of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the first session of the 110th Congress: the Honorable PATRICK J. LEAHY of Vermont.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 110th Congress: the Senator from Iowa (Mr. GRASSLEY) and the Senator from Ohio (Mr. VOINOVICH).

The Chair announces, on behalf of the Republican Leader, pursuant to Public Law 101–509, the appointment of Terry Birdwhistell, of Kentucky, to the Advisory Committee on the Records of Congress.

CONGRATULATING THE UNIVERSITY OF WISCONSIN MEN'S INDOOR TRACK AND FIELD TEAM

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 167 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. 167) congratulating the University of Wisconsin men's indoor track and field team on becoming the 2006–2007 National Collegiate Athletic Association Division I Indoor Track and Field Champions.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. 167) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 167

Whereas, on March 10, 2007, in Fayetteville, Arkansas, the University of Wisconsin men's indoor track and field team (referred to in this preamble as the ''Badgers indoor track and field team'') became the first-ever Big 10 Conference school to win the National Collegiate Athletic Association (NCAA) Division I Indoor Track and Field Championship, by placing first with 40 points, 5 points ahead of second place finisher Florida State University, and 6 points ahead of the third place finisher, the University of Texas;

Whereas the Badgers indoor track and field team secured its victory through the strong performances of its members, including—

(1) senior Chris Solinsky, who placed first in the 5,000-meter run, with a time of 13:38.61, and placed second in the 3,000-meter run, with a time of 7:51.69;

(2) senior Demi Omole, who placed second in the 60-meter dash with a time of 6.57;

(3) senior Tim Nelson, who placed fifth in the 5,000-meter run with a time of 13:48.08;

(4) senior Joe Detmer, who finished fifth in the Heptathlon with 5,761 points; and

(5) freshman Craig Miller, sophomore James Groce, junior Joe Pierre, and freshman Jack Bolas, who finished fifth in the Distance Medley Relay with a time of 9:35.81;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the Badgers indoor track and field team, including—

(1) Zach Beth;
(2) Brandon Bethke;
(3) Brennan Boettcher;
(4) Jack Bolas;
(5) Nathan Brown;
(6) Joe Conway;
(7) Ryan Craven;
(8) Joe Detmer;
(9) Victor Dupuy;
(10) Peter Dykstra;
(11) Stu Eagon;
(12) Sal Fadel;
(13) Jake Fritz;
(14) Ryan Gasper;
(15) Barry Gill;
(16) Dan Goesch;
(17) James Groce;
(18) Eric Hatchell;
(19) Luke Hoenecke;
(20) Paul Hubbard;
(21) Lance Kendricks;
(22) Andrew Lacy;
(23) Nate Larkin;
(24) Billy Lease;
(25) Jim Liermann;
(26) Rory Linder;
(27) Steve Ludwig;
(28) Steve Markson;
(29) Zach McCollum;
(30) James McConkey;
(31) Brian McCulliss;
(32) Chad Melotte;
(33) Craig Miller;
(34) Tim Nelson;
(35) Pat Nichols;
(36) Demi Omole;
(37) Landon Peacock;
(38) Seth Pelock;
(39) Tim Pierie;
(40) Joe Pierre;
(41) Adam Pischke;
(42) Jarad Plummer;
(43) Ben Porter;
(44) Nathan Probst;
(45) Codie See;
(46) Noah Shannon;
(47) Chris Solinsky;
(48) Mike Sracic;
(49) Derek Thiel;
(50) Joe Thomas;
(51) Jeff Tressley;
(52) Christian Wagner; and
(53) Matt Withrow;

Whereas the success of the Badgers indoor track and field team was facilitated by the knowledge and commitment of the team's coaching staff, including—

(1) Head Coach Ed Nuttycombe;
(2) Assistant Coach Jerry Schumacher;
(3) Assistant Coach Mark Guthrie;
(4) Assistant Coach Will Wabaunsee;
(5) Volunteer Coach Pascal Dorbert;
(6) Volunteer Coach Nick Winkel; and
(7) Volunteer Coach Chris Ratzenberg;

Whereas, on February 24, 2007, in Bloomington, Indiana, the Badgers indoor track and field team won its seventh consecutive Big 10 Championship by placing first with 120 points, 27 points ahead of the second place finisher, the University of Minnesota, and 31 points ahead of the third place finisher, the University of Michigan;

Whereas numerous members of the Badgers indoor track and field team were recognized for their performances in the Big 10 Conference, including—

(1) Demi Omole, who was named Track Athlete of the Year and Track Athlete of the Championships;

(2) Joe Detmer, who was named Field Athlete of the Year and was a Sportsmanship Award honoree;

(3) Craig Miller, who was named Freshman of the Year;

(4) Ed Nuttycombe, who was named Coach of the Year;

(5) Chris Solinsky, Demi Omole, and Joe Detmer, who were named First Team All-Big 10; and

(6) Brandon Bethke, Craig Miller, Luke Hoenecke, Steve Markson, and Tim Nelson, who were named Second Team All-Big 10;

Whereas numerous members of the Badgers indoor track and field team were recognized for their performance in the NCAA Indoor Track and Field Championships, including—

(1) Ed Nuttycombe, who was named Division I Men's Indoor Track and Field Coach of the Year by the U.S. Track and Field and Cross Country Coaches Association;

(2) Jack Bolas, Joe Detmer, Stu Eagon, James Groce, Tim Nelson, Demi Omole, Joe Pierre, and Chris Solinsky, who were recognized as 2007 Men's Indoor Track All-Americans; and

(3) Chris Solinsky, who was named Division I Men's Track Athlete of the Year by the U.S. Track and Field and Cross Country Coaches Association, and was the first University of Wisconsin men's track athlete to be named national athlete of the year; and

Whereas several members of the 2007 Badgers indoor track and field team were also members of the 2005 University of Wisconsin men's cross country NCAA Division I Championship team, including—

(1) Brandon Bethke;
(2) Stu Eagon;
(3) Ryan Gasper;
(4) Tim Nelson;
(5) Tim Pierie;
(6) Joe Pierre;
(7) Ben Porter;
(8) Codie See;
(9) Chris Solinsky;
(10) Christian Wagner; and
(11) Matt Wintrow: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin-Madison men's indoor track and field team, Head Coach Ed Nuttycombe, Athletic Director Barry Alvarez, and Chancellor John D. Wiley, on an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

CONGRATULATING THE UNIVERSITY OF WISCONSIN WOMEN'S HOCKEY TEAM

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 168, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 168) congratulating the University of Wisconsin women's hockey team for winning the 2007 NCAA Division I Women's Ice Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FEINGOLD. Mr. President, today, as a proud alumnus, I congratulate the University of Wisconsin for another fantastic season. This year, the University of Wisconsin women's hockey team defended its National Collegiate Athletic Association Championship, earning its second straight title.

The hard work of the Badger women's hockey team culminated in a 4–1 victory over the University of Minnesota-Duluth in the NCAA championship game on March 18, 2007, in Lake Placid, NY. The Badgers finished their season on a 26-game unbeaten streak and totaled an outstanding final record of 36–1–4.

I commend and congratulate Coach Mark Johnson, a member of the championship Badger hockey team of 1977. The Badgers won the title at Lake Placid, the site of the 1980 ''Miracle on Ice'' U.S. Olympic hockey team, of which Johnson was a member.

The continuing success of University of Wisconsin athletics has made the people of Wisconsin, and alumni throughout the country, proud to be Badgers. The success of this superb team helps remind sports fans in Wisconsin and around the country of UW-Madison's place as a dominant force in Big Ten and national athletics.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 168) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 168

Whereas, on March 18, 2007, in Lake Placid, New York, by defeating the University of Minnesota-Duluth by a score of 4–1 in the championship game and defeating St. Lawrence University by a score of 4–0 in the semifinals, the University of Wisconsin women's hockey team (referred to in this preamble as the ''Badgers'') won the women's Frozen Four championship, earning their second consecutive National Collegiate Athletic Association (NCAA) title;

Whereas Sara Bauer scored a goal and tallied 2 assists, Erika Lawler scored a goal and tallied an assist, Jinelle Zaugg scored a goal, Jasmine Giles scored a goal, Meghan Duggan contributed an assist, Meaghan Mikkelson contributed an assist, and Jessie Vetter stopped 17 shots in the final game to earn her 20th win of the season;

Whereas every player on the University of Wisconsin women's hockey team (Sara Bauer, Rachel Bible, Christine Dufour, Meghan Duggan, Maria Evans, Jasmine Giles, Kayla Hagen, Tia Hanson, Angie Keseley, Heidi Kletzien, Emily Kranz, Erika Lawler, Alycia Matthews, Alannah McCready, Meaghan Mikkelson, Phoebe Monteleone, Emily Morris, Mikka Nordby, Kyla Sanders, Bobbi-Jo Slusar, Ally Strickler, Jessie Vetter, Kristen Witting, and Jinelle Zaugg) contributed to the success of the team;

Whereas Sara Bauer was named to the RBK/American Hockey Coaches Association All-American First Team, and was a finalist for the Patty Kazmaier Memorial Award for national player of the year, the United States College Hockey Online's (USCHO) Player of the Year for the second straight season, and the WCHA Player of the Year and WCHA Scoring Champion, and earned a spot on the All-USCHO First Team and the All-Western Collegiate Hockey Association (WCHA) First Team;

Whereas Bobbi-Jo Slusar was named to the RBK All-American Second team, the All-USCHO First Team, and the All-WCHA Second Team, and was named USCHO Defensive Player of the Year;

Whereas Meaghan Mikkelson was named to the All-USCHO First Team and the All-WCHA First Team, and was named the WCHA Defensive Player of the Year;

Whereas Jessie Vetter was named to the RBK All-American First Team, All-USCHO Second Team, and All-WCHA First Team;

Whereas Meghan Duggan was named to the All-USCHO Rookie Team and named WCHA Rookie of the Year, Christine Dufour was named to the All-WCHA Third Team and was WCHA Goaltending Champion, and Erika Lawler was named to the All-WCHA Third Team;

Whereas Coach Mark Johnson, who won an NCAA championship as member of the University of Wisconsin men's hockey team in 1977, was a member of the gold-medal winning 1980 United States Olympic hockey team, and is one of the few people who have won a national championship as both a player and coach, was named the WCHA Coach of the Year;

Whereas the Badgers are the first University of Wisconsin program to repeat as NCAA champions since the University of Wisconsin women's cross country team won the title in both 1984 and 1985; and

Whereas the Badgers ended the season on a 26-game undefeated streak, finishing with a record of 36–1–4, while outscoring opponents 166–36, and the Badgers broke or tied 6 NCAA single-season team records: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin women's hockey team, the coaching staff, including Head Coach Mark Johnson and Assistant Coaches Tracey Cornell and Daniel Koch, Program Assistant Sharon Eley, Director of Women's Hockey Operations Paul Hickman, Athletic Trainer Jennifer Pepoy, Volunteer Coach Jeff Sanger, and Athletic Director Barry Alvarez, and Chancellor John D. Wiley on an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

RECOGNIZING THE SUSAN G. KOMEN RACE FOR THE CURE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 169, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 169) recognizing the Susan G. Komen Race for the Cure on its leadership in the breast cancer movement on the occasion of its 25th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 169) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 169

Whereas, Nancy G. Brinker promised her dying sister, Susan G. Komen, that she would do everything in her power to end breast cancer; .

Whereas, in Dallas, Texas, in 1982, that promise became Susan G. Komen for the Cure and launched the global breast cancer movement;

Whereas, Susan G. Komen for the Cure has grown to become the world's largest grassroots network of breast cancer survivors and activists fighting to save lives, empower people, ensure quality care for all, and energize science to find the cure;

Whereas, Susan G. Komen for the Cure has invested nearly $1,000,000,000 to fulfill its promise, becoming the largest source of nonprofit funds in the world dedicated to curing breast cancer;

Whereas, Susan G. Komen for the Cure is committed to investing an additional $1,000,000,000 over the next decade in breast health care and treatment and in research to discover the causes of breast cancer and, ultimately, its cure;

Whereas, Susan G. Komen for the Cure serves the breast health and treatment needs of millions, especially underserved women, through education and support to thousands of community health organizations, with grants to date of more than $480,000,000;

Whereas, Susan G. Komen for the Cure has played a critical role in virtually every major advance in breast cancer research over the past 25 years; the research investments to date of more than $300,000,000;

Whereas, Susan G. Komen for the Cure has advocated for more research on breast cancer treatment and prevention, with the Federal Government now devoting more than $900,000,000 each year to breast cancer research, compared with $30,000,000 in 1982;

Whereas, Susan G. Komen for the Cure is a leader in the global breast cancer movement, with more than 100,000 activists in 125 cities and communities, mobilizing more than 1,000,000 people every year through events like the Komen Race for the Cure Series—the world's largest and most successful awareness and fundraising event for breast cancer;

Whereas, Susan G. Komen for the Cure has been a strong supporter of the National

Breast and Cervical Cancer Early Detection Program and the Mammography Quality Standards Act;

Whereas, in the last 25 years early detection and testing rates have increased, with nearly 75 percent of women over 40 years of age now receiving regular mammograms, compared with 30 percent of such women in 1982;

Whereas, in the last 25 years, the 5 year breast cancer survival rate has increased to 98 percent when the cancer is caught before it spreads beyond the breast, compared with 74 percent in 1982;

Whereas, without better prevention and a cure, 1 in 8 women in the United States will continue to suffer from breast cancer—a devastating disease with physical, emotional, psychological, and financial pain that can last a lifetime;

Whereas, without a cure, an estimated 5,000,000 Americans will be diagnosed with breast cancer—and more than 1,000,000 could die—over the next 25 years;

Whereas, Susan G. Komen for the Cure is challenging individuals, communities, States, and Congress to make breast cancer an urgent priority;

Whereas, Susan G. Komen for the Cure recognizes that in the world of breast cancer, the big questions are still without answers: what causes the disease and how it can be prevented; and

Whereas, Susan G. Komen for the Cure is marking its 25th anniversary by recommitting to finish what it started and end breast cancer: Now, therefore, be it

Resolved, That the Senate——

(1) congratulates Susan G. Komen for the Cure on its 25th anniversary;

(2) recognizes Susan G. Komen for the Cure as a global leader in the fight against breast cancer and commends the strides the organization has made in that fight; and

(3) supports Susan G. Komen for the Cure's commitment to attaining the goal of a world without breast cancer.

ORDERS FOR WEDNESDAY, APRIL 25, 2007

Mr. BINGAMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, April 25; that on Wednesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein, with the first 30 minutes under the control of the majority and final 30 minutes under the control of the Republicans; that following morning business, the Senate resume consideration of S. 761.

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

ORDER FOR ADJOURNMENT

Mr. BINGAMAN. Mr. President, I understand my colleague from Tennessee, Senator ALEXANDER, wishes to make some final comments tonight.

If there is no further business today, I ask unanimous consent that following the remarks of Senator ALEXANDER, the Senate stand adjourned under the previous order.

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

The Senator from Tennessee is recognized.

AMERICA'S COMPETITIVENESS

Mr. ALEXANDER. Mr. President, I thank the Senator from New Mexico. I say to him, it is always nice to serve with him in the Senate but especially this week because this week the Senate, as anyone can see, is debating perhaps the two greatest issues facing our country. One is a way forward in Iraq, about which we have profound disagreements; two is, how do we keep our jobs in a competitive world, how do we keep our brainpower advantage so we can continue this remarkable situation we find ourselves in where our country produces about 30 percent of all the money in the world, gross domestic product, for about 5 percent of the people?

I believe the election last November was as much about the conduct of business in Washington, DC, as it was about the conduct of the war in Iraq. I think most people—and I have said this many times—most people want to see us acting like grownups dealing with big issues. They know that while we have our principles and we have our politics, there are some issues before us that are simply too big for one political party to solve. We have not reached the point on Iraq where we can do that. I am hopeful we can. We need a political settlement here as much as Iraq needs one there. But we have reached—or we are close to reaching—a political settlement on the other great issue we are debating this week; that is, competitiveness. This is a great big issue. This is of concern to Tennesseans in every county where I go. This is the feeling down deep in your gut or in your heart while sitting around the table at night: Am I going to have a job? As the Presiding Officer has spoken eloquently to this, we come at this from many different ways, but we see that our country now is in a very fortunate position that we can't take for granted.

I was trying to think of an appropriate analogy today, and I was thinking of the University of Tennessee women's basketball team. I heard some nice compliments paid to the Wisconsin teams today. I think Pat Summitt and the University of Tennessee women's basketball team have won seven national championships, including the one this year.

There was a time 20 years ago when the University of Tennessee women's basketball team coached by Pat Summitt played any team in the Southeastern Conference and it wasn't even close. Everybody knew the Lady Volunteers—the Lady Vols—were so good, so strong, so far ahead that they were going to win. Now they still win, but they really have to work to win because there are a lot of great teams in the Southeastern Conference. In fact, there are a lot of great teams around the country, and that is the way as we look in the world in which we live today.

We cannot take for granted 1 year longer that our children and our grandchildren will enjoy this remarkable standard of living we have. There are a number of steps we need to take to deal with that.

The step we are talking about this week with a reasonable degree of consensus is keeping our brainpower advantage. Why do we say brainpower advantage? Because that is one way we gained our wealth as a country. In fact, many of the studies show that at least half and maybe a good deal more of the growth in the wealth of families, the family incomes in America since World War II, has come from technological advances. That is going back a long ways. That is from Thomas Edison's inventions. That is from Henry Ford's inventions, Walter Chrysler's inventions, and more recently the Google invention. Wherever those inventions come, the jobs grow.

I learned a long time ago that as important as it is for Governors, for example, to recruit jobs, it is more important to grow jobs. We were feeling pretty good down in Tennessee 25 years ago when Saturn came from General Motors and Nissan came to Tennessee. I added it all up, and that was 10,000 or 12,000 jobs. Then the suppliers came, and that was a lot more jobs.

But in Tennessee, as in most places in America, we lose jobs every year. The numbers are a little elusive. But in a State such as Tennessee where 2.5 million people work, maybe we lose 10 percent of our jobs every year. They just disappear. Companies go out of business. But that must mean we must create about that many new jobs every year. So the strong economies, the economies that are growing—the United States being the prime example—are the economies which create the best environment for the growth of the largest number of good new jobs. That is what a progrowth policy is.

We Republicans, we on this side of the aisle, are saying progrowth—yes, that means low taxes. I agree. I vote for low taxes. When I was Governor of Tennessee, we had low taxes. I believe we had the lowest taxes per capita in the country. That wasn't enough. We were the third poorest State, and we had low taxes. The problem was we had a lot of other rules and regulations and impediments and impairments that kept us from raising our family incomes. For example, we had a usury limit of 10 percent. We had very restrictive banking laws. On the good side, we had a right-to-work law. That helped us. There were a number of things that created a more competitive environment. On the negative side, we had a bad road system. Now we have one of the best four-lane highway systems in America.

As we worked through the goal of how do we in our State of Tennessee go

from being the third poorest State to what we became—the fastest growing State in family incomes—we went through all those other issues and finally centered on better schools, better colleges, better universities, more brainpower, because if you went to work at the Saturn plant, you had to know statistics, you had to know other forms of math, you had to speak English well and work as part of a team. There really weren't any blue-collar jobs left in the auto industry; they were high-tech jobs, and you had to be well trained to be there.

As we have said to each other—and we all believe this, almost every one of us—our children have to know more than we did. Standards are higher and higher and higher because as some jobs leave our country, if we want to create more good new jobs, we are going to have to be smart enough to create them, smart enough to work at them, and smart enough to keep them. That is what the brainpower advantage is.

We have had that advantage. We have had the greatest K–12 system in the world here for a long time. It has some problems now, but it has been a remarkable system for our country. There is no doubt we have the finest system of colleges and universities in the world. More than half a million students around the world come here.

The former President of Brazil, Cardoso, was visiting with a group of Senators a couple of years ago, and someone asked him: What will you take back to Brazil, Mr. President? He taught at the Library of Congress and in other places in the world. He is an academic. He said: The American university.

No one in the world has a system like the American universities. That is why we have people lining up in India and China and everywhere else to come to our schools.

Then we have these remarkable National Laboratories, such as the Oak Ridge National Laboratory. Just in Knoxville, TN, the area where I grew up, with the Tennessee Valley Authority, the University of Tennessee research campus, and the Oak Ridge National Laboratory, we have more than 3,000 Ph.D.s. What a concentration of brain power. Out of that comes entrepreneurial hotspots, new jobs, and this high standard of living we talk about in our State, as well as for our country.

So what is the problem? You might even look at it, as the International Monetary Fund has said over the last several years, that we have been able to keep that high level of gross national product, but we all know anecdotally, and now from recommendations we have gotten from people who know what they are talking about, that we have a gathering storm. That is why simultaneously a number of us in the Senate, on both sides of the aisle, all began to come to about the same conclusion.

Senator LIEBERMAN and Senator ENSIGN, for example, took legislation from a group called the Council on Competitiveness, which said if we don't stay competitive, we are not going to keep our jobs. So what do we need to do? They told us. Senator BINGAMAN and I, with Senator DOMENICI's encouragement, and Representatives BOEHLERT and GORDON in the House of Representatives joined in, asked the National Academy of Sciences: We said, OK, you are supposed to know this. The Senator from Ohio and the Senator from Tennessee, we might have an idea, we might have a friend with a math program, but you are supposed to know. Exactly what do we need to do to keep our high standard of living, to keep our jobs from going to China and India? Tell us in priority order. They did that. They gave us this report, ''Rising Above the Gathering Storm.''

They said if we want to keep our jobs, we better do these 20 things in priority order. These aren't the only 20 things. Each of us can think of more to do. We might not agree about some of those things. Some might be tort reform. Some might be to give poor kids vouchers to go to school. Those things aren't in here. Some overhaul of the tax system. There are a lot of barriers to innovation, but this group came up with 20 recommendations.

What happened to that? We have worked together with the administration—homework sessions we called them—and we took the best advice we could. These 20 recommendations weren't willy-nilly. These were three Nobel laureates, a former president of MIT, business leaders like Craig Barrett of Intel, Bob Gates, the head of Texas A&M, now the Defense Secretary. They gave their summer. They reviewed hundreds of proposals. They said of all the proposals, here is one that seems effective; that makes a difference. Let's try it. This is what we need to do to keep our advantage.

We usually don't have that kind of dispassionate, disinterested advice. I think that is why, after we got going, we were able to have a piece of legislation, Domenici-Bingaman, that had 70 cosponsors—35 on this side, 35 on that side. We had a Republican majority, and we worked together to produce that bill, and Senator Frist and Senator REID introduced it last year as we were going out of session.

What has happened this year? We have a Democratic majority, and Senator REID and Senator MCCONNELL have taken the same bill, after it has made its way through all these committees—and it is a big bill, 208 pages. I reread it over the weekend. It is remarkably well organized, remarkably literate, remarkably easy to understand, and makes a lot of sense.

Is it perfect? No. We have 100 Senators. We have 62 cosponsors of this legislation by the majority leader and the minority leader. Yet there are several things, if I were writing it, that I would take out.

We have had a healthy debate today. We have had some good points made by Senator DEMINT and Senator SUNUNU and Senator GREGG and some others who are critical of provisions of the bill. That is the way the Senate is supposed to work. We put it out there, we work hard to get our advice, we have debates, we have votes, and we go on to the next thing, which is what we are doing tomorrow.

I would like to say, if all of us insisted on every right each of us has, we would never get anything done. So I am very grateful to my colleagues for the work they have done to help bring this to a conclusion, which we hope we can reach tomorrow.

I would like to make just a couple of other comments in response to some of the criticisms of the legislation. I don't want to make too many because most of the comments have been favorable. I mean, it is very impressive when senior members, such as Senators KENNEDY and ENZI from the HELP Committee, and Senators INOUYE and STEVENS from Commerce, and Senators BINGAMAN and DOMENICI from the Energy Committee bring this bill directly to the Senate floor and have a sense of urgency about its passage and step back and don't insist on all their prerogatives so we can actually come to a conclusion. They have produced a remarkably good bill.

In improving it, however, one thing that was done to improve it yesterday was an amendment that was adopted which Senator BINGAMAN offered. That took out any direct spending in the bill. So there is no mandatory spending in this legislation. This is an authorization bill. It doesn't spend one single penny. That is important for everyone to know.

There is also the question of its cost. Let me go to a Statement of Administration Policy that arrived last night. I used to work in the White House, in the Congressional Relations Office. I think if I had been doing it, and if the Senate had been working on this for 2 years, with maybe a dozen Senators, including some Republicans, I think I might have driven over here and given this to somebody. I would have appreciated that, and I think many other Senators would have. Nevertheless, I put this in the RECORD this morning as a courtesy to the White House because the President has spoken out forcefully for the competitiveness agenda in his State of the Union message for the last 2 years, and he put a large amount of funding in his budget for the next 4 years in support of it, and a number of the President's proposals, most of them in fact, are incorporated in this legislation.

So among the National Academy of Sciences, the Council on Competitiveness, and all the committees, we have the President of the United States, the most important voice in the country, saying this is what we need to do. I am grateful for that.

I am also grateful for this Statement of Administration Policy which has made some helpful suggestions, and we have been considering them. This

statement points out, for example, that the Senate bill in support of competitiveness objectives would cost $61 billion over the next 4 years. Most of it comes from doubling funding for the hard sciences in the Office of Science in the Department of Energy, doing that over 10 years, and authorizing—again, not spending, authorizing—doubling of the National Science Foundation over 5 years. Mr. President, $61 billion is what the Senate bill would do. That is $9 billion more than the President's proposal.

Let me point out that the President himself proposed $52 billion over the next 4 years. We have proposed $8 billion or $9 billion more—no direct spending, and fairly close to what the President had recommended. As Senator BINGAMAN said, the Budget Committee and the Senate, by a 97-to-1 vote, approved an amendment making about $1 billion of room in our budget for the first year of these proposals.

In terms of new programs, it has been said there may be $16 billion of new proposals over the next 4 years. Let me try to put that in perspective. I consider this progrowth legislation. Over on this side of the aisle, we get very excited about progrowth legislation. I do. I like it. I just talked about how I was a progrowth Governor. The first thing that comes to mind is taxes, the Bush 2001 tax cuts. I voted for them. I will vote for them again. They are progrowth. They cost $552 billion over 5 years—$552 billion over 5 years. That is a lot of money. We do that over here and don't think twice about it because it is progrowth.

This is $16 billion over 4 years. It is progrowth. To my way of thinking, it is just as progrowth as tax cuts. In fact, most of the research shows that our brain power advantage is the single most important reason that we grow the largest number of new jobs in our country. Our tax structure is important, but our brain power advantage is more important. So this is progrowth.

Another way of thinking about it, if we are $8 billion more than the President's proposals, $8 billion is about what we spend in a month in Iraq. We spend about $2 billion a week in Iraq. I vote for that, too. But if we don't have growth, if we don't invest in education and research and keep our competitive advantage, we will never be able to pay for the urgent needs we have—in Medicare, Medicaid, to clean up after hurricanes, and to have a strong national defense. So this is progrowth legislation.

As I look through the Statement of Administration Policy, I won't seek to discuss each of these items, but there are some differences of opinion between those in the administration and those of us who worked on the bill. In some cases, it boils down to the President liking his new programs and not liking our new programs, although most of his are in there. It is not quite fair for the White House to say it is wrong for the Senate to add a few new programs but not wrong for the President to add a few new programs. We are coequal branches of the Government.

He has a new Math Now Program. We think it is a good program, and it is in here, but it is a new educational program. We have new educational programs, too, that were recommended by the Augustine commission, such as the You Teach Program from the University of Texas and the Penn Science Program from the University of Pennsylvania, both of which were judged to be the most outstanding programs in the country to help train existing teachers or train new teachers. And who told us that? This committee of 21, including three Nobel laureates who spent the summer reviewing all the ideas. That is pretty good advice we are getting, Mr. President. So I think we should take it.

The administration doesn't like what we call ARPA-E. It is what has been called DARPA over in the Defense Department, which has been very successful as a research agency. Out of it came Stealth, which permits us to own the night in our military activities. Out of it came the Internet. There are some differences between using that to solve our energy problems, but we think we ought to try. That is just a difference of opinion.

There are a few other differences of opinion. One is that some people think—although I haven't heard it said much on the floor today—we should not be using our National Laboratories to have math and science programs for teachers and students. I do not agree with that. My experience is totally the reverse. Our biggest problem with math and science is inspiring kids to learn math and science. What would inspire you more than to go to the Oak Ridge Laboratory, Los Alamos, being near a Nobel Prize winner if you are 14 or 15 years old or if you are a teacher? If you want to be a musician in Nashville, you would rather go on the road with Vince Gill or Martina McBride than sit in the business office of the Grand Ole Opry. So if we have these great National Laboratories, let's use them to inspire our students.

That is new. That is true, it is new. But what is wrong with a new idea every now and then if it has promise and it looks as if will work and it is recommended by the National Academy of Sciences, the Institute of Engineering, and the National Academy of Medicine as something we ought to do? There are a variety of very good suggestions made by the administration's statement of policy. We are taking them all into account.

We have had a number of amendments today. One of the concerns of the administration was that we not duplicate educational programs. That is our concern as well. In the work that we did, we asked the National Academies to look at existing programs and help us not duplicate those. So as an example, the National Academies suggested that we create a special program of scholarships to train new teachers. We looked at the National Science Foundation and, in fact, asked the Director. He already had a program like that called the Robert Noyce Scholarship Program. We judged that to be an effective program. Instead of creating a new one, we expanded the existing one. So we have been very sensitive to that.

The legislation itself sets up a Cabinet council which will review existing math and science programs in kindergarten through the 12th grade to try to make sure we do not duplicate and that all of the money we spend is effective. The administration has its own academic competitiveness council. It has been at work for about 18 months, I think. It hasn't reached its conclusions yet. It is going to be a very useful council as well. And the President's own Math Now proposal, a new program, will also be helpful in helping us take the existing programs and focus them correctly.

So the new Cabinet council within the administration, set up by this bill, the existing Academic Competitiveness Council already ongoing in the administration, and our own oversight, should help us continue this very valid inquiry to make sure the programs weren't duplicated.

I told the visiting chief State school officers today, who were here from around the country, that there was a lot to take home from this bill, and there is. When the academies were asked to put this in priority order, they didn't put a research and development tax credit as the No. 1 thing to keep our jobs. They didn't put bringing in students from overseas as the No. 1 thing, although we think it is terrifically important. They didn't even put more research in the universities as the No. 1 thing.

They said improving kindergarten through the 12th grade. And they took a number of steps, some of which I have already mentioned: the summer institutes of the National Laboratories, the teacher institutes at the National Science Foundation—70,000 new teachers will be trained to teach advanced placement courses in math, science, and the critical foreign languages. Especially, this will mean low-income children who are just as smart but just haven't had the opportunity to have a teacher who knew how to teach it or the money to pay for the test, this will take care of that. This is from a Houston, TX, program that has been judged effective because it has worked for many years.

Then I think a very exciting program is the idea of supporting these specialty math and science schools in each State, a residential math and science school such as the one in North Carolina, the one in Georgia. The Governor of Tennessee has just begun to have one. It forms a nucleus of excellence in a subject matter, in this case math and science, that attracts and inspires the best students and teachers.

We found in our State over the last 20 years that summer academies, just 2 or 4 weeks, in different subjects, has made a remarkable difference in the quality of education. In Georgia, for example, their experience is that half the students who go to the Georgia math and science academy then go to Georgia Tech. That means they stay in Georgia instead of going somewhere else and then they are the source of the new jobs and higher standard of living for our future.

As I hope you can tell, I am excited about what has happened today. I know enough about the Senate to know we are not through. The Senate is not done until it is done. My hope is that Senator BINGAMAN is right and we can finish tomorrow.

I thank the majority leader and the Republican leader for creating an environment in which we can succeed. They have given us the time to do it and our colleagues have been diligent. I hope our colleagues will come to the floor tomorrow with their suggestions. But I want the American people to know what I said when I began. It is always a privilege to serve in the Senate, but especially it is a privilege this week because this is the Senate acting as grown-ups, not playing partisan, petty politics, not dealing with little kindergarten issues. We are dealing with the two foremost issues facing our country: How we go forward in Iraq—we have profound disagreements still—and how we keep our competitive advantage, our brain power advantage, so we can keep our jobs. We are coming to a consensus because of very hard work on both sides. I think the American people will be proud of the result, if we are able to succeed, which I very much hope we can.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow, Wednesday, April 25.

Thereupon, the Senate, at 7:58 p.m., adjourned until Wednesday, April 25, 2007, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, April 24, 2007:

THE JUDICIARY

Halil Suleyman Ozerden, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

EXTENSIONS OF REMARKS

HONORING SARIE TOSTE OF HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Sarie Toste, a distinguished educator in Humboldt County, California, and a recognized leader in educating young children on the importance of learning to save money. Sarie spearheads a program in elementary schools across Northern California that helps child learn the fundamentals of financial literacy.

Sarie initiated the first ''Learn to Earn'' program 11 years ago as the superintendent at Pacific Union Elementary School, when she realized that the children did not understand that they could save their money, watch it grow and help realize future dreams.

''Learn to Earn'' is a collaborative effort with a regional financial institution, Umpqua Bank, which provides weekly on-campus banking. The children sign up, deposit $1 and receive a passbook. Every week a bank representative visits the school and accepts student deposits. The children set savings goals, calculate interest earned and watch their account grow.

With over seventy schools throughout Northern California, the nearly 6,000 young savers have banked $1.5 million making ''Learn to Earn'' the largest, most successful school savings program in California. The curriculum that has been developed helps teachers introduce the basic concepts of sound money management.

This is in sharp contrast to the savings habits of our nation's adults. Today, America's savings rate is negative, the lowest rate since the Great Depression. Even more alarming is the dramatic increase in personal debt, which has grown over the past decade by approximately 300 percent.

Madam Speaker, it is appropriate that today, on ''National Teach Children to Save Day'' we recognize the outstanding commitment of Sarie Toste for her foresight and dedication to the future of our children and teaching them how to ''Learn to Earn.''

TRIBUTE TO MS. ANNIE LUU

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. TANCREDO. Madam Speaker, I would like to congratulate Ms. Annie Luu, an accomplished Gonzaga University student from Colorado's 6th District. Ms. Luu and a team of fellow Gonzaga students were recently honored by the U.S. Environmental Protection Agency, becoming finalists in the third annual EPA student design competition.

Since 2004, the EPA has honored college students from across the country for their research efforts towards environmental sustainability through the ''P3—People, Prosperity, and the Planet'' contest. This year, only 41 proposed projects were chosen for development out of more than 100 submissions. The 41 student teams will exhibit their designs on the National Mall on Tuesday, April 24, 2007 at the National Sustainable Design Expo. The National Academy of Engineering will judge the competition and recommend the winners to the EPA.

Ms. Luu and her teammates will present their project, entitled ''Decentralized Waste Treatment and Energy Recovery in Rwanda,'' during this event.

Ms. Luu and her peers should be commended for their commitment and contributions to environmental sustainability. I wish her all the best in her future endeavors.

HONORING THE MESQUITE CHAMPIONSHIP RODEO

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. HENSARLING. Madam Speaker, today, I would like to help celebrate the Mesquite Championship Rodeo and its 50th anniversary. This fine organization has entertained a wide variety of people over the years, from young children to our Nation's Presidents and foreign heads-of-state.

The Mesquite Rodeo opened its chutes in 1958 and has become an integral part of the community and the State of Texas; so much so that in 1993 the Texas legislature proclaimed the city of Mesquite the ''Rodeo Capital of Texas.''

Every Friday and Saturday night during the rodeo season, thousands of visitors experience the excitement of our Nation's original western sport: the rodeo. From cowboys to clowns, and fast horses to big bulls, the Mesquite Rodeo has come to exemplify championship rodeos. My family and I can attest to the entertainment value of the events and showmanship that the Mesquite Rodeo is known for throughout the United States.

As the congressional representative of Mesquite, Texas, home to the Mesquite Championship Rodeo, it is my distinct pleasure to honor them today in the United States House of Representatives.

DON IMUS

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. AL GREEN of Texas. Madam Speaker, I would like to express my opinion concerning the offensive remarks of radio personality Don Imus. His insensitive comments, directed at the Rutgers University women's basketball team after the team's loss to Tennessee in the NCAA tournament, exceeded the boundaries of humor, even by Mr. Imus's standards. While I recognize Mr. Imus's right to free speech under the First Amendment to the U.S. Constitution, I vehemently condemn his remarks and support his dismissal from MSNBC and CBS broadcasting companies.

Imus's deplorable comments have overshadowed the Rutgers Scarlet Knights' record of success. Starting the season with 2 wins and 4 losses, the Scarlet Knights overcame great odds through their hard work, determination, and dedication. In the face of adversity, the team made a triumphant comeback by becoming the Eastern Division champions, which later set the stage for their first-ever appearance in a national championship competition. So what should have been the team's finest hour became its worse hour caused by the regrettable actions of Mr. Imus.

Yet amidst the Imus controversy, this remarkable group of student-athletes has responded to the situation with dignity and grace, which is emblematic of the caliber of these women. The Rutgers Scarlet Knights is comprised of five freshmen and five upperclassmen. Of the freshman class, each student has a combined grade point average of 3.0. These accomplished women are valedictorians of their class, future doctors, musical prodigies, and Girl Scouts. These women exemplify beauty, strength, and integrity—the very opposite of Imus's characterization of them.

The dismissal of Don Imus sends a powerful message to not only these young women but to the rest of Nation. The message: Enough is enough. Racism and sexism in any of its ugly forms will no longer be tolerated, not even for the sake of a good laugh or good ratings.

HONORING THE 95TH ANNIVERSARY OF THE FOUNDING OF ST. JOHN THE BAPTIST CATHOLIC SCHOOL IN NAPA, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize the 95th anniversary of St. John the Baptist Catholic School in Napa, California. This school, and the associated Catholic Church, has been a

prominent fixture in the community for many years, and many students have benefited from the excellent education and outstanding guidance it has offered.

In the fall of 1911 Father Joseph Byrne took the first steps to open a Catholic school in Napa when he invited the Dominican Sisters of San Rafael to staff a new school to be founded in Napa. When the school was opened the next spring, it served 120 students from the location on Franklin Street. Today that same building is used by the Napa Community Thrifts Project. That building remained in use for 15 years until the school moved to the current location on Main and Napa Streets in January, 1927. It has remained in its current location for more than 80 years.

St. John the Baptist School currently enrolls almost 300 students, and is well served by its current pastor Father Gordon Kalil, and Principal Nancy Jordan. The school now enrolls students from pre-kindergarten through 8th grade, and this has allowed the school to develop programs for children of many different ages. The school has also taken the important step of involving parents in children's education, and indeed has made this one of the core missions. By making parents into educators and encouraging children to reach out and participate in their greater community, St. John's and Father Kalil have reinforced that civic-mindedness is one of the key characteristics of a well-rounded young person.

Madam Speaker, I ask that my colleagues join me in acknowledging the 95th anniversary of St. John the Baptist Catholic School in Napa, California. St. John's has been an important fixture in the education of young men and women in Napa, and has laid an important intellectual and spiritual foundation for generations of young people. In the years to come, this excellent tradition will continue to be of the greatest benefit to the Napa community and a credit to the parish of the St. John's Catholic Church.

NINETY-SECOND COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mrs. MALONEY of New York. Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian Americans, I rise to join my colleagues in the sad commemoration of the Armenian Genocide.

Today we declare to people living in every corner of our globe that the Turkish and American governments must finally acknowledge what we have long understood: that the unimaginable horror committed on Turkish soil in the aftermath of World War I was, and is, an act of genocide. The tragic events that began on April 24, 1915, which are well known to all of us, should be part of the history curriculum in every Turkish and American school. On that dark April day, more than 200 of Armenia's religious, political and intellectual leaders were arrested in Constantinople and killed. Ultimately, more than 1.5 million Armenians were systematically murdered at the hands of the Young Turks, and more than 500,000 more were exiled from their native land.

On this 92nd anniversary of the beginning of the genocide, I join with the chorus of voices that grows louder with each passing year. We simply will not allow ice planned elimination of an entire people to remain in the shadows of history. The Armenian Genocide must be acknowledged, studied, and never, ever allowed to happen again.

Last year I joined with my colleagues in the Caucus in urging PBS not to give a platform to the deniers of the genocide by canceling a planned broadcast of a panel which included two scholars who deny the Armenian Genocide. This panel was to follow the airing of a documentary about the Armenian Genocide. Representative Anthony Weiner and I led a successful effort to convince Channel Thirteen in New York City to pull the plug on these genocide deniers. The parliaments of Canada, France, and Switzerland have all passed resolutions affirming that the Armenian people were indeed subjected to genocide. The United States must do the same. I will not stop fighting until long overdue legislation acknowledging the Armenian Genocide finally passes. I am hopeful that this resolution will make it to the Floor for a vote before the full House of Representatives this Congress.

An acknowledgment of the genocide is not our only objective. I remain committed to ensuring that the U.S. government continues to provide direct financial assistance to Armenia. Over the years, this aid has played a critical role in the economic and political advancement of the Armenian people. I have joined with my colleagues in requesting military parity between Armenia and Azerbaijan in the FY08 Foreign Operations Appropriations bill.

We also have requested an adequate level of economic assistance for Armenia and assistance to Nagorno-Karabakh. Legislation passed in the 109th Congress and signed into law to reauthorize the Export-Import Bank included important language prohibiting the Bank from funding railroad projects in the South Caucasus region that deliberately exclude Armenia. American tax dollars should not be used to support efforts to isolate Armenia, and these provisions would prevent that by ensuring that U.S. funds are not used to support the construction of a new railway that bypasses Armenia. A railway already exists that connects the nations of Turkey, Georgia, and Azerbaijan, but because it crosses Armenia, an expensive and unnecessary new railway had been proposed. Allowing the exclusion of Armenia from important transportation routes would stymie the emergence of this region as an important East-West trade corridor. It is in our economic and security interests to ensure that the aggression against Armenia comes to an end.

On this solemn day, our message is clear: the world remembers the Armenian genocide, and the governments of Turkey and the United States must declare—once and for all—that they do, too.

TRIBUTE TO ROBLEY REX

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. WHITFIELD. Madam Speaker, it is my distinct honor to recognize Mr. Robley Rex of Louisville, Kentucky. Mr. Rex was born in Christian County, Kentucky, on May 2, 1901. He is the only surviving World War I veteran in Kentucky. Robley Rex has faithfully served his country since entering the United States Army in 1919, He has worked as a mail clerk with the railroad. He was ordained as a Methodist minister. He joined the Veterans of Foreign War (VFW) service organization in 1924.

Rex Robley began volunteering through the VFW at the age of 86, logging over 13,000 hours of service. He has served his fellow veterans at the Veterans Affairs Medical Center in Louisville. By his count, he has served veterans for 75 years. He has been honored by the VFW as a National Volunteer of the Year.

Madam Speaker, Mr. Robley Rex embodies the spirit, commitment and sacrifice that we all should strive for in our daily lives. I extend my thanks to him for his efforts, and I am proud to bring his accomplishments to the attention of this House.

TRIBUTE TO MS. KAREN BROWN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. TANCREDO. Madam Speaker, I would like to congratulate Ms. Karen Brown, an outstanding school teacher from Littleton, Colorado. Ms. Brown, who teaches at Coronado Elementary School, was recently named a recipient of the 2006 Milken Family Foundation National Educator Award. The award program is one of the most prominent in the United States.

Honoring teachers, principals and specialists from across the nation, recipients are chosen based on such criteria as effective instructional practices, student learning results and educational accomplishments as well as their potential for leadership within the field. Ms. Brown joins a network of more than 2,200 Milken Educators who have been honored by the program since 1985.

In addition to a $25,000 individual award, Ms. Brown also attended the annual Milken National Education Conference in Los Angeles, California from the 21st to 24th of April.

Ms. Brown should be commended for her commitment to community and her contributions to education in Colorado. I wish her all the best in her future endeavors.

IN APPRECIATION OF BRUCE GOURLEY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to mark the retirement of Bruce Gourley, who has been a member of the International Brotherhood of Electrical Workers for 30 years, During this time, he has served the group in a number of capacities, and has brought the voice of Local 180 to a variety of forums throughout the State.

Mr. Gourley was born in St. Petersburg, Florida, but completed high school in Denver before joining the Navy. He served until 1970,

and when he left the service he decided to remain in the Vallejo area with his family. He received his business degree from Solano Community College in 1973.

Mr. Gourley joined the IBEW Local 180 in 1978 while he was working as a construction electrician. Even as he continued to work, he pursued a teaching credential from the University of California at Berkeley. He became credentialed in 1983, and has taught classes through an apprenticeship program for many years.

In 1988, Mr. Gourley was elected to the executive board of Local 180, and has since served 3 terms while taking on a variety of other responsibilities on behalf of numerous local and State labor interests. Within Local 180, he has served 3 terms as the Business Manager Financial Secretary, helping to guide the financial activity of the group.

Mr. Gourley has also served with numerous other organizations, including the California Electricians Public Relations Committee, the Vallejo Unified School District, and beginning in 2001 he was tapped to use his teaching experience with the California Electrical Joint Apprenticeship and Training Committee. He has also been extensively involved with the committees of the Northern California Sound and Communication workers. In 2003 he was appointed to assist and lead the very important work of the Council on Industrial Relations.

Madam Speaker, it is appropriate at this time that we thank Bruce Gourley for his many years of service to the labor community. His extensive efforts to educate future generations of electrical workers, and his determination to foster a productive negotiating environment in northern California have been extremely valuable.

HONORING WOMEN IN SERVICE AND ENTERPRISE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. HENSARLING. Madam Speaker, for the past six years, the greater Mesquite area has embraced the opportunity to honor many exceptional women in the community through the Women in Service and Enterprise (WISE) Award Luncheon and Style Show. Today I would like to honor this year's award recipient, Dr. Linda Henrie, who is an example of strong, capable and dedicated leadership. I would also like to recognize honorees Patti Hawkins, Pat Ogles and Marjorie Seward for their valuable service and commitment to their community.

Dr. Henrie is the Superintendent of the Mesquite Independent School District (MISD) where she oversees more than 34,000 students and more than 4,000 professional and auxiliary staff. She has served in this position with distinction since 2001.

Dr. Henrie has served on numerous boards in the greater Mesquite community including: The Board of Directors for Mesquite Social Services, the Board of Directors for the Mesquite Symphonic Band and as President of the Mesquite Education Association. Dr. Henrie also serves as President of the Texas Association for Supervision and Curriculum Development and the Dallas County Workforce Development Board. In addition to being active in the community and holding multiple leadership roles, Dr. Henrie has been recognized for the Association of Texas Professional Educator's Administrator of the Year Award in 2002 and was named one of the 100 Heroes of MISD.

Past WISE Award winners have served in a variety of ways, but they are united by the long-lasting impact they have made on their community. Their service, community involvement and dedication to enterprise continue to inspire younger generations.

Today, I would like to recognize all of the WISE honorees for their outstanding service and congratulate them on their awards. Thank you, ladies, for helping make our community and country a better place.

OFFERING HEARTFELT CONDOLENCES TO THE VICTIMS AND THEIR FAMILIES REGARDING THE HORRIFIC VIOLENCE AT VIRGINIA TECH AND TO STUDENTS, FACULTY, ADMINISTRATION AND STAFF AND THEIR FAMILIES WHO HAVE BEEN AFFECTED

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. AL GREEN of Texas. Mr. Speaker, it is with great sadness that I recognize the tragic deaths of the 32 victims in the shootings at Virginia Tech this past Monday.

These 32 individuals did nothing to deserve this awful fate and should never have had their lives prematurely ended by the horrific actions of one disturbed individual. One of the shooting's victims, Ryan Clark, served as a volunteer counselor at a camp for mentally impaired children. Ryan was described by the camp's administrator as "one of the kindest, most compassionate people" whom she had ever met. Another victim, Henry Lee, graduated second in his high school class, despite having immigrated from China and having had to learn English as his second language. And Liviu Librescu, a Holocaust survivor, displayed heroism all the way to the end by sacrificing his own life by barricading the door to his classroom to give many of his students enough time to escape through the classroom window.

In the lives of these 32 innocent individuals we find countless examples such as these, of kindness, compassion and determination. I would like to extend my warmest sympathies to the families and friends of these individuals, as well as to the entire Virginia Tech community.

Unfortunately, we have seen tragedies like this one numerous times in our Nation's history. In my own home state of Texas, we lost 15 of our citizens in a similar rampage four decades ago at the University of Texas at Austin.

I believe that, in this time of tragedy, we must honor the shooting's victims, offer the people of Blacksburg our utmost condolences and support, and, most of all, renew our commitment as a country to doing everything in our power to helping communities prevent similar tragedies from taking place in the future.

I commend my colleague, the gentleman from Virginia, Mr. BOUCHER for introducing this resolution.

EXPRESSING SENSE OF HOUSE WITH RESPECT TO RAISING AWARENESS AND ENCOURAGING PREVENTION OF SEXUAL ASSAULT

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise today in strong support of H. Res. 289, which expresses the "sense of the House of Representatives with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

I was the lead Democratic sponsor of the original legislation, introduced by former Representative Mark Green and signed into law in 2003, that designated April as National Sexual Assault Awareness and Prevention Month.

While we are taking the time today to highlight this important issue, it is important that we remember that preventing sexual assault should be a top priority during each month of the year. We must also remember that violence against women is not just a women's issue, it is a men's issue, too.

Every 2½ minutes, someone in the United States is sexually assaulted. I have long been a champion of increased efforts to prevent violence against women and in 2004, legislation that I first introduced, "The Debbie Smith Act," was signed into law. Through this landmark act, we have the ability to protect our daughters, our sisters, and our friends by putting rapists behind bars through DNA evidence. We know that DNA evidence is better than a fresh set of fingerprints. And we know that it is often better than eyewitness testimony. With "The Debbie Smith Act," the hundreds of thousands of rape kits that were gathering dust across the country are finally being processed.

It is vitally important that we support the Violence Against Women Act by fully funding the important programs that will help women escape abusive and dangerous situations and begin new lives that are free from violence and fear. The organizations, shelters, and counseling centers that are on the front lines of this problem need our steadfast commitment that they will have the resources to continue their important work.

I urge my colleagues to support this legislation.

HONORING THE UKIAH MAIN STREET PROGRAM FOR 20 YEARS OF SUCCESSFUL COMMUNITY SERVICE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize the Ukiah

Main Street Program which has provided outstanding and distinguished service to the town of Ukiah, California, and its citizens for 20 years.

Since its founding by Mayor Colleen Henderson in 1987, the Ukiah Main Street Program has given merchants and residents tools to improve neighborhoods and advance redevelopment of the commercial district. Through numerous workshops and consultations with business owners the UMSP has helped make Historic Downtown Ukiah a safe and friendly business district.

Six years later, in 1993, Ukiah was named the number one place to live in California and the sixth best place to live in the United States by Norman Crampton in his book The 100 Best Small Towns in America. The recognition brought lots of publicity, and Ukiah was featured in publications around the country.

The UMSP Economic Restructuring Committee has facilitated the openings of dozens of new businesses in the downtown including the Ukiah Brewing Company, the first organic brewpub in California. UMSP produces a map of the historic downtown and directory of businesses that is useful to tourists as well as locals.

The UMSP Design Committee is responsible for beautification projects in the historic downtown. Landscaped planter triangles and painted crosswalks throughout the downtown corridor have helped create a safer and more clearly defined pedestrian area. Trees were planted and are maintained in the adjacent Alex Thomas Plaza, a place for many events and community gatherings. UMSP installed decorative lighting in the trees to enhance the ambiance and walkability of downtown at night.

The Ukiah Main Street Program began many popular community events including the Annual Country Pumpkin Fest, Winter Wonderland, Taste of Downtown, Thursday Night Farmers Market, Fabulous Flashback Car Show, Cinco de Mayo Festival, North Coast Express Bike Race, Home for the Holidays, Moonlight Movie Madness, Downtown Halloween, Deep Valley Brew Tasting, Comedy Alley and First Night Ukiah. These events attract locals and visitors alike who enjoy the amenities of small town life and neighborliness.

UMSP created a mini-park in the parking lot adjacent to the post office and started the Standley Street demonstration block façade improvement program that spurred refurbishment and façade improvement on 38 downtown properties with an investment of roughly $713,441 in public and private funds. In addition nearly 2 million dollars have been raised by the UMSP, which is organized as a nonprofit with a dedicated volunteer board of directors composed of the community's business leaders.

Madam Speaker, I am proud to enter my remarks honoring the Ukiah Main Street Program for two decades of exemplary successes, making it a model of public and private partnership.

REGIONAL ACADEMIC ALL-STAR TEAM FROM THE PENNYROYAL REGION IN WESTERN KENTUCKY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. WHITFIELD. Madam Speaker, I rise today to recognize nominees for the Regional Academic All-Star Team from the Pennyroyal region in western Kentucky. The regional academic All-Star program's purpose is to recognize top academic scholars and performers.

Students from Caldwell, Christian, Trigg and Todd Counties of Kentucky were nominated based upon their academic performance in seven disciplines: English, foreign language, journalism, mathematics, science, social studies and the creative and performing arts. The students are judged on their core academic score, the curriculum of the student, their grade point average, academic honors earned, unique accomplishments and achievements, extracurricular activities, both school related and outside school activities, employment history, and an autobiographical essay.

Madam Speaker, education is the foundation upon which we reach our human potential. Students in my district are developing their talents, furthering their education and pursuing their aspirations in life through programs like the Academic All-Star program. Encouragement and recognition develop confidence and achievement among young Americans—the future leaders of our country.

The following students have been nominated for their academic excellence:

William Cole Davis, Emily Faulkner, Rachel Marie Furnas, Britni Kay Holder, Stephen R. Incata, Adrian Leigh Nelson, Darian Goldin Stahl, Kelsey Leigh Willen, John David Fourqurean II, Erika Michelle Kirby, Andrew Boyd Newton, Prentice Kyle Robertson, Alexandria Frances Soyk, Jessica Lynn Stallons, Kyle Andrew Winn, Ashlee Castle, Taylor Elizabeth Cline, Kyle Raymond Cobb, Crystal Jo Fishburn, Sarah Joy Galloway, Morgan Michelle Milburn, Matthew Franklin Morse, William Thomas Noel, Philip Allen, Brittney Ann Beebe, Elizabeth Hope Chester, Hykeem M. Craft, Kelsey Elizabeth Lewis, Adrian Leigh Nelson, Clayton Alan Sanderson, Catherine Clark Smith, Millie Beth Deason, Hayla Joi Frye, Clara Elizabeth Heisterberg, Kelsie Marie Nelson, Seth Thomas Riker II, Ami Prakash Shah, Samantha Danielle Adams, Shaena Maria Godwin, Brianna Rose McGuire, Kevin M. McLendon, Joshua Lee Robinson, Paula Lynn Southall, Robert Zachary Thompson, Cameron Ross Williams, Barron Stewart Adams, Benjamin Charles Boden, Carrie Louise Burks, Adam Blake Humphries, Bonnie McCullagh, Margaret Oats, Laura Don Oliver, Robert Joseph Williams, Jr., James Tyler Chapman, Skye Lynn Darnell, Emily Paige Doss, Danbee Mishell Kim, Michael Lee Mason, Heather Nicole Moore, Rebecca Schultz, Amy Ja-Le Weatherford, Kelsey Jo Brown, Cahle Buckingham, Zach C. Gaines, Lester W. Gibbs, Jessica Hanks, Cori Hatley, Meaghan Ann Key, Ashley Matlock, Matthew Kyle Spencer, Rebecca Vargas, Cassie M. Whitt, Craig Hodge, Donovan Kates, Eunbee Grace Kim, Mary Gayle Martin, Shelby Martin, Tess Miller, Ryan Michael Russell, James Sears, Nicki Seay, Matt Treadway, Joseph E. Williams, Jr., Taylor Bennett, Chesika J. Crump, Sarah Curasco, Meagen Dunleavy, Dean France, Daniel Joiner, Griffin Lee Joiner, Kristen Sarene Kursave, Kaitlynn Pritchett, Hayley Stewardson, Mallory Taylor, Russell V. Buzzard, Kaylin Dilbeck, Mara Lynn East, Cory Fish, Cody Grinnell, Rachel Marie Hampton, Brenden Hoffman, Sean Hurd, Russell Jones, Austin C. Norrid, Joel Ben Thomas.

Madam Speaker, these students embody the spirit, commitment and sacrifice that we all should strive for in our daily lives. I am proud to represent them in my District. I extend my thanks to these students for their efforts, and I am proud to bring their accomplishments to the attention of this House.

INTRODUCTION OF THE NATIONAL OFFSHORE AQUACULTURE ACT OF 2007

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. RAHALL. Madam Speaker, today I am introducing by request the Administration's National Offshore Aquaculture Act of 2007. This bill would authorize the Secretary of Commerce to establish and implement a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone.

I commend Secretary Carlos Gutierrez for his leadership, and initiating the debate on aquaculture. While I do not agree with many provisions in this legislation, I think it is important for Congress to take a serious look at marine aquaculture and see if it is possible to establish a program that makes economic and environmental sense.

At the moment, there are no aquaculture projects in U.S. Federal waters, but there are successful farming operations onshore. In my state, West Virginians are successfully raising arctic char, a fish tasting similar to salmon.

The Department of Commerce believes aquaculture has the potential to meet our growing demand for seafood. The United States imports more than 80 percent of its seafood, and half of our imports are fish farmed. With a successful aquaculture program in place, the United States could reduce its $8 billion trade deficit in seafood, according to the recent report from the Marine Aquaculture Task Force. Additionally, aquaculture could help alleviate the overushing and exploitation of fisheries world wide.

The aquaculture industry claims the United States is technologically and economically ready to venture into offshore waters to farm fish. Done responsibly, with strict environmental standards, offshore aquaculture has the potential to address the growing demand for seafood, provide jobs, relieve pressure on some of our wild fish stocks, and perhaps even help to replenish some depleted fish stocks.

Again, I commend Secretary Gutierrez for his leadership and look forward to working with him to ensure that offshore aquaculture production occurs in a manner that is both economically and environmentally sustainable.

As we have heard from both national ocean commissions, the oceans are in trouble. We must be very careful that offshore aquaculture

does not further jeopardize the health of our oceans in any way.

IN TRIBUTE TO STAFF SGT. JESSE WILLIAMS OF SANTA ROSA, CALIFORNIA WHO WAS KILLED IN IRAQ

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today with a heavy heart to observe the death of Staff Sergeant Jesse Williams of Santa Rosa, California. Jesse was a fine man and a fine soldier, and he leaves behind a loving family bowed but not broken by the loss of a father, husband, and son.

Sgt. Williams was serving his second tour with the 5th Battalion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division at the time of his death during combat operations in Baqubah, in eastern Iraq.

Before and during his tours in Iraq, Sgt. Williams had served in the army with distinction, earning numerous accolades and awards. During his first tour in Iraq from 2003–2004 he earned a Purple Heart after being injured in an explosive attack. Then, just three weeks before his death, Sgt. Williams proved his uncommon character and valor when he jumped in to rescue two fellow soldiers who were trapped in a flaming vehicle ignited by an insurgent attack. For his heroism he is currently being considered for a Bronze Star.

Sgt. Williams was known to friends and family for his sense of humor and love of life. As a younger man, he found discipline and his calling when he joined the Boy Scouts. In less than 2 years he had completed all the requirements to become an Eagle Scout, indicating the highest level of achievement. During a leave from the Army, he returned to Santa Rosa and spoke to the City Council in favor of establishing a memorial for Sonoma County's Iraq veterans. At the time, he made a strong impression with his words; now his name will be one of those featured on the memorial.

Sgt. Williams leaves behind his wife Sonya, and an 11-month old daughter Amaya. Amaya was 5 weeks old when Sgt. Williams was deployed to Iraq for his second tour of duty. His father, Herb Williams, resides in Santa Rosa as well.

On Monday the community of Santa Rosa paused to acknowledge their fallen soldier as hundreds of policemen, firefighters and members of the community took to bridges and overpasses with signs and flags while his casket was brought back into the city. Yesterday, almost one thousand people gathered for a memorial service paying tribute to his life.

Madam Speaker, at this time I ask that my colleagues join me in rising to pay tribute to Staff Sergeant Jesse Williams, who gave his life for his country. I know that his family is immensely proud of his service, and we are all in his debt.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JUANITA MILLENDER-MCDONALD, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. LANTOS. Madam Speaker, I come to the floor today with a heavy heart. The passing of the Honorable JUANITA MILLENDER-MCDONALD is being felt by all who knew her, and all who were touched by her career in public service. I want to extend my condolences to her family, friends and constituents in California's 37th District for their great loss.

In fact, we all have lost something in the Chairwoman's passing. For me, I lost a colleague, but my wife Annette and I also have lost a neighbor and friend.

Much has been said in these past days about what she meant to California and to the Congress as a whole. When she won her first election to the City Council of Carson, California, she committed herself to more than two decades of public service. As the first African-American woman to chair a committee here in the House, she was a trailblazer. And as the so-called ''Mayor of Capitol Hill'' she was charged with ensuring the smooth operation of the people's House, while overseeing the biggest expansion of the Capitol complex as the Capitol Visitors Center nears completion.

Madam Speaker, many of us are so busy that we don't have time to really get to know one another. Seeing JUANITA every morning on my way to the office was an extraordinary way to start off my day, and in the evening we would compare notes on our way home. I will truly miss seeing her and am heart broken by her untimely passing.

Congress has lost a singularly able and warm person whose contributions to the greater good for her District, the people of California, the country as a whole, and African-American women will live on. Our prayers are with her family as we all mourn the passing of Chairwoman JUANITA MILLENDER-MCDONALD.

HONORING ROGER DENNIS ON HIS RETIREMENT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. ANDREWS. Madam Speaker, I rise today to honor Roger Dennis who is retiring as Provost of Rutgers University. Roger has been a member of the Camden Campus community in Camden, New Jersey for almost a quarter of a century, and I consider him a dear friend.

Roger has greatly contributed to the reputation of excellence at Rutgers University. Serving as Provost since 1997, he fostered exciting developments in the City of Camden and the Southern New Jersey region. Among these initiatives are the Rutgers-Camden Technology Campus, the Senator Walter Rand Institute for Public Affairs, and the first doctoral program in children's studies to be offered on the Camden Campus. He has also spearheaded several ongoing improvements to the existing campus.

Madam Speaker, I offer my congratulations to Roger Dennis for his outstanding years of service to Rutgers University and the City of Camden. Roger has been a trusted friend and I thank him for his support and advice over the years. I wish him all the best in his future endeavors.

HONORING UNITED WAY OF BUCKS COUNTY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize an organization dedicated to improving volunteer service, United Way of Bucks County. The selfless work of the volunteers of United Way has made us a stronger community in countless ways.

For more than 50 years, United Way has been devoted to improving the community at large through the use of social services and volunteer projects. Upon its founding in 1952, it was known as ''The Bucks County United Services Foundation.'' Since then, it has exceeded its own expectations, surpassing its own fundraising goals and touching more lives than was originally thought possible.

Today, United Way of Bucks County strives to spread its impact to the greatest number of people. Funding is distributed to three fundamental categories: ages and life stages, promoting self-sufficiency, and building a healthy community. The services of the organization extend to one in three Bucks County residents, and have forever changed the lives of many.

Madam Speaker, simply put, the work done by United Way of Bucks County touches the lives of thousands of families. The generosity of its members reminds us of the basic giving spirit of Americans. The inner strength and compassion of humanity is exemplified in these outstanding volunteers.

The work of United Way of Bucks County has provided scholarships for daycare and camps, dignity for the elderly, stability and friendship for those who need it most and employment and training for the developmentally disabled. Most importantly, however, they have offered hope and extended a hand to those who most need help.

Madam Speaker, it is my pleasure to rise today to congratulate, thank and honor United Way of Bucks County for years of philanthropic contributions to society and for making our community stronger.

NINETY-SECOND COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. MICHAEL R. MCNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. MCNULTY. Mr. Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide.

Today, April 24th, is the 92nd anniversary of this human tragedy.

From 1915 to 1923, the world witnessed the first genocide of the 20th century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children.

Furthermore, another 500,000 refugees fled and escaped to various points around the world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people who voted cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, 'Ketse azat ankakh Hayastan'—long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

SUPPORTING THE GOALS AND IDEALS HIGHLIGHTED THROUGH NATIONAL VOLUNTEER WEEK

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. TIAHRT. Madam Speaker, I rise today to recognize some of the outstanding volunteers in my district who dedicate their time to serving women and their unborn children. Together, Choices Medical Clinic and the Pregnancy Crisis Center have over 80 volunteers that serve as support to women and families in the community.

It is an honor to recognize their work and dedication to offering women healthy choices for themselves and their unborn children. Dr. Scott Stringfield, Volunteer Medical Director, Dr. Cindy Nash, Volunteer Physician, and Dr. Lydia Dennis, Volunteer Physician, as well as over 40 others, provide support as volunteers at Choices Medical Clinic in Wichita, Kansas. Since its opening in December of 1999, Choices Medical Clinic has served 6,075 women and saved 1,500 babies from abortion.

Without these caring individuals, Choices would not be able to serve the number of women they do and prevent the loss of life in the same capacity.

Choices are able to offer women a snapshot of their child through their 4–D sonogram machine. They also inform women about the harmful effects of abortions. Women deserve to know the truth about abortion—the physical and mental consequences of this violent procedure, and Choices allows them this information so they can make the healthiest choice for themselves and their baby.

The Pregnancy Crisis Center has served over 40,000 mothers and families since it opened in 1985. The volunteer services they provide are of no cost to the patients and clients. In 2006 alone, 6,000 services were provided to young women aged 15–25 years of age.

The Pregnancy Crisis Center has been blessed over the years with wonderful, caring volunteers. Currently, they have 40 volunteers, including three special ladies who have been long serving volunteers, Mary Power, Kay Esau and Shirley Moler. All three serve as Client Advocates, who meet with young ladies, hear their stories, and then match them with assistance.

All of the volunteers at Choices Medical Clinic and the Pregnancy Crisis Center deserve to be recognized throughout the year for their excellence in giving back to the community. Today, during National Volunteer Week, I thank you all for caring for others and bringing hope and restoration to families in need.

May you know the impact you are having on the well-being of women and the unborn and may you never tire of this excellent work.

God Bless You.

TRIBUTE TO MARK HOGAN

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mrs. EMERSON. Madam Speaker, I rise today to honor the accomplishments of Southeast Missouri State University baseball coach Mark Hogan. Coach Hogan recently eclipsed the all-time career wins record at Southeast Missouri State University. Under Coach Hogan's leadership, Southeast Missouri State University has become one of the premier teams in the Ohio Valley Conference.

Coach Hogan is no stranger to success. He has excelled as a player and a coach at Southeast Missouri State. He was a player on the 1976 team that finished third in the nation at the NCAA Division II College World Series. The squad became the first baseball team inducted into the Southeast Missouri State University Athletics Hall of Fame as part of the 2006 induction class.

Southeast Missouri State is fortunate to have a great coach and first class citizen leading their team on and off the field. As a coach, he has compiled 751 career victories while winning Coach of the Year honors on more than one occasion. Coach Hogan is a role model to players, coaches and fans. He is a reminder that accomplishing our goals requires planning, hard work and plenty of sacrifice.

Today I join with Coach Hogan's family, his friends, his colleagues at Southeast Missouri State, the young men who have played on his teams, and the proud fans of the Eighth Congressional District to congratulate Coach Hogan on the achievement of this career milestone. We are proud of the success of Southeast Missouri State University's baseball team and most proud of Coach Hogan.

HONORING MATTIE COOPER

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. PICKERING. Madam Speaker, today I want to recognize a Mississippian who has been a true champion for Head Start for over 40 years. This Friday, on April 27, 2007, the Winston County Complex Mississippi Action for Progress will celebrate the "Mattie Cooper's Day." I join them in expressing my appreciation to Mattie for her love of Head Start. Her colleagues know her as a steadfast advocate with unwavering support for both the mission and the children of Head Start.

Mattie Cooper knows Head Start. She started out as a teacher's assistant and progressed through the program. Currently she serves as the County Administrator for the Winston County Complex Mississippi Action for Progress, in Louisville, Mississippi. Her work is a calling, a mission, and she strives every day to make a difference in the lives of young Mississippians.

Mattie Cooper started her career with the Wesley Education Association (WEA) in 1966. Recognizing her talents, they encouraged her to attend the Tuskegee Institute to obtain teacher certification. Following 5 years at Tuskegee, WEA asked her to participate in classes, workshops, seminars and conferences at various Mississippi universities to obtain her Social Worker's license. She earned her certification and WEA promoted her to Social Services Director. They also named her the Parent Involvement/Volunteer Coordinator. She continued her success in motivating the parents and community with phenomenal results.

When Wesley Education Association joined the Mississippi Action for Progress (MAP), this new and stronger Head Start program promoted Mattie Cooper to Center Administrator. Quickly recognizing her talents and the potential of the Winston County Complex, MAP's executive director promoted Mattie to the highest position for the county: County Administrator.

Mattie Cooper graduated Magna Cum Laude in 1992 and number one in her class with an associate's degree from Mary Holmes College. In 1962, she was valedictorian of her high school. In addition to Head Start, she serves her community and church. She maintains the integrity of elections and confidence of voters in our democratic system as a Winston County Election Commissioner. And for almost 40 years, she has served as secretary for the Mount Moriah Missionary Baptist Church in Louisville.

Mattie's dedication to service begins at home. For almost 45 years, she has been a supportive wife to William Cooper. Together, they have a daughter Sharon Cooper Johnson who, with her husband Robert Johnson, Jr., is rearing a new generation of this family in Robert (Tré) Johnson, III.

I have known Mattie Cooper for over a decade and she makes her dedication to Head

Start and her community evident and a priority in all her work. I hope Congress joins me in honoring this Mississippi servant-leader and commending her work at enhancing her community, supporting her church, training the children of Winston County, and nurturing her family. She is a tremendous pillar of Louisville and deserves the honor given her this Friday.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, April 23, 2007, I was unable to cast my votes on H. Res. 179, H.R. 1434, and H.R. 1402 and wish the record to reflect my intentions had I been able to vote. Had I been present for rollcall No. 245 on the motion to suspend the rules and agree to H. Res. 179, expressing support for a National Foster Parents Day, I would have voted ''aye''; had I been present for rollcall No. 246 on the motion to suspend the rules and pass H.R. 1434, designating the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the Rachel Carson Post Office Building, I would have voted ''aye.''; had I been present for rollcall No. 247 on the motion to suspend the rules and pass H.R. 1402, designating the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the Sergeant Dennis J. Flanagan Lecanto Post Office Building, I would have voted ''aye.''

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. LEVIN. Madam Speaker, last Friday, I was unavoidably absent during rollcalls 236 through 244. Had I been present, I would have voted ''nay'' on rollcall 236, the Sessions Amendment. I would have voted ''nay'' on rollcall 237, the Garrett Amendment. I would have voted ''nay'' on rollcall 238, the Campbell Amendment. I would have voted ''nay'' on roll call 239, the McHenry Amendment. I would have voted ''nay'' on rollcall 240, the Price Amendment. I would have voted ''nay'' on rollcall 241, the Putnam Amendment. I would have voted ''nay'' on rollcall 242, the Price Amendment. I would have voted ''nay'' on rollcall 243, the motion to recommit H.R. 1257 with instructions. I would have voted ''yea'' on rollcall 244, final passage of H.R. 1257, the Shareholder Vote on Executive Compensation Act of 2007.

IN RECOGNITION OF MARJORIE ''PEGGY'' KATHLEEN HELLER

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. CARDOZA. Madam Speaker, it is with a heavy heart that I rise today to remember the late Marjorie Kathleen Heller. Known to all as ''Peggy,'' she was a wonderful friend, a remarkable teacher, an outstanding mother, and an extraordinary member of our community in Atwater, California. At the age of 91, Peggy Heller passed away on Friday, April 20, 2007.

This occasion is particularly personal to me because Peggy Heller was my reading teacher in the third grade. She taught me to read in a small silver trailer on the playground of Elmer Wood Elementary School in Atwater. She was an inspiring woman, a great friend, and I never knew her to have a bad day. Peggy's love for children was evident in her words, her generosity, and her entire persona. She was a pillar of the community, an amazing educator and a dear friend who will be missed by everyone in our community.

Peggy Heller was born in Oakland, California, on June 15, 1915, to Walter and Mac Gernreich. She graduated from the University of California, Berkeley in 1935 at the age of 19 and began teaching a year later at South Fork Union High School in Miranda, California. In 1938, she married Jim Heller and they moved to Atwater, California.

Peggy devoted her life to the field of education and to her community. During the early years of her sons' lives, she worked as a substitute teacher at Livingston High School. She later began her work as a full-time teacher in Atwater in 1943. While working as a third grade teacher, the superintendent, Mr. Tom Olaeta, suggested she pursue her interests in reading instruction. She became Merced County's first reading specialist in 1955 and later earned her reading teacher's credentials in 1968.

Many of the instructional approaches Peggy used as a teacher have now been implemented in schools across the Central Valley. She loved and respected children and strived to instill a positive feeling of self worth in each of them. She was also a mentor-teacher long before the idea was popular and she always assisted those who came to her for advice. She devoted countless hours to tutoring students and assisting teachers before, after school and on the weekends. She effortlessly helped diagnose and remediate students' reading troubles. She is an inspiration to many teachers, not only in Merced County, but to the State of California. Peggy believed each member of the school staff played a vital role in the education of youngsters. Not only did Peggy work hard in her classroom, she graciously hosted many special occasions for teachers such as Christmas get-togethers and retirement teas. Even though Peggy was the resident expert on reading instruction, her inquisitive nature led her to constantly read journals and books about education. She attended classes and seminars often at her own expense and she always shared her knowledge with others.

In 1981, after 45 years of teaching, Peggy retired, briefly. She was called upon to teach English as a second language, which she did with much success. In 1987, Peggy was appointed supervisor for Chapman College.

Aside from the fact that Peggy was an outstanding professional educator, she and her husband were great humanitarians. Throughout the years she served our community in a variety of capacities. She was responsible for forming the Atwater Recreation Commission and served as its first chairwoman. During her tenure as chairwoman, the commission built Ralston Park and Heller Park. She served on the County Recreation Commission, too. Both Peggy's and Jim's interest in Atwater's youth was shown by their effort to organize fundraisers for a new public swimming pool, the Atwater Plunge. They even housed Red Cross swimming instructors for many summers. She and her friends started a club for teens and taught dancing on Friday nights. The Hellers also helped Atwater develop good relations with Castle Air Force Base and they helped find housing for and entertained military personnel. Peggy was an active participant in the Girl Scouts of America, Parent Teachers Associations, International Reading Association, American Association of University Women, Retired Teachers, Atwater Women's Club, Merced County Historical Society and Bloss Historical Society.

Peggy received many awards for her service to the community and her work as an educator. The National Education Association named Peggy ''Outstanding Teacher at the Intermediate Level'' in central California in March of 1966 and presented her with the Golden Apple, of which she earned several. She received Atwater's ''Mother of the Year'' award and was named ''Woman of Distinction'' in 1991 by Soroptomist. In 1995, she was given the ultimate honor of dedicating a new school in her name, the Peggy Heller Elementary School in Atwater. Later that year she received recognition from the State legislature during Women's History Month for her work with Project Cherish in Atwater. In 1999, as a member of the California State Assembly, I named Peggy ''Woman of the Year'' for the 26th District.

Peggy Heller was preceded in death by her grandson Brian Boru in 1983 and her husband Jim in 1985. Today, she is survived by her son Jim and his wife Barbara, and her son Brian and his wife Dee. She also leaves behind her grandchildren Jim III and his wife Kathy, Randall and his wife Diana, Christopher and his wife Amy, Tamera and her husband Mark Johnson, and Kandace and her husband Ron Osborn. Also surviving are her 12 great-grandchildren Spencer, James IV, Randall, Nicole, Joshua and Lindsay Heller, Sophia Heller, Samantha, Mason and Tyler Johnson, and Jared and Courtney Osborn. Lastly, Peggy is survived by her caregivers Jeffrey Lawton, Mary McMurry and Jackie Benner.

Madam Speaker, it is my honor and privilege to join the community of Atwater in recognizing Marjorie ''Peggy'' Kathleen Heller. Our community benefits greatly from the example she set throughout her lifetime of service as an educator who dedicated her life to her community and her family.

TAXPAYER PROTECTION ACT OF 2007

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. CUMMINGS. Madam Speaker, today marks a date that is familiar to most Americans: April 17th is the deadline for filing taxes. Like most Americans, I too can now breathe a sigh of relief because my tax return has been mailed to the Internal Revenue Service, IRS.

This year we were fortunate enough to have more time to file our taxes due to the normal tax day falling on the weekend and the Emancipation Day Holiday in the District of Columbia on Tuesday. While many filers will benefit from this extra time, millions of Americans will still ask for extensions to file due to their inability to understand the complicated tax regulations.

I am committed to a tax system that is fair to all Americans and to a system that is ''taxpayer friendly.'' This is why I support efforts to simplify the tax code by closing loopholes, which will reduce the compliance burden. By simplifying our current code, we can increase compliance, and ensure our long-term fiscal stability. It is our duty to protect taxpayers and to provide a ''user-friendly'' government.

For this reason, I support H.R. 1677, the Taxpayer Protection Act of 2007. This Act requires the IRS to notify taxpayers of incidences of identity theft; prevents the wrongful use of one's name; permits the IRS to withhold information from the companies offering refund anticipation loans that are considered predatory; and gives taxpayers more time to collect money that was wrongfully held by the IRS. This legislation would help to protect taxpayers from unlawful acts that at times can be hard to detect.

Each year millions of families expect to receive money back from the government. However, they deserve to be receiving more; America's families and workers need tax relief. It should be a priority for Congress to assist families with the cost of childcare and long-term health care, eliminate the marriage penalty, help small businesses, and help Americans save for higher education and retirement. We need to develop a refundable tax credit for workers who earn reasonably low incomes. This is very important to helping the American people.

As a member of Congress it is our duty to ensure that taxpayers are being treated fairly and equally within our tax system. As the 110th Congress moves forward, I will work with my colleagues to ensure that this goal is achieved.

That is why I urge my colleagues to vote in favor of H.R. 1677, the Taxpayer Protection Act of 2007. I want to thank Congressman RANGEL and Congressman LEWIS for introducing this vitally important legislation.

CELEBRATING THE 100TH ANNIVERSARY OF ST. CHARLES HOSPITAL

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. BISHOP of New York. Madam Speaker, I rise to celebrate a major anniversary and an irreplaceable institution in New York's First Congressional District, St. Charles Hospital.

Established in 1907 by four sisters with a mission to provide compassionate care for those in need, St. Charles Hospital has evolved into a state of the art community hospital serving tens of thousands of patients. The hospital has established itself as a nationally recognized center for rehabilitation, providing specialized rehabilitation services for pediatric patients, stroke victims, and a variety of other debilitating diseases.

This year, St. Charles Hospital celebrates its 100th anniversary. After a century of dedicated service to the community and millions served, the hospital has remained loyal to its founding mission of compassionate care for the underserved.

Madam Speaker, there is an Arabic proverb that says: ''He who has health has hope; and he who has hope has everything.'' On behalf of the residents of New York's First District, I thank St. Charles Hospital for providing health and hope to all of us. I congratulate them on their 100th anniversary and I hope they continue to improve the lives of Long Island's residents for years to come.

IN RECOGNITION OF THE PASSING LIEUTENANT COMMANDER KEVIN J. DAVIS, UNITED STATES NAVY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. MILLER of Florida. Madam Speaker, it is with great sadness that I rise today to recognize the life and accomplishments of Lieutenant Commander Kevin Davis, United States Navy. LCDR Davis passed away over the weekend in service to our Nation in Beaufort, South Carolina. He was flying Blue Angel Number 6, known as the ''opposing solo'' position.

A qualified F–14 and F/A–18 pilot, a veteran of Operation Enduring Freedom with more than 2,500 flight hours and 200 carrier arrested landings, LCDR Davis joined the Blue Angels in 2005 and was well-liked and respected by the entire Blue Angels team. He joined a long line of distinguished Navy and Marine Corps Aviators with his selection to the elite performing squad. His dedication to the Navy during his operational tours and his time with the Blue Angels is something I hope all naval aviators look to as a fine example and a goal to pursue.

Formed in 1946, the Blue Angels have awed and inspired hundreds of millions of Americans and certainly led young men and women into the naval service. Since the creation of the team, 26 of our brave Blue Angels have given their lives. While we mourn all of these losses, I am reminded of how selfless the service is from the members of our military and am confident Kevin was no exception.

I am privileged to serve the people of the First District of Florida and boast to my colleagues that I represent the home of the Blue Angels. This is not lip service. My constituents and I take justifiable pride in knowing we are friends and neighbors with people who represent so much of what is good with our country. I have met many of the ''Blues'' and unfortunately, I did not get the chance to meet Kevin. I know if I had, he would have impressed me, and I would have been better having known him.

In this time of deep sadness in Pensacola and on our beloved Naval Air Station, Vicki and I will keep LCDR Davis, his family, and our military in our thoughts and prayers.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. GERLACH. Madam Speaker, I was not able to be present during consideration of H.R. 1275, the Shareholder Vote on Executive Compensation Act. I was not present for rollcall votes 236, 237, 238, 239, 240, 241, 242, 243 and 244. Had I been present, on rollcall 236 I would have voted ''yea''; on rollcall 237 I would have voted ''nay''; on rollcall 238 I would have voted ''nay''; on rollcall 239 I would have voted ''nay''; on rollcall 240 I would have voted ''nay''; on rollcall 241 I would have ''nay''; on rollcall 242 I would have voted ''nay''; on rollcall 243 I would voted ''yea'' and on rollcall 244 I would have voted ''yea.''

TRIBUTE TO EARTH DAY AND ARBOR DAY

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. SMITH of Nebraska. Madam Speaker, earlier this week, our Nation joined together to celebrate Earth Day and this Friday people around the world will celebrate Arbor Day, which as you may know originated in my home state of Nebraska.

This is an opportunity for us to take a look at the impact we each have on our environment.

I represent Nebraska's Third Congressional District, where agriculture is a way oflife. I'm proud to say that farmers and ranchers were our country's first environmentalists, maintaining and improving the soil and natural resources to pass on to future generations.

Just as businesses make every effort to improve their services and products, the stewards of the land make use of modern technology and age-old techniques to protect their land and their stock.

We are fortunate to live in a time in which we understand the world around us as never before. We have access to technology to both protect the environment and to encourage innovation. We have the opportunity to engage

in meaningful dialogue on how to confront our changing climate and other enviromnental concerns without hamstringing the agriculture industry.

This week, as we celebrate Earth Day and Arbor Day, let us appreciate the beauty of nature and renew our commitment to protect the environment for generations to come.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JUANITA MILLENDER-McDONALD, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mrs. MILLER of Michigan. Madam Speaker, I wish to join my colleagues in expressing my sorrow over the passing of JUANITA MILLENDER-MCDONALD, the representative of California's 37th Congressional District. My thoughts and prayers go out to her constituents, her friends, and her family.

Madam Speaker, I had the opportunity to get to know JUANITA during the 109th Congress when we both served as members of the Committee on House Administration. While some might view oversight of election law and the day-to-day functions of the House as relatively uninteresting, I know that I do not, and I know that JUANITA, who served as ranking member at the time, did not think them trivial either.

Whatever topic was before the committee, JUANITA was dedicated to assuring that things were done fairly, properly, and effectively. She was vigorous in guaranteeing the integrity of the Federal elections process and was committed to ensuring that every eligible voter had free and unfettered access to the voting booth. Likewise, in her oversight of managing the House, she wanted to ensure that everyone on Capitol Hill had a safe and secure place to work or visit, while preserving the grandeur of the Capitol and the surrounding buildings.

This tenacity was something she demonstrated throughout her life, not just during the decade she spent in Congress. After raising her five children, she continued her own education, earning a bachelor's degree at the age of 40. She followed that up with a master's degree in educational administration. She was no stranger to hard work, and she was not afraid to take on a challenge.

One of JUANITA's most notable accomplishments occurred earlier this year. In January, she became the first African-American woman to chair a committee in the House of Representatives. It was something that made many Members of the House very proud, and it was a tremendous accomplishment for a woman whose life was full of monumental achievements.

I think it speaks volumes of JUANITA's dedication that she was here voting in this House, representing her constituents, until less than a month before cancer took her life. In fact, almost none of her colleagues were aware of her illness and how serious it had become until the week before she passed away. And through it all, she held a warm spirit and a kind smile.

Madam Speaker, I join my colleagues in sorrow for JUANITA's passing, and I again express my condolences to JUANITA's family, friends, and constituents.

IN MEMORY OF ANDREW ALBERT ESPARZA, IRVING POLICE DEPARTMENT

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. SESSIONS. Madam Speaker, I rise today in memory of Officer Andrew Albert Esparza and in honor of his life dedicated to service and public safety.

Andrew passed away on April 13, 2007 in a fatal car accident while on his way to assist another officer. After graduating from the University of Texas in Arlington with degrees in business marketing and Spanish, Andrew followed in his brother's footsteps by joining the Irving Police Department in 2005. He was recently selected to join the SWAT team on a part-time basis and always made himself available as a Spanish translator. Though he was only with the Irving Police Department for 2 years, Andrew demonstrated great promise with expertise, maturity, and professionalism beyond his years of experience.

He is survived by his parents, Rafael and Christina of Fort Worth, TX; two brothers, Rafael Esparza, Jr. and wife, Jennifer of Irving, TX; Felix Esparza and wife, Haylee of Burleson, TX; sister, Zoe Esparza of Burleson, TX; grandparents, Lydia Garcia of Fort Worth, TX; Lazaro and Olivia Cantu of Fort Worth, TX; and nieces and nephews, Saeya, Sloan, Slade, and Rylee Esparza.

He will be remembered as a compassionate officer, a dedicated family man, and a devout Christian. May God bless all those he loved, and may I convey to them my sincerest condolences and the gratitude of the American people.

A TRIBUTE TO JOHN H. SIMS, JR.

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. MICHAUD. Madam Speaker, I rise today to congratulate John (Jack) Sims on the occasion of his retirement from the Department of Veterans Affairs, after more than 35 years of dedicated service. Jack will be greatly missed, and I join his many friends, co-workers and the veterans he served in wishing him the best of luck in the next phase of his life.

Jack's service to our country began in 1963, when he joined the United States Army. He began his VA career at the Martinez, California VA Medical Center in 1971 as an accountant trainee. Jack has held many positions in the VA across the country including Chief of Fiscal Service at VA Medical Centers in Washington, Illinois and California; Associate Center Director at VA Medical Centers in Oregon and New York; and Health System Administrator with Veterans Health Services and Research Administration in Albany, New York.

For the past 17 years, Jack has served as the Director of the Togus VA Medical Center. Under his leadership, the number of Maine veterans receiving care at Togus has increased from 13,000 to 33,000. Jack has also supervised the creation, relocation and renovations of six community-based outpatient clinics and two off-site mental health clinics to care for Maine's rural veteran population.

As Director, Jack and his dedicated staff of more than 1,000 VA employees have helped transform the Togus VA Medical Center into one of the best medical centers in the VA system.

Jack will be missed for his dedication and for his compassion by the veterans of Maine. I am pleased to join his colleagues, his family, and his friends in congratulating Jack on this milestone. I wish him a rewarding and enjoyable retirement.

NINETY-SECOND COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. BERMAN. Mr. Speaker, today, April 24th, marks the 92nd anniversary of the beginning of the Armenian Genocide. I rise today to commemorate this terrible chapter in human history, and to help ensure that it will never be forgotten.

On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders. Many were executed without ever being charged with crimes. Then the government deported most Armenians from Turkish Armenia, ordering that they resettle in what is now Syria. Many deportees never reached that destination.

From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey.

We mark this anniversary of the start of the Armenian Genocide because this tragedy for the Armenian people was a tragedy for all humanity. It is our duty to remember, to speak out and to teach future generations about the horrors of genocide and the oppression and terrible suffering endured by the Armenian people.

We hope the day will soon come when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and commemorate as well the memory of genocide's victims.

Sadly, we cannot say humanity has progressed to the point where genocide has become unthinkable. We have only to recall the ''killing fields'' of Cambodia, mass killings in Rwanda, ''ethnic cleansing'' in Bosnia and Kosovo, and the unspeakable horrors in Darfur, Sudan to see that the threat of genocide persists. We must renew our commitment never to remain indifferent in the face of such assaults on innocent human beings.

We also remember this day because it is a time for us to celebrate the contribution of the

Armenian community in America—including hundreds of thousands in California—to the richness of our character and culture. The strength they have displayed in overcoming tragedy to flourish in this country is an example for all of us. Their success is moving testimony to the truth that tyranny and evil cannot extinguish the vitality of the human spirit.

The United States has an ongoing opportunity to contribute to a true memorial to the past by strengthening Armenia's emerging democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

Adolf Hitler, the architect of the Nazi Holocaust, once remarked "Who remembers the Armenians?" The answer is, we do. And we will continue to remember the victims of the 1915–23 genocide because, in the words of the philosopher George Santayana, "Those who cannot remember the past are condemned to repeat it."

A TRIBUTE TO DR. KEVIN BOND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and honor to the work and achievements of Reverend Dr. Kevin Bond. Beginning at age 11, Dr. Bond began to gravitate toward the church. He studied the bible under Bishop Carl E. Williams, Sr. for whom he became an Associate Minister after orating his first sermon at the age of 18.

Dr. Bond enhanced his biblical knowledge by receiving a collegiate education. He earned High Honors at the Community Bible and Tabernacle Bible Institute and the New York School of the Bible. He also received a Masters of Divinity from the New York Theological Seminary and a Doctorate of Ministry from the United Theological Seminary in Dayton, OH.

Dr. Bond is one of 12 delegates to join a significant work with the UJA Federation of New York and the Jewish Community Relations Council of New York for their Community Leaders' Mission in 2004.

Dr. Bond always felt a need to help others in his community. His unfettered desire to do so was demonstrated when he established his own pastorship of the Citadel of Praise and Worship Church. He founded the Citadel's first bible study class in order to help enlighten fellow members of his community by teaching them the stories of the bible. On January 5, 1997, the Citadel held its first Sunday morning worship service in Brooklyn, NY, with 35 people attendance at Dr. Bond's first-ever service.

His efforts to help others did not stop at the Citadel. Dr. Bond preached as he traveled across the country, with a focus on helping those in urban communities. To this day, Dr. Bond continues to assist those living in an urban setting with early child care learning programs, youth mentoring, and food and counseling programs for the homeless. Dr. Bond also educates young people in the secular realm, by serving as an educator with the New York State Board of Education to the academic and social development of the urban community.

Madam Speaker, I would like to recognize Dr. Kevin Bond's selfless education and community betterment efforts that have improved the lives of countless individuals.

Madam Speaker, I urge my colleagues to join me in paying tribute to Dr. Kevin Bond.

NINETY-SECOND COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. WAXMAN. Mr. Speaker, each year on April 24, Armenian communities around the world gather in somber commemoration of the genocide that began in 1915. Sadly, after 92 years, their grief is only compounded by those who aggressively deny or raise doubt about this troubling chapter of history.

This should be a day reserved for honoring the memory of those who were killed and paying tribute to the strength of those who survived. It should be a time to reflect on the personal narratives of those who were exiled, the historical evidence of villages and communities that were destroyed, and diplomatic cables from U.S. officials that described the atrocities. It should be an opportunity to resolve ourselves to fight crimes against humanity in all forms and all places. Instead, year after year, April 24 unleashes a battle of semantics.

Those who acknowledge what happened in Armenia as a "tragedy," a "catastrophe," or a "massacre" are correct. But nothing other than the term "genocide" can wholly characterize the systematic deportation of nearly 2 million Armenians and the deliberate annihilation of 1.5 million men, women and children. Anything short of that is unfair to those who perished and unhelpful to our plight against future acts of genocide.

SUPPORT SELF-DETERMINATION FOR THE PEOPLE OF PUERTO RICO

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. HONDA. Madam Speaker, I rise today in support of H.R. 1230, the Puerto Rico Self-Determination Act of 2007. I would also like to thank the Governor of Puerto Rico, Aníbal Acevedo Vilá, for his leadership in developing the concepts and ideals embodied by this legislation. H.R. 1230 allows for the voice of the Puerto Rican people to be heard through a democratic and unbiased political process. This bill affords the people of Puerto Rico one of the most fundamental human rights, self-determination.

Affording the people the opportunity to decide their own future and government is fundamental to the history of the United States. As representatives of American Government, we are responsible to uphold the ideals and virtues of democracy, freedom, and choice. As such, the people of the Commonwealth of Puerto Rico are entitled to a democratic process of self-determination defined by the well considered decision of the Puerto Rican people.

The process outlined by H.R. 1230 respects the right of the people of Puerto Rico to elect delegates to a constitutional convention that will draft and submit a proposal outlining the desired self-determination option. This proposal would then be approved by the people and then sent on for congressional approval. H.R. 1230 does not bias the decision of the people by imposing unsupported definitions and skewing the debate in the direction of any option; nor does it attempt to exclude others. This bill recognizes the right of the people of Puerto Rico to hold open and democratic debate on the topic of political status and affiliation with the United States. Congress should offer their input and response only after the Puerto Rican people have reached their own consensus on a self-determination proposal.

Madam Speaker, I ask that my colleagues in this House not support any process that is imposed on Puerto Rico and its people by the Federal Government. I urge my colleagues to support H.R. 1230 and provide the Puerto Rican people the path to decide their future. The Commonwealth deserves, and is entitled to, true self-determination.

HONORING THE FIRST ANNUAL KEEP SEAGOVILLE BEAUTIFUL CITY CLEAN UP DAY

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. HENSARLING. Madam Speaker, I would like to recognize the many students, civic organizations, Boy and Girl Scouts, service organizations, families and individuals who recently volunteered to "Keep Seagoville Beautiful." On April 14, 2007, the City of Seagoville and the Keep Seagoville Beautiful Commission sponsored the first annual Keep Seagoville Beautiful city-wide clean up. On that Saturday morning, over 150 dedicated citizens of Seagoville met at City Park to clean up their community. By the end of the day, those hard working volunteers had persevered through wind, rain, and cold to collect over 12 truckloads full of trash.

This annual event strives to "create an environment that continuously encourages the citizens to improve their quality of life and sense of pride in their community." It is the hard work of citizens like these, who take pride in their city, that will preserve our communities for future generations.

It is for these reasons that I have the distinct pleasure to honor the City of Seagoville, the Keep Seagoville Beautiful Commission, and the many dedicated volunteers who participated in this event. I am honored to represent them in the United States House of Representatives.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JUANITA MILLENDER-McDONALD, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Ms. MATSUI. Madam Speaker, it is with a heavy heart that I rise today to remember a pioneering woman, a fearless advocate for justice and equality, and a remarkable trailblazer who was dedicated to improving the lives of others. Congresswoman JUANITA MILLENDER-MCDONALD embodied all that members of Congress strive to be: she was a masterful navigator of Washington politics; she was a tireless champion for her constituents in Southern California; she was a focused and determined activist for the less fortunate all over the world. She was also a dear friend and valued colleague to those of us in Congress, and to so many others who were fortunate enough to know her on both a personal and professional level.

As the first African-American woman ever to wield the gavel of a full Congressional committee, JUANITA was proof of the milestones that can be achieved through dedication, intelligence, and political acumen. Her steady rise through the hierarchy of California politics—from a seat on the Carson City Council to a position in the California State Assembly, and finally to the Halls of Congress—instilled in her an unshakeable allegiance to the people who repeatedly elected her.

JUANITA's intense loyalty to her constituents was reflected in their own well-placed faith that she would represent them in a principled and thoughtful manner. She never let them down; indeed, her record as a public figure was characterized by an attention to the needs of her constituents, by a single-minded focus on achieving equality, and by adherence to the principle that democratic government; should help those most in need.

Everything JUANITA did was colored by her passionate quest for equality. She used this intensity to her advantage, emerging as an effective and authoritative advocate for women's rights at home and abroad. Never afraid to tackle controversial issues or to use her position as a bullhorn for reform, JUANITA's energy and enthusiasm for advancing the cause of women's rights propelled her into a leadership role from her earliest days in Washington.

Innovative ideas on this score seemed to emanate from JUANITA. She convened a first-of-its-kind meeting between women members of Congress and female Supreme Court justices to discuss women's issues. She carried the Families First Agenda to more than thirty states for the first time. She served as the first Democratic Chair of the Congressional Caucus for Women's Issues. Through it all, JUANITA was masterful at marshaling well-known and influential individuals to her cause without ever losing sight of her goal, which was to help create a society committed to justice, fairness, and equality.

It is fitting that JUANITA was such an outspoken and effective advocate for women's rights, for perhaps her greatest strength lay in her identity as a woman. She demonstrated for all of us—men and women alike—that being a member of Congress, a mother, and a grandmother at the same time was not merely a challenge. For JUANITA, it was a blessing to be embraced and cherished. As a grandmother myself, I looked to her as a role model for how to integrate the unique challenges of having a family with the equally exciting responsibilities that come from serving in Congress. Two of the most rewarding pleasures in life are raising a family and working for the public, and JUANITA's life is solid proof that a dedicated and forthright individual can accomplish both with poise, grace, and dignity.

I extend my deepest condolences to Congresswoman MILLENDER-MCDONALD's family. While this week my fellow Members and I lost a trusted colleague, confidant, and friend, their loss resonates more deeply than we can know. Nonetheless, I know that I speak for all of the Congress when I say that JUANITA MILLENDER-MCDONALD was someone we admired on a personal and professional level, someone whose absence will leave a void within us, and someone whose legacy of principled and determined leadership will not be forgotten.

NINETY-SECOND COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the victims of the Armenian Genocide.

Today marks the anniversary of the deliberate campaign of genocide perpetrated by the Ottoman Empire in 1915. On April 24th, the Ottoman government arrested an estimated 250 Armenian religious, political, and intellectual leaders, which were taken to the interior of Turkey and murdered. From 1915–1923, 1.5 million Armenians were killed and more than 500,000 were forced from their homeland into exile.

In spite of overwhelming evidence, particularly American diplomatic records from the time, some continue to deny the occurrence of this brutal tragedy in human history. As a member of Congress, I represent a significant population of Armenian survivors who have proudly preserved their culture, traditions, and religion and have told the horrors of the genocide to an often indifferent world.

We must continue to ensure future generations know and understand the history of the Armenian Genocide in order to learn from the mistakes of the past and prevent future atrocities. For that reason, I have again cosponsored a resolution, H. Res. 106, that calls upon the president to make recognition of the Armenian Genocide an official position of United States foreign policy.

Mr. Speaker, it is time to fully recognize the Armenian Genocide in order to right the historical record. By doing so we pay tribute to the memory of all the individuals who suffered, their family members that remain, and vow to never forget their sacrifices.

PEPFAR: AN ASSESSMENT OF PROGRESS AND CHALLENGES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. SMITH of New Jersey. Madam Speaker, this morning the Committee on Foreign Affairs held a hearing in anticipation of the reauthorization of the President's Emergency Plan for AIDS Relief. I concur on the importance of examining the extraordinary successes of this program, as well as the means by which we can ensure that it continues to meet the needs of those impacted by the pandemic.

In my travels abroad, particularly in Africa and Vietnam, I have seen for myself how the intervention has transformed lives and infused hope in individuals, families and communities affected by HIV/AIDS. One experience that struck me, in particular, was in Uganda when I visited there last year. I had the privilege of meeting Mr. John Robert Ongole, who is 29 years old and the first person to benefit from the first treatment program funded by PEPFAR. I was told that when he first started receiving the anti-retroviral therapy, he looked like a walking skeleton. When I met him, he was healthy and energetic, leading an active life and caring for his family. I have recently learned that he has almost completed his bachelor's degree in teaching. He and countless others have expressed their profound gratitude to President Bush and the American people for giving them a new lease on life in the face of this devastating disease.

Perhaps the most controversial aspect of PEPFAR here in Congress is the requirement that one-third of prevention funding be expended on abstinence and fidelity programs, known as the A and B aspects of the ABC (abstinence, be faithful and condoms) prevention model. Some have called for the removal of this requirement in favor of an evidence-based approach, free from legislative constraints, that takes into account the particular situation of the individual country. What these people fail to take into account is that the ABC model is evidence-based, and those countries with generalized epidemics that have experienced declines in prevalence have emphasized behaviors of abstinence, and fidelity in relationships between un-infected partners.

In a statement published in 2004 in the prestigious scientific journal, The Lancet, over 160 scientists and the President of Uganda noted that "when targeting young people, for those who have not started sexual activity, the first priority should be to encourage abstinence or delay of sexual onset, hence emphasizing risk avoidance as the best way to prevent HIV and other sexually transmitted infections as well as unwanted pregnancies. After sexual debut, returning to abstinence or being mutually faithful with an uninfected partner are the most effective ways of avoiding infection."

In the past, even those considered "experts" on the ground have resisted implementing the ABC strategy with the proper emphasis on A and B, and so the spending requirement was necessary. I have met representatives of USAID who acknowledged that they were initially skeptical of the possibility of changing people's behavior as a key element

of HIV/AIDS prevention, but due to their experience of implementing the PEPFAR abstinence and fidelity programs they had become convinced of their efficacy.

I would strongly encourage my fellow Members to examine the growing evidence regarding the success of the ABC model in HIV/AIDS prevention. It is, fundamentally, a matter of life and death.

NINETY-SECOND COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. VAN HOLLEN. Mr. Speaker, today I rise to commemorate the anniversary of the first genocide of the 20th century. More than 90 years ago, the Ottoman Empire organized a campaign to exterminate 1.5 million Armenians. The world watched as this horror unfolded before them, and did nothing.

As the first genocide of the 21st century—this time in Darfur—began to take shape, the world again hesitated, this time to debate for months the definition of genocide, as thousands died and thousands more were displaced. Today, 200,000 people have been killed in Darfur and 2.5 million driven from their homes. And so, I rise Mr. Speaker not only to acknowledge and remember the horrific events that befell the Armenian people at the dawn of the last century, but also to highlight the horrific events occurring one hundred years later in Darfur at the dawn of this century.

For the past few years, as the anniversary of the Armenian Genocide approached, I hoped that year would be the year a solution to the crisis would come. But, this year, instead of speaking of how the lessons of the Armenian Genocide helped unite the world around a solution for Darfur, I can only report of ongoing suffering and continued killings.

As the world pauses today to remember those who suffered and died during the Armenian Genocide, we need to ask ourselves if we have really absorbed the lessons of that tragedy—and, if we are really doing all that can be done to bring this century's genocide to an end.

ISLAND OF CYPRUS AND THE ANNAN PLAN

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. WHITFIELD. Madam Speaker, I rise today to bring renewed attention to the continued situation on the island of Cyprus. On this date three years ago, the inhabitants of the island participated in a referenda put forward by the United Nations under Secretary General Kofi Annan. The Annan Plan, as it is often referred to, foresaw a bi-communal, bi-zonal federation based on political equality. We recall that the Turkish Cypriots in the north of the island voted by an impressive majority in favor of the Annan Plan. Unfortunately, this support was not reciprocated by the Greek Cypriots and a comprehensive settlement was not, nor has been since, agreed to.

The Annan Plan was the product of intense negotiations conducted under the auspices of the United Nations Secretary General between the Turkish Cypriots, Greek Cypriots, Turkey and Greece. It was the first plan to date to be submitted for public approval. In addition, it struck a fair compromise between the two sides on the island and was supported by both the United States and the European Union. Had it passed, it would have brought about a resolution to the longstanding separation of the island and contributed to political stability in this region of the world. Following the referenda, the Greek Cypriot side, which rejected the Annan Plan, was granted entrance into the EU. However, the Turkish Cypriot side, which accepted the settlement plan, remained outside the EU.

Soon after the referenda, the former U.N. Secretary-General, in his report to the Security Council, pointed out this injustice and stressed that the isolation of the Turkish Cypriots should be lifted given that they had voted for a settlement. In the same report, he called upon all states to eliminate the unnecessary restrictions and barriers that have the effect of isolating the people of Northern Cyprus and impeding development.

The Council of the European Union, the Parliamentary Assembly of the Council of Europe and the Organization of the Islamic Conference all concurred in declaring the need to put right this injustice.

Although it has been three years since the international community made commitments towards this end, and despite the conviction that reducing the inequalities between the economies of the two sides would facilitate the reunification of the island, the necessary steps have not been taken regarding the removal or relaxation of the isolation. Admirably, the Turkish Cypriots have not wavered in their determination to engage in further efforts to find a comprehensive solution to the Cyprus problem and they welcome the initiatives carried out under the mission of good offices of the U.N. Secretary General.

More than ever before, as supporters of a comprehensive settlement on the island, I strongly believe that the removal of the isolation of the Turkish Cypriots—economic, social, and political—would be the most positive step in the quest for the resumption of political negotiations on the path to a settlement. The Turkish Cypriots have demonstrated remarkable flexibility and political maturity. They rose to the occasion when the critical moment came three years ago in mutually deciding the future of Cyprus. Acknowledging and properly responding to their constructive behavior is not only the right message to all concerned, but is also a requisite of fairness and justice.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF HE HONORABLE JUANITA MILLENDER-MCDONALD, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. CONYERS. Madam Speaker, I rise today in honor of my close and dear friend JUANITA MILLENDER-MCDONALD, whom I have worked with and known for many, many years. I am deeply saddened by the news of her untimely passing, and I would like to extend my sincere condolences to the family, friends, and constituents of this distinguished Member of Congress.

She came to Congress in 1996 and quickly moved up the ranks among her peers. Her commitment to excellence led her to achieve a series of political firsts, including, becoming the first African American woman to chair the Committee on House Administration, the first African American woman to serve on the Carson City Council; the first to hold the position of Chairwoman for two powerful California State Assembly committees in her first term, and the first African American woman to give the national Democratic response to President Bush's weekly radio address. She spoke her mind and was not easily intimidated by political pressure, regardless of from where it came.

Furthermore, in the 110th Congress, in addition to her Chairwomanship, she served on eight full and sub-committees. One issue that the Congresswoman and I worked on closely together was the protection of one's fundamental and Constitutional right to vote. Our combined efforts on voting irregularities in Ohio ultimately led to the introduction of HR 4141 in 2005, which would amend the Help America Vote Act of 2002.

She believed that there are no more important responsibilities in the People's House of Representatives than ensuring that the ability to vote in free and fair elections is not compromised in any manner, which has not always been the case. She was a visionary, an advocate for justice for all Americans, and the embodiment of determination.

MILLENDER-MCDONALD was a role model and incredibly dedicated to the empowerment of woman and youth as the Founder and Executive Director of the League of African-American Women, and the Founder of the Young Advocates, a political leadership-training program for African-Americans between the ages of 18 and 35.

It has been an honor and a pleasure to serve with a distinguished woman of strength, integrity, and dynamism. Not only will I miss her dearly, but she will also be missed by the many people that she has touched throughout her service in Congress.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4865–S5012

Measures Introduced: Fourteen bills and four resolutions were introduced, as follows: S. 1190–1203, and S. Res. 167–170. **Pages S4917–18**

Measures Reported:

S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, with an amendment in the nature of a substitute. **Page S4917**

Measures Passed:

Congratulating University of Wisconsin Men's Indoor Track and Field Team: Senate agreed to S. Res. 167, congratulating the University of Wisconsin men's indoor track and field team on becoming the 2006–2007 National Collegiate Athletic Association Division I Indoor Track and Field Champions. **Page S5007**

Congratulating University of Wisconsin Women's Ice Hockey Team: Senate agreed to S. Res. 168, congratulating the University of Wisconsin women's hockey team for winning the 2007 National Collegiate Athletic Association Division I Women's Ice Hockey Championship. **Page S5008**

Susan G. Komen for the Cure 25th Anniversary: Senate agreed to S. Res. 169, recognizing Susan G. Komen for the Cure on its leadership in the breast cancer movement on the occasion of its 25th anniversary. **Pages S5008–09**

America COMPETES Act: Senate continued consideration of S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy, taking action on the following amendments proposed thereto:

Pages S4871–77, S4880–S4906

Adopted:

By a unanimous vote of 96 yeas (Vote No. 137), DeMint Amendment No. 929, to require the study on barriers to innovation to include an examination of the impact of the Internal Revenue Code of 1986 on innovation. **Pages S4875, S4880**

Bingaman Modified Amendment No. 908, to make certain improvements to the bill.

Pages S4871–73, S4894–95

Kennedy Amendment No. 940, to make certain improvements to the bill. **Pages S4881–83, S4895**

By a unanimous vote of 97 yeas (Vote No. 138), Bingaman (for Dodd/Shelby) Modified Amendment No. 947, to express the sense of the Senate with respect to small business growth and capital markets.

Pages S4891–93, S4895–97

Rejected:

DeMint Amendment No. 928, to amend the Sarbanes-Oxley Act of 2002, with respect to smaller public company options regarding internal controls. (By 62 yeas to 35 nays (Vote No. 139), Senate tabled the amendment.)

Pages S4873–75, S4891–93, S4897–99

Coburn Amendment No. 917, to express the sense of the Senate that Congress has a moral obligation to offset the cost of new Government programs and initiatives. (By 54 yeas and 43 nays (Vote No. 140), Senate tabled the amendment.)

Pages S4883–91, S4899–S4900

Withdrawn:

Cornyn Amendment No. 902, to amend the Immigration and Nationality Act to increase competitiveness in the United States. **Pages S4893–94**

Pending:

Bingaman (for Sununu) Amendment No. 938, to strike the provisions regarding strengthening the education and human resources directorate of the National Science Foundation. **Pages S4901–06**

Bingaman (for Sanders) Amendment No. 936, to increase the competitiveness of American workers through the expansion of employee ownership.

Pages S4901–06

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 10:30 a.m., on Wednesday, April 25, 2007; that there be 30 minutes of debate with respect to Sununu Amendment No. 938 (listed above); with the time equally divided and controlled between Senators Sununu and Kennedy or their designees; that upon the use or yielding back of time, Senate vote on or in relation to Sununu Amendment No.

938, with no amendment in order to the amendment prior to the vote. **Page S4902**

Appointments:

Canada-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appointed the following Senator as a member of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the first session of the 110th Congress: Senator Leahy. **Page S5007**

Canada-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appointed the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 110th Congress: Senators Grassley and Voinovich. **Page S5007**

Advisory Committee on the Records of Congress: The Chair announced, on behalf of the Republican Leader, pursuant to Public Law 101–509, the appointment of Terry Birdwhistell, of Kentucky, to the Advisory Committee on the Records of Congress. **Page S5007**

Nomination Confirmed: Senate confirmed the following nomination:

By unanimous vote of 95 yeas (Vote No. EX. 136), Halil Suleyman Ozerden, of Mississippi, to be United States District Judge for the Southern District of Mississippi. **Pages S4877–79, S5012**

Messages From the House: **Pages S4916–17**

Measures Referred: **Page S4917**

Executive Communications: **Page S4917**

Additional Cosponsors: **Pages S4918–20**

Statements on Introduced Bills/Resolutions: **Pages S4920–80**

Additional Statements: **Pages S4914–16**

Amendments Submitted: **Pages S4980–S5006**

Authorities for Committees to Meet: **Pages S5006–07**

Record Votes: Five record votes were taken today. (Total—140) **Pages S4879, S4880, S4897, S4899, S4900**

Adjournment: Senate convened at 10 a.m., and adjourned at 7:58 p.m., until 9:30 a.m. on Wednesday, April 25, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5009.)

Committee Meetings

(Committees not listed did not meet)

AMERICAN AGRICULTURAL PRODUCERS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine challenges and opportunities facing American agriculture producers, focusing on specialty crops, dairy, sugar, organic production and marketing, and honey, after receiving testimony from Tom Buis, National Farmers Union, David Beckmann, Bread for the World, and Larry Mitchell, American Corn Growers Association, all of Washington, D.C.; Bob Stallman, American Farm Bureau Federation, Columbus, Texas; Bill Flory, American Farmland Trust, Winchester, Idaho; John Hoffman, American Soybean Association, Waterloo, Iowa; John Pucheu, National Cotton Council, Tranquility, California; Ken McCauley, National Corn Growers Association, White Cloud, Kansas; Everett Tallman, National Association of Wheat Growers, Brandon, Colorado; Paul T. Combs, USA Rice Federation, Kennett, Missouri, on behalf of the U.S. Rice Producers Association; Evan Hayes, National Barley Growers Association, American Falls, Idaho; Dale Murden, National Sorghum Producers, Monte Alto, Texas; Armond Morris, Georgia Peanut Commission, Ocilla, on behalf of the Southern Peanut Farmers Federation; Lynn Rundle, 21st Century Grain Processing Cooperative, Manhattan, Kansas, on behalf of the North American Millers' Association; John Swanson, National Sunflower Association, Mentor, Minnesota, on behalf of the U.S. Canola Association; and Jim Evans, USA Dry Pea and Lentil Council, Genessee, Idaho.

BUDGET: DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded a hearing to examine United States Pacific Command, United States Forces Korea, and United States Special Operations Command in review of the Defense Authorization Request for fiscal year 2008 and the Future Years Defense Program, after receiving testimony from Admiral Timothy J. Keating, USN, Commander, United States Pacific Command, Vice Admiral Eric T. Olson, USN, Deputy Commander, United States Special Operations Command, and General Burwell B. Bell, III, USA, Commander, United States Nations Command and Republic of Korea/United States Combined Forces Command, Commander, United States Forces Korea, all of the Department of Defense.

BUDGET: DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded a hearing

to examine the readiness of United States ground forces in review of the Defense Authorization Request for fiscal year 2008 and the Future Years Defense Program, after receiving testimony from Colonel Michael F. Beech, USA, Commander, 4th Brigade Combat Team, 4th Infantry Division, Fort Hood, Texas, Colonel Lewis A. Craparotta, USMC, Commander, 1st Marine Regiment, Camp Pendleton, California, and Colonel Timothy E. Orr, USARNG, Commander, 2nd Brigade Combat Team, 34th Infantry Division, Iowa National Guard, all of the Department of Defense.

TELECOMMUNICATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine communications, broadband and competitiveness relating to the telecommunications industry in the United States, after receiving testimony from Brian R. Mefford, ConnectKentucky and Connected Nation, Inc., Ben Scott, Free Press, on behalf of Consumers Union and the Consumer Federation of America, Jeffrey A. Eisenach, George Mason University School of Law, and Scott Wallsten, Progress and Freedom Foundation, all of Washington, D.C.; Adam T. Drobat, Telcordia Techonologies, Arlington, Virginia, on behalf of the Telecommunications Industry Association; and Jack Keil Wolf, University of California at San Diego.

CLEAN AIR ACT

Committee on Environment and Public Works: Committee concluded a hearing to examine the implications of the Supreme Court's decision regarding the Environmental Protection Agency authorities with respect to greenhouse gases under the Clean Air Act, after receiving testimony from Stephen L. Johnson, Administrator, Environmental Protection Agency; Carol M. Browner, Albright Group, LLC, William K. Reilly, Aqua International Partners, Ann R. Klee, Crowell and Moring, David Doniger, Natural Resources Defense Council Climate Center, and Peter Glaser, Troutman Sanders LLP, all of Washington, D.C.

FEDERAL DISASTER HOUSING PROGRAM

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Disaster Recovery concluded a hearing to examine trailers, focusing on creating a more flexible, efficient, and cost-effective Federal Disaster Housing Program, after receiving testimony from David E. Garratt, Acting Assistant Administrator, Disaster Assistance Directorate, Gil H. Jamieson, Associate Deputy Administrator for Gulf Coast Recovery, and Major General John R. D'Araujo, (Ret.) United States Army, former Primary Selecting Official, Alternative Housing Pilot Program, all of the Federal Emergency Management Agency, and Matt A. Jadacki, Deputy Inspector General for Disaster Assistance Oversight, all of the Department of Homeland Security; Robert P. Hebert, Charlotte County Administration, Port Charlotte, Florida; Sheila Crowley, National Low Income Housing Coalition, Washington, D.C.; William J. Croft, Shaw Group, Inc., Baton Rouge, Louisiana; Andres Duany, Duany Plater-Zyberk and Company, Charlotte, North Carolina; John Badman, III, RE: Formed Systems, Greenwich, Connecticut.

TRANSIT BENEFITS

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations concluded a hearing to examine the Federal Transit Benefit Program, focusing on determining if benefits are being misused, program rules are being violated, and whether agency oversight requires strengthening, after receiving testimony from Gregory D. Kutz, Managing Director, and John J. Ryan, Assistant Director, both of Forensic Audits and Special Investigations, Government Accountability Office; Calvin L. Scovel III, Inspector General, and Linda J. Washington, Acting Assistant Secretary for Administration, both of the Department of Transportation; Thomas F. Gimble, Acting Inspector General, and Michael L. Rhodes, Director, Washington Headquarters Services, both of the Department of Defense.

NO CHILD LEFT BEHIND REAUTHORIZATION

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine No Child Left Behind Reauthorization, focusing on modernizing middle and high schools for the twenty-first century, after receiving testimony from Robert Balfanz, Johns Hopkins University Center for Social Organization of Schools, Baltimore, Maryland; former West Virginia Governor Bob Wise, Alliance for Excellent Education, and John Podesta, Center for American Progress, both of Washington, D.C.; Tony Habit, North Carolina New Schools Project, Raleigh; and Edna E. Varner, Hamilton County Public Education Foundation, Chattanooga, Tennessee.

CASUALTIES OF WAR

Committee on the Judiciary: Subcommittee on Human Rights and the Law concluded a hearing to examine the casualties of war focusing on child soldiers and the law, including S. 1175, to end the use of child soldiers in hostilities around the world, after receiving testimony from Joseph Mettimano, World Vision, Washington, D.C.; Kenneth Roth, Human Rights Watch, Anwen Hughes, Human Rights

First, and Ishmael Beah, all of New York, New York.

NATIONAL GUARD

Committee on the Judiciary: Committee concluded a hearing to examine the Insurrection Act rider and the state control of the National Guard, including the proposed John Warner National Defense Authorization Act for Fiscal Year 2007, S. 513, to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and S. 430, to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, after receiving testimony from North Carolina Governor Michael F. Easley, Raleigh, on behalf of the National Governors Association; Lieutenant General H. Steven Blum, USA, Chief, National Guard Bureau; Major General Timothy J. Lowenberg, USAF, Adjutant General, Washington National Guard; and Sheriff Ted G. Kamatchus, Marshall County, Marshalltown, Iowa, on behalf of the National Sheriffs' Association.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 2010–2014; and 5 resolutions, H. Con. Res. 127; and H. Res. 333–336 were introduced. **Page H4050**

Additional Cosponsors: **Pages H4051–52**

Reports Filed: Reports were filed today as follows:

Conference Report to accompany H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007 (H. Rept. 110–107);

H. Res. 330, providing for consideration of H.R. 1332, to improve the access to capital programs of the Small Business Administration (H. Rept. 110–108);

H. Res. 331, providing for consideration of H.R. 249, to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros (H. Rept. 110–109); and

H. Res. 332, providing for consideration of the conference report to accompany H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007 (H. Rept. 110–110). **Pages H3823–H4012, H4049**

Speaker: Read a letter from the Speaker wherein she appointed Representative Engel to act as Speaker Pro Tempore for today. **Page H3779**

Recess: The House recessed at 11:15 a.m. and reconvened at noon. **Page H3784**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Preservation Approval Process Improvement Act of 2007: H.R. 1675, to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors; **Pages H3787–88**

Native American Home Ownership Opportunity Act of 2007: H.R. 1676, to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing; **Pages H3788–90**

Expressing the sense of the House of Representatives that Congress should increase public awareness of child abuse and neglect and should continue to work with the States to reduce the incidence of child abuse and neglect through such programs as the Child Welfare Services and Promoting Safe and Stable Families programs: H. Res. 299, to express the sense of the House of Representatives that Congress should increase public awareness of child abuse and neglect and should continue to work with the States to reduce the incidence of child abuse and neglect through such programs as the Child Welfare Services and Promoting Safe and Stable Families programs, by a ⅔ yea-and-nay vote of 411 yeas with none voting "nay", Roll No. 250; and **Pages H3790–92, H3804–05**

International Solid Waste Importation and Management Act of 2007: H.R. 518, to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada. **Pages H3792–97**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Monday, April 23rd:

Expressing the sense of the House of Representatives with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month: H. Res. 289, to express the sense of the House of Representatives with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month, by a ⅔ yea-and-nay vote of 410 yeas with none voting "nay", Roll No. 251; and **Page H3805**

Supporting the mission and goals of National Crime Victims' Rights Week in order to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States during such week and throughout the year: H. Res. 119, to support the mission and goals of National Crime Victims' Rights Week in order to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States during such week and throughout the year, by a ⅔ yea-and-nay vote of 407 yeas with none voting "nay", Roll No. 252. **Pages H3805–06**

10,000 Teachers, 10 Million Minds Science and Math Scholarship Act: The House passed H.R. 362, to authorize science scholarships for educating mathematics and science teachers, by a yea-and-nay vote of 389 yeas to 22 nays, Roll No. 254. **Pages H3806–23, H4012–13**

Agreed to the Hoekstra motion to recommit the bill to the Committee on Science and Technology with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 408 yeas to 4 nays, Roll No. 253. Subsequently, Representative Gordon reported the bill back to the House with the amendment and the amendment was agreed to. **Pages H3821–23**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill shall be considered as the original bill for the purpose of amendment. **Page H3815**

Agreed to:

Gordon manager's amendment (No. 1 printed in H. Rept. 110–105) that establishes an additional type of award under NSF's Robert Noyce Teacher Scholarship program to recruit and train science, math and engineering professionals who are interested in becoming science or math teachers **Pages H3819–20**

Gordon amendment (No. 2 printed in H. Rept. 110–105) that requires NSF, in making awards under the Robert Noyce Teacher Scholarship program, to ensure that the recipients are from a variety of types of academic institutions, including Minority Serving Institutions, and requires NSF to establish and maintain a clearinghouse of information on teaching opportunities in high-need school systems for use by individuals who participate in the Noyce program and consequently have an obligation to teach for a prescribed period of time. **Pages H3820–21**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H4026**

H. Res. 327, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 220 yeas to 188 nays, Roll No. 248, after agreeing to order the previous question. **Pages H3797–99, H3802–03**

Sowing the Seeds Through Science and Engineering Research Act: The House passed H.R. 363, to authorize appropriations for basic research and research infrastructure in science and engineering and for support of graduate fellowships, by a yea-and-nay vote of 397 yeas to 20 nays, Roll No. 257. **Pages H4013–26**

Agreed to the Sullivan (OK) motion to recommit the bill to the Committee on Science and Technology with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 264 ayes to 154 noes, Roll No. 256. Subsequently, Representative Gordon reported the bill back to the House with the amendment and the amendment was agreed to. **Pages H4024–25**

Agreed to amend the title so as to read: "To authorize programs for support of the early career development of science and engineering researchers, and for support of graduate fellowships, and for other purposes.". **Page H4026**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill shall be considered as the original bill for the purpose of amendment. **Page H4018**

Agreed to:

Hall (TX) amendment (No. 1 printed in H. Rept. 110–99) that requires the Director of the National Science Foundation to allocate at least 3.5% of funds

appropriated to the National Science Foundation for Research and Related Activities to the early career awards for science and engineering researchers except to the extent that a sufficient number of meritorious grant applications have not been received for a fiscal year; **Page H4020**

Tauscher amendment (No. 2 printed in H. Rept. 110–99) that recommends when awarding grants, the Director of the NSF give special consideration to eligible early-career researchers who have followed alternative career paths; and **Pages H4020–22**

Gillibrand amendment (No. 3 printed in H. Rept. 110–99) that requires the NSF to institute a program to award scholarships in science, technology, engineering, or mathematics to undergraduate scholars (by a recorded vote of 254 ayes to 165 noes, Roll No. 255). **Pages H4022–24**

H. Res. 318, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 219 yeas to 187 nays, Roll No. 249, after agreeing to order the previous question.

Pages H3800–02, H3803–04

Senate Message: Message received from the Senate today appears on page H3784.

Amendments: Amendments ordered printed pursuant to the rule appear on page H4052.

Quorum Calls—Votes: Eight yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H3803, H3803–04, H3804, H3805, H3805–06, H3822, H4013, H4023–24, H4025, and H4026. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 10:46 p.m.

Committee Meetings

FEDERAL MILK MARKETING ORDERS

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry held a hearing to review the Federal Milk Marketing Order rulemaking procedures. Testimony was heard from Lloyd Day, Administrator, Agricultural Marking Service, USDA; Kelly Krug, Director, Marketing Services, Department of Food and Agriculture, State of California; and public witnesses.

COMMERCE, JUSTICE, SCIENCE, AND FEDERAL AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies continued appropriation hearings. Testimony was heard from public witnesses.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Navy and Marine Corps Force Posture and Acquisition Overview. Testimony was heard from the following officials of the Department of Navy: Delores M. Etter; Assistant Secretary; VADM Jonathan W. Greenert, USN, Deputy Chief, Naval Operations for Integration of Capabilities and Resources; and LTG Emerson Gardner, USMC, Deputy Commandant, Policy and Integration.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on Woodrow Wilson Center/Kennedy Center. Testimony was heard from Lee H. Hamilton, Director, Woodrow Wilson Center; and Michael M. Kaiser, Director, Kennedy Center.

LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on the Capitol Visitors Center. Testimony was heard from the following officials of the Architect of the Capitol's Office: Stephen Ayers, Acting Architect; Douglas Jacobs, Project Executive, Capitol Visitors Center; and David Ferguson, Chief Administrative Officer; and Terrell Dorn, Director-Physical Infrastructure Issues, GAO.

ENSURING EQUAL PAY FOR WOMEN

Committee on Education and Labor: Held a hearing on Strengthening the Middle Class: Ensuring Equal Pay for Women. Testimony was heard from Representatives DeLauro and Norton; and public witnesses.

OSHA STANDARDS/WORKPLACE HAZARDS

Committee on Education and Labor: Subcommittee on Workforce Protections held a hearing on Have OSHA Standards Kept Up With Workplace Hazards? Testimony was heard from Edwin Foulke, Assistant Secretary, OSHA, Department of Labor; and public witnesses.

ENERGY DEPARTMENT LOAN GUARANTEE PROGRAM

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled "Implementation of EPACT 2005 Loan Guarantee Programs by the Department of Energy." Testimony was heard from Dennis R. Spurgeon, Acting Under Secretary, Department of Energy; James C. Cosgrove, Acting Director, Natural Resources and Environment, GAO; and public witnesses.

FDA FOOD SUPPLY SAFETY

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''Diminished Capacity: Can the FDA Assure the Safety and Security of the Nation's Food Supply?'' Testimony was heard from Lisa Shames, Acting Director, Natural Resources and Environment, GAO; and public witnesses.

OVERSEAS DIGITAL BROADBAND LESSONS

Committee on Energy and Commerce: Subcommittee on Telecommunication and the Internet continued hearings entitled ''Digital Future of the United States: Part IV: Broadband Lessons from Abroad. Testimony was heard from public witnesses.

TERRORISM RISK INSURANCE

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''Policy Options for Extending the Terrorism Risk Insurance Act.'' Testimony was heard from public witnesses.

AIDS RELIEF

Committee on Foreign Affairs: Held a hearing on PEPFAR: An Assessment of Progress and Challenges. Testimony was heard from Mark R. Dybul, U.S. Global AIDS Coordinator, Department of State.

U.S.-COLUMBIA RELATIONS

Committee on Foreign Affairs: Subcommittee on Western Hemisphere held a hearing on U.S.-Columbia Relations. Testimony was heard from Representative Hastert; the following officials of the Department of State: Anne W. Patterson, Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs; and Charles Shapiro, Principal Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs; Mark Schneider, former Director, Peace Corps; Robert Charles, former Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, Department of State; and public witnesses.

AVIATION SECURITY—PILOT PROGRAM TO SCREEN AIRPORT WORKERS

Committee on Homeland Security: Subcommittee on Transportation Security and Infrastructure Protection approved for full Committee action, as amended, H.R. 1413, To direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to address vulnerabilities in aviation security by carrying out a pilot program to screen airport workers with access to secure and sterile areas of airports.

TULSA GREENWOOD RIOT ACCOUNTABILITY ACT

Committee on the Judiciary: Subcommittee on Constitution, Civil Rights and Civil Liberties held a hearing on H.R. 1995, Tulsa Greenwood Race Riot Claims Accountability Act of 2007. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security approved for full Committee action H.R. 1592, Local Law Enforcement Hate Crimes Act of 2007.

The Subcommittee also held a hearing on the following bills: H.R. 1700, COPS Improvement Act of 2007; H.R. 916, John R. Justice Prosecutors and Defenders Incentive Act of 2007; and H.R. 933, Witness Security and Protection Act of 2007. Testimony was heard from Mark Epley, Senior Counsel, Office of the Deputy Attorney General, Department of Justice; Kamala D. Harris, District Attorney, City of San Francisco, California; and public witnesses.

EMPLOYMENT VERIFICATION WORKSITE ENFORCEMENT

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law held a hearing on Problems in the Current Employment Verification and Worksite Enforcement System. Testimony was heard from Jonathan R. Scharfen, Deputy Director, United States Citizenship and Immigration Services, Department of Homeland Security; and public witnesses.

OUTER CONTINENTAL SHELF RENEWABLE ENERGY

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife and Oceans and the Subcommittee on Energy and Mineral Resources held a joint hearing on Renewable Energy Opportunities and Issues on the Outer Continental Shelf. Testimony was heard from Mike Olsen, Deputy Assistant Secretary, Land and Minerals Management, Department of the Interior; Ann F. Miles, Director, Division of Hydropower Licensing, Office of Energy Projects, Federal Energy Regulatory Commission, Department of Energy; Tim Keeney, Deputy Assistant Secretary, Oceans and Atmosphere, NOAA, Department of Commerce; and public witnesses.

BATTLEFIELD MISINFORMATION INCIDENTS

Committee on Oversight and Government Reform: Held a hearing on Misleading Information from the Battlefield. Testimony was heard from the following officials of the Department of Defense: Thomas F. Gimble, Acting Inspector General; BG Rodney

Johnson, USA, Army Criminal Investigative Command; Specialist Bryan O'Neil, USA; Sr. Chief Stephen White, USN, Navy Seal and LTC John Robinson, USA, Director, Media Services Division, Soldiers Media Center; and public witnesses.

CENSUS 2010 PREPARATION

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census and National Archives held a hearing on Preparations for the 2010 Census. Testimony was heard from Preston Jay Waite, Associate Director, Decennial Census, U.S. Census Bureau, Department of Commerce; Mathew J. Scire, Director, Strategic Issues, GAO; Joseph J. Salvo, Director, Population Division, Department of City Planning, New York City; and public witnesses.

SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

Committee on Rules: Granted, by a voice vote, a structured rule. The rule provides 1 hour of general debate on H.R. 1332, Small Business Lending Improvements Act of 2007, equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Small Business. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute.

The rule makes in order only those amendments printed in this report and provides that they may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report except for clauses 9 and 10 of rule XXI. The rule provides one motion to recommit with or without instructions. Finally, the rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard from Chairman Velázquez and Representatives Matheson, Chabot, and Boozman.

TO RESTORE THE PROHIBITION ON THE COMMERCIAL SALE AND SLAUGHTER OF WILD FREE-ROAMING HORSES AND BURROS

Committee on Rules: Granted, by a voice vote, an open rule with a pre-printing requirement. The rule provides one hour of general debate on H.R. 249, to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros, equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources.

The rule waives all points of order against consideration of the bill except those arising under clauses 9 and 10 of rule XXI. The rule provides that the bill shall be considered as read. The rule provides that notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The rule provides one motion to recommit with or without instructions. Finally the rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard from Representative Rahall.

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

Committee on Rules: Granted, by a voice vote, a rule waiving all points of order against the conference report to accompany H.R. 1591, U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Chairman Obey and Representative Lewis of California.

REAUTHORIZE SBA PROGRAMS AND ACTIVITIES RELATING TO PROCUREMENT

Committee on Small Business: Ordered reported, as amended, H.R. 1873, To reauthorize the programs and activities of the Small Business Administration relating to procurement.

BUY AMERICA

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing

on Buy America. Testimony was heard from the following officials of the Department of Transportation: J. Richard Capka, Administrator, Federal Highway Administration; and James S. Simpson, Administrator, Federal Transit Administration; Randall Iwasaki, Chief Deputy Director, Department of Transportation, State of California; John B. Catoe, Jr., General Manager, Washington Metropolitan Area Transit Authority; and public witnesses.

VETERANS MEASURES

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs approved for full Committee action, as amended, H.R. 1660, to direct the Secretary of Veterans' Affairs to establish a national Cemetery for Veterans in the southern Colorado region.

The Subcommittee also held a hearing on Helping Those Left Behind: Are We Doing Enough for the Parents, Spouses and Children of Veterans. Testimony was heard from Representatives Ellsworth and Latham; Jack McCoy, Associate Deputy Under Secretary, Policy and Program Management, Veterans Benefits Administration, Department of Veterans Affairs; representatives of veterans' organizations; and public witnesses.

ENERGY AND TAX POLICY

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on Member proposals on Energy and Tax Policy. Testimony was heard from Representatives McDermott, Jefferson, Peterson of Minnesota, Pomeroy, Blumenauer, Berkley, Nunes, Doyle, Weldon of Florida, McGovern, Terry, Ferguson, Shimkus, Grijalva, Tim Murphy of Pennsylvania, Baird, Davis of Kentucky, and Inslee.

INTELLIGENCE MATTERS

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Intelligence Matters. Testimony was heard from departmental witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D 539)*

S. 1002, to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program. Signed on April 23, 2007 (Public Law 110–19)

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 25, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine challenges and opportunities facing American agricultural producers, focusing on farm programs and the commodity title of the farm bill, 9:30 a.m., SD–106.

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the Missile Defense Agency, 10:30 a.m., SD–192.

Committee on Armed Services: Subcommittee on Airland, to hold hearings to examine whether the Army is properly sized, organized, and equipped to respond to the most likely missions over the next two decades while retaining adequate capability to respond to all contingencies along the spectrum of combat in review of the Defense Authorization Request for fiscal year 2008 and the Future Years Defense Program, 10 a.m., SR–222.

Subcommittee on Emerging Threats and Capabilities, to hold hearings to examine language and cultural awareness capabilities for the Department of Defense, 2 p.m., SR–325.

Subcommittee on Strategic Forces, to hold hearings to examine Department of Energy atomic energy defense programs in review of the Defense Authorization Request for fiscal year 2008, 3:30 p.m., SR–232A.

Committee on Commerce, Science, and Transportation: business meeting to consider pending calendar business, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Water and Power, to hold hearings to examine S. 324, to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico, S.542, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, S. 752, to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir, S. 1037, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon, S. 1116 and H.R. 902, bills to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources, S. 175, to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District, S. 1112 and H.R. 235, bills to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, 2:30 p.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety, to hold an

oversight hearing to examine the Nuclear Regulatory Commission, 10 a.m., SD–406.

Committee on the Judiciary: business meeting to consider S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 119, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, S. 1079, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, S. 735, to amend title 18, United States Code, to improve the terrorist hoax statute, H.R. 740, to amend title 18, United States Code, to prevent caller ID spoofing, S. 221, to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts, S. 495, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, S. 239, to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information, S. 879, to amend the Sherman Act to make oil-producing and exporting cartels illegal, S. Res. 125, designating May 18, 2007, as ''Endangered Species Day'', and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide, S. Res. 116, designating May 2007 as ''National Autoimmune Diseases Awareness Month'' and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research, S. Res. 146, designating June 20, 2007, as ''American Eagle Day'', and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, S. Res. 162, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers, and the nominations of Robert Gideon Howard, Jr., to be United States Marshal for the Eastern District of Arkansas, Frederick J. Kapala, to be United States District Judge for the Northern District of Illinois, and Benjamin Hale Settle, to be United States District Judge for the Western District of Washington, John Roberts Hackman, to be United States Marshal for the Eastern District of Virginia, Department of Justice, and possible authorization of subpoenas in the connection with investigation into replacement of U.S. attorneys, 10 a.m., SD–226.

Committee on Veterans' Affairs: to hold an oversight hearing to examine the Department of Veterans Affairs, focusing on mental health issues, 2 p.m., SR–418.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, on Members of Congress, 10 a.m., H–309 Capitol.

Subcommittee on Defense, on Shipbuilding (Industry Officials), 10 a.m., and on Shipbuilding (Navy Officials) 1:30 p.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Oversight and Investigations, hearing on Contracting for the Iraqi Security Forces, 9 a.m., 2212 Rayburn.

Committee on Education and Labor, hearing on Examining Unethical Practices in the Student Loan Industry, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials, hearing entitled ''Perchlorate: Health and Environment Impacts of Unregulated Exposure,'' 10 a.m., 2322 Rayburn.

Subcommittee on Health, hearing entitled ''Living Without Health Insurance: Why Every American Needs Coverage,'' 10 am., 2123 Rayburn.

Committee on Financial Services, hearing on H.R. 698, Industrial Bank Holding Company Act of 2007, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Africa and Global Health, hearing on Malaria Awareness Day: Leveraging Progress for Future Advances, 2:30 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Emergency Communications, Preparedness and Response, hearing entitled ''Examining the Military's Support of Civil Authorities During Disasters,'' 10 a.m., 1539 Longworth.

Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, hearing entitled ''Addressing the Nation's Cybersecurity Challenges: Reducing Vulnerabilities Requires Strategic Investment and Immediate Action,'' 1:30 p.m., 1538 Longworth.

Subcommittee on Management, Investigations, and Oversight, hearing entitled ''Strong Oversight at the Department of Homeland Security: A Predicate to Good Government, 10 a.m., 311 Cannon.

Committee on the Judiciary, to consider the following: a resolution authorizing the Chairman to issue a subpoena to Monica Goodling for testimony and related documents at a hearing before the Committee regarding the circumstances surrounding recent terminations of U.S. Attorneys, representations to Congress regarding those circumstances, and related matters; and a resolution directing the House General Counsel to apply to a United States district court for an order immunizing from use in prosecutions the testimony of, and related information provided by, Monica Goodling under compulsion at proceedings before or ancillary to the Committee regarding the circumstances surrounding recent terminations of U.S. Attorneys, representations to Congress regarding those circumstances, and related matters; and to mark up the following measures: H.R. 1592, Local Law Enforcement Hate Crimes Prevention Act of 2007; H.R. 692, Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007; and H. Res. 314, Supporting the goals of World Intellectual Property Day, 10:15 a.m., 2141 Rayburn.

Committee on Natural Resources, to mark up the following bills: H.R. Lumbee Recognition Act; H.R. 487, Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007; H.R. 1080, Grand Teton National Park Extension Act of 2007; H.R. 1114, Alaska Water Resources Act of 2007; H.R. 1294, Thomasina E. Jordon Indian Tribes of Virginia Federal Recognition Act

of 2006; and H.R. 1328, Indian Health Care Improvement Act Amendments of 2007, 11 a.m., 1324 Longworth.

Subcommittee on Insular Affairs, to continue hearings on the following bills: H.R. 900, Puerto Rico Democracy Act of 2007; and H.R. 1230, Puerto Rico Self Determination Act of 2007, 3 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, to consider the issuance of subpoenas, 10 a.m., 2154 Rayburn.

Subcommittee on Domestic Policy, hearing on the examination of Section 1221 on the Energy Policy Act of 2005 by the Department of Energy, 2 p.m., 2154 Rayburn.

Committee on Science and Technology, to mark up the following measures: H.R. 1867, National Science Foundation Authorization Act of 2007; H.R. 1868, Technology Innovation and Manufacturing Stimulation Act of 2007; H. Con. Res. 95, Honoring the career and research accomplishments of Frances E. Allen, the 2006 recipient of the A.M. Turing Award; H. Res. 316, Recognizing the accomplishments of Roger D. Kornberg, Andrew Fire, Craig Mello, John C. Mather, and George F. Smott for being awarded Novel Prizes in the fields of chemistry, physiology or medicine, and physics, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on Essential Air Services Program/Small Community Air Service Development Program, 2 p.m., 2167 Rayburn.

Subcommittee on Coast Guard and Maritime Transportation, hearing on Commercial Fishing Vessel Safety, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Health, hearing on 2007 Medicare Trustees Report, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on Hot-Spots, 8:45 a.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, April 25

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of S. 761, America COMPETES Act, and after a period of debate vote on or in relation to Sununu Amendment No. 938.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, April 25

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) H. Con. Res. 7—Calling on the League of Arab States to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur; (2) H. Res. 125—Expressing deep concern over the use of civilians as ''human shields'' in violation of international humanitarian law and the law of war during armed conflict, including Hezbollah's tactic of embedding its forces among civilians to use them as human shields during the summer of 2006 conflict between Hezbollah and the State of Israel; (3) H. Res. 240—Urging all member countries of the International Commission of the International Tracing Service (ITS) who have yet to ratify the May 2006 Amendments to the 1955 Bonn Accords Treaty, to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany; (4) H.R. 1678—Torture Victims Relief Reauthorization Act of 2007; (5) H. Con. Res. 68—Honoring the life and accomplishments of Gian Carlo Menotti and recognizing the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded; (6) H. Res. 292—Expressing the sense of the House of Representatives that schools should celebrate National Garden Month through a curriculum that includes outdoor learning; (7) H. Res. 320—Congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I Women's Basketball Championship; (8) H. Con. Res. 121—Recognizing the benefits and importance of school-based music education; and (9) H.R. 493—Genetic Information Nondiscrimination Act of 2007. Consideration of H.R. 1332—Small Business Lending Improvements Act of 2007.

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Congressional Record

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