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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

### PRAYER

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

Let us pray. O God, our help in ages past, our hope for years to come, on the eve of the sixth anniversary of the 11 September attacks, when many are not strangers to anxiety and fear, draw near to us. Speak to those who recall the uncertainty of life and their hearts fail them.

Lord, some look at an empty chair or a desk and remember that all flesh is as temporary as the grass of the fields and withers like the flowers. Others find themselves thinking about brave Americans in harm's way. Today, remind us of Your sovereignty. Teach us that You are our refuge and strength, a very present help in trouble, and we need not fear. Infuse us with a faith that will not shrink, though the Earth be removed, though the mountains be carried into the midst of the sea, though the waters roar and be troubled. Bless our Senators today as they labor for freedom. Use them to hasten the day when justice will roll down like waters and righteousness like a mighty stream. We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB 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, September 10, 2007.

To the Senate:

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

ROBERT C. BYRD,  
President pro tempore.

Mr. WEBB 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, this morning the Senate will immediately proceed to executive session for an hour's debate regarding three noncontroversial—we hope, at least—District Court nominations. The time is equally divided and controlled between Senators LEAHY and SPECTER or their designees, and Members can expect votes on these nominations to occur at approximately 11 a.m. this morning.

Once the nominations have been confirmed, Senator BARRASSO will be recognized to give his maiden speech, and he will be recognized for up to 30 minutes.

I say to Senator BARRASSO and others, sometimes these maiden speeches bear fruit. I remember my first speech. I was speaking on the Taxpayers' Bill of Rights, and presiding, as is the Senator from Virginia today, was Senator David Pryor from Arkansas, who was chairman of the IRS Subcommittee of the Finance Committee. Also listening to this speech, fortuitously, was Senator GRASSLEY, who was a member of the Finance Committee—not a senior

member but someone who was active. When I finished my speech, talking about the Taxpayers' Bill of Rights making it a more level playing field between the taxpayer and the tax collector, Senator Pryor had written a note, given it to a page, and he said to me he liked what I was trying to do and would help me. I also got a communication from Senator GRASSLEY that he wanted to work on this.

Well, to make a long story short, Mr. President, because of their involvement, I had to do very little. That legislation passed, and it was landmark legislation. It was not because of my ability to communicate as much as who was listening. So I say to Senator BARRASSO: You never know what is going to happen with your maiden speech.

Once he has completed his speech, the Senate will proceed to the Transportation Appropriations bill. Senators MURRAY and BOND are managers, and they are prepared to finish that legislation this week. There should be votes prior to 5:30 or 6 o'clock tonight. After that, we will have no votes.

Tomorrow should be a very long, productive day because at 1 o'clock on Wednesday we can have no more votes. We can do more Senate business, but because of the Jewish holiday there will be no more votes after that time.

Mr. President, on September 17, which is a week from today, there will be no votes but there will be work. I indicated to the distinguished Republican leader and others that we are going to do what we can to see if we can get the DC-Utah congressional thing worked out, the Voter Rights Bill. What we are working on now is to get some type of consent to have a cloture vote on that sometime next week. That hasn't been resolved yet but we are working on it. I have kept Senator LIEBERMAN involved.

Next week, also, we are going to move to the authorization bill for Defense, which has to be completed. We

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



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need to complete this appropriations bill this week, because as soon as we complete the Defense authorization bill, we need to move to Defense Appropriations. That is what we have to complete before the end of the work period.

There are other things we have to do. We have to have some extension or some agreement on what we are going to do with the farm bill. We have SCHIP that we need to work on prior to the end of this month. So we have a tremendous amount of work to do. Last week was a very productive week. We had to work a couple of late nights, but it was worth it. So that should set us up for this week and give us an idea of what we are going to do next week.

Mr. McCONNELL. Mr. President, I would ask one question of my good friend, the majority leader. I didn't hear him indicate whether—and maybe he doesn't know yet—the Iraq debate will occur in the context of the DOD authorization bill or separate from that.

Mr. REID. I am going to try to work with the minority leader to see what we can work out as to whether we want to have the Iraq votes intertwined with Defense authorization or whether we do not. I have Members telling me on the Defense authorization bill that they are going to offer an amendment to close Guantanamo and offer habeas corpus, so it is going to be a contested piece of legislation. We have to complete that.

There are some who believe we would be better off having the Iraq matters separate and apart from Defense authorization. I have to work that out first with Senators LEVIN and MCCAIN. My initial report from them is that they would rather have them separate, but I will work with the minority leader and we will try to finish deciding what we are going to do by Wednesday or Thursday of this week.

Mr. McCONNELL. Mr. President, I am going to make some remarks in my leader time. I would ask the Chair if this is the appropriate time to do that.

#### RESERVATION OF LEADER TIME

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

The Republican leader.

#### THE PETRAEUS PLAN

Mr. McCONNELL. When we opened this session in January, the situation in Iraq appeared to be unraveling. Sectarian violence had sharply increased, particularly in Baghdad, since the bombing of the Golden Mosque. Foreign fighters were taking advantage of this fighting to inflame it even more. And two options emerged: withdraw our forces and abandon this fledgling democracy to al-Qaida and the other terrorists, or confront them directly, in the streets and neighborhoods where they lived.

We needed a new and realistic strategy to succeed, and we got one. The President proposed, and a Democratic-led Senate unanimously confirmed, Gen David Petraeus on January 26 to carry out a new plan aimed at protecting the population in and around Baghdad, beating back al-Qaida, and training Iraqi forces to defend Iraq on their own. The new plan would take time and patience. We had no guarantees it would work. But General Petraeus assured us of one thing. In testimony delivered just before his Senate confirmation, he said this:

I will provide Multinational Force Iraq the best leadership and direction I can muster; I will work to ensure unity of effort with the ambassador and our Iraqi and coalition partners; and I will provide my bosses and you with forthright, professional military advice with respect to the missions given to Multinational Force Iraq and the situation on the ground.

That was General Petraeus.

And if he should determine that this new strategy cannot succeed, the general said he would provide such an assessment.—a promise of candor.

Tomorrow, General Petraeus will give the Senate the forthright advice he promised, a first-hand account by the commander of U.S. forces in Iraq on the progress of their mission. And then we, the men and women who unanimously confirmed him for that mission, will respond accordingly. This briefing will take place 6 years to the day after the attacks of 9/11—when nearly 3,000 innocent people were killed in unprovoked attacks; more than in another sneak attack some 60 years earlier at Pearl Harbor.

Over those 6 years, General Petraeus has compiled an astounding record of service. He has spent 4 of them deployed away from home and away from his family, with nearly 3 years service in Iraq. Let me say that again: 3 years of service in Iraq.

He led the 101st Airborne with distinction in northern Iraq early in the fight. Later he improved the way we trained Iraqi security forces after early mistakes by the Coalition Provisional Authority. And he served as commander of the U.S. Army's Combined Arms Center at Fort Leavenworth, where he developed the Army's doctrine on counterinsurgency—he literally wrote the book.

He has proven his devotion to this country. His integrity is above reproach. And any suggestion to the contrary is totally absurd and demonstrably untrue.

And so I resent the comments of those who have sat comfortably in their air-conditioned offices, thousands of miles away from the firefights and the roadside bombs, and tried their Washington best in recent days to impugn the general's good name.

The Democratic majority sent him into battle by a unanimous vote, funded his mission, and asked him to report back on progress. And when he returns, is he greeted with the respect and appreciation his service deserves? No. He

is attacked again, at home, by some of the very Democratic Senators who confirmed him.

They are following the lead of the left-wing groups that placed a full-page ad in today's New York Times, questioning the character—questioning the character—of a four-star general who has the respect and admiration of the more than 150,000 brave men and women serving under his command. These childish tactics are an insult to everyone fighting for our freedom in Iraq, and they should be condemned. I am waiting for someone on the other side to condemn this ad in the New York Times today—the condemnation it richly deserves.

Republicans have tried to maintain a level of civility in this debate. We have let most of the rhetorical excesses of the other side slide, knowing that tempers are bound to flare in this charged environment. But the effort to discredit General Petraeus personally over the past few days is completely and totally out of bounds. It needs to be recognized as such, and it needs to end—right now.

The early effort to undermine his mission was troubling enough. Scarcely had a fraction of the additional soldiers or marines landed in Iraq before we started hearing the voices of defeat. Amazingly, some Democrats who had called for a surge before January, would then label the policy a failure 2 full months before it fully began. Others said the war was lost even as these soldiers and marines were being sent into battle.

General Petraeus was asked to carry out a new plan, and it would be a challenge. But it was guaranteed to fail too if armchair generals in Washington were allowed to dictate the battle plan from here. And with the help of a single courageous Independent, Republicans circled around a simple principle: tactics would be dictated by conditions on the ground, not the political thermometer. Before rushing to legislative judgment, we would listen closely to our commanders.

We held our ground. Despite the best efforts of some of our colleagues on the other side, we gave our commanders what they needed to carry out their plan. Not least of all we gave them hope that they'd have the time and the funding to do their work.

As the summer dragged on here in Washington, leftist groups continued to insist on an arbitrary withdrawal date. And when they failed to get their wish in Congress, they followed Republicans home over the August recess, pouring money into misleading political ads and busing in protesters. This was the other surge, a surge aimed at intimidating Republicans who supported the Petraeus Plan.

These efforts were misguided—and of course they failed.

They failed because Americans will always choose the hopeful path, when they see one in view. And while the defeatists were pouring out of their buses

with their coffee and their doughnuts last month, thousands of tough, determined American soldiers and marines were spilling out into Iraqi cities and villages finding a way to win this fight. And the news that started to trickle back from those villages and towns was this: after a long season of setbacks, there is reason for hope.

The first major combat operation of the surge began less than 3 months ago on June 15. And the early reports of our commanders in the field confirm some truly remarkable gains. Our second in command, GEN Raymond Odierno, has told us that total attacks are at the lowest level since last August, that attacks against civilians are at a 6-month low; civilian murders in Baghdad are down to their lowest point since just before the bombing of the Golden Mosque; and that he sees a new aggressiveness in Iraqi soldiers, and discipline and pride.

This report mirrored others that we have heard, from journalists and independent analysts, about the strong morale of U.S. troops. One of those reports came in late July. After spending 8 days with American and Iraqi military and civilian personnel, two prominent early critics of the war at the left-leaning Brookings Institution issued a call to all critics: stop, look, listen.

They said morale among U.S. troops is high, that troops are confident in their commander, that they see results, and that they believe they have the numbers to make a difference. And then they told us what many others have confirmed: that Iraqis themselves are turning on the extremists, that Al Anbar, once thought to be lost to al-Qaida, has gone in 6 months from being the worst place in Iraq to the best. The marines and soldiers fighting in Anbar have been working with the local tribes and sheiks for years to produce this result, but their efforts are beginning to show remarkable results.

The authors of this report didn't sugarcoat the hard realities in Iraq. The obstacles are enormous. And they admitted what all of us, including General Petraeus, have long known and repeatedly said: that we can't stay in Iraq indefinitely at current troop levels. But, they concluded, we are finally getting somewhere militarily. And it would be foolish to turn back now.

We have heard of stirring scenes in recent weeks: hundreds of thousands of Iraqi pilgrims marching to the Kadimiya Shrine in Baghdad in peace, protected by the Iraqi security forces. Political leaders from across the ethnic divides who once stood by silently as terrorists bombed neighborhoods and mosques now joining together to condemn them. Arabs, Kurds, Sunnis, Shias, and Christians working together in Ninevah to help the victims of the recent bombing there.

Americans like what they have heard. Recent polls suggest that an increasing number of Americans now think we have a chance of winning. They have put their trust in our commanders and the troops in the field, and they trust that we will respect

their gains and listen to their general, without prejudice, when he reports back to us this week. The early successes of the Petraeus Plan give America hope that we can bring about ample stability to Iraq, and it also gives us real hope that we can start to bring our troops back, not in retreat but with full honor and pride.

None of us wants the troops to stay in Iraq any longer than it takes to make it a stable democracy capable of defending itself. But Republicans have insisted that we let the uniformed generals advise us when that time comes, not armchair generals who are more focused on the polls than on a successful mission.

General Petraeus has already hinted that a reduction in troop levels might be possible at or near the end of the year. This is the most welcome news yet, and if he recommends it tomorrow, I assure you Republicans will be ready to draft the legislation supporting that request.

We hope that Democrats who have signaled a willingness to cooperate on Iraq, after 8 months of insisting on arbitrary withdrawal dates and premature troop reductions, join us in acknowledging that our generals know better than we do what it takes to win this war.

Again, none of us wants the troops in harm's way a minute longer than necessary. But while there is a chance for hope, we will not retreat. We know the stakes if we leave Iraq to terrorists: slaughter on an unimaginable scale, the abandonment of an entire nation to vicious killers who would use it as a staging ground for future acts of violence against Americans, an open field for Iran, and the entire world murmuring that America doesn't have the patience or the stomach or the grit to win.

Some on the other side of the aisle sent General Petraeus to Iraq, then tried to control the mission. When that failed, they tried to define the mission as a failure. And in a last-minute burst of defeatism, they have tried to discredit the man they sent to carry that mission out. No wonder a recent poll showed that only 3 percent of Americans think the Democratic Congress is doing a good job handling the war.

Let's listen to General Petraeus when he gets here, really listen. I know that is hard for Senators, but let's listen and respond accordingly. At some point we will have to draw down our forces, and we won't leave perfection in our wake. We know we will have to maintain a long-term presence in Iraq and the region. We must deter Iran, we must combat al-Qaida, and we cannot countenance terrorist sanctuaries.

But crafting a wise policy for the region over the long term will be impossible in the current partisan climate. Let's listen to the ranking member of the Foreign Relations Committee, the senior Senator from Indiana, who said we will only be able to craft a sustainable bipartisan strategy in Iraq together.

Eight months ago, the situation in Iraq was unraveling. It remains dif-

ficult and dangerous. But there is hope and proof, not only of success, not only of bottom-up political progress on the ground, but for the reduction in troops that all of us want. And if General Petraeus says this is warranted, then we will act, together, and move forward with new confidence that we can craft a sensible policy for protecting our interests not only in Iraq but in the broader Persian Gulf.

Let's allow this man to speak tomorrow and listen to him without prejudice.

I yield the floor.

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#### EXECUTIVE SESSION

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NOMINATION OF WILLIAM LINDSAY OSTEEEN, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

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NOMINATION OF MARTIN KARL REIDINGER, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA

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NOMINATION OF JANIS LYNN SAMMARTINO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations en bloc, which the clerk will report.

The assistant legislative clerk read the nominations of William Lindsay Osteen, Jr., of North Carolina, to be United States District Judge for the Middle District of North Carolina; Martin Karl Reidinger, of North Carolina, to be United States District Judge for the Western District of North Carolina; and Janis Lynn Sammartino, of California, to be United States District Judge for the Southern District of California.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes of debate equally divided between the Senator from Vermont and the Senator from Pennsylvania.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand the Senator from North Carolina is on the floor and wishes to speak. Obviously, I will yield her more time if she wants, but I ask unanimous consent that she be yielded 10 minutes out of the time reserved for the distinguished senior Senator from Pennsylvania, Mr. SPECTER.

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

The Senator from North Carolina is recognized.

Mrs. DOLE. Mr. President, today the Senate has the opportunity to confirm, for district judgeships, William Osteen, Jr. and Martin K. Reidinger, two of North Carolina's most talented and capable legal minds. Both of these men have impeccable credentials, a keen sense of justice and a strong desire to serve. I am fully confident that Bill and Martin would serve the people of my home State with great honor and distinction as members of the Federal judiciary.

I am delighted to support Bill Osteen, to serve as a judge for the Middle District. With deep roots in North Carolina, Bill received his education at the University of North Carolina at Chapel Hill, and has practiced law in the State for the past two decades. In 2004 and 2005, *Business North Carolina* included him in its *Legal Elite*—the cream of the crop, selected not by the editors of the magazine but by State bar colleagues.

Bill has broad experience in both criminal and civil litigation. As we all know, criminal cases make up a substantial and increasingly large portion of a Federal district judge's docket, and Bill is well equipped to handle this important aspect of the job. He estimates that he has served as the counsel of record in more than 100 Federal criminal cases. Bill also knows his way around a courtroom. In an age when most cases are resolved through settlement or plea agreement, Bill has taken over 30 cases to trial. On the strength of this experience, I have no doubt that he will be able to make the transition to district judge without missing a beat.

In addition to a distinguished professional life, Bill also has a very full personal life. He is a dedicated family man to his wife Elizabeth and their two children, Anne Bennett and Bill, and he is a man of faith, actively involved in the First Presbyterian Church of Greensboro. It is also notable that Bill has been nominated to succeed his father to this seat. Bill's father, William Osteen, Sr., has served the Middle District with great distinction and it is a rare and remarkable feat that a son has the opportunity to serve in his father's onetime place on the bench. And let me add that Bill's mother, Joanne, has been a treasured friend since our Duke days together. I know the Osteens are very proud of their son and I am honored to highlight Bill's many qualifications here today.

Another outstanding North Carolinian for the Western District of North Carolina, Martin Reidinger, has built quite an impressive record of accomplishment over the years. A graduate of the University of North Carolina at Chapel Hill, he has practiced law for the past 23 years in Asheville with Adams Hendon Carson Crow & Saenger. There he gained vast civil litigation experience, handling matters running the gamut from employment law to

land disputes. He frequently appears in Federal courts and has litigated to a verdict or judgment nearly 200 cases over the past two decades.

In addition to his vast professional experience, Martin makes it a top priority to give back to his community. He has served as the president and secretary-treasurer of the Buncombe County Bar Association, and he currently sits on the board of directors for Pisgah Legal Services, which provides free, civil legal services to low-income people who are unable to afford an attorney. In fact, in 2004, Martin accepted the North Carolina State bar's Outstanding Pro Bono Services Award for his law firm's commitment to giving back to their community. In addition to his extensive public service work, Martin is dedicated to his family—his wife Patti and children Heather, Sara, Alex and Max.

Bill Osteen and Martin Reidinger are vastly qualified to serve on the Federal bench. They have earned the admiration of their colleagues and peers and support from Senators on both sides of the aisle.

It was my privilege to recommend these individuals to the president for these posts, and I am proud to urge my colleagues to support their confirmation today, so they can get to work for the people of North Carolina.

I yield back any remaining time.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator. I note that when we confirm these three nominations today—and I fully anticipate we will; I will support them and I know Senator SPECTER will support them—the Senate will have confirmed 29 nominations for lifetime appointments by the middle of September this year. That is 7 more than were confirmed in all of 2005 when the Senate had a Republican majority which was considering nominations of this Republican President. I mention that because consistently, for the Republican President, President Bush, when the Democrats have been in charge, we have moved his nominations faster than Republicans have.

You would not know this, certainly, with some of the rhetoric that comes out of the White House; but, you know, sometimes facts get in the way of rhetoric. It is a pesky thing.

Incidentally, there were 12 more confirmations that were achieved during the entire 1996 session, when Republicans stalled consideration of President Clinton's nominations by pocket-vetoing them. It is actually a little-known fact that during the Bush Presidency, more circuit judges, more district judges, and more total judges have been confirmed in the time we have had Democrats in control and I have been chairman, than during the 10 years that either of the two Republican chairmen were working with Republican Senate majorities.

Taking into account today's confirmations, the Administrative Office

of the U.S. Courts lists 46 judicial vacancies. The President has sent us only 24 nominations for these 46 remaining vacancies. Twenty-two of these remaining vacancies—almost half—have no nominee. Of the 19 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 8 of them, more than a third. Of the 16 circuit court vacancies, 6, more than a third, are without a nominee. If the President had worked with the Senators from Michigan, Rhode Island, Maryland, California, New Jersey, and Virginia, we could be in position to make even more progress.

Of the 22 vacancies without any nominee, the President has violated the timeline he set for himself at least 13 times—13 have been vacant without so much as a nominee for more than 180 days. The number of violations may in fact be much higher since the President said he would nominate within 180 days of receiving notice that there would be a vacancy or intended retirement rather than from the vacancy itself. We conservatively estimate that he also violated his own rule 11 times in connection with the nominations he has made. That would mean that with respect to the 46 vacancies, the President is out of compliance with his own rule more than half of the time.

William L. Osteen, Jr., is a partner at the two-person law firm of Adams & Osteen in Greensboro, NC, where he has worked for his entire legal career. His practice focuses primarily on Federal criminal litigation and State civil litigation.

Martin K. Reidinger is a partner at the Asheville, NC, law firm of Adams, Hendon, Carson, Crow & Saenger, where he has worked his entire 23 year legal career as a civil litigator. His legal practice concentrates primarily in the areas of general business litigation, land disputes, municipal matters, and employment law.

Janis L. Sammartino is the presiding judge in the Superior Court of San Diego County in California. For 12 years, she served on the State trial court bench as a municipal court judge in San Diego, and she worked for 18 years as a deputy city attorney in the San Diego City Attorney's Office.

I congratulate the nominees and their families on their confirmations today.

How much time is remaining for the Senator from Vermont?

The ACTING PRESIDENT pro tempore. The Senator has 5½ minutes.

Mr. LEAHY. I thank the distinguished Presiding Officer.

I see the distinguished Senator from North Carolina and the distinguished Senator from Pennsylvania.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished chairman. We have worked harmoniously in a bipartisan way on the Judiciary Committee.

An expression I like to use when we change chairmen: It is a seamless transfer of the gavel in a bipartisan way. I join Chairman LEAHY in asking for the confirmation of the three judicial nominees who are pending this morning.

I start with Janis Lynn Sammartino, who is up for the District Court for the Southern District of California, because she was born in Philadelphia, PA: magna cum laude from Occidental College in 1972, Phi Beta Kappa at that university; law degree from Notre Dame; law clerk to a superior court judge in California, Judge Douglas Seely; deputy city attorney; judge on the Municipal Court of the City of San Diego; a judge on the Superior Court for San Diego for the past 12 years—a very distinguished resume. She has a majority “qualified” rating from the American Bar Association, and some rated her as “well qualified.” She comes to the floor with the unanimous recommendation of the Judiciary Committee.

Similarly, I urge the confirmation of Martin Karl Reidinger for the U.S. District Court for the Western District of North Carolina. He has an outstanding academic record: a bachelor’s degree from the University of North Carolina-Chapel Hill; a law degree with honors from the University of North Carolina-Chapel Hill School of Law; Order of the Coif, which means top 10 percent academically; North Carolina Law Review. He has had an extensive practice with the law firm of Adams Hendon Carson Crow & Saenger—associate for 5 years and partner for the last 18 years—distinguished qualifications. I think he is well suited to become a Federal district court judge.

Third, I urge the confirmation of William Lindsay Osteen, Jr., for the District Court for the Middle District of North Carolina. He has a bachelor’s degree from the University of North Carolina-Chapel Hill in 1983 and a law degree from the same university in 1987. He practiced law for the last 20 years—first as an associate and later as a partner—in Adams & Osteen, and has a distinguished curriculum vitae.

I ask unanimous consent that the resumes of these three distinguished nominees be printed in the CONGRESSIONAL RECORD.

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

**JANIS LYNN SAMMARTINO—UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

Birth: April 24, 1950, Philadelphia, PA.  
Legal Residence: California.  
Education: A.B., Magna Cum Laude, Occidental College, 1972; Phi Beta Kappa; J.D., University of Notre Dame Law School, 1975.

Employment: Law Clerk, Judge Douglas Seely, Superior Court, St. Joseph County, Indiana, 1975–1976; Deputy City Attorney, San Diego City Attorney’s Office, 1976–1994; Judge, Municipal Court of the City of San Diego, 1994–1995; Judge, Superior Court of San Diego County, 1995–Present.

Selected Activities: Master and President-elect, American Inns of Court, Louis M.

Welch Chapter; Member, Association of Business Trial Lawyers of San Diego; Member, National Association of Women Judges; Member, San Diego County Judges Association; Member, California State Bar; Member, San Diego County Bar Association; Member, University of Notre Dame Law School Alumni Association.

ABA Rating: Majority “qualified,” minority “well-qualified.”

**MARTIN KARL REIDINGER—UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

Birth: December 18, 1958, New Haven, Connecticut.

Legal Residence: North Carolina.  
Education: B.A., University of North Carolina-Chapel Hill, 1981; J.D., with honors, University of North Carolina-Chapel Hill School of Law, 1984; Order of the Coif; North Carolina Law Review, 1983–1984; Jefferson Pilot Foundation Scholar.

Employment: Associate, Adams Hendon Carson Crow & Saenger, P.A., 1984–1989; Partner, 1989–Present.

Selected Activities: Member, North Carolina Bar Association, 1984–Present; Member, 28th Judicial District Bar, 1984–Present; President, 2003–2004; Secretary-Treasurer, 1989–1992; Member, Local Bar Services Committee, 2003–Present; Chair, 2005–Present; Member, Select Drafting Committee of the North Carolina Board of Law Examiners; North Carolina Bar Association Statewide Small Firm Pro Bono Award, 2004; Board Member, Pisgah Legal Services, 2005–Present; Member, Arden Rotary Club; Paul Harris Fellow and Sustaining Member, Paul Harris Foundation.

**WILLIAM LINDSAY OSTEEN, JR.—UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Birth: 1960, Greensboro, North Carolina.  
Legal Residence: North Carolina.

Education: B.S., University of North Carolina-Chapel Hill, 1983; J.D., University of North Carolina-Chapel Hill School of Law, 1987.

Employment: Associate, Adams & Osteen, 1987–1991; Partner, 1991–Present.

Selected Activities: Member, North Carolina Bar Association; Past Member, Criminal Justice Council; Chairman, Criminal Justice Council, 2000–2001; Member, Greensboro Bar Association; Director, 1995; Listed in Business North Carolina magazine’s “Legal Elite” in Criminal Law, 2004, 2005, 2006; Member, Criminal Justice Act Advisory Committee; Criminal Justice Act Panel Attorney, Middle District of North Carolina; Member, American Bar Association; Member, American Board of Trial Advocates; Member, National Association of Criminal Defense Lawyers.

Mr. SPECTER. Mr. President, I see the Senator from North Carolina. I am going to yield the floor to him and perhaps take a minute or two at the conclusion of his comments.

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

Mr. BURR. Mr. President, it gives me great pleasure to stand before my colleagues today to urge them to confirm two great lawyers in North Carolina to be U.S. district court judges. I wish to take a moment to commend my colleagues on the Judiciary Committee for unanimously reporting out Bill Osteen, Jr., and Martin Reidinger before we adjourned for the August recess. I thank Judiciary Chairman

LEAHY and Ranking Member SPECTER for their dedication to ensuring that judicial nominees get hearings and votes on the Senate floor. I am grateful for the care and passion with which the Judiciary Committee members approach their responsibility of examining nominees for Federal judgeships.

I have often said that there is no area of our daily lives that is not somehow affected by judicial decisions. The decisions made by judges today will have a lasting effect long after we are gone from this institution. It is critical that these Federal judges serve to administer justice according to the strict interpretation of law and the Constitution. We have before us today the opportunity to confirm two individuals who are committed to doing just that.

As I mentioned in my remarks before the Judiciary Committee when he had his hearing, this is not the first time that somebody by the name of Bill Osteen has been before the Senate for consideration. Fifteen years ago, Bill Osteen’s father was confirmed to be a U.S. district court judge. Bill Osteen, Jr., was nominated by the President to be a Federal judge because he is qualified to serve on the bench, and I am confident he will continue to work towards a strong judicial system in North Carolina.

Born and raised in Greensboro, he attended the University of North Carolina in Chapel Hill for both undergraduate and graduate law school. He has a diverse legal background and has litigated many cases spanning all areas of the legal profession. Trying both civil and criminal matters, Bill spent much of his time in the Federal courtroom. After today, I hope he continues to spend his time in the Federal courtroom but now for a different reason in a different seat.

While I am impressed by the professional qualifications he will bring to the bench if confirmed, perhaps most importantly, Bill is a good man. Bill is a family man. He is a good dad to his two children Ann-Bennet and Bill. He is a good husband to his wife Elizabeth. I urge my colleagues to support Bill’s nomination and to confirm him to serve on North Carolina’s Federal bench.

Martin Reidinger of Asheville, NC, is also before the Senate today to be confirmed as a U.S. district court judge.

Like Bill, Martin graduated from the University of North Carolina for both his undergraduate and law degrees, graduating with honors from the law school.

Martin’s well-established Federal practice in western North Carolina has existed for a number of years. Throughout his career, he has handled all types of cases, represented a wide range of clients, and has appeared in all levels of State and Federal court.

I had the pleasure of meeting Martin’s family as well: his wife Patti, and his four children: Heather, Sara, Alex, and Max.

Martin’s family and friends are proud of him for all of his accomplishments,

and Martin has continuously expressed how honored he is to be considered for the Federal bench. These two nominees have tremendous legal experience, an unwavering commitment to their families, and are men with good moral character.

On too many occasions, we have let judicial nominations escalate into contentious debates where people's good reputations are tarnished as a result of partisan politics. We have seen it throughout history, and no one party is to blame. Unfortunately, both sides share blame. But it is great to see how this body can come together to work to make a difference in the lives of Americans.

As policymakers, our debates certainly affect every American. We hear from thousands of our constituents every week, and when we make decisions, we think about how to best balance the competing policy positions so we are able to make good laws.

But every day, judges see how these laws we are responsible for making, apply in real life. They do not have the benefit of changing the law based on who appears before them. We owe it to our constituents to put fair-minded and qualified judges on the bench whom we are confident will apply the laws this body passes in an impartial manner.

By confirming Bill Osteen, Jr., and Martin Reidinger to the Federal bench in North Carolina, I believe we are fulfilling that obligation.

I urge my colleagues to support both of their nominations.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to speak for an additional 3 minutes.

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

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2035 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. FEINSTEIN. Mr. President, I am pleased to support the confirmation of Judge Janis Lynn Sammartino to be a U.S. district judge for the Southern District of California.

Judge Sammartino is nominated for a seat that has been designated a "judicial emergency" by the Administrative Office of the U.S. Courts. The seat has been vacant for 3 years, ever since Judge Judith Nelson Keep passed away in September 2004.

Fortunately, the Judiciary Committee has acted quickly on this nomination. It was submitted to the Senate on March 19 of this year. Judge Sammartino completed the required questionnaire, and a hearing was promptly scheduled for June 20. Now, fewer than 3 months later—including the August recess—we are voting on the nomination today.

I urge my colleagues to vote in favor of this nomination to fill this long-

standing vacancy and permit the district court in the Southern District of California to operate at full capacity.

Judge Sammartino is a graduate of Occidental College and of the law school at the University of Notre Dame. After earning her law degree, she served as a law clerk on the superior court in South Bend, IN.

For her entire legal career since then, she has devoted herself to the service of her city, San Diego, and the State of California.

Judge Sammartino worked for 18 years as a deputy city attorney in San Diego. In her first 2 years, as a deputy in the Criminal Division, she tried more than 50 criminal cases in front of juries and an equal number of bench trials. She then was promoted to the Municipal Law Section of the Civil Division, where she developed substantial expertise in land use law. She later served as the principal legal advisor to the city of San Diego on redevelopment issues. In that capacity, she played a major role in the planning and construction of the Horton Plaza Retail Centre in downtown San Diego.

Judge Sammartino rose to the rank of senior chief deputy city attorney and was responsible for supervising three advisory divisions in the City Attorney's Office. She was a regular participant in legal and strategy decisions for pending cases. Her public service career then moved from the City Attorney's Office to the courthouse. She was appointed to the municipal court in 1994, and to the superior court in 1995.

As a testament to her skills as both a judge and a leader, her fellow judges elected her to be assistant presiding judge from 2004 to 2005 and then to be presiding judge as of January 2006. She now oversees the second largest trial court in California, which is also the third largest trial court in the Nation.

Judge Sammartino's judicial career has given her experience in a wide range of areas from criminal cases to family law cases, environmental cases, and complex civil cases.

In California we have developed a bipartisan process for selecting Federal district court nominees. Under this system, a committee of lawyers known as the Parsky Commission, which includes Democrats and Republicans, recommends qualified applicants to the President. I am proud of this system, and proud to report that Judge Sammartino was recommended unanimously by the Parsky Commission to be nominated as a Federal district judge. I chaired the hearing on her nomination, and I was impressed with her testimony. By all accounts, she would make an excellent addition to the Federal bench in San Diego.

I urge all of my colleagues to vote in favor of this nomination.

Mr. SPECTER. Mr. President, I note the time has come for the scheduled votes.

The ACTING PRESIDENT pro tempore. If all time is yielded back—

Mr. SPECTER. The time is yielded back.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of William Lindsay Osteen, Jr., of North Carolina, to be United States District Judge for the Middle District of North Carolina?

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. DURBIN), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN), the Senator from Illinois (Mr. OBAMA), the Senator from New York (Mr. SCHUMER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 327 Ex.]

YEAS—86

Akaka	Dole	Menendez
Alexander	Domenici	Mikulski
Allard	Dorgan	Murkowski
Barrasso	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Pryor
Bingaman	Graham	Reed
Bond	Grassley	Reid
Boxer	Gregg	Roberts
Brown	Hatch	Rockefeller
Brownback	Hutchison	Salazar
Bunning	Inouye	Sanders
Burr	Isakson	Sessions
Byrd	Johnson	Shelby
Cantwell	Kennedy	Smith
Cardin	Kerry	Snowe
Carper	Klobuchar	Specter
Casey	Kohl	Stabenow
Chambliss	Kyl	Stevens
Coburn	Landrieu	Sununu
Cochran	Leahy	Tester
Coleman	Lieberman	Thune
Collins	Lincoln	Vitter
Conrad	Lott	Voinovich
Corker	Lugar	Warner
Cornyn	Martinez	Webb
Crapo	McCaskill	Wyden
DeMint	McConnell	

NOT VOTING—14

Biden	Hagel	McCain
Clinton	Harkin	Obama
Craig	Inhofe	Schumer
Dodd	Lautenberg	Whitehouse
Durbin	Levin	

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to reconsider is considered made and laid on the table.

VOTE ON NOMINATION OF MARTIN KARL REIDINGER

The question is, Will the Senate advise and consent to the nomination of Martin Karl Reidinger, of North Carolina, to be United States District Judge for the Western District of North Carolina?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to reconsider is considered made and laid on the table.

VOTE ON NOMINATION OF JANIS LYNN SAMMARTINO

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Janis Lynn Sammartino, of California, to be United States District Judge for the Southern District of California?

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 328 Ex.]

YEAS—90

Akaka	Casey	Feinstein
Alexander	Chambliss	Graham
Allard	Coburn	Grassley
Barrasso	Cochran	Gregg
Baucus	Coleman	Hatch
Bayh	Collins	Hutchison
Bennett	Conrad	Inhofe
Bingaman	Corker	Inouye
Bond	Cornyn	Isakson
Boxer	Crapo	Johnson
Brown	DeMint	Kennedy
Brownback	Dole	Kerry
Bunning	Domenici	Klobuchar
Burr	Dorgan	Kohl
Byrd	Durbin	Kyl
Cantwell	Ensign	Landrieu
Cardin	Enzi	Lautenberg
Carper	Feingold	Leahy

Lincoln	Pryor	Specter
Lott	Reed	Stabenow
Lugar	Reid	Stevens
Martinez	Roberts	Sununu
McCaskill	Rockefeller	Tester
McConnell	Salazar	Thune
Menendez	Sanders	Vitter
Mikulski	Schumer	Voinovich
Murkowski	Sessions	Warner
Murray	Shelby	Webb
Nelson (FL)	Smith	Whitehouse
Nelson (NE)	Snowe	Wyden

NOT VOTING—10

Biden	Hagel	McCain
Clinton	Harkin	Obama
Craig	Levin	
Dodd	Lieberman	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Pennsylvania.

CHANGE OF VOTE

Mr. CASEY. Mr. President, on roll-call vote No. 320, I voted "yea." It was my intention to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of that vote.

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

HONORING OUR ARMED FORCES

SERGEANT JAN ARGONISH

Mr. CASEY. Mr. President, I wish to take a couple of moments to highlight the life of one of our brave fighting men who lost his life in Afghanistan. His name is Jan Argonish. He was a sergeant in the Army National Guard.

On the last business day before our August recess was over, I was in a line in Peckville, PA, at his viewing where all of his family and his friends paid him last respects and prayed for him. Just to give a sense of the scene, the context of this scene, this was a viewing line that lasted hours and hours. I was in the line from about 6 o'clock to 8:30. So for all the reasons we celebrate the service and the sacrifice of our brave troops, I wish to highlight the life of SGT Jan Argonish, who passed away at the age of 26 when he was killed in action in an ambush in Kunar Province in Afghanistan.

Jan Argonish was a veteran of Operation Iraqi Freedom, with nearly 10 years of service in the Pennsylvania National Guard. He volunteered to help train soldiers of the Afghan National Army. For SGT Jan Argonish, this was his third deployment since September 11, 2001.

He was born in Peckville, PA, and was a resident most recently in Scranton, my hometown. He was a 1999 grad-

uate of Valley View High School, where he played football and was on the swim team. He went on from high school to enlist in the Army. He was a graduate of the Army's infantry and mortar schools and tanker school at Fort Knox, KY.

He received numerous awards for his brave service—the Bronze Star, the Purple Heart, the National Defense Service Medal, and on and on, award after award. He was a member of the Sacred Heart Church in Peckville, PA, and VFW Post 5544 in Jessup, PA. Since February 2006, he was employed as a corrections officer at the U.S. Penitentiary Canaan in Waymart, PA.

Sergeant Argonish leaves behind a family. One member of his family I will never forget, his 8-year-old son Jakub, who was in the viewing line to greet hundreds and hundreds of people. He was wearing a State trooper's hat which was, obviously, too large for an 8-year-old. But in so many ways, that image of that young boy, Jakub, is an image I will never forget, and in so many ways it is symbolic of and a metaphor of what so many families have lost when they have lost a loved one in Iraq, Afghanistan, or fighting around the world. Even someone who is old enough to understand it better than 8-year-old Jakub did—so many families are not ready for the horror and the trauma of that loss.

So I am thinking of SGT Jan Argonish today. I am thinking of his service. We are remembering and praying for his family and, of course, all those who are doing the brave work our troops are doing in Afghanistan and, of course, in Iraq during this very profound week we are about to enter into, the week where we think about the victims of 9/11 and we think about our troops.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming, Mr. BARRASSO, is recognized to speak in morning business for up to 30 minutes.

The Senator from Wyoming.

WYOMING AND MY VISION FOR THE FUTURE

Mr. BARRASSO. Mr. President, I rise today to address this body and our Nation in my first official speech as Wyoming's newest Senator. Today I share with you how I got here, who I am, what I believe, my vision for the future, and what I hope to accomplish.

All of us in this body and everyone in the State of Wyoming lost a great friend when we lost Senator Craig Thomas. I have heard it in this Chamber on both sides of the aisle and throughout this building, and I have heard it all around Wyoming: We have lost a great friend. Susan Thomas and the memory of Craig Thomas have been recognized all across Wyoming this summer at rodeos, county fairs, the State fair, parades, and at special events. The new visitors center at the Grand Teton National Park has appropriately been named in his honor.

Craig was a forceful and courageous voice for his constituents. He always did what he saw as right for Wyoming and right for America. He was a cowboy and a marine. The Marines say "Semper fidelis." Craig Thomas was always faithful. God, country, and Wyoming—that was Craig Thomas. He has left huge boots to fill. No one can truly do it. I am very honored to be the person to succeed Senator Thomas. I am humbled to be given the opportunity and the responsibility to represent the people of Wyoming in the U.S. Senate.

Wyoming is the Equality State. It is a State of high altitude and low multitude and a State of great natural beauty blessed with remarkable mineral resources.

The law in Wyoming says a Senate vacancy must be filled by the Governor from a list of three names. The three names are supplied by the central committee of the political party where the vacancy occurred.

Thirty-one Republicans in Wyoming applied for this Senate seat. The number was then reduced to 10, and then 5, and then 3 by a series of speeches and forums. The Governor then made his selection from the three finalists. I am very grateful to Gov. Dave Freudenthal for the confidence he and the people of Wyoming have placed in me.

During the selection process, I made a simple pledge to the people of Wyoming: I told them they could count on me to show up, to stand up, to speak up, and then to shut up. I would show up early for work and be here for votes. I would show up at home in Wyoming on weekends to listen to people and to host a town meeting in every county by Labor Day and to show up when people from Wyoming visit the Capitol. As Craig Thomas did, I will only work in Washington but continue to live in Wyoming.

I will stand up—stand up for Wyoming people and Wyoming values, stand up against big government and Washington's one-size-fits-all approach, stand up against those who try to take away the rights of Wyoming people. And I will speak up—speak up for limited government, lower taxes, and fewer regulations, speak up for a strong defense and secure borders, and speak up to make Wyoming values the values for all of America. And then I will shut up. That is because words are no substitute for action, and the most important thing a Senator can do is listen to Wyoming people, their hopes, their dreams, their concerns for themselves, their children, their families, their communities, and for all of Wyoming, and because the best things about Wyoming and America don't need long speeches but are expressed in single words: freedom, justice, honor, duty, compassion, hope, opportunity, life, and liberty.

I have kept my pledge to visit every county in Wyoming before Labor Day and listen to people. I have held 30 town meetings and heard from thousands of people. Many brought their

children. I have heard about their hopes for their families, their communities, Wyoming, and our Nation. And I have heard about their dreams for our future.

Parents in Wyoming want what all parents want for their children: the opportunity for a better life. It is what all of our parents wanted for us.

My dad had to quit school in ninth grade because of the Depression. He fought in World War II. He was in the Battle of the Bulge. As a cement finisher, he did backbreaking work to put food on the table for the family. That is where I really learned about hard work, by pushing wheelbarrows of heavy, wet cement every summer in high school and college.

Every day growing up, my dad would say: You should thank God every day you live in America. You don't know how fortunate you are. It is the same lesson I try to pass on to my children Peter and Emma, because in America, through hard work, even the son of a cement finisher can have the opportunity to serve in the U.S. Senate.

My dad would have been 90 when I was sworn in. We lost him 2 years ago. I had his dog tags from World War II in my pocket when I took the oath of office.

Now, my mom's lesson was different. Since the day I started kindergarten, my mom would always say: This year, this one right now, is the most important year of your life. What she was saying is that whatever you are doing, focus on it, do it right because the future depends on what you are doing today. In the Senate, I want to spend this next year, this most important year, working for a better future for our families—the families of Wyoming and the families of America.

In Wyoming, many people refer to me as Wyoming's doctor. For over two decades, folks have invited me into their homes with statewide television and radio health reports. I give people information on how to stay healthy and how to keep down the cost of their medical care. I end each report by saying: "Here in Wyoming, I am Dr. John Barrasso, helping you care for yourself." That is also my philosophy for Government—helping people help themselves.

I believe there is a role for Government, but that role must be limited. Government should not do for people what they can and should do for themselves. Nor should Government put obstacles in the way of people pursuing their American dream. Limited Government means limited in size, limited in scope, and limited in spending—limited but effective. That means a government that gives us value for our tax dollars.

Speaking of values, to me that means families, schools, communities, and charities. I believe, as Ronald Reagan believed, we should rely more on ourselves and less on our Government. That is why I will champion legislation to cut wasteful spending and to make

sure taxpayers get value for their money.

Now, some may wonder why and how an orthopedic surgeon became interested in serving his community in elective office. As a high school senior, I attended a program right here on Capitol Hill. The program is called A Presidential Classroom for Young Americans. It is the Nation's premier program in civic education. Both of my children have attended. This past year, 50 Wyoming students attended on scholarships. I would enthusiastically recommend A Presidential Classroom for Young Americans to any high school student.

I have been privileged to serve in the Wyoming State legislature. It is a true citizen's legislature. Through the years, it has been a great training ground for the folks Wyoming sends to Washington. During my two terms in the Wyoming State Senate, I built a reputation for getting the job done by working with members of both parties. That includes being a strong advocate for our veterans and members of the National Guard, working to keep our roads safer for young drivers, and reducing the tax burden on all the people of Wyoming by eliminating the sales tax from groceries.

I was one of the original sponsors of the Hathaway scholarship program. The Hathaway scholarship is designed to give opportunity for all Wyoming high school students to further their education at the University of Wyoming or one of our community colleges. It is a way we used our State's mineral wealth to invest in our people and in our future. The original bill was introduced by four State senators, two Republicans and two Democrats. Members of the senate and members of the house improved the bill considerably. The bill was signed by Governor Freudenthal, a Democrat, and named for former Governor Hathaway, a Republican. It is a great example of members of both parties working together to improve the quality of life for our citizens.

Now, as a Senator, I will continue to work with all people, regardless of party, on issues that are important to the people of Wyoming. As one of only two physicians in the Senate, people are already coming to me to ask about health issues. Well, health issues go way beyond a twisted knee or a painful shoulder. The concerns include those of people living longer and needing care; the concerns of access to care, of affordable care; the concerns of substance abuse and mental health; and the concerns of what to do with a sick child or elderly parents when the caregivers are not available because they are working full time, and sometimes more. This country deserves a serious discussion on our health care needs and our health care system. I will be actively engaged in that discussion, along with my Wyoming Senate partner, MIKE ENZI.

Craig Thomas knew that rural States such as Wyoming have special needs

when it comes to health care. He was cochair of the Rural Health Caucus for over 10 years. There are obstacles that our hospitals and providers must overcome to deliver quality care to families in an environment with limited resources. The week he passed away, Senator Thomas was set to reintroduce a followup health care bill, along with Senators ROBERTS, CONRAD, and HARKIN. This bill has been renamed the Craig Thomas Rural Hospital and Provider Equity Act. I will ask to cosponsor the legislation and to join the Rural Health Caucus.

While health care is near and dear to my heart, I am very pleased to be serving on three committees that are critical to Wyoming. So much of Wyoming's heritage and Wyoming's future is tied to our land, our people, and our natural resources. Wyoming has been represented on the Energy and Natural Resources Committee for over a century. I am grateful that my Republican colleagues recognized that long tradition and allowed me to keep Wyoming's voice on the committee.

The Environment and Public Works Committee also has a major influence on daily activities in the Equality State, and the Select Committee on Indian Affairs will allow me to continue to serve the needs of our Native American citizens, as I have done before as a trauma surgeon.

Energy, Public Lands, and the National Parks are all vital to our State's economy and our Nation's. I will work to make sure that public lands remain open to multiple use, while at the same time ensuring our environment is protected.

As an outdoorsman and a conservationist, Craig Thomas worked on two bills affecting the western part of Wyoming that were very close to his heart. While he is not here to carry on the work, the work needs to continue as part of his legacy. One is called the Snake River Headwaters Legacy Act of 2007. The bill, S. 1281, designates sections of the Snake River and several tributaries as "wild and scenic." This will create a lasting legacy for Wyoming people and for future generations. The designation of wild and scenic announces to the world that this river is the best of the best.

The legislation he was working on also ensures that access, multiple use, and private property rights are not restricted. As a tribute to Senator Thomas, and in recognition of his years of leadership in the Senate, and specifically the Energy Committee, I will ask that my name be attached to S. 1281. I will work hard for passage of the bill that achieves Senator Thomas's vision, while balancing the concerns shared with me during August by private landowners and the agriculture community in Wyoming.

The second bill affecting the western part of Wyoming deals with a very special area named the Wyoming range. The Wyoming range is part of the Bridger-Teton National Forest. As a

strong supporter of multiple use, Senator Thomas still believed there are areas of our State that are so sensitive that they must be protected from development. In 2005, Senator Thomas said:

We ought to seek a balance of energy development and conservation. We can have both. Wyoming's economy is thriving because of the positive role of energy in our State. And most folks live in Wyoming because of our outstanding natural resources and quality of life.

A bill to protect the Wyoming range was in the final stages of development when Senator Thomas died. I had talked with him about it. I have his draft bills. I have visited the Wyoming range and listened to those whom the legislation affects. I am completing that work and will soon be introducing a bill in the Senate to protect the undeveloped areas of the Wyoming range from any future oil and gas leasing. My legislation is intended to achieve that goal while respecting private property rights that currently exist in the Wyoming range.

When I think of the history of our great State, I am reminded of one rugged individualist who loved Wyoming—Teddy Roosevelt. We take our kids to Mt. Rushmore to see his face chiseled into the mountain, along with Washington, Lincoln, and Jefferson. He gave a speech at the University of Wyoming about 100 years ago. There were 10,000 people in the crowd. Now, back then, that was a huge number for a sparsely populated State. He said:

People of Wyoming, I believe in you and in your future. The government can only supplement the work of the individual. The work of the individual depends on the character of the individual.

Here we are, 100 years later, and the lesson is still the same: The Government can only supplement the work of the individual. It is the same message Ronald Reagan delivered in Cheyenne, WY, 25 years ago. He talked of why he loved the frontier spirit of the West. He said:

Wyoming is a place where people are still sure that the future is ours to shape.

Still sure that the future is ours to shape. In Wyoming, we do believe the future is ours to shape. To shape the future, you need to have a vision for the future. I can see a specific future for Wyoming that helps all Americans. Imagine a future where America breaks its dependence on foreign energy. Imagine a future of affordable domestic sources of energy. Imagine a future where we solve the issue of carbon emission. And imagine a future where we can accomplish all of this while we protect the environment. That is the future I see for America, and that is the future I see for Wyoming.

Wyoming is blessed with incredible resources—coal, natural gas, oil, and alternative sources of energy, with wind leading the list. The University of Wyoming's School of Energy Resources is prepared to become the leading energy research institute in the world,

converting coal to liquid, converting coal to gas, pumping carbon dioxide back into the earth to enhance our ability to get more oil.

The world's most powerful computer is being assembled in Wyoming to help make this possible. We can and we will do it while preserving the natural beauty and the wildlife of our State. That is the future I see for Wyoming.

As a Senator from Wyoming, I am always asking myself: What can I do today for Wyoming's future? I will tell you what I heard at 30 town meetings since I have been sworn in. What I heard is: Fight for Wyoming, fight every day, fight for our future, fight for quality education for our children, fight for quality jobs for our families, fight for health care, and fight for our core values—the values that come from within us, from our families, our communities, and how we were raised. That is what I plan to do every day because, like my mom's lesson, this is our most important year.

Mr. President, I conclude by thanking the Members of the Senate who have all been so gracious in making me feel so welcome. I also want to tell you I feel very blessed. I am blessed with a wonderful team of Wyoming folks with whom I serve—Vice President CHENEY, Senator ENZI, and Representative CUBIN. I am blessed with a wonderful staff, who served with Senator Thomas. And I am blessed with a wonderful family—my children Peter and Emma—and the love of my life, Bobbi Brown, and her daughter Hadley.

Bobbi is a breast cancer survivor. She is a remarkable person. At last month's Race for the Cure in Wyoming, we announced our engagement. I joked with the crowd that I believed if I ever made anything out of myself I would ask Bobbi to marry me. The newspaper headline told the story: "Barrasso proposes—Brown says yes." And I am very grateful.

There is a passage in the Bible, a letter from Paul to Timothy, which says:

In the end, he fought the good fight, he finished the race, he kept the faith.

As I enter the Senate, it is my goal to fight the good fight, to finish the race, and to keep the faith—faith in God, faith in my family, faith in Wyoming, and faith in America.

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

THE PRESIDING OFFICER. The minority leader.

MR. MCCONNELL. Mr. President, I am hard pressed to remember a time when I complimented a Democratic Governor for a great appointment, but I think I will have to say once again that the Governor of Wyoming made an outstanding selection in picking our new friend JOHN BARRASSO to replace our late and beloved colleague Craig Thomas.

I have heard a few maiden speeches. Actually, some people on the floor right now have made their initial Senate speeches in the last few years, but I believe we just heard one of the best.

So I want to add, on behalf of all the Republican conference, our congratulations to Senator BARRASSO on an outstanding opening address.

He pointed out that one of his specialties, which is greatly needed around here, is the fact he is a physician. That is extremely important. So your skill set, in addition to your leadership abilities, is certainly welcomed here in the Senate.

Mr. President, I congratulate our colleague from Wyoming on a great maiden speech and welcome him once again to the Senate.

The PRESIDING OFFICER. The senior Senator from Wyoming.

Mr. ENZI. Mr. President, I, too, congratulate my colleague on his official first speech, so I will officially give my first welcome. He and I and the people of Wyoming know this is not his first speech, and definitely not his first effort. He has been helping people in Wyoming. He gave up a great orthopedic practice that he founded, which is a disappointment to a lot of people in Wyoming who were actually still hoping they would have an operation from him. But because of the quickness of the appointment, he was back here, ready to work, and at work. He has done a phenomenal job since he has been here.

I am glad to have the help explaining Wyoming, as he did so aptly in this speech. There is a lot of work to be done here, teaching the East about the West so they understand better that one size fits all does not work.

I have been across Wyoming and talking with my colleagues here explaining what a hard worker and a fast learner the new Senator is. He has certainly proven that on his own. He did mention the 30 town meetings he held prior to September 1. That leaves out a lot. Besides 30 town meetings, he had meetings with officials, he had meetings with special groups, he went to a lot of events. He was even in a bocce ball tournament in Cheyenne, where he narrowly lost to the reporter who wrote a wonderful three-page article after that.

When we talk about 30 town meetings in Wyoming, we are talking about one of the bigger States in the United States. We are a small population, but we are a big State. To get to those people you have to travel a lot of miles and talk to a lot of small groups. He does that willingly. He shows up at everything. I am pretty sure, by my count, he was in Jackson six times during August. Jackson is on the far side of the State where the Grand Tetons are. We hope everybody in America visits there and visits there frequently. It is just on the south of the Yellowstone, which is even a little better known, but it is on the far side of the State. It is very difficult to get to from anywhere in Wyoming. It is pretty easy to get to from Houston or Atlanta or Minneapolis, but it is very difficult to get to from Wyoming. He was there six times. That means traveling probably

250 miles a trip, each way, to get there, and then to get back on schedule, meeting with the constituents with whom he promised to meet. That is the kind of dedication he has. He did a marvelous job of answering questions, gathering information. He is a good listener, but he is also a good doer.

He served in the State senate. That has been a training ground for people who have served here for years. That legislative experience makes a difference in how fast you can adjust to the way things operate here compared to the way things operate in the State legislature—compared to not knowing about either one of them. He had some marvelous achievements while he was in the State. He has mentioned some things he wants to get done here. Watch out for him. He will get those done. Help him out. They are worth doing.

He is a tremendous asset to the Senate, and I am very proud to welcome him as my colleague and part of the delegation.

I yield the floor.

DEPARTMENTS OF TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3074, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that the substitute amendment be considered and agreed to, the bill as amended be considered as original text for the purpose of further amendments, and that no points of order be waived for purposes of this agreement.

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

The substitute amendment (No. 2790) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. MURRAY. Mr. President, I am very pleased that the Senate is now debating the Senate amendment to H.R. 3074. This is the Transportation, Housing and Urban Development Appropriations bill for this coming fiscal year. This bill has been supported by the broadest possible bipartisan majorities.

The Transportation, Housing and Urban Development Appropriations subcommittee has 21 members, more than one-fifth of the Senate. It is one of the largest subcommittees in the Senate. Despite the diversity of views on our very large subcommittee, back on July 10 we voted unanimously to report the bill to the full Appropriations Committee, and 2 days later, each and every one of the 29 members of that committee voted to report this bill to the Senate.

This bill has broad, bipartisan support because it addresses pragmatically the very real housing and transportation needs of American families across all regions of the Nation. Rather than endorse the many arbitrary and destructive cuts called for in the administration's budget, we worked in this bill to target our limited resources on getting citizens out of traffic jams and home to their families; keeping our low-income tenants in their homes and out of shelters; providing housing for the elderly and the disabled; investing in crumbling infrastructure, and improving safety on our runways, highways, and railways.

Much has been said recently about a looming battle between the White House and Congress over spending priorities and the funding levels in these appropriations bills. There is no question that the bill before us spends more than the level sought by the Bush administration, both for transportation and for housing. Yet this bill still has broad bipartisan support, and I believe the Senate would benefit greatly from a detailed explanation as to why that is the case.

More than any other reason, this bill spends more than the administration's budget because it rejects many of the most punitive and misguided cuts that were proposed by the White House. The President's budget that he sent us for fiscal year 2008 proposed cuts across the board. Those included cuts that would put low-income tenants and their children on the streets. It proposed cuts that would undermine transportation safety, especially when it comes to aviation and railway safety; cuts that would worsen congestion on our Nation's roadways and runways; and cuts that undermine the community development efforts of mayors and county executives and Governors across this country.

So this bill spends more than the President's budget, not because it includes vast new spending initiatives but because it simply refuses to acquiesce to the President's reckless cuts. These are the very same cuts that have been proposed in recent years by the Bush administration and rightly rejected by the then-Republican-led Congress. That is why every member of the Appropriations Committee voted to support this bill.

In addition to restoring funding to the cuts that were proposed in the President's budget, there are a limited number of selected funding increases in

this bill. Those increases are targeted on efforts to maintain the current service levels for the HUD section 8 program, so tenants do not lose their homes. It continues to make investments in highway infrastructure so we can address our crumbling bridges and highways. It addresses the critical housing needs of homeless veterans, including veterans who are struggling after returning from Iraq and Afghanistan. And it addresses the current crisis in the mortgage market by boosting funding to counsel subprime borrowers who are today facing default and foreclosure.

As appropriators, we have an obligation to ensure that with our limited resources we are addressing the most critical and current needs we face in transportation and in housing. I believe we can all agree the needs of our returning veterans, especially those in need of housing while they struggle with physical or mental illness, have to be paramount. I believe we can all agree that with billions of dollars of mortgages about to reset to higher interest rates in the next few quarters, we have to do everything we can to help our borrowers keep their homes.

I have been greatly fortunate to be joined by my ranking member, Senator BOND, in crafting this package. Senator BOND's long service on the Appropriations Committee, as well as his work on the Public Works and Banking Committees, has made him one of our leading experts in the areas of both transportation and housing. Senator BOND's leadership and his commitment to the mission of HUD takes a back seat to no one. I could not have a better or more experienced partner in this effort.

The bill that Senator BOND and I put together contains congressionally directed earmark spending. Consistent with the instructions of Senator BYRD and Ranking Member COCHRAN, those earmarks have been substantially reduced from prior years.

For the first time in a great many years, the committee has reported a bill that will leave dollars available to initiate national competitions among all eligible applicants for discretionary transportation programs. For the first time in several years, this bill requires every earmarked project to be fully eligible under the basic authorizing statute for the pertinent program in which it is earmarked.

Those projects must also conform to other strict criteria newly imposed by our subcommittee this year.

Now, as I said earlier, this bill spends more money than the President's request, principally because it rejects a great many of the cuts that were proposed in the President's budget cut, that by the way have been rejected year by year by Republican Congresses.

I want to take a few minutes of the Senate's time today to discuss those cuts in greater detail. The President proposed to cut community development efforts in all our States and communities across the Nation by slashing

the CDBG Program by \$735 million or 20 percent.

Now, at a time when our changing economy is imposing unprecedented challenges to our mayors and our governors in preserving their struggling cities and towns, the President wanted to slash this effort by almost three-quarters of a billion dollars.

I have yet, personally, to meet a mayor or governor of any political party who endorses that approach. So our bill restores every penny of that cut. The President's budget also proposed to cut housing funding for the disabled by \$112 million, almost 50 percent. At a time when our social service networks are trying to give our disabled citizens the chance to live independently, the Bush administration wants to slash that program in half.

Now, if that is not bad enough, at a time when the number of senior citizens is growing, the President's budget for HUD seeks to cut housing for low-income seniors by \$160 million or 22 percent. So the bill before you restores every penny of those cuts.

The bill also rejects the President's proposal to completely eliminate funding for the very successful HOPE VI Program. Senators BOND and MIKULSKI deserve a great deal of credit for the success of that program. We have again restored funding for it so we can demolish some of the most decrepit and crime-ridden housing projects with new mixed-income developments that are cleaner, safer, and promote stable community living.

The bill before us rejects several punitive cuts proposed for the Department of Transportation. The President's budget proposed to slash funding for Amtrak by almost \$500 million or 40 percent in a single year. This subcommittee heard testimony back in late February that a cut of that size would cripple the railroad and push it into certain bankruptcy. That was not just the view of Amtrak supporters, that was the view of the DOT inspector general who audits Amtrak's books every quarter.

The bill before us also rejects the President's proposal to cut subsidies for the Essential Air Service Program, which would eliminate all flights to dozens of rural and midsized communities in about every State.

At a time when our commercial airlines are terminating air service to small- and medium-sized cities, the President's budgets worsens the situation by slashing subsidies to keep some of those cities on the national aviation map.

As anyone who has taken a flight recently can attest, the number of air travelers has now well exceeded the levels we experienced prior to September 11. Flights are packed and are too often delayed. Planes are landing to find there are no gates to accommodate them. Consumer complaints are growing. Our air traffic control infrastructure is increasingly showing its age, with equipment outages and near

misses occurring with frightening frequency.

Yet, as in past years, the President's budget for the FAA proposes to slash over \$800 million from our programs that invest in airport capacity, safety projects, and modernizing the air traffic control system.

Maybe if the President flew commercial instead of on Air Force One we would see a much different budget here. But thankfully, as was the case in past years, our bill that is before us today rejects those proposed cuts.

Finally, as I mentioned before, the bill before us includes some select but critically needed funding increases. The President's budget proposed an absolute freeze on the amount of money available for tenant housing vouchers for the coming years, completely ignoring inflationary costs and rising rents. This bill provides a \$500 million increase for tenant-based rental assistance. That is the amount we estimate will be needed to ensure that all currently federally assisted tenants can stay in their homes.

Senator BOND and I joined forces to add \$78 million for the HUD-VASH Program. That program was designed to target both housing assistance and support services to our homeless veterans, including our veterans who are returning today from Iraq and Afghanistan.

We have coordinated this increase in voucher funding with a comparable increase in supportive services funding in the appropriations bill for the VA and military construction. This is a program that has not received funding for several years. I am very proud to say that our new initiatives will provide critically needed funding to support at least 7,500 homeless veterans.

This bill has also included small and selected increases to address critical and worsening problems with transportation safety. Small increases above the President's budget are provided to hire more air safety inspectors. At present, these inspectors cannot inspect all the maintenance facilities they are responsible for, and we are especially concerned about these facilities that are overseas.

We have also provided small increases for rail safety, highway safety, and pipeline safety. Our subcommittee, in fact, had a special hearing on the rising level of highway fatalities. We have worked to respond to some of the needs that were cited during that hearing.

We have also provided increased funding to enable the Department of Transportation to investigate the growing backlog of customer service complaints by airline passengers.

In summary, this bill rejects reckless and misguided cuts that Republican-led Congresses have also rejected before, cuts that would harm our infrastructure, our communities, and our citizens. It also contains modest targeted increases on programs that are tackling emerging and growing problems, programs that will help our veterans,

our safety and our efforts to keep our families in their homes.

In doing all this critical work, this bill does spend more than the President's request. But in that sense, it is no different from the transportation and housing appropriations bills that were passed by the House and Senate when my Republican colleagues across the aisle chaired our committees.

This bill has broad bipartisan support because it takes a practical approach in addressing real needs we found in the transportation and housing sector. I urge all our Senators to support this bill and move us rapidly to final passage.

AMENDMENT NO. 2791

Mrs. MURRAY. Mr. President, before I turn to my colleague for his opening remarks, I would offer an amendment to the bill to clarify the authority of the Secretary of Transportation to collect damages.

The PRESIDING OFFICER (Mr. CARDIN.) The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2791.

The amendment is as follows:

(Purpose: To strike a provision of the bill and insert authority for the Secretary of Transportation)

On page 129, strike section 218 and insert the following:

"SEC. 218. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars as a result of third party liability for such damages."

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2792 TO AMENDMENT NO. 2791

Mrs. MURRAY. Mr. President, I offer a second-degree amendment to my amendment on behalf of Senator LANDRIEU and myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself and Ms. LANDRIEU, proposes an amendment numbered 2792 to amendment No. 2791.

The amendment is as follows:

(Purpose: To expand the extension of authority of the Secretary of Transportation and provide additional obligation authority for the highway bridge program)

In lieu of the matter proposed to be inserted, insert the following:

"SEC. 218(a). The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a re-

sult of third party liability for such damages, and any amounts collected under this subsection shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

ADDITIONAL OBLIGATION LIMITATION

HIGHWAY TRUST FUND

(b) For an additional amount of obligation limitation to be distributed for the purpose of section 144(e) of title 23, United States Code, \$1,000,000,000; *Provided*, That such obligation limitation shall be used only for a purpose eligible for obligation with funds apportioned under such section and shall be distributed in accordance with the formula in such section; *Provided further*, That in distributing obligation authority under this paragraph, the Secretary shall ensure that such obligation limitation shall supplement and not supplant each State's planned obligations for such purposes."

Mrs. MURRAY. Mr. President, the second-degree amendment that I sent to the desk further expands the Secretary's collection authority and provides additional funding for the bridge rehabilitation program. I am going to be discussing this amendment in detail later this afternoon after Senator BOND has completed his opening statement.

I would like to thank my colleague, Senator BOND, for his work and his staff's work on this very complex and very important bill. Again, I urge all our colleagues to bring their amendments to the floor. As everyone knows, we are in a very short timeframe this week because of the Jewish holidays. We are going to be working late in getting our amendments done. We encourage everyone to get to the floor. I thank my colleague for his work on the bill.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, my sincere thanks to Senator MURRAY for being such a good partner on this bill. It is a very challenging bill, particularly under the constraints in which we are supposed to work. It is always a difficult bill and many complex and controversial issues.

I begin by echoing her comments; we know there will be amendments. We urge our colleagues to come down as soon as possible and offer those amendments so we can deal with them. We have a hard deadline of Wednesday noon. I hope we can get the issues resolved before then. But that is a deadline which the Senate schedule imposes on us. We do want to get it completed.

Senator MURRAY deserves a great deal of credit for balancing the tough issues that are included in this bill; she referred to them. These are important programs that help build our communities and without which a lot of persons would be placed at the risk of homelessness.

This would have been particularly harsh on seniors and persons with disabilities. I also especially am grateful for the programs Senator MURRAY de-

scribed that we were able to include \$75 million in Section 8 funds for the VA Supportive Housing Program.

I think it is a critical program that calls attention to some of the many needs that face our returning service people. There are far too many returning service men and women who come back and are without housing. This is a start on dealing with this serious problem that I know the VA and HUD are familiar with.

We want to give them the authorization and the direction to move forward on it. I think the worth of this program will become even more evident as young disabled service men and women try to make the difficult adjustments to civilian life.

Now, the next item that is going to be discussed is the Minnesota bridge collapse. This was surely a catastrophic event. Our hearts go out to all of those families who lost loved ones in that horrific tragedy. In response to the bridge collapse, Congress immediately authorized \$250 million in emergency relief spending to rebuild this vital infrastructure in Minnesota.

I think a welcomed awareness has arisen from this event, brought a higher degree of understanding and appreciation that new methods for inspecting and rating our bridges are necessary. People are even talking about infrastructure and the need for infrastructure.

Well, that is what we have been talking about in this committee and on this floor for many years. We are delighted to have our long-time supporters and some new friends agreeing with us on it.

Now, as far as this bridge collapse, we are anxiously awaiting further information from the National Transportation Safety Board on what the root cause of this tragic accident was and how we can further improve our Federal oversight of critical infrastructure. There are a number of items which have been raised which may point out specific causes for this collapse and which will be a warning to other States and other localities as well of steps they must take and things they must do to avoid bridge collapses.

But I understand why my colleague, Senator MURRAY, has offered the amendment that would add \$1 billion in obligation limits for bridges in reaction to this tragic event. I share that concern. But I do have a feeling we should not overreact to the Minnesota bridge collapse by spending more money out of the highway trust fund than is available until we have time to work on a comprehensive reauthorization of the underlying legislation, SAFETEA.

Part of this process must be a comprehensive review of our Nation's infrastructure problems, including how best to prioritize and fund those needs. Obviously, we are going to be looking at bridge safety as well as the other aspects of transportation safety.

I know in my home State of Missouri, and I assume in every State

transportation department across the country, this event brought renewed attention to bridge inspection. In my State, the department of transportation is embarking on a major program to rehabilitate 800 bridges that are of varying levels of deficiency. But while we need to avoid and prevent a future repeat of the Minnesota tragedy, we also must minimize the risk of death or injury posed by the broad spectrum of our aging infrastructure.

This measure would cause serious problems with the declining balance in the highway trust fund and leave us with an additional \$1 billion greater shortfall for highway trust fund funding in the 2009 appropriations cycle. Everybody in this building, all my colleagues know or should know that we have significant problems in the highway trust fund because we have seen the impact of higher gas prices on fuel consumption. People are driving less. Economics does work. But when they drive less and use less gasoline, use more efficient conservation measures, which is all to the good, it results in less money coming into the highway trust fund than had been anticipated and lessens the amount of revenue we have available to use on bringing our highway and bridge infrastructure up to the needs of the 21st century. We are not there yet.

Chairman MURRAY and I held a hearing in April on the question of rising highway fatalities. We agree—and everybody would agree—we cannot ignore the fact that 43,443 Americans were killed on the highways last year and some 2.7 million more were injured. From my State, our highway transportation department estimates that one out of three of these people is killed by reason of inadequate infrastructure. In our State, the major problem is too many two-lane roads carrying traffic which should properly be on four-lane roads. I suspect other States are fighting that problem.

The vast majority of highway fatalities are not on the Nation's bridges but, rather, on the highways. The best estimate we have from the U.S. Department of Transportation is that approximately 2,200 out of the 43,000 deaths occurred on bridges. This leads me to suggest that we cannot overreact to such a horrible and tragic event such as that in Minnesota by micromanaging our Federal aid dollars solely to bridges, unless that is where a State, through its unique local vantage point and knowledge of its situation, wants to focus its efforts in Federal apportionment.

So this is something we will be discussing further. We are both concerned about safety on highways and bridges. We look forward to working with our colleagues to see how this can be resolved.

With respect to the Federal Aviation Administration, I again thank Senator MURRAY and her staff for their close cooperation in working through these issues. The chronic delays experienced

by numerous travelers this year and specifically this summer have not gone unnoticed by the committee. As ranking member, having spent a wonderful 2½ hours sitting on an airport runway after we landed, I have a personal interest in dealing with this. The bill continues to support the beginning stage of the NextGen Air Transportation System, which we believe is a much needed step toward providing additional capacity and relieving many of the delays at our Nation's airports. The bill also contains funds above the administration's request for flight inspection and certification personnel. Almost all of us use airplanes frequently, and we understand the need the flying public has for greater assurance of safety. We think these funds will ensure continued safety for the National Airspace System.

I also note additional funds for the Airport Improvement Program. That remains an important bipartisan priority for this subcommittee. I can't tell my colleagues how many small airport operators and community leaders in those cities and towns around my State have expressed their strong support for the program.

There are some issues we will have to address as the bill moves forward. For example, we include revenue aligned budget authority, that which we call RABA. When Members hear the term "RABA," it is not the name of a dog or somebody's pet name; it is "revenue aligned budget authority." This was not included in the President's budget.

The bill also contains a \$2.89 billion rescission of highway contract authority apportionments to the States used as a budgetary offset to meet the other pressing needs my colleague already described. The bill includes an additional \$43.359 million in administrative contract authority and another \$172 million in the unused transportation innovative financing infrastructure account—the TIFIA—contract authority, for a total offset of spending of \$3.495 billion. In the HUD section, we include a rescission of \$1.1 billion.

Finally, I raise one issue we have not been able to address; namely, HUD and OMB's failure to provide adequate funding for HUD's section 8 project-based housing program for fiscal year 2008. To my colleagues and to OMB and to HUD, I say: Let's get serious. This is a critical and important program which serves many of our most vulnerable citizens—low-income families, extremely low-income families, seniors, and persons with disabilities. If we don't fund it, they are out on the street. None of us wants to see that result. HUD has been unable to fund in a full and timely fashion many of these contracts during fiscal year 2007, and this problem is only going to get worse in 2008 to the extent that HUD could have a shortfall in its budget of as much as \$2 billion or more which is needed to meet its obligations to these contracts in the next fiscal year. If we don't act in this bill, we are going to

see a \$2 billion shortfall. Think of the number of people who would be put out on the street if we don't solve that problem. It is unacceptable.

I know this program enjoys wide support, and I expect and hope that OMB will provide the necessary funds for the program through a budget amendment or as part of a continuing resolution or through emergency supplemental legislation. To my good friends at OMB, I say: You cannot walk away from this problem. This problem is real. It must be addressed or we are going to see a tremendous tragedy for the Nation's lowest income and most needy housing residents.

While I am pleased with much of the bill, especially spending in critical programs, I have to say that we are on a collision course with the White House on the spending levels contained in this bill. Both sides are going to have to make adjustments. Some of the adjustments we have outlined are absolutely essential, and we cannot lose the benefit of the positive investments we have made in this bill. This is a very important bill. It is a very difficult bill because we have some extremely serious challenges to face. We understand the need to be sensitive to the budget needs, but there are real pressing human problems we must meet in this bill.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I associate myself with the remarks my colleague made regarding the HUD tenant-based housing. I will have more to say on that later. I appreciate his comments.

We do have now before the Senate a pending amendment about which I would like to make a few remarks. I am hoping we can set a timetable for a vote on that fairly shortly. I do want my colleagues to know about the amendment now pending.

Less than 6 weeks ago, our entire Nation—really, the entire world—watched in horror as the I-35W bridge in Minneapolis, MN, collapsed into the Mississippi River. Given the scope of that disaster, it is miraculous that the fatalities were not greater. Thirteen people lost their lives and over 100 were injured on that horrible day. We are all going to remember the horrendous vision of that yellow schoolbus full of children that came within a few feet of tragedy.

The National Transportation Safety Board is still, of course, conducting its investigation into the exact cause of the bridge collapse, but the horror of that incident has appropriately focused the Nation on whether we are investing adequately in a national highway system that is fragile and aging. The troubling conditions of our Nation's highways and bridges should not have been a surprise to the media or to policymakers. This has not been a story kept under wraps for years. This is not a case where the true conditions were

suddenly revealed in a groundbreaking study.

The U.S. Department of Transportation has by law been required to publish regular reports on the conditions and performance of America's highway infrastructure. That report is submitted to Congress and posted on the Web. The DOT's report was used extensively in the debate we had with the Bush administration 4 years ago over the appropriate amount of funding that should be authorized in the highway bill. This report from the DOT is amplified by regular annual report cards published by the American Society of Civil Engineers, along with regular studies by other groups. The difference today is that the nightmare became a reality for the people of Minnesota and Americans across the country as we watched it live on television.

We have built a national highway system that is the envy of the world. But it is now no secret that our Government has failed to adequately fund the maintenance needs of that system. Increasing traffic has put added stress on a system that simply was not designed for it. As a result, our bridges are deteriorating far faster than we can finance their replacement. This is why more than one in every four bridges on U.S. highways is rated as deficient. Put another way, fully 27 percent of our 600,000 bridges have aged so much that their physical condition or their ability to withstand current traffic levels is simply inadequate. Roughly half of these deficient bridges or about 78,000 across the Nation are structurally deficient. That means the Department of Transportation considers the physical condition of these bridges to be poor or worse.

These bridges require immediate attention, and many of them will need to have weight limits to keep them in service. For a portion of these bridges, their physical condition is so bad that they are unsafe and do need to be replaced. The other half of deficient bridges or another 80,000 across the Nation are functionally obsolete. They don't meet today's design standards. They don't conform to today's safety requirements, and they are handling traffic far beyond their original design.

These deficient bridges are not just found off the beaten path, by the way. In fact, over 6,000 bridges considered deficient are located on the National Highway System, the roadway system that is designated as most important to our Nation's economy, defense, and mobility. There are deficient bridges found in every State in the Nation. My home State of Washington has more than 2,300 deficient bridges. But certain of our States are struggling a lot more than others. Iowa has more than 6,600 deficient bridges. Oklahoma has more than 7,400 deficient bridges. Pennsylvania has almost 9,600 deficient bridges. Texas has more than 10,000 deficient bridges. California has more than 7,000 deficient bridges, with more than 2,000 on the National Highway System.

The Department of Transportation evaluated the complete picture across the Nation last year when it published its Conditions and Performance Report for 2006. That report concluded that there is a \$65.3 billion backlog of repairs needed on U.S. bridges by all levels of government. Unfortunately, the challenge of addressing this issue comprehensively is going to have to wait for the next highway reauthorization bill. But today I have offered an amendment to this bill that will add \$1 billion to the resources available to all 50 States to help address their most critical bridge replacement and repair needs.

This amendment will not bust the budget. It can be accommodated within the budget ceiling that governs our subcommittee bill. It does not bust through that ceiling or through the discretionary spending cap that has been imposed by our budget resolution.

Working with Chairman BYRD and Ranking Member COCHRAN, our subcommittee was allocated additional outlays that were not used by other subcommittees specifically to accommodate the cost of this amendment I have offered.

My amendment would distribute the \$1 billion strictly according to the formula that already exists in the code for the bridge replacement and rehabilitation program. That formula by law takes into account the physical conditions of the bridges in each State, the cost to rehabilitate or replace the deficient bridges, current safety standards and traffic demands, and the role of the bridges in the overall transportation system.

Mr. President, I ask unanimous consent that a table displaying the distribution of this funding to all 50 States be printed in the RECORD.

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

DISTRIBUTION OF OBLIGATION AUTHORITY UNDER THE MURRAY AMENDMENT

	Bridge Oblig. (Murray Amendment)
Alabama	15,555,494
Alaska	3,039,702
Arizona	3,928,042
Arkansas	12,472,923
California	100,000,000
Colorado	7,465,758
Connecticut	33,545,876
Delaware	3,028,428
District of Columbia	7,058,550
Florida	22,508,320
Georgia	13,900,183
Hawaii	5,398,718
Idaho	4,125,863
Illinois	28,349,052
Indiana	12,756,193
Iowa	14,572,001
Kansas	10,848,673
Kentucky	13,366,925
Louisiana	40,207,373
Maine	7,512,716
Maryland	23,292,258
Massachusetts	42,442,187
Michigan	23,539,287
Minnesota	6,849,173
Mississippi	13,486,737
Missouri	26,396,149
Montana	2,822,240
Nebraska	5,692,805
Nevada	2,500,000
New Hampshire	5,569,814
New Jersey	37,919,229
New Mexico	2,978,426
New York	100,000,000

DISTRIBUTION OF OBLIGATION AUTHORITY UNDER THE MURRAY AMENDMENT—Continued

	Bridge Oblig. (Murray Amendment)
North Carolina	25,321,588
North Dakota	2,500,000
Ohio	32,918,739
Oklahoma	15,962,296
Oregon	18,096,746
Pennsylvania	93,887,593
Rhode Island	15,224,139
South Carolina	11,626,086
South Dakota	2,880,383
Tennessee	12,035,612
Texas	32,362,327
Utah	2,568,480
Vermont	7,013,688
Virginia	20,440,584
Washington	34,839,647
West Virginia	11,554,093
Wisconsin	5,138,903
Wyoming	2,500,000
Total	1,000,000,000

Mrs. MURRAY. Mr. President, consistent with the rules that are already in law for the bridge program, these additional funds we are covering under this amendment will be available to the States for bridge replacement, bridge rehabilitation, preventive maintenance, seismic retrofitting, bridge inspections, and the installation of countermeasures designed to protect bridges and extend their lifespans.

Importantly, my amendment does include one restriction that is not included in current law. My amendment will require the Secretary of Transportation to ensure these additional funds be used to enhance planned expenditures by the States for bridge construction and repair.

Under current highway law, States have the flexibility to use obligational authority for many different uses. States may transfer funding between program activities so they can target Federal funds on their most urgent needs. My amendment would not disturb that flexibility for the over \$40 billion we are allocating to the States in regular Federal aid funding. However, my amendment would require the States to use the additional \$1 billion we allocate with this amendment solely for their most critical bridge activities.

This amendment is a very measured response to a very big problem. I know our States need even greater resources to address their bridge repair needs, but my amendment will allow for an historic increase in Federal bridge funding—a boost of 25 percent. And it will do so while working within the constraints of our budget resolution.

I urge our Senators to support this amendment. The American people deserve to feel safe on our roads and our bridges. We should be taking every step necessary to ensure they are.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio is recognized.

#### PRODUCT SAFETY

Mr. BROWN. Mr. President, last week, Mattel, the maker of Barbie and Elmo and Barney toys, issued its third recall of tainted products from China just in the last month. Toothpaste, tires, toys—when “made in China” becomes a warning label, something is very wrong. Our trade policy should prevent these problems, not invite them. Clearly, our trade policy has failed. Yet anyone who disagrees with America’s trade experts is labeled a protectionist, as if that is a bad word. It is not only our moral obligation to protect our communities, protect our families, protect our children from contaminated, possibly deadly products, as Members of Congress it is our duty to protect them.

Last year, the United States imported from China \$288 billion worth of goods, much of it food and toys and vitamins and dog food. Not only is China weak in unenforced health and safety regulations, as the Washington Post revealed again today, it aggressively foists on vulnerable nations contaminated food and products.

China sends formaldehyde-laced children’s candy, mercury-laced makeup, and fungus-infested dried fruits to unsuspecting consumers in Indonesia, Malaysia, and Hong Kong—a part of China—nations largely reliant upon Communist China for trade and for aid. Our country has worked hard to build safe working places, to build a reliable, healthy food supply, and to ensure that our drinking water is pure and safe. For 100 years, workers, community leaders, elected officials, advocates, labor union activists, people of faith in their synagogues and in their churches, took on some of the world’s most powerful corporations to make sure our food and our products were safe. Unrestricted, unregulated free trade with China threatens these gains and jeopardizes our public health. Why would we expect otherwise? China doesn’t enforce food safety, doesn’t enforce consumer product safety, doesn’t enforce worker safety in its own country for its own people. Why would we expect—with this wide-open trade arrangement with the People’s Republic of China, why would we expect that Communist government, which cares little about its own citizens—why would we expect them to ship us uncontaminated vitamins? Why would we expect them to ship us products that are safe? Why would we be surprised when toys are coated with lead-based paint or vitamins are contaminated?

As of now, there is little interest among the Chinese in changing the way we and they do business. Our trade deficit with China exceeded \$250 billion last year.

So what is to be done? Since the Chinese Communist party forbids third party inspectors on Chinese soil, we either buy less—much less—from China, or we hold importers responsible for the safety of the products they bring into our country. First of all, we must increase the number of food and consumer product safety inspectors. Less than 1 percent of all imported vegetables and fruits and seafoods and grains are inspected at the border—less than 1 percent.

Mattel is to be commended for taking the proactive step of an internal investigation into the recall of products. But such action should be the rarity, not the norm, which is why we cannot in our Nation’s best interests focus solely on consumer threats from China.

The real threat is our failed trade policy that allows—and in fact encourages in some ways—recall after recall after recall. The real threat is our failure to change course and craft a new trade policy. The real threat is this administration’s insistence not just on continuing these trade relationships, but on building more of the same: More trade pacts that send U.S. jobs overseas, more trade pacts that allow companies and countries to ignore the rules of fair trade, and more trade pacts that will lead to more recalls.

The administration and its free trade supporters in Congress are gearing up for another trade fight. They want to force on our Nation—a nation that in November demanded change in every State in the Union—they want to force on our Nation more trade agreements with Peru and Panama, Colombia and South Korea, all based on the same failed trade model.

FDA inspectors have rejected seafood imports from Peru and Panama. Yet the President is suggesting trade agreements with Peru and Panama. Yet the current trade agreements—as written—limit food safety standards and continue to ignore real border inspections. Adding insult to injury, the agreements would force the United States to rely on foreign inspectors who aren’t doing their jobs to ensure our safety. We have seen how well that worked in China.

More of the same in our trade policy will mean exactly what we have seen now with China: more contaminated imports; more unsafe, dangerous toys; more recalls. It is time for a new direction in our Nation’s trade policy.

As my friend from North Dakota says, we want plenty of trade. We want trade—plenty of it—but we want it under different rules. It is time for a trade policy that ensures the safety of food on our kitchen tables and toys in our children’s bedrooms.

Everyone agrees on one thing: We want more trade with countries around the world, but our first responsibility in the Senate is to protect the safety and the health of our families first.

Mr. DORGAN. Mr. President, would the Senator from Ohio yield for a question?

Mr. BROWN. I would love to.

Mr. DORGAN. Mr. President, the Senator from Ohio has spoken often about trade issues, and I have as well. We have talked a lot about the issue of workers, the impact of free-trade agreements on workers in this country, and the downward pressure on their income and the outsourcing of American jobs. We have talked a lot about its impact on the environment; being able to produce, for example, in China and pump effluents into the air and chemicals into the water and encouraging corporations to move to produce where they can hire people for 20 cents an hour, 30 cents an hour, and pump their pollutants into the air and the water unimpeded.

We have not talked previously much about this issue of protecting consumers. I would just say to my colleague that I spoke last week about a young boy, a 4-year-old boy, who swallowed a little heart-shaped charm—a little heart-shaped charm—and died. Why? Because that heart-shaped charm was made of 99 percent lead coming from China. Well, we know the impact of lead on human health. Ben Franklin described that. It is not something that is new. Yet we have these products now coming into this country with lead because it is cheap. It is bright. So we have all of this lead coming in.

My colleague describes the circumstance now as a “race to the bottom” with respect to consumer standards. We have always known that is what is going on with these free-trade agreements with respect to labor standards and environmental standards. But is it also the case—I would ask the Senator from Ohio is it also the case that this is a race to the bottom with respect to consumer standards, by passing these free-trade agreements and doing nothing to insist that the conditions abroad are the conditions that we require at home with respect to what is used in the production is safe for consumers, and so on?

Mr. BROWN. Mr. President, Senator DORGAN is exactly right. The tragedy of the young boy who swallowed the little toy made of lead is that it is less expensive to use lead. It is easier to paint. The paint dries quicker. All of that when you use lead. So when we have this race to the bottom, when our companies go to China and are looking for the cheapest way to make products, and then to import those products, export them from China, import them back into the United States, you are going to see that race to the bottom.

We have seen it with contaminated toothpaste, we have seen it with vitamins, we have seen it with inulin in apple juice, and we see it in toy after toy after toy made by Fisher Price, made by Mattel, some of the most respected companies in our country.

Until we change the trade policy when we are dealing with a country that doesn’t protect its own consumers, doesn’t do much for its own clean water, its clean air and safe

drinking water, doesn't do much for its workers, we know this race to the bottom will continue. That is why the Senator's efforts on trade issues and our efforts jointly on trade issues are so important. We want more trade, and we want plenty of it, but we want it under different rules that protect American families.

Mr. DORGAN. Mr. President, if the Senator would yield further for a question, it was, I believe, about a century ago when Upton Sinclair wrote the famous book that launched an effort in this country that decided to protect consumers. He was describing conditions in the slaughterhouses. Once people read what he described, they insisted—they demanded—protection for consumers. He talked about the rats in the slaughterhouses and how they would take pieces of bread, loaves of bread, slices of bread, and lace them with poison and lay them around so that the rats would eat the poison and die, the bread would poison the rats. It was all shoved down the same hole, and out the other hole came meat to be sold to the American consumer. There was a demand on behalf of the consumer to stand up for the protection of the American consumer.

So over a century, we lifted standards in this country to protect Americans, to protect consumers. Oh, I know some consider it regulation which is, in their minds, something we should never do, but we regulate to protect people. It is the case with the global economy.

I would ask my colleague from Ohio, it is the case, is it not, with the global economy that if you don't have rules that keep pace with the galloping global economy, you see downward pressure on American wages? Because it is unfair to workers—to ask a worker from Ohio or North Dakota to compete with someone who will work in Sri Lanka, Bangladesh, Indonesia, or China to work for 20 cents an hour; it is unfair to those of us who care about the environment—and there is only one fishbowl. We all live in the same fishbowl, and we breathe the China haze in the United States—and it is also unfair to consumers who believe that for over a century we raised standards to protect them and now we discover we have been engaged in a race to the bottom to obliterate those standards by those who are able to produce abroad.

Is this not the case?

Mr. BROWN. Exactly. As we weaken those standards, as we have this wide-open trade arrangement with a country that doesn't respect those standards and has a history of undermining any standards like that, it is intensified by the fact that we have seen in our own country a weakening of consumer products, safety laws, and we have seen a scaling back of the number of food inspectors at the U.S.-Mexican border and in other places. So the first job—and I know the Senator thinks in North Dakota, and I think in Ohio that U.S. Senators protect our families. And

the best way to do that is stronger consumer product laws, stronger health and safety laws, and not to allow them to be undercut and not to allow them to be unenforced.

So I thank my friend from North Dakota for his interest, and I also want to lend support for his amendment that he is about to introduce that deals with the same kinds of issues; in this case truck safety, and how important that is to all of us.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I am going to offer an amendment to the underlying bill. My understanding is there is an amendment pending. I can withhold the amendment. I have not yet filed it. Let me at least describe for this moment the amendment, and then I will file it and offer it with the consent of the chairman and the ranking member.

In this morning's newspaper there is a story of a great tragedy in Mexico. It says: 37 die in Mexico truck blast accident. Monterrey, Mexico. Thirty-seven people killed when a truck loaded with explosives crashed into another truck in northern Mexico, Mexican media reported on Monday. About 150 people were injured by the blast, which left a crater of up to 65 feet in diameter in the road. Most of the dead were bystanders, including three newspaper journalists who had rushed to the scene of the crash and the truck exploded, the paper said. That area is a mining State where explosives are used in the coal industry.

Why is that something I raise today? Well, we also had something that happened last week that was pretty unbelievable. The inspector general issued a report, and the report is titled: "Issues Pertaining to the Proposed NAFTA Cross-Border Trucking Demonstration Project." What this means is they have issued a report on whether we ought to allow long-haul Mexican trucks to come into this country and begin trucking in our country.

Well, we then have an accident in Mexico of two trucks. Tragically, 37 people are killed, 150 are injured, with a crater in the highway of 65 feet.

And then we have the Bush administration that last week rushed—yes, I say rushed—to approve the pilot project of some 100 trucking firms to do long-haul trucking in our country.

The inspector general's report, which I have, is 40-some pages long. I had previously cosponsored an amendment with some of my colleagues saying that they had to wait to allow long-haul truckers from Mexico to do long-haul trucking in our country until they could have an inspector general's report which analyzed the advisability of this pilot program.

So they could not proceed with the pilot program despite the fact that they were itching to do it. But they were impeded from proceeding until they got the inspector general's report.

The inspector general's report came in at 7:30 last Thursday evening.

At 8:30 the same evening—presumably having read 40-some pages—the attorneys and the administrator at the Department of Transportation announced that the pilot program would begin. So in 1 hour, the Department of Transportation evaluated this inspector general's report—or maybe not.

Let me describe some of what this report is about. First, the inspector general's finding—the inspector general's finding, Department of Transportation only looking at records that the Mexican trucking companies make "available." Here is what it says:

While the Department of Transportation officials inspecting Mexican trucking companies took steps to certify onsite data, we noted that certain information was not available to them. Specifically, information pertaining to vehicle inspections, accident reports, and driver violations maintained by Mexican authorities was not available to the Department of Transportation.

I will say that again. This is very stunning, almost unbelievable. The Department of Transportation says it has now evaluated all of this—the pertinent information—and has decided now to trigger the pilot project by which Mexican long-haul trucks will be moved into this country, but they weren't able to verify the onsite data. What weren't they able to verify? Well, vehicle inspections, accident reports, and driver violations.

Why am I concerned about this whole issue? Because I know—and I think most people know—that you don't have the same circumstance in Mexico with respect to truck safety, with respect to requirements, regulations, and inspections; you don't have the same enforcement with respect to driver standards, hours of service, and all of those related issues. The practices are not equivalent. So if we move a trucking fleet into this country from Mexico that doesn't have equivalent safety requirements and standards, and drivers who have not been required to meet the same standards and have enforcement to the same standards, then there is no question but that we put at risk drivers on America's streets, roads, and highways. That is a fact.

Yet this administration is so anxious to move that they took only 1 hour to evaluate the IG report. They tell us: We have all this under control. Don't worry, be happy; it doesn't matter what truck you are driving next to ours or what truck you are going to meet at a four-way stop sign; it is all under control—except they weren't able to get information about vehicle inspections. That means they weren't able to get that information on Mexican trucks. They weren't able to get information about accident reports. They weren't able to get information about driver violations. What were they able to get?

Is this one of those "trust us" things? I think we have had enough of these "trust us" claims. How about verifying just a bit some of the basic

information we need to know and understand before we decide to allow Mexican long-haul trucks beyond that 25-mile perimeter they have been allowed to drive since NAFTA. Well, as I indicated, it took this administration all of 1 hour to approve this pilot project.

Let me provide the next chart that shows the key issue. The inspector general's report doesn't resolve these issues. You would think the Department of Transportation, having some sort of epiphany at 8:30 in the evening, must have felt everything was resolved. If they read the IG report, here is what it says:

Inconsistent data used to monitor Mexican commercial driving convictions in the U.S. Lack of coordination with the Department of Transportation offices to ensure that drug and alcohol testing issues are addressed. Lack of Federal motor vehicle policy to check and record vehicle identification numbers during an inspection. Inadequate Mexican bus inspection coverage during busy periods.

I went to page 2 of the IG report. Page 2 on the report is a response to what the administration said. They said, if we can allow these long-haul Mexican trucks in, we are going to inspect every one of them under the pilot project. If we get one coming North, we are inspecting it. We are going to put an inspector on the vehicle. We are going to inspect the vehicle. Here is what the IG report says: They agreed to develop a plan to check every truck every time. But as of July 2007—that is a little less than a month ago—no coordinated site-specific plans to carry out such checks were in place. Federal Motor Vehicle Carrier said it would have plans outlined by August 22, but the IG says we have not received any outlines or completed plans.

In our opinion, not having site-specific plans developed and in place prior to initiating the demonstration project will increase the risk that project participants will be able to avoid the required checks.

I will not read that all again. It means this: Despite the promises that they are going to inspect every truck every time, they don't have plans in place to do that. Those are pie-in-the-sky promises. We have had a bellyful of them. Time after time, they say here is what we are going to do and we commit, trust us. On this subject, the fact is we should not trust anybody. We should say show us the plan that is going to guarantee the next time you show up at a four-way stop, or you are driving down a highway in this country, and you are confronted by a truck that came across our border from Mexico, that that truck has met an equivalent safety standard as an American truck, and that that driver and his or her record of service and the conditions of service and the hours of service are equivalent to what you would expect with an American driver. If that is not the case, then there ought not to be a pilot project at this point.

I only referred to page 2 of the report. As I indicated, they took a little

less than 1 hour last Thursday evening to decide to approve the pilot project after they were prevented from doing so until this report came out. It is clear to me that they either didn't read the report or didn't understand the report, because this report doesn't suggest at all that what has been put into place represents any kind of safety or security for American drivers when confronting a Mexican long-haul truck coming across the border.

Do I allege that every truck that will come across is unsafe, that every American should shudder at the risk of pulling up to an intersection with them? That is not my point. We have two different standards with respect to the enforcement of safety requirements, with respect to trucks and drivers in Mexico versus the trucks and drivers in the United States. To decide at this moment that we are going to merge these systems without providing the assurance to the American people they are going to do what they say they are going to do—inspect every truck every time—that is a decision by the Department of Transportation to provide extraordinary risks they should not provide for American drivers.

Let me again put up a chart that shows three issues on which you would have to know, it seems to me, at least the body of information if you were serious about saying we are going to implement the NAFTA, which itself—by the way, in my conversation a few moments ago with the Senator from Ohio, we could have described our trade failures, and the hood ornament of that failure is certainly NAFTA, an agreement we reached with Mexico and Canada. At the time, we had a very small trade surplus with Mexico. We have turned that into a very large trade deficit with Mexico now. We had a modest trade deficit with Canada, and we have now turned that into a very large one. By all accounts and standards, NAFTA has been a huge failure for this country. It ought to be, in my judgment, renegotiated, but those who chant “free trade” and believe that any trade agreement is better than no trade agreement continue to say NAFTA was a success, despite all of the evidence. It is very hard to describe success as very large and growing trade deficits. NAFTA, apparently, indicated that we should integrate our trucking and, therefore, Mexican trucks should be allowed into this country for long-haul capability. But in order to do that, we would harmonize the safety standards in Mexico and the United States with respect to equipment and drivers.

So the Department of Transportation, anxious as it is to allow long-haul Mexican trucking into this country right now and, again, with a pilot program right now, they have tried to assure us there is no risk, no problem, be happy. The problem is the very IG report they rely on to trigger the pilot project, in my judgment, tells them they should not do it at all; there is

substantial risk. You would need to have a body of information about what is happening with respect to Mexican trucking in order to make this judgment. What kind of information did they get? They didn't get accident reports because there wasn't any central repository of information for the reports. They didn't get vehicle inspections. They didn't have that information. They didn't get driver violations—with one exception; that exception was the Mexican companies that decided voluntarily to provide the information. They have that—whatever that is. It is not very much, but they have that. That doesn't represent any information that is validated by anybody.

It is unbelievable to me that they would rush off and—I know this about transportation, but it seems to me if anybody should be arrested for speeding here, it is those who have decided they are going to rush and speed to approve this pilot project less than 1 hour after the IG report comes out, at a time when the IG says clearly they have not been able to get the information you would need.

Again, on page 2 of the IG report, I will say it again because it is central to what I am saying on the floor of the Senate, the Department of Transportation says they will inspect every truck every time with respect to this pilot project. Let me say, again, here are the facts. They agreed to develop a plan to check every truck every time. But as of July 2007, a month ago, no coordinated site-specific plan to carry out such checks was in place. They stated they would have plans outlined by August 22 at that point. That is about 2 weeks ago.

But the IG says that “we have not received any outlines or completed plans.” “In our opinion,” they say, “not having site-specific plans developed and in place prior to initiating the demonstration project will increase the risk that project participants will be able to avoid the required checks.” What the IG is saying is if you don't have a plan in place to inspect every truck every time, you increase the risk that these participants will be able to avoid the required checks.

I think this sets us up for failure, but, more importantly, it imposes substantial additional risks, I believe, for American drivers.

First and foremost, with respect to our trade agreements, they ought to be able to protect this country's economic interests and our interests with respect to safety. I don't believe the actions by the Department of Transportation have done that.

I don't believe the inspector general's report suggests that standard has been met. For that reason, I will offer an amendment that is identical to the amendment previously passed by the House that will prohibit the use of funds to continue this pilot project.

Thursday, at 8:30 in the evening, 1 hour after the inspector general's report was published, the administration

announced they were embarking on the pilot project. I don't know exactly where they are at this moment on it, but wherever that happens to be, the House of Representatives has already said no, and I believe the Senate, in support of my amendment, will do exactly the same thing.

There is an amendment pending on the floor of the Senate. I will shortly file my amendment, and I will call it up at an appropriate time. But I wish to make a comment on another matter very briefly, if I may.

## IRAQ

General Petraeus and Ambassador Crocker are now testifying before the House of Representatives. Most of us know from this morning's news reports and from the expectations last week what the report will be today. The report will be as existed now for a good many years, longer than the Second World War has lasted. That is how long we have been engaged in the war in Iraq. The report will be: Things are getting better; there is marginal improvement; things are uneven; we can't leave; we have to stay. That is going to be the report. We understand.

I wish to raise the question again, however, that I think is being missed with the Petraeus report and the Crocker report, and missed by Congress as well.

Last week, we were told that we received a message from Osama bin Laden. Osama bin Laden, in a "safe and secure" hideaway—and I use the words "safe and secure" in quotes because that is what our intelligence officials have indicated to us—in a safe and secure hideaway, we are receiving messages from the leadership of al-Qaida. The last National Intelligence Estimate, just months ago, indicated that the greatest threat to our country and our homeland is the leadership of al-Qaida and that they are ensconced in a safe or secure hideaway.

My question is this: Despite all of the reports we will now hear on the subject of Iraq, does it meet any kind of test of faith or good strategy that we should be going door to door in Baghdad in the middle of a civil war at a time when those planning additional attacks against our country are in safe and secure havens in northern Pakistan, at a time when the National Intelligence Estimate says that the greatest threat to our homeland—this is not me making this up—the greatest terrorist threat to this country and our homeland is from the leadership of al-Qaida, and they are planning new attacks, does it make sense there is a spot on Earth that ought to be safe and secure for them? Isn't it the case there ought not be 1 square inch on this planet 6 years after 9/11 that the leadership of al-Qaida can plan and plot attacks against our country?

I guess that is the case because we are in the middle, once again, of civil war in Iraq and have been for a long while, and we will, if we agree there shall not be a change in course, remain in Iraq for some long while.

My own view is we are going to leave Iraq. The question is not whether; the question is how and when. It makes little sense to me not to have as a priority, not to have as the priority in our country to eliminate the greatest terrorist threat to our country, and that, according to the National Intelligence Estimate, is the leadership of al-Qaida.

Some will make the point that there is al-Qaida in Iraq, and that is true. That is not the central war on terror, however, and Iraq is not the central war on terror. Iraq is more sectarian violence. The National Intelligence Estimate tells us that as well.

All of us hope for the same thing. We want this country to find its way; we would wish that the leadership of Iraq will be able to provide strong leadership, resolve the questions, and then at some point find a way to provide for its own security. Saddam Hussein has been executed; he is dead. The people of Iraq have a new constitution; they voted for it. The people of Iraq have a new government; they voted for that government. The next question for the people of Iraq is whether they have the capability and the will to provide for their own security because this country cannot do that for many more years, and we do that at the expense of not eliminating the most significant threat to our country, according to the National Intelligence Estimate, and that threat is the leadership of al-Qaida that sits now in a safe haven, a safe and secure place.

I say again, as I conclude, that even as we have testimony today before the House and tomorrow before the Senate, our goal ought to be to fight the terrorists first, and those terrorists, according to the National Intelligence Estimate, plan additional attacks against our homeland even now from safe and secure places. There ought not be 1 square inch on this planet that should be safe and secure for the leadership of the terrorist organizations plotting attacks against our country. That ought to be our priority.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I appreciate all the comments of my colleague. He had some very interesting things to say. I don't believe I can let it pass, as vice chairman of the Intelligence Committee, without clarifying some of what has been said about the danger to this country.

First, we have never taken our eyes, our efforts off getting the leaders of al-Qaida. There were times in the past, in the nineties, when we had an opportunity to get him, and apparently, according to published reports, from one of the people who was with Osama bin Laden, we came close, but we have not been able to find him. I can assure you, without going into the details, that we continue to make a major effort to find Osama bin Laden and Ayman al-Zawahiri, the No. 2 man. If any Senator wants to come to the Senate Intel-

ligence Committee in Hart 219, we will be happy to brief them on the efforts made there.

As far as the threat to the United States, the greatest threat to the United States from abroad is having al-Qaida establish a safe haven where they can recruit, have training facilities, issue command-and-control orders, and develop weapons of mass destruction. We have no better authorities than Osama bin Laden and Ayman al-Zawahiri that they still seek to establish that headquarters for their effort in Iraq because this is where they believe their caliphate should be headquartered. They would be far more capable of operating against the United States and others if they could go back to establishing their safe havens in Iraq, as they had in Afghanistan prior to our eliminating the Taliban.

I believe anybody will tell you that this country is safer because we have denied them a safe haven. Yes, some of the leaders are hiding out in the rugged mountains in that region. Their communications are very difficult. Their training facilities have been interrupted from time to time by our and allied efforts. We continue those efforts. They know they cannot operate safely there with impunity, but they are denied the operational freedom of a safe haven in Iraq. That is their goal—that and attacking the United States. Establishing a foothold in Iraq would give them not only the training facilities and recruiting and command-and-control capacities, but it would give them access to tremendous oil reserves, so they would have the funding from the oil resources, potentially putting tremendous economic pressure on us if they cut off Iraq's oil supply to the free world. But they would have the oil resources.

As far as Iraq is concerned, the intelligence we had before we went in was not good. We pointed out in the Intelligence Committees where it fell short. But we have also had the report of the Iraqi Survey Group, David Kay, which said Iraq was a far more dangerous place even than we knew. Before we went in and took out Saddam Hussein, we did not know the chaotic system in that country. The fact that there were terror groups operating in that country who sought weapons of mass destruction—and we know Saddam Hussein not only manufactured but used weapons of mass destruction—those terrorist groups in Iraq were seeking to get weapons of mass destruction from Saddam Hussein's operations and his just-in-time inventory system.

There is a lot more to the story than we just heard, but I can assure my colleagues, from the intelligence standpoint, we are not giving anybody any safe haven where we have any reasonable knowledge of where they stand or in what way they are operating.

I wanted to make those comments. I thank the Chair. I note another colleague has asked to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me take 2 minutes. My colleague is a distinguished member of the Senate Intelligence Committee, but I want to observe this point because it is important. We will certainly have an Iraq discussion late this week or next week. It will be, I hope, a discussion that represents the best of what both sides have to offer rather than the worst of each. When we get the best of both, the country has benefited. I hope and expect that will be the case. But I do wish to make this point: The training camps have already been reconstituted. Last week, I was on the floor of the Senate describing in three different pieces of evidence that Osama bin Laden, Ayman al-Zawahiri, and others have already reconstituted training camps, which represents a problem. Last week in Denmark, they picked up terrorists. Guess where they were trained. Partly in Afghanistan but mostly in Pakistan. And the expectation is they were trained in those training camps which have been reconstituted because the leadership of al-Qaida does, in fact, have a safe haven.

I have great respect for my colleague, and I do not want to pursue a lengthy debate, but I want to say that the leadership of al-Qaida has largely been given safe haven. We took our eye off the ball. There was a period of time when it didn't matter where they were. They have reconstituted their training bases, and we are starting to see the bitter fruits of that effort, and we will see more. It is why I say I believe it is very important, as a matter of national strategy, to fight the terrorists first.

I will speak later about the question of what was in Iraq when we went there. At this point, I think all of us as a country believe that if that is the greatest terrorist threat to our country, the leadership of al-Qaida, the elimination of that leadership and the elimination of any safe and secure haven must be the most important goal for this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

The Senator is recognized.

#### IRAQ

Mr. VITTER. Mr. President, today we are embarking on another very important chapter in our ongoing Iraq debate, and it is very appropriate that we do so because we are receiving testimony and reports from two great American leaders who have been forging our cause there—GEN David Petraeus and Ambassador Ryan Crocker. In that context, I wish to begin to offer some preliminary thoughts of my own as we reenter this debate. They are forged in particular by a recent experience, my recent visit to Iraq with

three of our Senate colleagues during the August recess. I was able to go there with Senators VOINOVICH, ALEXANDER, and CORKER. We had a very good review of many issues there, as well as, obviously, a great opportunity to converse and study and talk with experts on the way there and on the way back.

I guess out of that trip in particular—it was my second trip to Iraq; the first was just about a year prior to that, and this was my fourth trip to the Middle East—three things struck me in particular, that while many of them have been stated before, they are very important to get out on the table and reaffirm at the beginning of this debate.

One is, it is very clear—in fact, I think it is largely beyond dispute—that in recent months, because of not just the personnel and the extra manpower given to the effort through the surge but because of the excellent strategy, the strategic thinking largely of General Petraeus behind that effort, there have been real and meaningful gains made on the security side. There have been enormous gains made against al-Qaida in Iraq in particular and in tapping down the sectarian violence more generally, although perhaps gains there to a lesser extent.

We have heard a lot about the Anbar awakening and the enormous gains made against al-Qaida in Iraq. But I think those who try to isolate those gains just to that region, just to that situation are missing the full picture.

We got a fuller picture of the gains while we were there. Not perfectly even gains, not all across the country but significant gains made in a number of different places, in a number of different contexts, and not just in that one region. The security gains, again because of our greater numbers but even more so because of the strategic thinking that was placed behind that surge, I think those gains are very real and very meaningful. They were evident to us, to myself and Senators VOINOVICH and ALEXANDER and CORKER, because of a number of factors and a number of parts of our visit.

What got the message through particularly forcefully was the last part of our visit in Iraq, when we went to Combat Outpost X-ray near Taji, outside of Baghdad about a half-hour, 45 minutes by helicopter. This was a very instructive and, indeed, inspiring visit. Because, again, we saw the very real fruit of our new strategy and the surge force put behind it. And it wasn't just in that situation of Al Anbar, that many folks try to portray as extremely unique and not being able to be replicated anywhere else; it was in this combat outpost outside of Baghdad. And it wasn't just among a Sunni population or Sunni insurgents; it was in an area that was roughly half and half, Sunni-Shia.

Two things struck me about that visit more than anything else. One was talking to a young African-American

soldier from Louisiana, an enlisted man, who in casual conversation—he wasn't quoting any talking points, he wasn't giving any formal brief—who said how motivated he was and what a greater sense of progress he thought they were making during his work there at Combat Outpost X-ray as compared to his previous deployment about 2 years before. He said the difference was night and day, and he felt so much more optimistic because of the surge and the strategic thinking behind the surge and the results it was having that he could see, face-to-face, on the ground.

Some of those results we saw on that visit. Because we not only visited with U.S. military commanders and their military personnel, such as this young soldier from Louisiana, we also sat down with four sheiks from the region who had become full and active partners with our military and the Iraqi military in getting after the bad guys. It so happened, as is representative of that area, that two of the sheiks were Sunni and two of the sheiks were Shia, but they had come together as true brothers in arms and as true brothers in arms with the U.S. military and the Iraqi military to get after the bad guys, particularly al-Qaida in Iraq but also insurgents who were causing violence and terrorizing their families.

That is the sort of real progress the Louisiana soldier was talking about. That is what was exciting him and had gotten him so motivated, particularly compared to his previous tour of duty about 2 years prior.

The second thing I saw firsthand during that visit to Iraq is on the other side of the ledger and is also talked about quite freely and quite openly, and that is that while we have this meaningful security progress, while we have real results from the surge and the strategic thinking behind the surge, unfortunately we don't have a lot of political progress produced at the Iraqi central government level. Again, this was very evident from our personal experiences on the ground, particularly two meetings we had, one with the Sunni Vice President of Iraq and one with the Shia Vice President. Those two meetings, separate meetings, helped to underscore the enormous need we have for further reconciliation and for further political progress on the ground at the central government level.

I remarked during our visit to Combat Outpost X-ray that I would like to nominate those four sheiks to help form a new central government because their reconciliation was in stark contrast, their friendship and partnership was in stark contrast, quite frankly, to the discussions we had with the two Iraqi Vice Presidents, one Shia, one Sunni. So, again, we saw firsthand the unfortunate lack of political progress. Of course, the surge was designed to create breathing room and time for the political process at the central government level, but that lack of progress has been very frustrating.

Now, I do have to say there has been a little progress since then. Since we came home, the big five Iraqi leaders, if you will—the President, the two Vice Presidents, the Prime Minister, and also the Kurdish leader—have signed a joint communique and have laid out a path to reconciliation and progress on the key political issues facing them. That is encouraging. But certainly it doesn't completely change the situation on the ground politically, which wasn't particularly encouraging when we were there.

The third and final thing which I observed very directly, and which is perhaps the most important, in my opinion that we focus on this week, is the enormous integrity, focus, dedication, and intelligence of our two primary leaders on the ground in Iraq—GEN David Petraeus and Ambassador Ryan Crocker. Again, our four-Senator delegation had a great opportunity to sit down with them for about an hour and a half, and we had a very meaningful, in-depth discussion, hearing recent progress and lack of progress from them. They gave us their own personal observations, and they responded to all of our queries and questions. There were a lot of details and facts that came through during that meeting. But what most came through, to me, was their enormous credibility, in terms of what is going on there on the ground, and their enormous dedication, focus, background, and real intelligence about the challenge they were leading there on the ground.

I think that is perhaps the most important of my three observations as we begin this new chapter of the Iraq debate, for a very simple reason. Those gentlemen are testifying, as we speak, before the House. They will testify tomorrow before the Senate. This is following the lead-up of many months, where we have been looking forward and waiting to hear their direct observations and their testimony. This is after it is universally acknowledged that they are very smart, qualified people; there to lead our military and diplomatic effort. Yet, even having said all of that, I think the rush of all of us in Congress, House and Senate, is to talk and debate and offer our own opinions without taking a little time to be quiet, to take a deep breath and listen to the observations and opinions of those two highly qualified leaders.

So I end with that observation, of their enormous credibility, dedication, focus, and intelligence, in terms of the task before them. I end on that observation to encourage all of us not to reserve our opinions forever, not to shy away from an important debate, not to disagree, if we truly disagree in our minds and in our hearts, but to take a deep breath for a few days, for a few moments, to listen to the observations and the suggestions of these very capable leaders.

That is the third thing I brought back from my personal trip to Iraq during August with Senators VOINOVICH,

ALEXANDER, and CORKER. Today, tomorrow, as General Petraeus and Ambassador Crocker testify before Congress, perhaps that is the most important observation. We will have plenty of time to debate, argue, disagree, propose resolutions, move forward with legislation, and take votes. But surely, given the universal credibility of these two men, we should take a deep breath and listen carefully to their observations, their suggestions, and their plans. That is certainly what I am going to do as we begin this new chapter of the debate.

With that, I yield the floor.

Mrs. MURRAY. Mr. President, I ask unanimous consent that at 3:30 p.m. the Senate proceed to vote in relation to the Murray amendment No. 2792, and that regardless of the outcome, amendment No. 2791 be agreed to as amended, if amended.

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

The Senator from Maryland.

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

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

(The remarks of Mr. CARDIN are printed in today's RECORD under "Morning Business.")

Mr. CARDIN. I yield the floor.

Mrs. MURRAY. Mr. President, I ask unanimous consent that at 2:45 p.m. Senators BENNETT and HATCH be given 15 minutes of time to talk about a resolution regarding the Utah mining incident.

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

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. 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.

#### HONORING THE SACRIFICE AND COURAGE OF MINERS AND RESCUERS IN THE CRANDALL CANYON MINE DISASTER IN UTAH

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 312, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 312) honoring the sacrifice and courage of the 6 miners who were trapped, the 3 rescue workers who were killed, and the many others who were in-

jured in the Crandall Canyon mine disaster in Utah, and recognizing the community and the rescue crews for their outstanding efforts in the aftermath of the tragedies.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 312) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 312

Whereas, on August 6, 2007, 6 miners, Kerry Allred, Don Erickson, Luis Hernandez, Carlos Payan, Brandon Phillips, and Manuel Sanchez, were trapped 1,800 feet below ground in the Crandall Canyon coal mine in Emery County, Utah;

Whereas Federal, State, and local rescue crews have worked relentlessly in an effort to find and rescue the trapped miners;

Whereas, on August 16, 2007, Dale "Bird" Black, Gary Jensen, and Brandon Kimber bravely gave their lives and 6 other workers were injured during the rescue efforts;

Whereas Utah is one of the largest coal-producing States in the United States, having produced more than 26,000,000 tons of coal in 2006;

Whereas coal generates more than half of our Nation's electricity, providing millions of Americans with energy for their homes and businesses;

Whereas coal mining continues to provide economic stability for many communities in Utah and throughout the United States;

Whereas during the last century over 100,000 coal miners have been killed in mining accidents in the Nation's coal mines; and

Whereas the American people are greatly indebted to coal miners for the difficult and dangerous work they perform: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Kerry Allred, Don Erickson, Luis Hernandez, Carlos Payan, Brandon Phillips, and Manuel Sanchez, as well as Dale "Bird" Black, Gary Jensen, and Brandon Kimber for their sacrifice in the Crandall Canyon coal mine;

(2) extends the deepest condolences of the Nation to the families of these men;

(3) recognizes the brave work of the many volunteers who participated in the rescue efforts and provided support for the miners' families during rescue operations; and

(4) honors the contribution of coal mines and coal-mining families to America's proud heritage.

Mr. HATCH. Mr. President, in the early morning hours of August 6, 2007, my home State of Utah, our home State of Utah—my distinguished friend and colleague, Senator BENNETT, is with me today—suffered a seismic event at the Crandall Canyon mine in Emery County. These "mountain bumps" set up a chain of events that culminated in great tragedy and tremendous sorrow to all of our fellow Utahans and, I think, to many people across the country.

As a team of miners was working on its shift at the Crandall Canyon mine, the earth shifted and debris and ruin rained down trapping six men, all of whom have remained missing since August 6.

As news began to travel regarding the collapse and the lives in peril, crews began working to somehow, some way, free the six men. As one day turned into the next and hopes were lifted, just to sadly be dashed, one thing has remained constant: men and women from all walks of life have come together to fight for Manuel Sanchez, Kerry Allred, Luis Hernandez, Carlos Payan, Brandon Phillips, and Don Erickson.

The list is long and varied of the many who have sacrificed and given their time, knowledge, and resources to help in this tragedy. The list includes officials from the Federal Mine Safety and Health Administration; Murray Energy Corporation; the United States Air Force; Utah's Departments of Public Safety, Natural Resources and Human Services; the Utah Air National Guard; local, State and national government; and last but perhaps most importantly of all the men, women and children living in the communities impacted by this tragedy.

As our State and Nation watched closely day after day for news of hope and rescue, we suffered another devastating blow the evening of August 16, 2007, when another seismic bump inside the mine buried rescue crews in coal and debris. As another new tragedy unfolded, many flew into action to now rescue the rescuers. People rushed to the scene to offer aid and valiantly try to save additional lives. Stories are told of miners using their bare hands to dig out buried miners.

As we heard the news of first one rescuer's death, then another, and another, it is difficult to describe the overwhelming sorrow and disbelief Utahns felt at the deaths of those who had risked everything for their coworkers, friends, and fellow miners.

Many were saved that evening, but sadly three lost their lives for others.

Dale Black was in the mine desperately trying to reach his cousin, Kerry Allred. In fact, he wasn't even supposed to have been in the mine that evening. He had been promoted the day before and would now be assigned as a rescue manager, working outside the mine. However, as Dale's brother Guy stated, "That's Dale. He wouldn't have let his guys go in without him."

Gary Lynn "Gibb" Jensen from Redmond, UT, was an employee working for MSHA who was no stranger to mining. He had been in the mining industry in various capacities for 35 years and was described by others as someone who steered his career toward mine safety. He never hesitated to better the lives of his fellow "coal" miners.

And finally, Brandon Kimber, a father of a 5-year-old daughter and twin 4-year-old boys. He was relatively new

to the mining industry, only working in the mines for 3½ years. He was described as an unselfish, wonderful man who never hesitated to help others.

Dale Black, Brandon Kimber, and Gary Jensen will long be remembered for their selfless acts that day. These were three humble miners who are now three wonderful heroes.

As our State and Nation grapples with this tragedy and looks for answers, I do not want us in our haste to solve this tragedy overlook the contributions miners and the mining industry has made to America for many, many years. We want to solve this tragedy, but we haven't been able to. The original six miners are still buried in the mine. We hope we can recover them.

Mining is a community, it is a brotherhood, and it helps fuel our economy and growth. Generations of Utahns from many of our communities have toiled in and helped propel the mining industry. Many men and women return home each evening with faces marred by coal dust, and tired bodies. However, to many Utahns mining is a way of life and their contributions to this important industry must always be appreciated.

As I have traveled throughout our State and Nation, some of the most wonderful people I have met and talked with are miners. They are humble, they work hard, and they display courage each day as they enter the mines to make a living and support their families.

Throughout the communities bordering the Crandall Canyon Mine, you don't need to travel far to see a sign, a t-shirt, or some other display urging all to "save our miners," "pray for our miners," and "love our miners." I have witnessed first-hand the courage, fortitude, and heroism of many wonderful people to do all three save, pray, and love our miners.

I have been saddened greatly by the events that have transpired in my home state throughout the past several weeks. The Crandall Canyon Mine collapse and tragedy will forever be remembered for the grief we shared as a State, and the valiant, and courageous efforts displayed by many. In the depths of this tragedy heroes emerged, and our faith in the human spirit lives on through the sacrifices made by many to comfort, and save the lives of others.

Senator BENNETT and I have introduced this resolution which has been agreed to, honoring the sacrifice of the miners and rescue workers and expressing the condolences of the Senate and our Nation to their families.

I have been almost blown away by the kindness of our fellow Utahns and the courage and strength of those who have tried to save these miners. I have appreciated the leadership of the mayors of both Huntington and Price who have stood so valiantly as rocks against the pain and suffering these good people have suffered. I am so

grateful to know these people. My heart goes out to the families of these miners and, of course, their children. I hope and pray that somehow we can do a lasting memorial for these folks who have died and who have worked so hard to try and support their families. I was happy to urge our colleagues to support this resolution, and I appreciate their support.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank my senior colleague for the thorough and sensitive way in which he has described this Senate tribute to the families and the coworkers of the miners who were killed in the Crandall Canyon mine disaster.

I was there the day after the mine collapsed. The Governor was there as well. Senator HATCH was on his way and joined us later. We welcomed the assistant Secretary of Labor to Utah, and we examined with soberness and concern the facts surrounding the situation. We were not sure whether the miners had survived. There were reservations from those who were experienced with these kinds of mine problems. They were afraid the miners had, in fact, been killed in the initial blast. But we all held out hopes that they could survive, and efforts were undertaken to determine whether they were alive.

To show the ruggedness of the territory, there was no way to drill a significant hole into the mine immediately because there was no road up to the top of the mountain where the drill would have to be placed. So a smaller drill was brought in by helicopter and drilled a 2½ inch hole through roughly 1,200 feet in an attempt to find out whether we could make contact with any survivors who might be there. A road was built, a larger drill was brought in and followed the 2½ inch hole with an 8½ inch hole. Neither one produced any tangible evidence that the miners had survived.

In the briefings we had from the experts onsite, we discussed what might be done further besides drilling the holes. They talked about the dangers connected with trying to dig into where the miners were. It was understood there would be no further attempt in terms of digging in until the seismic activity in the mountain had stopped. The mountain would continue to shift, and as it was shifting, the experts said: We will not undertake any attempt at further rescue.

I subsequently learned they did make an attempt while the mountain was shifting. It was not a reckless attempt, although it was a heroic attempt. They believed they had sufficient protection from the rescue workers that they could get somewhere near where the miners had been trapped and find out if they were still alive, even while the mountain was still shifting. They applied fully known and reliable means of protection for the rescuers, and then the second tragedy occurred. Even with

this protection, the rescuers themselves were caught by a seismic shift in the mountain, and two more miners and one mine inspector were killed, bringing the tragic total to nine. More holes were drilled. More attempts were made to find out what could be found. But the mountain had claimed its nine lives and still has not yielded any of those bodies.

This double tragedy has united the mine community in Utah in the ways Senator HATCH has described. And throughout the State of Utah, far away from the minefields, flags were flown at half staff as the people of our State joined together in mourning for those who had lost their lives in this tragic accident. Hearings have been held. We hope to learn as much as we possibly can, to continue to work as hard as we can as a nation to see that the deaths in the mining world continue to decrease, but we recognize that whatever satisfaction we take from the fact that mining deaths have decreased over the decades, that still does not lessen the tragedy for those loved ones and co-workers who have seen this kind of death occur.

I am pleased to join with my colleague Senator HATCH in cosponsoring this resolution and I thank the Senate for its unanimous support of the resolution and extend, once again, my personal condolences and sympathies for all of those who are personally touched by the tragedy.

We must, as a Congress, do everything we can to see that this kind of tragedy is reduced to the point where, ultimately, it ceases to be.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mrs. MURRAY. 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. BENNETT. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CYBER ATTACKS

Mr. BENNETT. Mr. President, I rise to make note of an event that the newspapers have talked about and then passed over, but one we should pay a great deal more attention to. This has to do with the number of increasing cyber attacks that have occurred where hackers have gotten into computers and upset their ability to function. I am not talking about the kind of hackers who break into a computer to leave behind an obscene message simply to demonstrate that they could do it. These are amateurs. I am talking about attacks that appear to be state sponsored.

The Nation of Estonia had its computers shut down for a period of a

week, unable to perform any kind of connection with the outside world, almost as if it were a test on the part of some nation state to determine whether they could perform this kind of activity. Now we have had further demonstrations of their ability to do it in government computers. This has been going on for years. I remember, when I was connected with the Y2K issue as chairman of the Senate's committee on that problem, going over to the Pentagon and standing in the room where we watched the cyber attacks come in. The officials in the Pentagon would identify for me the countries from which they were coming. They would say: Those are attacks coming from the Philippines. Those are attacks, probing, trying to get into our computers. They come from South Korea. These are coming from whatever other country. That does not mean the attacks originated in any of those countries. It is entirely possible in today's world for someone to have a sophisticated computer attack in one nation and route the attacks through a second or even third or fourth nation as cut-outs so the victim of the attack will not be able to know the original source.

The recent attacks that have occurred against our Government computers clearly come from a higher level of sophistication than those I saw 3 or 4 years ago.

I pursued an interest in this issue and then became consumed with other Senate business—that happens to us—and said, a few years later: I probably need to check into this to see what has happened. So I went back to the National Security Agency, I went back to the Pentagon, I made contact again with people at the CIA and said: What is going on in the world of cyberattacks and cyberterrorism?

I was startled that everything had progressed two, three, four, five generations beyond what it had been just a few years before. It is a classic sword-and-shield confrontation. The attack comes—representing the sword—we create firewalls—representing the shield—and then a new sword is invented and a new shield is called for. This game has been going on now to an escalated level where now we are seeing sophisticated nation state-sponsored attacks, and they break through occasionally, and they get a little space in the newspaper and maybe a mention on the evening news, and then we go about business as usual.

I am as guilty as anyone else of going about business as usual. I want to get back into this issue, dig a little deeper, and find out what is going on because eventually this will be the ultimate battlefield. Eventually, the people who wish this country ill will not come at us with tanks and aircraft carriers or cruise missiles; they will come at our computers. Our military is the most sophisticated in the world, but if you shut down their ability to communicate through satellites and by com-

puters, our military becomes crippled and impotent. I remember when I went through basic training being told that an army has to do three things: It has to move, shoot, and communicate. Those who are mounting these cyberattacks are developing the capability to prevent us from communicating. We need to spend more time and effort looking at this issue.

I have one suggestion for the executive branch. During the Clinton administration, the highest official dealing with this issue was in the White House. After President Bush became the President, that official reported to Condoleezza Rice in her role as National Security Adviser. I sat down with Condoleezza Rice to talk about this issue, to try to bring her up to date on what I thought was important. She was very polite, but I became quickly aware she knew more about this issue than I did. She was not patronizing about it, but she was up to speed and up to date on it, and I felt reassured that the White House had that level of understanding.

Well, she has now gone on to other duties, and the highest official now is in the Department of Homeland Security. I am not sure that is the place where it needs to be. It may very well be that it needs to go back into the White House at the high level it held at one point in the past.

I will be discussing this and other issues relating to this question in the months to come. I appreciate the opportunity of alerting my fellow Senators to this very important but often overlooked issue.

I yield the floor.

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.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### DEPARTMENTS OF TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

VOTE ON AMENDMENT NO. 2792

Mrs. MURRAY. Mr. President, I believe a vote will now occur on an amendment.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN),

the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 33, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—60

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

NAYS—33

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

NOT VOTING—7

Biden	Dodd	Obama
Clinton	Hagel	
Craig	McCain	

The amendment (No. 2792) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The underlying amendment is agreed to.

The amendment (No. 2791), as amended, was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, for the information of all Senators, we are hoping to shortly get an agreement on an amendment that will be considered, we believe, with an hour time agreement, equally divided, and a vote in about an hour from now. It is the amendment that will be offered by Senator DORGAN. I believe the minority is looking at the amendment right now. We hope to get an agreement in just a minute.

I will suggest the absence of a quorum, but Members should know that we hope to get an agreement and

move to that vote in about an hour. We should know in the next several minutes.

I suggest the absence of a quorum. The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. 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.

AMENDMENT NO. 2797

Mr. DORGAN. Mr. President, I have previously described an amendment I wish to offer. I believe I have filed the amendment. It is an amendment that deals with Mexican trucks. I wish to offer it at this point on behalf of myself and Senator SPECTER from Pennsylvania and other cosponsors. It is amendment No. 2797.

I ask that we consider that amendment. I believe there is no amendment pending at the moment, so I do not need consent to set an amendment aside. I ask for the immediate consideration of the amendment I just described.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mrs. CLINTON, Mr. OBAMA, Mr. BROWN, and Mr. SPECTER, proposes an amendment numbered 2797.

Mr. DORGAN. 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 prohibit the establishment of a program that allows Mexican truck drivers to operate beyond the commercial zones near the Mexican border)

At the appropriate place, insert the following:

SEC. \_\_\_\_ None of the funds made available under this Act may be used to establish a cross-border motor carrier demonstration program to allow Mexico-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico.

Mr. DORGAN. Mr. President, as I indicated, I am offering the amendment on behalf of myself, Senator SPECTER of Pennsylvania, and others. I believe my colleague, the chairman of the subcommittee, is working with the ranking member of the subcommittee for a time agreement. I don't believe a time agreement exists at this point.

With consent, I ask that Senator SPECTER from Pennsylvania be recognized. He has a time commitment. He was asking to be recognized now. I previously said a few words about this amendment. I will speak about it in greater detail in a bit. I ask unanimous consent for Senator SPECTER to be recognized for as much time as he may consume. If he is not ready, Mr. President, I will continue for just a moment to describe the amendment.

I will be happy to yield to my colleague from the State of Washington.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask if we could set up a time agreement on this amendment so Members know when the vote is going to occur tonight. I ask unanimous consent for 60 minutes of debate prior to the vote; that no second-degree amendment be in order to the amendment prior to the vote; that the time be equally divided and controlled in the usual form; and that upon the use or yielding back of time, the Senate proceed to vote in relation to this amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOND. Reserving the right to object, I regret we have not been able to clear this request on this side. As much as we would like to, I have to object at this point.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am going to recognize my colleague from Pennsylvania in a moment, but let me describe very briefly what this amendment is.

Over this past weekend, a pilot project was initiated by the Department of Transportation dealing with long-haul Mexican trucks coming into this country. My contention is, and I think it is buttressed by the inspector general's report that was issued on this subject, that they are nowhere near having the information that would give them the opportunity to initiate long-haul Mexican trucks coming into this country. We have, since the advent of the North American Free Trade Agreement, allowed Mexican trucks to come in within a 25-mile radius of the Mexican border.

Mr. REID. Mr. President, will the Senator withhold for a brief statement to the Senate?

Mr. DORGAN. I will be glad to yield.

Mr. REID. Mr. President, based on my conversation with the Republican leader, there will be no vote on this amendment this afternoon. That being the case, I think it is a fair statement to say there will be no more votes today. I had indicated already we would not have any votes after 5 or 5:30 today. We have at least an hour's debate on this, and the Republican leader said we would not vote on this amendment today.

This means we will have votes in the morning, unless there is something untoward. So everyone should understand we will have votes in the morning, we will have our caucuses between midday, and there is a White House meeting, I know for a few people, but that doesn't mean we could not go forward tomorrow. But we have a lot of work to do on this bill. It is to the Senate's advantage to finish this bill this week. That would mean we will have finished one-third of our appropriations bills, if we finish this bill.

In my brief conversation in the well with a number of Senators a few minutes ago, we have Senators wanting to move the Labor-HHS bill and the Energy and Water Appropriations bill. Those are my only two conversations today. We, of course, have to deal with the Defense Appropriations bill in the near future. So the sooner we finish this bill, the better off we will be. There is a lot of work that needs to be done before the end of the fiscal year, which is in a few weeks. I hope everyone understands that if we are going to maintain some degree of financial integrity, we are going to have to finish these appropriations bills. The Republican leader has told me on more than one occasion that the minority is interested in finishing the appropriations bills, and we have had some good cooperation in the last several weeks. So I do hope we can finish this bill.

There will be votes more than likely in the morning, though.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, again, this is an amendment that deals with the issue of a pilot project on long-haul trucking into this country. The House of Representatives has already passed a piece of legislation that would prohibit that pilot project, and this amendment would do the same for the Senate.

I will describe in some detail the reasons for the amendment, but I am pleased a cosponsor, Senator SPECTER, wishes to make a statement. I know he has a time constraint, so I will relinquish the floor so Senator SPECTER can make a statement.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the senior Senator from Louisiana has asked for 2 minutes to precede my comments, and I am prepared to yield to her for that purpose.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleagues for yielding because of time constraints.

I came to the floor to thank Senator MURRAY for her extraordinary work on the bridge replacement amendment and for the colleagues—60—who joined her in supporting this amendment. It is important to all of our States, but particularly for Louisiana, that is struggling, like so many of our other States are, to find funding for critical infrastructure. We, of course, 2 years ago, had the collapse of an infrastructure, of our levees. We have great impacts on many of our highways. Of course, the collapse of the bridge in Minnesota has caused us all to refocus on the importance of this issue.

Mr. President, I will submit my longer statement for the RECORD, but we have over 4,000 bridges in the State of Louisiana alone, that is including overpasses over highways. Nearly 30 percent of the total are categorized as structurally deficient or functionally obsolete. In fact, one of the bridges I

have outlined in my statement is the Red River Bridge that was built in 1936. It alone will cost \$100 million. This U.S. 71/165 bridge is in a very small parish in Louisiana. We are straddling the great Mississippi River, and it causes a great deal of strain on some of our poorer parishes that need to find ways to cross but have very little capacity.

The backlog of bridge replacement needs for bridges that are either structurally or functionally deficient and have a sufficiency rating of less than 50 in Louisiana is \$2.1 billion. The I-35 West Bridge in Minneapolis was given a sufficiency rating of 50 in 2005.

A total of almost 4,000 bridges, or nearly 30 percent, of the total bridges in Louisiana are categorized as either "structurally deficient" or "functionally obsolete."

If all bridges categorized as "structurally deficient" or "functionally obsolete" in Louisiana were to be replaced, the total projected cost would be more than \$10.5 billion today, not fully including other costs such as rights of way, engineering or utilities.

Louisiana is not unlike most other states with a backlog of transportation projects. The Louisiana Department of Transportation and Development alone has a total transportation backlog of over \$14 billion. The funding in this amendment will help address a critical piece of that backlog by providing additional funds for bridges in the State.

I hope my colleagues will join me in supporting Senator MURRAY and this critical amendment for our Nation's bridge infrastructure.

Specific examples in Louisiana are:

The I-10 Calcasieu River Bridge in Lake Charles, built in 1952, is now functionally obsolete, with additional capacity needed in the corridor and estimated replacement cost several times the current annual funding of the entire bridge replacement program. This bridge is nationally significant because it is part of Interstate 10, a "Corridor of the Future" as designated by the Department of Transportation.

The Red River Bridge at Fort Buhlow, US 71/165, built in 1936, is structurally deficient and functionally obsolete, with an estimated replacement cost of greater than \$100 million, a significant portion of our current annual funding of the entire bridge replacement program.

I thank Senator MURRAY, and my colleagues for yielding before we go on to the next debate, which is on trucks and trucking, and I am happy to cosponsor their amendment as well.

I ask unanimous consent to have printed in the RECORD a letter from the Department of Transportation.

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

SEPTEMBER 10, 2007.

DEAR SENATOR LANDRIEU: Your inquiry regarding the condition of bridges in Louisiana, comes at a time where the citizenry and leadership in this State have recognized the criticality of our infrastructure and have

opened a serious discussion of the needs for better roads and bridges, especially the types of funding levels which are needed to make improvements to our overall transportation systems. We welcome the opportunity to provide you the information you require to assist in your capacity as a member of the United States Senate.

This letter and attachment should provide answer to help in preparation of remarks for the floor. It includes information pertinent to our bridge programs, current status of our bridge system and important nomenclature and rationale for the replacement, rehabilitation and repair of our critical infrastructure.

The backlog of bridge replacement needs in Louisiana is \$2.1 billion. These are bridges that qualify for federal bridge replacement funds. They are either structurally or functionally deficient, and have a sufficiency rating of less than 50 (on a scale of 1-100).

If there was \$1 billion additional bridge funds nationwide, that would only equate to approx. \$20 million +/- for each state on average. That would only address about 1% of our needs.

As a starting point for this discussion, we would like to assure a common understanding of the utilization of the terms "structurally deficient" and "functionally obsolete". These phrases portray a dire description of a structure which is normally unwarranted, as they are specifically used to define structures as qualifying for rehabilitation or replacement based on structural repair and traffic safety related needs, respectively. For federal bridge funding to be distributed in accordance with the regulations, bridges must be so defined to qualify for this funding. Using these terms literally generally causes trepidation amongst motorists regarding specific bridges which are quite able to safely carry traffic.

We trust that this reply provides information which will assist you in your upcoming committee hearings. As always, if I may be of further service in this matter, please notify me.

Sincerely,

JOHNNY BRADBERRY,  
*Secretary.*

#### THE FEDERAL BRIDGE PROGRAM IN LOUISIANA

The Highway Bridge Program in the DOTD is separated into three distinct subsets: Bridge Preservation On-System, Bridge Preservation Off-System and Bridge Preventative Maintenance. Bridge Preservation On-System projects are selected based on eligibility for funding, District priorities and additional factors such as truck routes, average daily traffic, route continuity, structure age, material and condition, crash data, construction cost estimate, constructability and available program funds. Rehabilitation and replacement under this program require that the structure meet current standards when construction is complete. Funding of this program has historically been \$60 million to \$73 million per year until last year, prior to the collapse of the I-35 West Bridge in Minneapolis, when a decision was made to fund the program starting in FY 07-08 at \$125 million for at least the next 5 years.

The Bridge Preservation Off-System projects are selected based on eligibility for funding and availability of funds, utilizing similar methodology as with the Bridge Preservation On-System Program. Local governments are allowed to prioritize the projects in their parishes in order to meet their specific needs and priorities. Program funding has historically been \$13 million to \$15 million per year and is limited by the amount of funding allocated in capital outlay to match the federal funds.

The Preventative Maintenance Program, which allows us to repair rather than replace

or rehabilitate structures, is currently funded at \$3 million. The primary difference between this program and the aforementioned programs is that funds are allowed to go towards maintenance work that prevents the structure from deteriorating, provided an approved systematic approach is used to select projects. This maintenance work does not follow the caveat that the structure be constructed to current standards, allowing us to more economically repair structures in limited specific cases.

The term "Structurally Deficient" is used to identify structures that could qualify for rehabilitation or replacement because of structural-related problems. Such a problem

could include a particularly low rating of a bridge deck, superstructure or substructure element (girder, pier, etc.). This does not amount to a declaration that the bridge is unsafe, just an indication that the bridge could qualify for federal bridge funding for rehabilitation or replacement.

The term "Functionally Obsolete" is used to identify elements of the structure which are not currently up to current standards. A bridge over an Interstate highway with 15 feet of vertical clearance is obsolete by AASHTO standards, but may service quite well. Another example is an Interstate Highway bridge with 4-foot outside shoulders;

again, full shoulders are not provided, but the bridge functions quite well.

The term "Sufficiency Rating" is a way of evaluating a bridge, based on a structural inventory of the bridge's geometry, clearances, load rating, traffic and other criteria. It is a score from 0 (completely deficient) to 100 (totally sufficient). Bridges with a sufficiency rating of 50-80 qualify for rehabilitation under Federal funding regulations, while a rating of 50 or less qualifies a bridge for replacement.

The table below demonstrates the status of Bridges Categorized "Structurally Deficient" or "Functionally Obsolete".

Program	Total Number of Bridges	Bridges Categorized Structurally Deficient (SD)	Bridges Categorized Functionally Obsolete (FO)	Bridges Under Construction	Bridges Currently Programmed	Replacement/ Rehabilitation Cost (Currently Programmed)	Replacement/ Rehabilitation Value (All SD or FO Bridges)
On-System .....	7694	664	1562	124	304	\$1.003 B	\$6.185 B
Off-System .....	5259	1071	645	51	328	189 M	4.370 B
Total .....	13223	1735	2207	175	632	1.192 B	10.555 B

A total of 3942, or nearly 30%, of the total bridges in Louisiana are categorized as either "structurally deficient" or "functionally obsolete". There are currently 175 bridges currently being rehabilitated or replaced and under construction. There are 632 bridges currently programmed for rehabilitation or replacement within our 6-year program with a replacement cost of \$1.192 Billion; the figure in the table for on-system bridges (\$1.003 Billion) includes estimates of real estate acquisition, engineering and utility relocation. If all bridges categorized as "structurally deficient" or "functionally obsolete" were to be replaced, the total projected cost would be \$10.555 Billion today, not fully including other costs such as real estate, engineering or utilities.

There are currently 202 bridges closed which are classified either "structurally deficient" or "functionally obsolete". Of these closed bridges, 199 (12 on-system, 187 off-system) are classified as "structurally deficient" and 3 (all off-system) are classified as "functionally obsolete". Of this total, 86 (1 on-system and 85 off-system) are currently not programmed for rehabilitation or replacement. It should be noted that these numbers do not include detour bridges for bridges in these categories currently under construction, which are considered "open" to traffic.

Based on the funding limitations and other programmatic restrictions as regards the federal bridge program, there are several bridge projects which we need to point out as problematic in their implementation:

I-10 Calcasieu River Bridge in Lake Charles, built in 1952, functionally obsolete (narrow shoulders) and additional capacity needed in the corridor, estimated replacement cost several times the current annual funding of the entire bridge replacement program.

I-310 Hale Boggs Memorial Bridge in Luling, built in 1984, does not qualify based on sufficiency rating, though it has fallen significantly in a short period of time, need to replace cables (\$30 million), does not fit into program well.

Red River Bridge at Fort Buhlow, US 71/165, built in 1936, structurally deficient and functionally obsolete, estimated replacement cost (greater than \$100 million) a significant portion of our current annual funding of the entire bridge replacement program.

US 190 Mississippi River Bridge at Baton Rouge, built in 1940, preventative maintenance

required—cleaning and painting (\$68 million) to preserve structure from further deterioration and to protect investment to widen roadway (1989).

Consequently, it is very difficult to provide to you a list of specific structures most in need of replacement or rehabilitation. There are numerous considerations we make in the programming of bridges for replacement, rehabilitation or repair, including eligibility for funding, District priorities and additional factors such as truck routes, average daily traffic, route continuity, structure age, material and condition, crash data, construction cost estimate, constructability and available program funds. However, the list above is illustrative of projects which are problematic to fit into the existing bridge program, though it is clear that repair, rehabilitation or reconstruction is needed on these structures immediately.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am cosponsoring the amendment offered by the distinguished Senator from North Dakota because I believe there are very serious safety issues involved here which have not been answered sufficiently by the Department of Transportation.

Here we have a situation where the Secretary of Transportation announced a pilot program on February 23 of this year to allow up to 100 Mexican trucking companies to ship goods to and from the United States. The Iraq supplemental appropriations bill delayed implementation of this program until there was a report by the inspector general and a response by the Department of Transportation. The inspector general released his report and the Department of Transportation submitted responses on the same day—on September 6. As I read these documents, it is insufficient to have the requisite guarantees of safety. And of no little concern to me is that all of this should be done on the same day, without taking into account some very serious underlying problems.

There are safety concerns here which include the database deficiencies that prevent the Department of Transporta-

tion inspectors from being able to accurately gather information on truck-driver convictions and driving violations, vehicle accident reports, and insurance records. The inspector general confirms that these databases are still under development. The Department of Transportation report does not respond to these issues.

The inspector general report also states that the Department of Transportation has not developed and implemented adequate plans for checking trucks and drivers participating in the demonstration project as they cross the border. The DOT report responded by stating they created border-crossing plans with the U.S. Customs and Border Protection. Well, that is hardly an assurance of safety.

We do want to have good relations with Mexico. We do not want to impede legitimate commerce. But safety is a very vital factor, and there are good reasons to insist on safety and verification before we permit this pilot program with 100 trucking companies, which we can obviously expect to be supplemented in a very substantial number. When you are dealing with issues on truckdriver convictions and driving violations and vehicle accident reports, you are talking about something which is very probative on whether it is a safe program. When you are talking about insurance records, those are necessary in order to be sure that if there are accidents, and there is liability, there is adequate insurance to protect Americans from these trucks which are coming into our country.

We have had a fair amount of experience here. I believe there is ample time to reevaluate this program if and when this database is updated and there is sufficient record documentation to guarantee the requisite safety. But on this date of the record, it seems to me this program ought not to go forward, and the amendment which Senator DORGAN has advanced is very sound. I

intend to support it and I urge my colleagues to do the same.

Mr. President, I thank my colleague from North Dakota for yielding me time at this stage of the debate.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague from Pennsylvania. The statements he made represent the crux of the matter, the issue of: Are there equivalent standards and is there equivalent enforcement with respect to trucking in Mexico, and would that then allow us to feel assured that long-haul Mexican trucks entering this country all across the United States would give us the same notion of safety we have with respect to the kinds of restrictions, the kinds of regulations we have in the United States?

Mr. President, I am going to get some charts I will make a presentation with in a couple of moments. It will take me a minute to get the charts I want to show my colleagues.

Let me, for the moment, 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, my colleague from Pennsylvania said it well, I believe. Look, Mexico is a neighbor of ours to the South. We don't come to the floor, none of us would come to the floor of the Senate, under any condition, whether it is a trade debate or a debate about Mexican trucking, in a way that is pejorative with respect to our neighbor. But it is important to understand that we are two different countries and, in many ways, have very different approaches to some of these issues.

With respect to trucking, we have not previously allowed long-haul Mexican trucking into this country. We have allowed a 25-mile periphery, or 25-mile diameter from the border, but we have not allowed long-haul trucking in this country from Mexico. The reason: There has not been a demonstration that there are equivalent standards and equivalent enforcement with respect to Mexican trucks and U.S. trucks.

Now, we have built, over a long period of time, very significant and stiff requirements for long-haul trucks in this country. We require certain things of drivers. There are hours of service they can't go beyond, there are log-book requirements that are significant, there is equipment inspection that is very significant, there is reporting of accidents, and a whole series of things we have done in this country to try to understand and make certain the trucking is safe. Are there accidents from time to time? Sure. But it is not because we don't have in place signifi-

cant regulatory capability, and it is not because we don't enforce it. We have regulations and we have enforcement.

Now, I want to show my colleagues what happened last Thursday night. Last Thursday night, at 7:30 in the evening, the Department of Transportation received what is called the Office of Inspector General's Report. They have always wanted down at DOT to do a pilot program for long-haul Mexican trucks, but they have been prevented from doing that because I and others put a provision in law that says you can't proceed with this pilot project until you get the inspector general's report and see what the situation is.

Well, they got it Thursday night. It is 42 pages. I have a copy of it, or we are getting a copy of it—42 pages. At 7:30 at night they received the inspector general's report, and at 8:30 at night they triggered the pilot project.

I tell you what, I took Evelyn Woods' speed reading course in college. I remember taking that, and all of a sudden I was galloping along. I started at about 300 words a minute and pretty soon I was reading at about 1,200 words per minute. It was remarkable. But that is nothing compared to what they do at the Department of Transportation, apparently. This is speed reading par excellence. In 1 hour, they digested the inspector general's conclusions in the inspector general's report. Or maybe there is another answer. Maybe they had already decided what they were going to do, and it didn't matter very much.

Let me tell you what the inspector general's report says. It says:

While Department of Transportation officials inspecting Mexican truck companies took steps to verify the on-site data, we noted that certain information was not available to them.

What kind of information wasn't available? Well, little things, apparently. They say:

Specifically, information pertaining to vehicle inspections, accident reports, and driver violations.

Excuse me, I am sorry, that represents the entire guts of what you need to know if you are going to assure the safety of the American driver as we begin to see long-haul Mexican trucks coming into this country—vehicle inspections, accident reports, and driver violations.

Now, this morning I showed a news report of a tragic accident, an almost unbelievable accident that happened in Mexico. It is heartbreaking to understand the consequences of this. Two trucks collided. This is in today's paper. Two trucks collided. Thirty-seven died and 150 were injured. There was a blast, because one of the trucks was carrying explosives. This was in a mining area. One truck loaded with explosives crashed into another. It caused a crater of 65 feet, with 150 people injured and 37 people killed.

Now, I don't know the specifics of this. I am only saying that at a time

when we are speaking of safety issues, this was in the paper this morning. My guess is when you move explosives around in this country, particularly on our roads, we have very specific standards—vehicles in front with warning signs, vehicles behind. My guess is—and I don't know what those standards are—that we have very specific standards about the conditions under which you would do that.

I don't know whether those standards exist in Mexico. I suspect we will learn about that. But I think the questions of the maintenance of the vehicles, these heavy, 18-wheel vehicles that come moving down our highways, are very important questions. They are not resolved.

Let me go to page 2 of the inspector general's report. You don't have to go further than page 2. It says the following, that the Federal Motor Vehicle Group down at DOT "agreed to develop a plan to check every truck every time."

So they are going to check every truck every time in this pilot program, and they have certified 100 trucking companies to be able to come in, but the inspector general says, "as of July, 2007," a month and a half ago, "no coordinated site-specific plans to carry out such checks were in place" and they stated they would have the plans then outlined by August 22, but we have not received any outlines or completed plans. "In our opinion," they say, "not having site specific plans developed and in place prior to initiating this project will increase the risk that project participants will be able to avoid the required checks."

All of us have heard these things from the Federal agencies: Trust us; we are going to do it; we promise; we pledge. Somehow it does not get done.

We have an inspector general's report that came out on Thursday evening at 7:30, and on Thursday evening at 8:30 the Department of Transportation wanted to trigger this report.

I have found some things in this report that would give the Department some comfort. They are there. But you cannot avoid page 2. That provides no comfort at all. They say they are going to inspect every truck every time. They are not and cannot. You cannot avoid this: that the only information they have is information that comes from the trucking companies that wish to give it to them. Otherwise no information was available. No database was made available to them, and no information on these three critical issues: vehicle inspections, accident reports, and driver violations.

That is the ball game. So the U.S. House of Representatives has already passed by voice vote a provision that says "no money in this appropriations bill shall or can be used to continue this pilot project." With my colleague from Pennsylvania, Senator SPECTER, and others, I propose we do exactly the same thing. This amendment is identical to that which the House has

passed. It makes sense to me. Will there be, at some point, because we have a trade agreement called NAFTA with Mexico, homogenization of rules and standards and so forth with respect to trucking? Maybe. Will at that point there be long-term trucking in this hemisphere from Canada to the United States to Mexico? Maybe. But there will not be, in my judgment, until we are satisfied as a country that the standards and enforcement of those standards, which is the most important issue—the enforcement of those standards with respect to Mexican long-haul trucking are at least equivalent to that which we have in this country.

When an American citizen pulls up at a four-way stop sign or drives down a road, a two-lane or a four-lane road, it doesn't matter, and comes next to an 18-wheel truck, I believe most of them want to be assured that the inspections on that vehicle, the requirements on that driver, are the equivalent—if they are not from this country—are the equivalent to the standards we have already imposed.

When that is the case, I think the consumers, the drivers, the American people will not have additional risk. Until that is the case they most certainly will have additional risk.

Again, one can argue, I suppose—one can debate at great length this issue and talk about what has been done—the improvements, the progress. But one cannot ignore the fact that what we know about Mexican trucking with respect to vehicle inspections, with respect to drivers' records and accident reports, we are getting only from voluntary compliance from those companies that wish to provide it. That is the case.

My amendment is very simple. I have more to say, but I think there are others who wish to speak. I will defer to them and then speak following that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am under no illusion that I can change the mind of my good friend from North Dakota, but maybe I can ease his concerns, at least in several areas, because he did raise some things that I think should be noted.

Prior to 1982, Mexican trucks did operate throughout the United States without restriction. Since then, Canadian trucks have continued to operate through the United States. Surprisingly, even some of the Mexican carriers who were authorized to operate beyond the commercial zones in 1982 have continued to operate in the United States. As best we can tell, they have as good a safety record as the U.S. drivers. But, obviously, there are lots of arguments in terms of efficiency, in terms of commitments made under the North American Free Trade Agreement for carrying this out. But I want to focus just a minute on a couple of items of concern about meeting safety standards.

Mexican trucking companies, drivers, and vehicles participating in the demonstration program have to abide by stricter safety standards than U.S. and Canadian trucking companies, drivers, and vehicles operating in the United States. These safety standards include they have to have a U.S.-based insurance policy, full compliance with hours of service regulations, vehicle maintenance, driver qualifications, including the ability to communicate in English, and drug and alcohol testing. Every carrier satisfactorily completing the test has to have its drivers drug tested by U.S. labs.

In addition, as many of us would be concerned about the tremendous accident with hazardous materials, these carriers are prohibited from transporting hazardous materials in the United States. They cannot transport passengers, and they cannot pick up domestic freight going from point to point.

Every Mexican truck participating in the program has to pass a rigorous 39-point, front-to-back inspection and is required to display a valid Commercial Vehicle Safety Alliance—CVSA—inspection decal that indicates it has passed this inspection. The decals are valid only for 3 months and can be renewed only by passing another inspection.

As far as who is going to verify that the trucks are following U.S. regulations, U.S. Federal inspectors perform, and Mexican trucking companies must pass, a preauthorization safety audit to get into the program, conducted in Mexico prior to granting the authority to operate beyond U.S. commercial zones.

The audit includes inspections of vehicles the company intends to use in long-haul operations in the United States and a thorough inspection of the company's records to ensure compliance with Federal safety regulations. Vehicles not inspected by the U.S. Federal inspectors cannot be used for long-haul operations in the United States.

Every inspector reviews Federal safety regulations with the carrier, including those concerning driver hours of service, to ensure the carrier is knowledgeable of and comprehends the Federal Motor Carrier Safety Regulations.

All the motor vehicles and drivers in the cross-border demonstration program will be subject to roadside inspections, just like U.S. and Canadian vehicles and drivers, and will be placed out of service, as any carrier would be, if they fail critical portions of the inspection.

I thought that might be of some comfort to my colleague who raised questions about safety inspections. I suggest that be taken into consideration as we review the appropriateness of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I am going to wind the clock back to 1994. I

had the occasion of voting twice against NAFTA, once when I was in the House and once when I was in the Senate, in the same year because I came in in a special election. I remember at that time we had a delegation of six, four House Members and two Senators from Oklahoma, and I was the only one out of six who voted against NAFTA.

Ironically, the very arguments I made in the House and Senate back in 1994 are the same things we are hearing now. I said at that time I could see what was going to be happening in the future; that we would be having Mexican truckers coming in; that they would be competing in a way where they would not have to qualify with all of our environmental standards, our safety standards, our wage and hour standards. It appears to me that is the case.

I listened very carefully to my good friend from Missouri, but I have not seen—and having reviewed the IG report—that all of these questions have been answered. I have to say I am inclined to agree with the Senator from North Dakota that the problem that existed in 1994 still exists today, and I would probably oppose this amendment.

I would like to also make a comment, a request. When I have a chance, after the disposition of this, I would like to bring up amendment No. 2796 for its immediate consideration. I will wait and see if I can get in the queue.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. First of all, I thank the Senator from Oklahoma. I think it is the case that the Department of Transportation—and I think this is true under most administrations—that whatever they want to do they will give you words of assurance that whatever they want to do they will do it right and make sure all the t's are crossed and the i's are dotted, but it is the case that the inspector general describes for us what the Department of Transportation says it will do, it is not doing.

We do not have to debate that. It is a circumstance—let me go back to this chart, if I might, to describe what the inspector general says.

It seems to me the key issue, as my colleague from Oklahoma suggests, if we have long-haul Mexican trucks on the roads in this country, the question is, when you are driving beside one or coming to a four-way stop and meeting one, does that 18-wheel truck have the same vehicle inspection, the same level of safety? Does the driver have the same hours of service, the same requirements that our drivers do? Do we have the same accident record and reports on that driver?

The answer is no. So that in itself obliterates the question of are we ready to integrate that Mexican long-haul trucking experience into this country.

It is true the Canadians are here. We have similar, nearly equivalent standards and enforcement with respect to

Canada. Of course, an added issue with respect to Mexico is the language issue, and there is an English requirement. But the Department of Transportation folks, who really do this sort of thing, kind of roll their eyes, saying: That is fairly hard to enforce.

But I do want to make this point. What the inspector general's report says, on two pieces—No. 1, on page 2, again, he said "DOT said they will check every truck every time." That is part of the assurance.

[B]ut in July 2007, no coordinated site-specific plans to carry out such checks were in place.

FMCSA stated that it would have plans outlined by August 22, 2007, but [the inspector general said] we have not received any outlines or completed plans. In our opinion, not having site-specific plans developed and in place prior to initiating the demonstration project will increase the risk that project participants will be able to avoid the required checks.

That is the dilemma.

Also, in addition to that, the inspector general says:

The DOT officials inspecting Mexican truck companies took steps to verify the on-site data. We noted that certain information was not available to them. Specifically, information pertaining to vehicle inspections, accident reports, and driver violations—

That is the ball game. If you do not have those, you don't have a base of information on which to make a judgment that this is going to be safe for the American people.

My point is we have developed certain standards in this country. I know in some cases we have developed those standards after great debate. They represent regulations, and no one likes regulations. But in many cases these regulations are necessary in order to assure us of the kind of safety we would expect on the roads. We license drivers, we inspect trucks, and require certain things of trucks. We have certain standards which you are required to meet when you haul certain kinds of products. We do all those things.

Is it perfect? No, not at all. But are they standards we understand, and are they standards we try to enforce in every case in every State? They are. Sometimes we make mistakes, sometimes the enforcement fails a bit, but that is a very different set of circumstances than trying to integrate that system with a country that while it has standards, does not have the same kind of enforcement.

You do not have to take it from me, there are volumes of testimony in the Congress from previous hearings about the circumstances of the lack of enforcement of these standards in Mexico.

Now, when these issues are resolved, you will not have amendments such as this on the floor of the Senate. But I do not see them resolved any time soon. I think the inspector general's report itself says they are not resolved. When you say, as they have said in the report released last Thursday night, the only information available was in the com-

pany records when the records were volunteered to them, otherwise there is no base of information.

There is no base of data with which to judge these central questions: Are the trucks safe? Is the inspection standard rigorous? Does it meet anything near our standard? Do we have drivers who are going to enter this country with the same rigorous requirement with respect to hours of service, recordkeeping, logbooks, accident reports, all of those issues? The answer to that is no. It is clearly no.

The answer to that is embedded in the inspector general's report. I, for the life of me, do not understand why, before the ink was dry Thursday night, 1 hour later the Department of Transportation decided we have to now have assimilated, apparently through some kind of speed reading of this IG's report, we now have to implemented this program which the House of Representatives, by voice vote, said: No funds should be allowed to be used for the program for the reasons I have described. I believe the Senate should take similar action.

Finally, let me say this, I tried to say it earlier: Mexico is a neighbor of ours. Always we should treat neighbors with respect. We have a lot of things we do with Mexico. There are many areas in which we cooperate and agree. We have a trade agreement. I happen to agree with my colleague from Oklahoma. I did not vote for the trade agreement either. I think the trade agreement has been a horrible mistake.

I am talking about NAFTA, the North American Free Trade Agreement. We turned a very small surplus with Mexico into a very large trade deficit with Mexico. We turned a moderate trade deficit with Canada into a very large trade deficit. So by any standard I think this has been a failure.

But aside from the fact it is a failure, it does have a requirement to homogenize the standards and the ability to allow long-haul trucking into this country; but it does not do so in a way that allows us or requires us to obliterate our determination for what is safe for American drivers. That is why I am on the floor of the Senate hoping we will do what the House of Representatives has already done by voice vote and pass this amendment.

It will come back. There will be another day. There will be a time, my guess is, when there will not be objection to this because the standards are homogeneous, the standards Americans have are the same and the enforcement is reasonable. We believe the enforcement to be significant enough to provide significant safety without additional risks to American drivers. That is not the case today.

Mr. BOND. Mr. President, would the Senator yield for a question?

Mr. DORGAN. I would be happy to yield.

Mr. BOND. Through the Chair, I would ask my colleague if he wants to

apply these same standards to Canadian truckers. Because it is my information, I do not have it documented, that the standards required of Canadian truckers are less than the standards required of Mexican truckers. The Canadian truckers coming into the United States, into North Dakota and beyond, do not have to have U.S. insurance.

I would ask my colleague if he is concerned about the Canadian trucks coming in as well and what he plans to do about those.

Mr. DORGAN. Well, it is interesting to me in trade discussions. For example, Mexico has pretty decent environmental standards. Someone said: Well, you have big environmental standards in Mexico. Yes, the problem is they are not enforced at all.

So it doesn't matter to me what the standards required are, that is why I have emphasized enforcement. What are the standards and are the standards enforced? In most cases the answer is, with respect to Mexico, they are not enforced to the same degree we enforce the standards in this country.

I do not believe you can make the case that there is similarity between the Canadian enforcement of good standards with respect to truck safety and the Mexican lack—I don't think you can make the same case it exists in identical fashion with Canada or Mexico. I think the evidence is quite clear the standards, with respect to Mexico, are lower, especially with respect to its enforcement.

The reason I say that is this: If you had standards in Mexico that were enforced, and therefore you had knowledge of the issue of vehicle inspections, you had knowledge of accident reports and driver violations, there would be a database in Mexico by which you could access the data and make an evaluation of the data.

Our inspector general has already determined no such database exists.

Mr. BOND. May I ask my colleague another question?

Mr. DORGAN. I would be happy to respond.

Mr. BOND. It relates to the fact that the U.S. Federal inspectors will be going to Mexico and making those inspections with Mexican trucks would satisfy his concern about the enforcement. Before the trucks can come in, U.S. Federal inspectors go to Mexico and make the inspections.

Does he think we ought to be doing the same thing in Canada, for example? What about requiring Canadian trucking companies to have U.S. insurance as well?

Mr. DORGAN. Well, it is interesting. We have some experience in that as well. Let me use the experience of meat; meat from Canada and meat from Mexico. We allow, because they have equivalent standards and equivalent inspections, we believe, for meat to leave a Canadian plant and to come into this country uninspected at our border.

We allow that because we believe there are standards and enforcement that are equivalent to the standards of this country. I have spoken on the floor, and my colleague, I think, was not here at the time, but I held up a, I think a 2-pound piece of T-bone steak one day and said: Can anybody tell me where this came from? Because meat is not labeled, it should be, but it is not. I said: Can you tell me if it came from the processing plant, the slaughter plant in Hermosillo, Mexico. Because if it did, I wish to read to you the one time an inspector went there. It was a plant that was allowed to slaughter cattle and produce meat shipped into our country. One inspector showed up one time. I read the report of the inspector on the floor of the Senate. Sufficient to say, no one would want to purchase meat from that plant.

It was promptly closed down, the ownership changed, the plant is now sending meat back into this country. I do not believe it has been inspected again. My point is the requirement to inspect, with respect to slaughterhouses in Mexico, is one example. My colleague says: Well, if we would send people down to inspect in Mexico, would that give you comfort?

Well, we are told by the Department of Transportation what will give us comfort is this, that they will check every truck every time. The problem is, we are told this by the inspector general: They are not going to inspect every truck every time. Yes, they tell you that. That is what they claim. But here is the reality. They have no plans, no outlines to inspect every truck every time. They have no site-specific plans developed and in place prior to initiating this project. The risk is, the project participants will be able to avoid the required checks.

So you know, once again, there is a great variation between what the Federal agency says and what it is willing to do. So my colleague and others might be comforted by the fact that say: We will go there, we will do those rigorously. I am not so comforted because we have had plenty of experience with that.

Mr. BOND. Mr. President, may I ask another question? We are not talking about packing houses where there was obviously a failure of sanitation. We are talking about a situation where U.S. Federal inspectors go down, conduct a pretest, a preinspection of the Mexican trucking operations, the vehicles coming in have to go through a U.S. overseen or implemented safety inspection every 3 months.

Now, I do not think we require Canadian trucks, and certainly we do not require U.S. trucks, to be inspected every time they travel on our roads. But we do have inspections, random inspections that will apply to United States, Canadian, and Mexican trucks.

What I am asking, if U.S. Federal inspectors are doing this—nobody ever said they are going to do it every time. Nobody expects to have inspectors in-

specting every truck. But what is the difference, I would ask my colleague, between having U.S. inspectors every 3 months in Mexico and having random safety inspections—in what situation do either the Canadian or the U.S. trucks get the same degree of inspection?

Mr. DORGAN. Mr. President, my colleague is not accurate. They, in fact, did say they were going to inspect every time. Let me read the inspector general's report. After our visit to Federal—it is the FMCSA, one of these other acronyms in Government again. The Federal Motor Carrier Safety Administration. It is in DOT.

So the Federal Motor Carrier Safety Administration agreed to develop a plan to check every truck every time. So that is exactly what they said. But the inspector general says: They are not going to do that. He says, as of July, there is no coordinated site-specific plan to carry out such checks. Then they said: Well, we will have it done by August 22. They said: We have not received any outlines or completed plans. In our opinion, not having site-specific plans in place prior to initiating the project will increase the risk project participants will be able to avoid the required checks.

I would say to my colleague, I do not always dismiss this issue of inspections because I think sufficient inspections can be very helpful. But having been on the floor of the Senate now speaking about the issue of tainted products coming into this country, understanding whether it is trinkets or toys or shrimp or catfish or tires, car tires, or any number of pet foods, having spoken about them at some length and understanding that we inspect 1 percent of them.

We inspect 1 percent, 99 percent of the vegetables and the trinkets and toys come in here without any inspection. Now we are told, if we would allow the Department of Transportation to proceed with this project, which they announced late at night with 1 hour of review of the inspector general's report, if we would only allow them to proceed, boy, they guarantee they will inspect.

I am sorry. I think the evidence, with respect to the Federal Government, would suggest a different conclusion and a different result. I hope at some point we do not have these issues. You know, I mean I can give you lots of examples of what has promised to have been homogenized between the United States, Canada, and Mexico because of the trade agreement. But promises are cheap.

I mean, there are lots of promises, and very few are kept with respect to these trade agreements. The trade agreements are similar to Swiss cheese, riddled with holes.

This, in my judgment, is a circumstance where, if we decide to proceed to say: Under these conditions, we will allow immediately the Department of Transportation to move to this

pilot project, I think we will make a mistake. We will make a mistake on behalf of those who are traveling on America's roads, who at some point, coming up to a four-way stop or a stoplight or meeting on a four-way highway, some vehicle that was not subject to the same rigor and the same inspections that exist in this country because they did not have the same enforcement, I think someone will be injured. That risk ought not be borne by the American consumer or the American driver.

We ought to decide what is fair. You know, we have spent a century lifting this country's standards and demanding in this country. Upton Sinclair wrote that book and described at the start of the century, start of the last century, in Chicago, IL, at the big packing houses, how when they were slaughtering cattle and trying to control the rat population in the slaughterhouses, they put poison on bread loaves and things.

They would kill the rats, and they would shove the dead rats and the bread loaves and the meat down the same chute, and out the other side of the chute would come some sausage and some steak and some meat, and off to the consumer. Well a tremendous public outcry resulted from that, and we developed regulations.

So we have standards and regulations in a number of areas. This is but one area in which we have standards and regulations. They can be standards and regulations that are the difference between life or death. Because, when you are on America's roads and highways, safety is very important.

My own view is, I think the Department of Transportation is making a mistake. I think all the promises and all the assurances will fall far short of what the American consumer and the American driver should expect to minimize risk and to maximize safety on America's roads.

I yield the floor.

Mrs. MURRAY. Mr. President, we are working our way through the Transportation appropriations bill. We have one amendment pending. I see the Senator from Oklahoma is here, and he shortly is going to ask to set aside this amendment in order to call up an amendment. I ask any other Members who have amendments they wish to offer during this debate to come to the floor, offer their amendments, and we will work our way expeditiously through as many as possible. I remind all colleagues that the majority leader has been very clear that due to the Jewish holidays we will be finishing by midday on Wednesday; therefore, Members should expect a very long night tomorrow night as we work our way through these amendments. It will work a lot better if Members come to the floor and offer their amendments so we know what order we have and how we can work through them. I ask Members who have been calling us and letting us know they have an amendment to come to the floor this evening

or tomorrow morning at the latest and get those amendments up so we can go through them.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I join with my colleague from Washington, the chairman of our committee. I urge my colleagues on this side of the aisle to bring in their amendments. Because of the timeline we are working under, we will be much more willing and able to work out the amendments that come in early. We may be able to cut off the time for filing amendments, I would hope, as early as sometime tomorrow afternoon. But I suggest that in case that happens, people come forward with their amendments as early as possible because we are facing a time deadline and need to get this bill amended, if desired, and passed. I would appreciate the cooperation of colleagues on both sides.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2796

Mr. INHOFE. Mr. President, I ask unanimous consent to set the pending amendment aside for consideration of amendment No. 2796.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment No. 2796.

Mr. INHOFE. 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 prohibit the use of funds to implement the proposed Air Traffic Control Optimum Training Solution of the Federal Aviation Administration)

On page 147, between lines 8 and 9, insert the following:

SEC. 414. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Administrator of the Federal Aviation Administration to transfer the design and development functions of the FAA Academy or to implement the Air Traffic Control Optimum Training Solution proposed by the Administrator.

Mr. INHOFE. Mr. President, it is my understanding that the test language, the IG said, apparently has been corrected. I only remind my friend from North Dakota and my friend from Missouri that when I had the English language amendment up, we used the same definition I believe they are using right now in order to make sure there is adequate knowledge of English language by Mexican truckers. I will read what it said: Applicants have up to three chances to read and write one sentence correctly in English. That is the test, which doesn't give me a very high comfort level.

The amendment I am offering, No. 2796, would prohibit the FAA from using any money in fiscal year 2008 to implement their proposed new ATC training system. It is called the

ATCOTS. The FAA has sped up the schedule for transition without giving sufficient attention to the transition from the old to the new. By prohibiting the FAA from using fiscal year 2008 funds to implement this new training system, there will be additional time to plan for the transition, if we decide the transition at that point is something we want to do.

Finally, there has been no explanation on why the existing system does not work. This additional time can be used to examine the current system and determine where it needs to be changed, if it needs to be changed.

This is how the current system works. This is how the FAA wants to change it. Currently, candidates must enroll in an FAA-approved education program and pass a preemployment test which measures his or her ability to perform the duties of a controller. Let's keep in mind, we are talking about controllers who have our lives in their hands. It happens that I am in my 51st year of aviation. Just as recently as 2 days ago, I was flying, and I have a great deal of respect for these people. To me, the training must absolutely be perfect. The candidates currently must enroll in an FAA-approved education program and pass a preemployment test which measures their ability to perform the duties of a controller. Then the FAA has designated 15 institutions around the country for pre-employment testing. The candidates must also have 3 years of full-time work experience and have completed a full 4 years of college. These have to be people who have a college education, have to have 3 years of on-the-job training. Then they have to, of course, have gone through this preemployment test. Then if the candidate successfully meets those three tests, they are eligible for employment as an air traffic controller.

Successful candidates attend the FAA Academy in Oklahoma City for 12 weeks to learn fundamentals of the airway system, the FAA regs, controller equipment, and aircraft performance characteristics. Upon graduating from the academy, the candidates are assigned to an air traffic control facility as "developmental controllers" where they receive training on specific controller positions. Generally, it takes 2 to 4 years, depending on the facility and the availability of facility staff or contractors, to provide the on-the-job training.

Currently, there are two separate contractors that provide training for potential controllers: one contractor at the academy and one contractor for on-the-job training at the facility. What the FAA wants to do is to combine these two contracts into one, thereby speeding up the training, they believe, and getting more controllers to train faster.

Because controllers hired—and most of us have been around long enough to remember this—after the PATCO strike are now eligible for retirement,

the FAA estimates they need to hire and train approximately 15,000 new air traffic controllers over the next 10 years. They believe the air traffic control optimum training solution, which is called ATCOTS, will accomplish this because it will, No. 1, leverage current industry best practices to develop innovative training services delivery solutions; No. 2, achieve efficiencies by reducing time and the cost it takes to certify professional controllers; No. 3, institute continuous improvement within the training program; and No. 4, establish a performance-based contract management system. That is what the FAA hopes to achieve, but I have yet to understand how.

Recently, the FAA announced that they plan to issue a request for proposals for this new single controller training contract in January of 2008, with an expected award in June of 2008. That is less than a year from this month. This is despite assurances to the Oklahoma delegation that there would be a multiyear transition to ATCOTS. In other words, it is going to take several years to make the transition, if it is desirable. Now it appears ATCOTS could be fully implemented within 1 year, although there is no clear transition plan. The winning bid is supposed to provide the transition plan.

Furthermore, there is no clear assurance that the millions in taxpayer dollars already invested in the FAA training academy in Oklahoma City will continue to be used. Per the documents I have seen, if the winning bidder should choose to conduct the initial classroom instruction elsewhere, they have that option. I question why we would abandon the academy and our Federal investment there.

Finally, I do not believe there has been sufficient examination of the cost benefits of this new training program. Rather, there has been a rush to fix a system that no one has been able to explain, at least to me, how or if it is broken.

My amendment merely slows down the process so Congress can have more time to examine what are the shortfalls of the current training system and how the proposed ATCOTS system will improve the training. This is like so many things we rush into. We lay out the predicate that we are going to spend all this time and be deliberate in making sure we are not getting into something that is not, in fact, a lot better than the old system, when we have yet to see anything to at least convince me or any plausible argument that there is a problem with the existing system.

While I could have introduced an amendment to stop this, I didn't want to do that because I thought if it is more efficient, then it might be something we may want to consider. But I can assure my colleagues that nothing has been done so far that would convince me that it is a better system. I don't think we should be using 2008

funds. My amendment would give us another year to determine whether this is the wise thing to do. I believe it is a reasonable approach.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Senator from Oklahoma for coming to offer his amendment. He has my commitment that we will take the time to review it. We have not had a chance to do so as yet. We want to know what the impact is on the FAA budget, as well as the training needs we have, but we will evaluate it as quickly as possible and work with him in order to dispose of it.

Mr. INHOFE. I thank the Senator.

Mrs. MURRAY. I encourage, again, Senators to come to the floor and offer their amendments so, like the amendment we are currently looking at, we have time to review it and get it done in a timely fashion. I remind all Members that if they wait until the last minute to get their amendments here, they may likely not be considered or adopted simply because of time. Again, if Members are here, come tonight quickly, get your amendments up. We will have a chance to review them and hopefully be able to dispose of them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business for up to 7 minutes.

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

#### IRAQ

Mr. SESSIONS. Mr. President, it is time for us to review our policy in Iraq. We have been aware this day was coming for some time.

To recap how things have occurred, we had hearings in the early part of this year to confirm General Petraeus. This has been General Petraeus's third tour in Iraq. I first had the opportunity to meet with him when he commanded the 101st Airborne in Mosul. He was part of the initial invasion—a brilliant combat commander who impressed all of us on our CODEL.

I later visited him in Iraq when he was in charge of training the Iraqi military and their police. It was a critical moment in their development. He was asked to go back early to do that, and he agreed to do so.

He then returned to the United States and wrote the counterinsurgency manual for the Department of Defense. Before the ink was dry on that manual, the President asked him to go back to Iraq, for the third time, to lead this critical effort at this critical time.

So I wish to first say how disappointed I have been that some have seen fit to attack this man, attack what he might say. I am afraid, frankly, the purpose of that was to sort of preemptively smear his testimony. I saw most of his testimony this afternoon. As a member of the Armed Services Committee, I expect to see more of it tomorrow and to be there tomorrow when he testifies before our committee and to hear it all in complete form.

So let me say this: It is right and just and appropriate this Congress, which sent him there in January, I believe, which voted on May 24 to fund the surge—we had a lot of debate about this surge, whether we should do it, whether we should increase our troop levels. The situation in Baghdad was not good. The situation in Al Anbar had made some improvement but was not where we wanted it to be. The country was in a difficult time.

The President said: Let's step up the troop level. Let's have a surge. We had much debate about it. I know our leader, HARRY REID, went to the White House along with NANCY PELOSI, the Speaker of the House. They came out with an agreement, and only 14 Senators opposed—in a truly bipartisan vote—funding of this effort.

So I have been disappointed that some announced it a failure even before it got started good. But we all committed to one thing; and that is that General Petraeus would come back and he would report to us and we would hear from him.

Some thought we needed more than that. So we as a Congress included in our funding legislation a requirement that another commission be set up, an independent commission, with retired officers and so forth. GEN Jimmy Jones, former Commandant of the Marine Corps and former Supreme Allied Commander Europe, chaired that commission. He reported last week.

Also, we had the Government Accountability Office do an independent analysis of the benchmarks in Iraq.

Now we are having General Petraeus and Ambassador Crocker, who is clearly one of the best respected Ambassadors in the State Department with experience in this region of the world. They are giving us their report today and tomorrow.

If Congress concludes this effort ought not to go forward, so be it. But we ought to do it after listening to our generals. In fact, I noticed some of the polling data showed more than two-thirds of the American people prefer to have their decision process be informed by the military, and only less than 10 percent, I think, or maybe 20 percent, said the Congress should set the military standards.

Here is an article by Bing West I noticed in the National Review in May. He has been to Iraq multiple times. He has written two books on the Iraq war. He said:

The new American military team has infused the effort with energy and strategic

clarity, and seized the initiative. In this war, the moral/psychological element outweighs the physical by 20 to 1.

I think there is a good bit of truth in that. I think we have seen a more coherent, focused strategy under General Petraeus's leadership.

With regard to his testimony and its truthfulness, I remember interviewing him before he was to testify in January, before being sent to Iraq, and he said: I will tell you one thing, Senator. I am going to tell you the truth as I see it if you send me there.

So the next morning I thought I would ask him that very question before the committee while he was under oath. I said:

You've indicated, I think, in your opening statement [General Petraeus] that you would, but I'd like you to say that so the American people would know that a person who knows that country [Iraq], who's written a manual on counterinsurgency—if you believe it can't be successful, you will tell us so we can take a new action. That was my question to him: Will you tell us if you think this will not work? Because he told us and made the public statement our effort in Iraq was difficult, but he did not think it was impossible.

He replied to me this way:

Sir, I firmly believe that I have an obligation to the great young men and women of our country who are putting themselves in harm's way, and certainly to all Americans, to tell my boss if I believe that the strategy cannot succeed at some point.

I believe this man told us the truth today as he saw it and will tell us the truth before the Armed Services Committee tomorrow, as God gives him the ability to do so. He finished near the top of his class at West Point. He was No. 1 in his class at the Command and General Staff College. He has a Ph.D. from Princeton. He has been in combat. He has led one of the Army's finest combat divisions in combat. He has trained the Iraqi Army. He knows most of the Iraqi leaders pretty well because of his time there. We could not have a better person. We need to listen to him and then make our independent judgment after he testifies.

So I thank the Chair for this time. I hope all Americans will participate, as Congress should, in evaluating where we are today. Then, once we make a decision about what our next step will be, I would call on my colleagues to not do things that undermine the strategy once we have established it. Don't come up 2 weeks after we have voted on what to do and then say it is a failure. Let's don't do that this time. Let's agree to—no matter what it is, no matter how it comes out—have our debate and then our vote, and let's establish a policy and stick together and work hard to make it a success.

I thank the Chair, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent to proceed to morning business, with Senators allowed to speak for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### MEXICO TRUCKERS

Mr. LOTT. Mr. President, I wish to be heard on this Dorgan amendment, the pending amendment, with regard to the Mexican trucker demonstration project. I wish to speak on it because I was involved in it the last time this issue came up.

I have always urged that we deal with this in a fair way and in a responsible way. We don't want unsafe trucks or unsafe drivers coming into our country, whether they are coming from Mexico or Canada. But I have always felt that maybe we had an attitude toward trucks coming in from Mexico; it was very different from those which might be coming from Canada. I think we need to have rules in place and we need to have proper precautions, but I think we also need to be rational and reasonable. If we don't have at least a demonstration project, what is going to happen when our trucks want to go to Mexico? I will guarantee you one thing: If I were the President of Mexico, I would say there are not going to be any American trucks coming down here. Can't we use some common sense? This is not some enemy satellite sitting on our border. This is a place where we can begin to make progress.

I know it is easy to demagogue this issue and get into all kinds of flights of fancy about, oh, yes, this is the beginning of a superhighway coming from Mexico; that the border is just a bump in the road and this is part of the one nation movement in North America. I don't know where all this comes from. Maybe I am naive. I don't advocate that. But I think we are really turning this into another case of trying to make a bogeyman out of our neighbor to the south.

I don't have a vested interest in this. I was in the trucking business once upon a time in my life. I know a little bit about trucking. This is not a case where my State is on the border and is going to be abused one way or the

other. So I have the ability to try to look at this objectively and to ask that we try to make sense in how we deal with all of this.

This is not a new issue. We have been working on this, planning for this, preparing for this for 14 years to make sure it is done properly, including proper inspections, proper requirements. There is a program we are trying to put in place which would be subject to an additional audit at 6 months and when the project concludes. Remember, it is a pilot program. We are not putting it in place in perpetuity. We want to check it and see how it works and if it is done correctly.

Since 1982, trucks from Mexico have only been able to drive in a 25-mile commercial zone along U.S. borders. Think about that. They can come across the border, and they must stay in a 25-mile commercial zone and then offload to U.S. trucks before they can come into the United States.

The North American Free Trade Agreement contains a trucking provision that was put on hold in 1995 by President Clinton, and, without being critical of him, he wanted to make sure we had looked at it enough and that there were safety requirements, and so forth. At that time, I thought, frankly, he was probably doing the right thing. Then, in 2001, a NAFTA dispute resolution panel ruled the United States was violating NAFTA obligations by adopting a blanket ban on trucks from Mexico. So then we kind of got into a fight about it, and that is where I got directly involved, and that was in 2002 on the appropriations bill. It detailed, as a result—again, we didn't say we were going to do it regardless; we said, OK, we are going to try to find a way to do this, but we are going to have some specific requirements. We detailed 22 safety requirements that had to be met prior to allowing trucks from Mexico to drive beyond the U.S. 25-mile commercial zones.

Here are the 22 safety requirements and mandates we included in that bill. I am going to read every one of them because I want to make sure my colleagues understand that this is not something we are doing frivolously or carelessly. We had specific requirements, and they have been met:

Establish mandatory pre-authority safety audits.

Conduct at least 50 percent of the safety audits on-site in Mexico.

Issue permanent operating authority only to Mexican trucking companies who pass safety compliance reviews.

Conduct at least 50 percent of the compliance reviews on-site in Mexico—including any who do not receive an on-site pre-authority audit.

Check the validity of the driver's license every time a truck comes across the border.

Yes, we want these drivers to be licensed. I am sure that when we go forward with this, that some trucker gets in here with an unsafe truck or without a driver's license or with illegal immigrants in the belly of that truck, it will get huge coverage. I don't want any of

that to happen. So we have these safety checks, and we have a check of the validity of the driver's license.

Assign Mexican truck companies a distinct Department of Transportation number.

Inspect all trucks from Mexico that do not display the current CVSA decal.

Have State inspectors in the border States report any violations of safety regulations by trucks from Mexico to U.S. Federal authorities.

Equip all U.S.-Mexico commercial border crossing with weight scales—including weigh-in-motion systems at 5 of the 10 busiest crossings.

Study the need for weigh-in-motion systems at all other border crossings.

Collect proof of insurance.

Limit trucks from Mexico operating beyond the border zone to cross the border only where a certified Federal or State inspector is on duty.

Limit trucks from Mexico operating beyond the border zone to cross the border only where there is capacity to conduct inspections and park out-of-service vehicles.

We must ensure compliance of all—all—U.S. safety regulations by Mexican operators who wish to go beyond the border zones.

Improve training and certification for border inspectors and auditors.

Study needed staffing along the border.

Prohibit Mexican trucking companies from leasing vehicles from other companies when they are suspended, restricted, or limited from their right to operate in the U.S.

Forbid foreign motor carriers from operating in the United States if they have been found to have operated illegally in the United States.

Work with all State inspectors to take enforcement action or notify U.S. DOT authorities when they discover safety violations.

Apply the same U.S. hazardous materials driver requirements to drivers from Mexico hauling hazardous materials.

Provide \$54 million in Border Infrastructure Grants for border improvements and construction.

Conduct a comprehensive Inspector General's review—to be certified by the Secretary—that determines if border operations meet requirements—

That are required.

This is lengthy.

Now, I believe it has been pointed out on the floor that the inspector general may have indicated: Well, it may not be possible to do all this. We may not be able to check every truck—let's see here. Any truck with a safety violation we stop until the problem is fixed.

There are questions about do we have the infrastructure and capability to do that. But the specificity of the 22 mandates have been met, and these are the critical provisions that are important.

The companies in Mexico must pass a safety audit by United States inspectors, including review of drivers' records, insurance policies, drug and alcohol testing, and vehicle inspection records. Every truck that crosses the border as part of the program will be checked every time it enters. There is a question about whether we can do that. Remember, this is temporary and a pilot program. We need to check every one of them. If we don't have the infrastructure to do that, we should add it.

Any truck with a safety violation will be stopped until the problem is fixed. Yes, that ought to happen. So we have a very distinct list of items we are trying to do here.

In the first 30 days of the program, 17 Mexican truck companies will be given operating authority. Additional companies will be added each month. So there is some order to this program.

I say to my colleagues that this has been dealt with very methodically. The requirements of Congress have been met. It is a pilot program on a temporary basis with a 6-month audit. We ought to do this program.

I cannot help but think that there is something more going on here than safety concerns. I do think there is an attitude: We don't want those Mexican truckdrivers up here. Sure, there are some who might not be as good as they should be, but that is true with American truckdrivers, too, on occasion. What about Canadian truckdrivers?

I feel we are making a mistake if we try to stop this temporary pilot program, and I think it is going to seriously damage our ability to work with the Mexican Government, with their new President, in not only this area but a lot of other areas.

I urge my colleagues to look carefully at what has been done by our Department of Transportation. Let's not assume the worst of our neighbors from Mexico. I have known a lot of truckers, and I know the kinds of problems one can have with trucking. But these are well-intentioned, hard-working people. They are an important part of our economy, and we need to have free-flowing trade that benefits both countries, all countries in a way of which we can be proud.

If we find a problem, fix it. But to just say no, we are going to stop it after 14 years of planning and preparation because some people—I don't know—don't want the competition? This is not an immigration issue. This is a transportation issue. We can do this. We can do it sensibly. But we should defeat the Dorgan amendment. We should allow the pilot program to go forward and make sure it is done properly.

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

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

The legislative clerk proceeded to call the roll.

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

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

#### TRANSPORTATION APPROPRIATIONS

Mr. LAUTENBERG. Mr. President, I want to take a few minutes to talk about the bill that is presently on the floor. It is a good bill, and it couldn't be done at a more appropriate time. It is a critical issue. We hear many people

talking about our decaying transportation infrastructure. The bill is focused primarily on the transportation side, but it also applies to other important subjects, including housing. But when we see the reports about how structurally deficient and functionally obsolete our transportation system is, and where we stand relative to other countries—even some third world countries—we should want to catch up here.

When flights are taking off and landing on time, when our railroads are carrying more passengers and cargo safely, when our roads and bridges are in good condition—our economy thrives, and so does the well-being of our people. We don't have anything that measures the stress factor of motorists, but I am sure if every driver were wearing some kind of a meter that recorded stress levels, the needles would go off their face. Tempers rise, time is lost, and appointments are not kept.

But when we fail to adequately fund these priorities, our economy and our infrastructure falters. That is why this bill is critical to our economy.

My colleague, the Presiding Officer, also from the wonderful State of New Jersey, knows we have to get things done. We have to get people and cargo moving. We have a tiny State, with lots of people, the most crowded State in the country, and transportation is essential. However, we don't have a monopoly on congestion, delays, and pollution from travel.

I remember days when I went back and forth to work from the Capitol and that the ride used to be 15 minutes. Now sometimes it can take half an hour. Look at the bridges and the roads around the Capitol, and we see it. Go anyplace that has a thriving population and you will find the same problem.

Our State of New Jersey is a global gateway and a national crossroad for transportation—air, railroad, and sea. We have the largest seaport on the East Coast. Each year, millions of cargo containers are put on trucks and trains at New Jersey's ports, bound for cities and towns across the interior of America. Newark's Liberty International Airport is one of the busiest, and is the most delayed in the country. We have that unfortunate distinction right now.

Each week, many of New Jersey's almost 9 million residents ride trains or buses or drive their cars across bridges and through tunnels connecting them to jobs outside the State or within the State. Last year, 54 million cars, trucks, and buses crossed the George Washington Bridge from Fort Lee, NJ, into New York City, by way of example.

After the tragedy in Minnesota, I began working with State leaders to make sure our bridges in New Jersey could safely and effectively handle the increasing volume of cars and trucks. I know many of my colleagues did the same thing. Thirty-four percent of the

bridges in the State of New Jersey are deficient, which is higher than the national average of 27 percent. Think about what these percentages mean. It is saying that one out of three bridges is structurally deficient or functionally obsolete and in trouble. That is the way it seems to be in many places in the country. Enormous parts of the highway system are not able to handle the volume of traffic that passes over these areas.

Congress understands that bridges in America should not disappear into dust and rubble, costing lives and untold economic consequence. That is why in this bill we included \$5 billion for Federal bridge programs, a 20-percent increase over last year. I was pleased to work with Senator MURRAY to add another \$1 billion to strengthen our bridges.

As the chairman of two subcommittees overseeing Federal transportation programs, I am going to continue to do my part to keep our bridges strong so New Jerseyans can get to their jobs and back to their families safely.

We want to strengthen these bridges and give people the assurance that when they cross over they are safe. I talk to people who say they are reluctant to cross over some of the bridges we have in our area. Reluctant. But we take it for granted you have to do it in order to get where you must be.

I want to thank Subcommittee Chairman MURRAY and Ranking Member BOND for building a smart and strong transportation and housing appropriations bill. It funds Federal bridge repair programs, airline safety inspections, bus and rail transportation systems, and even operation of the air traffic control system.

In particular, I am pleased that the committee agreed to increase funds for Amtrak, our Nation's passenger railroad. Between the lines of cars on the highway and the long security lines at airports, American travelers need and deserve a choice. If one wants to see what a difference it could make, travel to some of the countries in Europe or Japan where they have world-class passenger rail service, where a trip from Brussels, Belgium, to Paris, France, a 200-mile distance, is accomplished in 1 hour 25 minutes. If you tried to get an airplane to take you that distance, you couldn't. They do not fly that way anymore. It is superfluous when you can get from the inside of one city to inside the other city and not have to go through the torment of the long lines and other inconveniences of getting on airplanes.

Today I had the experience of getting on an airplane at LaGuardia Airport in New York. My home in New Jersey is mid-way between LaGuardia and Newark airports. The weather didn't look that bad. We got on the airplane at 9 o'clock for a 38-minute flight to be here for a vote at 11. But due to congestion, we arrived here at a quarter past 11. It is somewhat amusing, with an odd twist, when the pilot gets on and tells

you how many minutes the flying time is because it is almost irrelevant. The flying time doesn't tell you how long it is going to take. It can take 38 minutes in the air, but it can take an hour and a half on the ground, which is pretty much what happened to us this morning. As a consequence, Mr. President—and you know how important casting your vote is around here—we missed a vote this morning, two other Senators and myself who were on that flight.

With all the problems with our transportation systems, President Bush either doesn't get it or just won't do it. He wants to put brakes on progress. The day after the terrible tragedy in Minnesota, when rescue crews were still searching for missing people, I heard the President respond, and he said: I am disappointed the Congress hasn't sent me a spending bill. But 2 weeks earlier he said he was going to veto the transportation spending bill because it was too much money. Can't have it both ways, Mr. President. And the public suffers.

President Bush's funding request would put Amtrak into bankruptcy, but expanding Amtrak is one way to get people off of the highways in many cases and out of the skyways. It is unacceptable for the Nation's passenger railroad service. Amtrak is experiencing record ridership levels, and it is unfair to the traveling public not to put the money in there that we have to. The bill before us would provide \$1.5 billion for Amtrak, providing the funding it needs to survive and to grow. I am a frequent user of Amtrak, and I know very well that while the service is radically improved from where it was, more needs to be done to accommodate the volume of passengers who would use the railroad.

The funding here includes a new \$100 million grant program for States to expand passenger rail service. This proposal stems from a plan Senator LOTT and I have developed to reauthorize Amtrak.

I also thank my subcommittee leaders for agreeing to my request to include additional funding for the Department of Transportation's Office of Aviation Enforcement, to be able to protect airline passengers' rights. Now it is a small group of people trying to handle passenger complaints, and they cannot get to them. It is ridiculous. How do we in the Government know what is going on if we cannot process complaints that come in? This office is the only place where airline travelers can turn when they are mistreated by airline companies, and they know very well this mistreatment is frequent.

Right now this enforcement office only counts most complaints. Instead of acting on them, they collect them. It is like a mail repository. This includes complaints about overbooked and canceled flights, deceptive advertising, failing to process fare refunds and adjustments, unfair administration of frequent flier programs, and even acts of discrimination upon disabled passengers.

With this new funding we can make sure that airlines provide better service to all their customers and act on the complaints a customer files, not just note that they have arrived.

Furthermore, I am pleased the committee agreed at markup to include an amendment I put in limiting pollution by some waste-handling facilities near railroads. It is an issue of great significance to New Jersey. We have seen fires and pollution emitted from waste-handling facilities. The problem is we cannot get at them and correct them because of a loophole in the Federal law which lets some solid waste processors do business without regulation, allowing unimpeded pollution of our water, air, and lands. My amendment will at least temporarily close this loophole.

I have a more comprehensive bill which will close this loophole permanently, and I am working with railroads and other stakeholders in hopes we can get it passed this year.

We now have transportation and public housing programs together in this bill. Perhaps it is just the way it ought to be to accommodate life in better form for our citizens. Public housing programs provide homes for some 38,000 people in my State alone. Public housing needs have been underfunded by at least \$1 billion in the last 6 years. The bill also maintains funding for the Hope VI program, instead of eliminating it, which President Bush has tried to do. Hope VI has generated more than \$1 billion to revitalize distressed public housing in New Jersey alone, to make sure these families have an affordable home.

At a time when we see problems with home ownership for lots of people—bankruptcies in abundance—people will have to find different places to house themselves and their families. We have to make these investments. The housing stock that we have is often inadequate, inadequate not simply in numbers but in quality as well. This funding we are getting will be especially important.

President Bush, as I mentioned before, has threatened to veto the bill because it contains \$4 billion more for transportation and housing needs than he requested. A veto would cause people to lose their homes. A veto would cause bridges to go unrepaired—bridges in dangerous condition. We have to fix these things to be publicly responsible.

President Bush is willing to have us spend \$3 billion every week in Iraq. We want to make sure we provide funding for those soldiers who are serving overseas right now, but we also need to fund our needs here at home.

There is an unacceptable problem we see in our country. We do not invest our limited funds back into our infrastructure as we so desperately need to do, and at the same time we are continuing a war that, for many of us, is questionable and ought to be terminated very quickly.

It is about time the President's priorities matched up with the needs of

Americans at home. This bill will go some way toward helping that.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, the last time I addressed this body was before we adjourned for the August recess, and I had just returned from surveying the enormous damage that occurred when the I-35W bridge collapsed in Minneapolis. It had just collapsed the day before.

While I spoke, the dust from this tragedy had yet to settle. Well-trained first responders had arrived at the scene, and they were heroically rescuing survivors from the wreckage. The entire country was mourning for the victims while praying for the ones yet to be found. Everyone was expressing relief that a schoolbus filled with little children had miraculously escaped disaster.

Brave divers, despite mental and physical exhaustion, were working around the clock to find loved ones, people such as Patrick Holmes, who was driving home to his young wife Jennifer and their two children, who was on the bridge when that happened; people such as Sadiya Sahal, a pregnant nursing student and her 2-year-old daughter Hannah, who were headed to a relative's house when the bridge crumbled beneath them.

The police, the fire department, the emergency personnel, and ordinary citizens all came together. The tragedy of the day was met with enormous generosity from the community.

It was also met with generosity from this body. United in bipartisanship, every single Senator agreed that they would help to provide the necessary means to help Minnesota rebuild. It was done in record time—60 hours.

Today, as I stand before this body, the dust has finally settled, and the promise was that when the dust settled we would provide the necessary means to help Minnesota rebuild. On August 20, the nearly 3-week recovery effort finally came to an end when the last known victim was found. The loss of Greg Jolstad, or "Jolly" as he was known by his family and friends, brings the official death toll to 13.

Much of our massive eight-lane interstate highway bridge is now awkwardly draped over the bluffs of the Mississippi River while the remaining tons upon tons of steel and concrete lay buried below the river.

As I said that day, a bridge just should not fall down in America. But it did. And although we do not know yet why the I-35W bridge failed, and while we still mourn those who lost their lives, the rebuilding effort has begun.

With the initial money that Congress appropriated, Minnesota has increased transit options to serve commuters, set up detours to restore traffic flow, cleared structural debris, and has begun to lay the general framework for rebuilding.

As Minnesota continues to clear the path for a new bridge, I know this body, as they promised that evening, stands ready to ensure that the appropriate funding is made available to rebuild it. It is one of the most heavily traveled bridges in the State and vital to our economy. If anyone would imagine the most major bridge in their metropolitan area, the most major highway overpass, suddenly falling into a river, you would understand. It is a bridge that takes people downtown, that brings students to one of the biggest universities in this country, and it brings hard-working Minnesotans to their jobs every day. But most important, it is the bridge that connects countless people with their families and friends.

On August 3, this Congress made a promise to the people of Minnesota that we would help rebuild the bridge. Today I come to the floor to ensure that we make good on that promise.

I am very happy with and I supported this effort to look at repairs across the country. That is what we just voted on today, and it passed. But I think we should make clear that appropriation did not include the money that Congress promised for the Minnesota bridge. It was used as the key example of why we needed to make repairs across the country, but it did not include the money to repair our bridge.

The last time I addressed this body, the day after the bridge collapsed, I said the rebuilding effort is going to be a long process. It is not just going to end tonight. Today I am here to take the next step in that rebuilding process. Our goal is to get this bridge rebuilt and to get our metropolitan area moving again.

The Minnesota Department of Transportation concluded that the loss of this critical bridge costs our economy \$400,000 per day. This is primarily due to lost travel time for commuters, for commercial truckers, for businesses closed down. This means our economy has already lost well over \$8 million since the bridge collapsed.

As this fiscal year comes to a close, I am dedicated to getting the funding for our State and the entire Midwest. We need to rebuild this bridge. We would like to rebuild this bridge as soon as possible, as I know this country wants to do and this body pledged to do. That is why we will work on this bill and whatever other bills we need to work on to get this funding for this bridge.

I applaud the efforts of my colleagues to get bridge repair for every State across the country, but we are devoted to ensuring that Congress make good on its promise and rebuild this bridge that is the symbol for why we need to make infrastructure repairs across this country.

#### VOTE EXPLANATION

Mr. DURBIN. Mr. President, this morning, due to flight delays, I missed

the rollcall vote on the confirmation of William Lindsay Osteen, Jr., to be U.S. District Judge for the Middle District of North Carolina. Had I been present for this vote, I would have voted to confirm this nomination.

#### PRESERVING STRONG RELATIONS WITH OUR INTERNATIONAL NEIGHBORS

Mr. LEAHY. Mr. President, among the important issues I wish to discuss this morning is an important issue, an international border issue with our friends and neighbors in Canada and Mexico, that could have severe implications for the social and economic ways of life for border communities in my own State of Vermont but all across the country.

In the wake of the September 11 terrorist attacks, a number of new border security measures have been put in place, all with the express goal of preventing another terrorist incident. I worked hard to provide balance and needed resources and to ensure that in the intervening years we did not focus solely on our southern border. I also have tried to convey to the administration and to this body something of the special relationship we have with our northern neighbor, Canada.

It is convenient to forget that most of the 9/11 hijackers entered the United States with legal visas. They would not have been stopped at any border. Some were on secret watch lists by this Government, but they were not being watched. And even later on, the Bush administration sent them official letters after they had killed themselves and thousands of innocent people in their attacks. The Bush administration had them on a watch list but did not watch them. In reaction, after these mistakes, the administration has demanded billions of dollars for constructing border fences, seeking to develop and to deploy surveillance technologies, and adding troops along our borders. Now in doing this, we have snared some illicit drug shipments, we have snared a few criminals. We have not picked up many terrorists.

Nobody questions that any country has a right to protect its borders, as we do to protect ours, but we should do it sensibly and intelligently. Instead, the administration's policy threatens to fray the social fabric of countless communities that straddle the border. They have needlessly offended our neighbors, they have sacrificed much of the traditional good will we have enjoyed, and they have undermined our own economy in border States. Local chambers of commerce along the border estimate that the costs of the administration's plans will amount to hundreds of billions of dollars and, I might say, the loss of thousands upon thousands of American jobs.

I have heard from many Vermonters about problems they have encountered at U.S. border crossings, from long traffic backups to invasive searches

and questions, to inadequate communications from Federal authorities about new facilities and procedures. Such a top-down approach does not work well in interwoven communities along the border where people cross daily from one side to the other for jobs, shopping, and cultural events.

I live an hour's drive from the Canadian border. Traditionally in my State, as in most border States, people go back and forth all the time. Many of us have family members in Canada. We have enjoyed an over 5,000-mile-long unguarded frontier. Canada has been an important trading partner. It has been a friendly neighbor not only to Vermont but to the rest of the United States for more than 200 years. It is in the best interest of both of our countries to keep those relationships as positive and productive as possible. Post 9/11, everyone on both sides of the border recognized the potential threat and security needs. We have hardened security around the U.S. Capitol, hardened it around the White House, and built fences near San Diego. But those procedures do not work on Canusa Avenue in Beebe Plain, a two-lane road where one side of the road is Vermont and the other side is Quebec. That is actually true. This is a street, an avenue. On one side, you are in Vermont; on the other side, you are in Quebec. What are we going to do, put an enormous barrier down the middle of the street? People are used to going back and forth to their neighbors to borrow a cup of flour or something such as that. Are they going to take two hours to go through some kind of an unnecessary, baseless search?

And we have the Haskell Free Library and Opera House in Derby Line, VT, and Stanstead, Quebec. The library and opera house is half in Derby Line, VT, half in Stanstead, Quebec. It straddles the international border. Mr. President, I invite you to come see that some time. It is a beautiful piece of architecture.

That is why I am so troubled by the so-called Western Hemisphere Travel Initiatives, which would require individuals from the United States, Canada, Mexico, and the Caribbean to present passports or other documents proving citizenship before entering the United States. This is a dramatic change in the way border crossings have been processed in the western hemisphere since the Treaty of Paris set up the international boundary to Canada in 1783. That is already costing us greatly.

The Departments of State and Homeland Security have been charged with implementing this law. They should be coordinating their efforts with our neighbors in Canada, Mexico, and the Caribbean to ensure a smooth transition at our borders. Unfortunately, as I detailed to Secretary Rice and Secretary Chertoff on several occasions, there are serious problems in the ways in which their agencies have pushed forward with implementation of the

Western Hemisphere Travel Initiative, before any of the necessary technology installation, infrastructure upgrades, or training takes place in our border stations. If these critical features of deployment are not in place, we are going to see severe delays at our border, and law-abiding citizens from the United States, Canada, Mexico, and the Caribbean will have great difficulties moving between our countries. Most importantly, a hasty implementation without assurances that the technology to be used is truly effective can actually result in a less secure border.

Month after month, and despite hearing after hearing, the Department of Homeland Security, one of the least functional Departments in our Government, and the Department of State has highhandedly rushed to impose this new border crossing plan on the American people before they are ready with the necessary technology, infrastructure, and training, and at every step their rosy assurances to the Congress and the American people have been wrong. The administration's record on implementing the new passport program is clear, and it has been abysmal. Hundreds of Vermonters have been calling my office for assistance in salvaging their travel plans. I know that Americans from other States have experienced high levels of concern and problems as well. We have been doing what we can, passport by passport, but a large backlog persists.

The huge passport backlogs prompted by the launch of DHS's requirement for air travel passports earlier this year are just a taste of the chaos that is likely next summer when they want to start enforcing passport checks at our land and sea borders. DHS, which has difficulty implementing most of their programs, said it will be very easy; look how well it is working for those who are flying to have the passports. They had press conferences, they had announcements, they got their talking points in the press on how well it is working. And then, within weeks, they had to pull it back. Why? Because it was not working. They did not have anything in place to make it work. And that is only about 5 to 10 percent of the actual traffic that will go across these borders. Well, think what is going to happen next summer when they start enforcing passport checks at our land and sea borders. If they cannot handle the small percentage, what is it going to be like when they have to do it for 100 percent?

I have been urging the State Department and the Department of Homeland Security not to rush into establishing rules and procedures that shut our borders to legitimate travel and trade and, instead, work with our neighbors, coordinate with our neighbors on security plans that might actually work. We can be smarter and more effective, rather than arrogantly insulting our traditional friends in Canada and Mexico. We have worked with them on joint intelligence operations to iden-

tify and target terrorists. I would much rather see, instead of wasting tens of billions of dollars on a program that is not going to work, lose hundreds of billions of dollars in jobs in America, that we spend a tiny fraction of that talking about our northern border now, working with our friends in Canada, and do a better job of intelligence and identifying possible terrorists.

Unfortunately, my calls and the pleas from border communities from Maine to Alaska—for that matter, from California to Texas—have been largely ignored. This administration is setting the American people up yet again for a fiasco of failure and frustration.

Since DHS and State keep saying WHTI is a congressionally mandated program, they should stop opposing the bicameral and bipartisan flow moving through Congress to shift the new requirement to June of 2009. They have been warned repeatedly that they are not ready. Even the fresh embarrassment of this passport debacle does not humble these arrogant purveyors of a failed program. In the memorable words of President Bush: They are doing a "heck of a job." The incompetence that led to the human and economic tragedy of Katrina and its aftermath, a tragedy that has not been rectified for more than 2 years, is striking again. By maintaining the fiction that they will be ready to implement the largest phase of this program next January, they are recklessly risking the travel plans of millions of Americans, but they are also risking the economies of scores of States and communities.

Today is September 10. Tomorrow is the sixth anniversary of the attacks. I remember that day so well, being right here in Washington. The administration's failure to prevent those attacks, to connect the dots, to take seriously the warnings of Richard Clarke, to listen to FBI field agents in Minnesota and Arizona, all because of the pre-eminence of its ideological agenda, is no longer subject to denial. Those failures before 9/11 are no excuse to indulge in authoritarian excesses now and in the future.

When we sacrifice our freedoms, Americans lose and the terrorists have taken from us what they cannot by force of arms. As we commemorate the sacrifices of so many that took place 6 years ago tomorrow, we need to rededicate ourselves to American principles and values.

In the days ahead, the Judiciary Committee will be holding a series of hearings into important security matters. Today I am writing to the Director of National Intelligence inviting him to join us on September 25 for a hearing into warrantless surveillance of Americans.

I am not convinced that the sweeping scope and lack of checks and balances in the recently enacted temporary amendment to the Foreign Intelligence Surveillance Act are necessary to ad-

dress the national security concerns the administration had identified. As elected representatives of the American people, we need to consider whether there are more effective mechanisms to ensure appropriate oversight of surveillance involving U.S. persons. We need to restore the proper balance in order to maintain our security while preserving the constitutional rights of Americans and providing appropriate oversight of executive action involving private communications of Americans.

Just this past weekend, we saw reports indicating that the President's surveillance program of Americans was much more extensive than he had led us to believe. The New York Times reported that the FBI was not just concerned about known or even suspected al-Qaida operatives, as the President spokespeople repeated over and over since the programs became known in December 2005, but with casting a much wider net for information about what they termed a "community of interest." We need to examine how far this so-called link analysis has gone, how far down the daisy chain it has gone, what use was made of the private call information, and whether private information of innocent Americans has been collected and retained in Government databases without any authorization. How many innocent Americans who called someone else, who may have had some innocent contact with someone else, are now in a Government database and suddenly wonder why they didn't get a job promotion or why their child wasn't able to get a student loan? It is telling that as this story became public—this always happens only when it becomes public—the FBI responded by saying that this data is "no longer being used" and, of course, "was used infrequently." Is the administration nonetheless going to prevent Congress from obtaining the information it needs to provide appropriate oversight? Will our patriotism be threatened anew if Congress seeks to examine the administration's overreaching and ineffectiveness? I hope not, but we will have to see. The very first hearing we held before the Senate Judiciary Committee this year was on data mining. With the leadership shown by Senator FEINGOLD, we have passed a reporting requirement on Government data mining. Now we need to follow up and get the information we need and exercise oversight authority.

The first week in October, we are looking forward to hearing from Professor Jack Goldsmith, who served at a critical juncture in 2004 as the Assistant Attorney General for the Office of Legal Counsel to the Department of Justice. In that capacity, he considered the constitutional underpinnings of the President's program of warrantless wiretapping and helped lead the way to changes in that clandestine surveillance affecting the rights of every single person in this Chamber and all other Americans.

This past week, we were reminded yet again of the need to improve the operations of the Terrorist Screening Center, which failed to make watch list records of suspected known terrorists available to front-line screening agents but continues to list the names of innocent Americans in its watch list database. I won't go through all of the stories that come out of some of these things: a year-old child having to get a passport to fly and prove they are not a 45-year-old terror suspect or one of the most senior Members of the Senate being blocked 10 times from taking a flight he has been taking for 30 or 40 years because he is on a terrorist watch list. Somehow, they got the names mixed up. We saw a recent Government Accountability Office report on the Department of Homeland Security with its failing grades, having failed to achieve half its performance expectations since 2003. If you or I in college were to get a 50 or less on all our exams, we would be out on our ear in a moment. This is what we have seen from the Department of Homeland Security. We heard from an independent commission and former military leaders who indicated the Iraqi police force is so riddled with corruption and sectarianism that they should be disbanded, and after 4 years and hundreds of millions of American taxpayer dollars, we should start over from scratch. We can't even find half the weapons we have given them until they turn up in terrorist hands. But we send these hundreds of millions of dollars to the Iraqi police force and we tell the police in America: We have to cut out the COPS Program. We don't have money for our American police. We can't afford to improve our American police because we have to send hundreds of millions of dollars to the Iraqi police. If I have to call a police officer, I am going to call an American police officer. I would like to know that some of that money was spent on them.

This past week also provided a reminder of the need to refocus our efforts on bin Laden. Six years after 9/11, he has not been brought to justice but continues to taunt us. He should never have been allowed to escape when our forces had him cornered in Tora Bora. One of the greatest mistakes of this administration—not counting the great mistakes made before 9/11—was withdrawing our special forces and not providing the support needed. That was another mistake driven by ideology. Think how much better it would be today had they actually succeeded in the one thing the whole Congress agreed on—to go and get bin Laden. They failed. The bipartisan leaders of the 9/11 Commission are right that the occupation of Iraq has provided a recruiting bonanza for al-Qaida and a costly distraction. Iraq, a country that didn't have al-Qaida, is now a recruiting bonanza for them. We need to be smarter and more focused in countering terrorism.

How many costly mistakes are the American people going to be asked to

bear? I hope all Senators, Republicans and Democrats, will join together in the days ahead as we did 6 years ago, when so many of us stood on this floor and joined hands to do the things that needed to be done. The American people deserve a government that works and that works for them. American freedom and values need to be defended and reinforced, not mortgaged to fleeting and ill-considered promises of security.

#### TRIBUTE TO FORMER SENATOR DANIEL BREWSTER

Mr. CARDIN. Mr. President, the State of Maryland and the United States lost a brave and committed public servant last month. Former Senator Daniel Brewster, who served in this esteemed Chamber during the 1960s, died of cancer on August 19.

Few Americans have the political ancestry of Senator Brewster, who was a direct descendant of Ben Franklin and the former Attorney General for President Chester Arthur. Public service came naturally to this man, whose life and work showed his commitment to our country. He first gave to this country through his military service as a decorated war hero, wounded seven times during his service in Guam and Okinawa. Then he served as an elected official for 18 years. He served in the Maryland House of Delegates starting in 1950, was elected to the House of Representatives in 1958 and then to the Senate in 1962.

Senator Brewster first came to politics as an advocate for civil rights. In his own Baltimore neighborhood, neighbors complained when he invited African-American servicemen from World War II to his home. This was an outrage to him. He would never slight a person, particularly soldiers who had courageously served to defend the American flag. Senator Brewster went on to cosponsor the Civil Rights Act of 1964, forever changing the course of history in this country.

Senate Brewster represented much of what is great about public service: a desire and commitment to make this country better and stronger for every American, black and white, rich and poor, farmer and businessman.

Senator Brewster had some very trying times in his life: First, at the age of 10 when his father died; then when he was beset with personal struggles in the very public forum of public life. The lesson he left for all of us is one can rise above adversity, even in the face of trying times, and continue to serve the people of this great Nation. He did that and left this country and this Congress with a lasting legacy of accomplishments.

He left another legacy quite apparent today, introducing some of our country's strongest leaders to the world of politics. House Speaker NANCY PELOSI and House Majority Leader STENY HOYER both started their political careers working for Senator Brewster.

I am personally indebted to Senator Brewster for the wisdom and advice he shared with me as a newly elected Senator. This past spring, he, along with former Senators Joe Tydings and Charles Mathias, Jr., met with me to share their insights. For this, I am forever grateful.

Senator Brewster and his wife Judy Lynn had five children: Gerry, who served in the Maryland legislature, Daniel, Jr., Dana, Danielle, and Jennilie. On behalf of the citizens of Maryland and this body, I wish to extend our sincere condolences to Senator Brewster's family. He will be missed by all.

#### CONGRATULATING DR. BILLINGTON

Mr. DURBIN. Mr. President, an important anniversary will be marked on September 14, at the Library of Congress. Twenty years ago, in the Great Hall of the Thomas Jefferson Building, then-President Reagan presided over the swearing-in of Dr. James H. Billington as the 13th Librarian of Congress.

When he was appointed, Dr. Billington brought great expertise to the Library, both as the world's premier scholar of Russian culture and history and as director of the Woodrow Wilson International Center for Scholars. His vision, and the hard work of so many dedicated Library staff members, has led to continued growth of the Library of Congress. He has fulfilled the promise made on September 14, 1987—to make the riches of the Library more broadly available to ever widening circles of our society.

At the time, Senator Wendell Ford remarked that the Library of Congress "represents our nation's commitment to a knowledgeable citizenry." Dr. Billington has upheld that commitment by enhancing the Library and making its riches and inspiration available to all Americans. Under his leadership, the Copyright Office, the Law Library, the Congressional Research Service, and the National Library have seamlessly worked together to build the collections and preserve them for future generations.

The Library's accomplishments of the last two decades are extraordinary. The collections have expanded by 50 million items, and state-of-the-art facilities have been built to ensure their long-term preservation. The establishment of the Kluge Center for Scholars and the Kluge Prize for Lifetime Achievement in the Human Sciences have enriched not only the scholarly life of Washington but also have enabled Members of Congress to meet thought leaders and benefit from their perspectives. Also, the Library was a pioneer in online collections and services, launching American Memory, THOMAS, the World Digital Library and resources for teachers, students and families across the Nation and world.

The Library's pioneering work in education has had a great impact in my home State of Illinois. The Library's educational mission, shaped by Dr. Billington's vision, is that young people benefit from learning with primary sources such as Lincoln's magnificent Gettysburg Address, seeing the Founding Father's notes and revisions to the Bill of Rights, and exploring maps and sound recordings to understand history and culture firsthand. As the Library developed and focused its massive resources in ways that teachers could explore and use for their classrooms, Dr. Billington recognized the profound impact of incorporating primary sources into teacher education. Many of us in Congress recognized the potential around this idea and helped create and fund the Adventures of the American Mind, which is now poised to become a national program—Teaching with Primary Sources. The 10 universities in Illinois that have benefited from working with the Library have transformed their teacher education programs. I have seen first hand the programs and curricula that have been created using the amazing resources from Congress's Library to improve teaching in our Nation's schools.

Dr. Billington's energy is unflagging. He has led efforts to launch the World Digital Library, the reinstatement of Thomas Jefferson's Library in the Jefferson Building, and the Library's celebration of the Lincoln Bicentennial in 2009 and beyond. In short, I have valued and look forward to continuing leadership from Dr. Billington. He and his colleagues at the Library of Congress are a tremendous resource to our work as a legislature.

The Library of Congress has benefited immeasurably from the first 20 years of Jim Billington's leadership. We are grateful to him and congratulate him, his wife Marjorie, and his family on this milestone of service to our Nation.

#### RECOGNIZING TOSTAN

Mr. DURBIN. Mr. President, during my time in the Senate, I have been a vocal advocate of programs that help the nations of Africa improve the living conditions of their citizens. Much of this work is done through dedicated nongovernmental organizations that work year after year on issues of health, literacy, women's empowerment, democracy, human rights, and microfinance lending. Today I wish to recognize one such group, Tostan, which recently won the 2007 Conrad Hilton Humanitarian Prize for its extraordinary contributions to help alleviate human suffering in Africa.

Tostan means "breakthrough" in the Wolof language of Senegal. The efforts of Tostan have truly been a breakthrough in the West African countries in which it works. Tostan was founded by a University of Illinois alumna, Molly Melching. When Molly arrived in

Senegal in the 1970s, she began teaching literacy through traditional African stories, songs, and theater. Later, in 1991, she founded Tostan, which began offering a community empowerment program that helped Africans address problems they found in their daily lives, while teaching reading, math, health, hygiene, problem solving, and management skills. In 1996, human rights and democracy components were added, with particular attention toward ending domestic violence and the exploitation of children, empowering women, and expanding health and education for all.

The Hilton award recognizes Tostan for its ability to empower African communities, focusing on change from within and from the ground up. Its program has helped reduce infant and maternal mortality, improve community health care and nutrition, reduce female genital cutting, and lower rates of domestic violence in the nine countries where it works. Thousands of women and children have learned to read and perform basic math and have used these skills to start local cooperatives, build stoves, and improve health care. It is not surprising, therefore, that Tostan has been recognized by others for its outstanding work, including by UNESCO, which called it "one of the most innovative educational programs."

Tostan's work deserves to be applauded and should receive our continued support. As one of the world's richest countries, we have a responsibility to help lift up the large numbers of people in our country and around the world who are still living in poverty. Again, I congratulate Tostan for its important work.

#### FOREIGN OPERATIONS APPROPRIATIONS

Mr. LEAHY. Mr. President, last Thursday, September 6, after less than 12 hours of debate, the Senate passed by a vote of 81 to 12 the fiscal year 2008 State, Foreign Operations appropriations bill. I think it was the shortest amount of time we have taken to debate and pass this bill. I also think that on the whole we can be satisfied with the outcome. It is a bipartisan bill, and while neither I nor Senator GREGG, the ranking member of the subcommittee who played an indispensable role in getting it done, supports every provision in the bill, that is the nature of the process.

I also know there are things in this bill the administration supports and things they don't like. I would remind them that our allocation was \$700 million below the President's budget, and the President underfunded a number of programs that have strong bipartisan support—the Global Fund to Fight AIDS, TB and malaria, to give one example. I would hope the White House would recognize that we tried hard to fund not only the President's priorities but also the requests of Senators of

both parties. This is, as sometimes the White House needs to be reminded, a government of equal branches.

Senate conferees were named immediately after final passage, and I look forward to sitting down with the House to finish this bill so we can send it to the President for signature as soon as possible.

Mr. President, the last vote on the State, Foreign Operations bill did not occur until late at night, and Senators were anxious to go home. I want to take this opportunity to again thank Senator GREGG and his staff, Paul Grove, minority clerk for the subcommittee, whose good humor and penchant for thoroughness and bipartisanship have served the committee extremely well. I also want to thank Michele Wymer, who joined the subcommittee's minority staff this year. Michele has been a pleasure to work with. She did a superb job last week on the floor keeping track of the flurry of amendments.

On the majority side, I want to thank Kate Eltrich, who for the past 5 years has handled the State Department Operations appropriations. Kate's budgetary skills, dating from her time at OMB during the Clinton administration, are a great asset to the subcommittee. She has done an excellent job and is someone whose judgment I have great confidence in. Nikole Manatt joined the subcommittee staff earlier this year, and she has already distinguished herself as energetic, willing and capable of taking on any project, and is a pleasure to work with. J.P. Dowd, my legislative director, spent most of last Thursday on the Senate floor helping out in more ways than I can count. I want to thank Tim Rieser, the majority clerk, who has worked for the Senate for 22 years, either as a staff member in my office or, since 1989, for the Appropriations Committee. Tim was my lead staff member on this bill. Tim and Paul Grove have worked together to draft these bills year after year, and to deal with the amendments on the floor. Last Thursday, we disposed of 73 amendments. That is no small feat, and the staff deserves our thanks for the long hours and hard work that made it possible.

Among the other Appropriations Committee staff whose contributions to this process were indispensable are Richard Larson and his outstanding staff in Editorial and Printing, and chief clerk Bob Putnam and Jack Conway, who make sure our numbers add up as they are supposed to.

The funds in this bill support life-saving programs for the poorest people in Africa. They help protect the economic and security interests of this country and our allies from South America to South Asia. In a world as complex and dangerous as this, we should be doing far more to exert U.S. leadership, particularly in countries and regions plagued by poverty, injustice, and conflict or where the United States is regarded unfavorably or misunderstood. We have done our best

with what we have to spend, and if used wisely, the funds in this bill will advance U.S. interests and improve the lives of countless people less fortunate than we are.

#### HONORING OUR ARMED FORCES

##### PRIVATE FIRST CLASS DANE BALCON

Mr. SALAZAR. Mr. President, I want to take a moment to reflect on the life and service of a fallen Coloradan: PFC Dane Balcon of Colorado Springs.

Private Balcon graduated from Sand Creek High School in 2006, joined the Army, and was deployed to Iraq in July with the 3rd Brigade, 1st Cavalry Division, out of Fort Hood, TX. Private Balcon was killed last Wednesday alongside CPL William T. Warford, III, of Temple, TX, when a roadside bomb exploded near their vehicle. Dane Balcon was 19 years old.

Private Balcon was looking forward to a long career in the military. Since he was 3 years old he dreamed of being a soldier, of following the path of service that his father, John Balcon, and his mother, Carla Sizer, chose. Dane was eager for the opportunity to serve in Iraq, and was dismayed when his unit's deployment was delayed. He knew that the longer he was at Fort Hood, the longer another soldier would have to stay in theater. "Every day I stay at Fort Hood," he told his mother, "someone is away from their family." He wanted to get into the fight and lift his weight, so that the weight on others might be lifted.

Dane's loss has left a hole for his community, his friends, and his family that no words can ever fill. At Sand Creek High School, Dane's friends remember a young man dedicated to his future in the military. He joined the ROTC program, was in the drum line, and had a voracious appetite for learning the soldier's craft.

His charm won him widespread admiration and friendship. His habit of playing his drumsticks alongside an imaginary chorus during the school day exasperated his teachers, but his jokes would gain their smiles, and his heart would earn their respect. When he deployed in July, their thoughts and prayers, like those of his classmates, friends, and family, were with him.

The values that led Private Balcon to enlist and to serve on the battlefields of Iraq are the values that have guided American soldiers for more than two centuries. "Duty, honor, country," GEN Douglas MacArthur told young soldiers at West Point in 1962. "These are the words that dictate what a soldier wants to be, can be, and will be. . . . They teach you to be proud and unbending in honest failure, but humble and gentle in success; not to substitute words for action; not to seek the path of comfort, but to face the stress and spur of difficulty and challenge; to learn to stand up in the storm, but to have compassion on those who fall; to master yourself before you seek to master others; to have a heart that is clean, a goal that is high; to learn to laugh, yet never for-

get how to weep; to reach into the future, yet never neglect the past; to be serious, yet never take yourself too seriously; to be modest so that you will remember the simplicity of true greatness; the open mind of true wisdom, the meekness of true strength."

PVT Dane Balcon, who dreamt of serving his country and of devoting his life to its protection, embodied this creed. He donned the soldier's uniform at the first opportunity, he showed his bravery on the battlefield, and he perished in service.

Duty, honor, country, GEN MacArthur's "hallowed words" characterize Private Balcon's sacrifice. They are the values of America's great soldiers, the giants to whom we owe our freedom. There is a debt we cannot repay.

To Carla and John, I cannot imagine the sorrow that you are feeling with the loss of your son. I hope that in time your grief will be salved by your pride in your son's extraordinary dedication to service. Dane served the Nation with honor and dignity. His sacrifice will never be forgotten.

##### CHIEF WARRANT OFFICER SCOTT OSWELL

Mr. President, I rise today to reflect on the life, service, and sacrifice of CWO Scott Oswell, who died on July 4 when his helicopter went down in Mosul, Iraq. Chief Oswell was on his second tour of duty in Iraq, piloting OH-58 Kiowa Warrior helicopters with the 4th Squadron, 6th U.S. Air Cavalry out of Fort Lewis. He was 33.

Scott grew up the son of an Army officer and was a stoic servant of the greater good. He joined the Marines soon after graduating from Air Academy High School in Colorado Springs, CO. He later transferred to the Army, where he became a helicopter pilot and, in 2006, earned his instructor rating.

At his funeral at Fort Logan National Cemetery in Denver, friends and family spoke of Scott's devotion to his family and to his service. He was "family man" to his wife, Cheri, and to his three children, Caitlyn, Amanda, and Ian. He was a patient "big brother" to the pilots he taught. And he was a brave soldier to those with whom he served in Iraq, willing to risk his life to defeat an enemy or to lift others to safety.

For his service to his country and his unit, and for his death on Independence Day on a mission to save another, Chief Oswell will always be remembered as a patriot. But he is also a patriot in a larger sense. Frances Wright, one of America's most famous lecturers, reminds us that patriotism is a virtue that characterizes an individual's dedication to the public good, to the preference of the interests of the many to the interests of the few, and to the love of liberty. "A patriot," she told an Indiana crowd on July 4, 1828, "is a useful member of society, capable of enlarging all minds and bettering all hearts with which he comes in contact; a useful member of the human family, capable of establishing fundamental principles and of merging his own in-

terests, those of his associates, and those of his Nation in the interests of the human race."

Chief Oswell wore his patriotism with humility. He did the job, and he did it well amid the perils of war. At Scott's memorial service, a fellow soldier recalled how they flew out to examine a suspicious flicker of light along a supply route to Baghdad. Finding an insurgent with a rocket-propelled grenade in hand, Chief Oswell hovered within the enemy's range, committed to preventing an escape. "This guy is not going to get away," he said.

Even with the best training and preparation, keeping calm and composed in difficult circumstances demands something more from an individual. Chief Oswell had what it takes. His friends recall that on missions he would often sing popular children's songs. He was steady and stoic.

CWO Scott Oswell sacrificed his life for this Nation as a patriot, in service to something larger than himself. He accepted the great risks of being a pilot with a smile and used his talents and temperament to teach others what he had learned. His extraordinary courage is a lesson to us all, a debt we cannot repay, a loss we cannot replace. He was a father, a teacher, a pilot, and a patriot. We are humbled by his service and his sacrifice.

To Chief Oswell's wife Cheri, to his children, Caitlyn, Amanda, and Ian, and to his parents, Barry and Nancy, I know that even now, no words can fill the hole left by Scott's death. I pray that you can find comfort in knowing that he was always, and will remain always, a true patriot. He will endure in our hearts and prayers.

#### ADDITIONAL STATEMENTS

##### CELEBRATING EL GRITO DE DOLORES

• Mr. CRAPO. Mr. President, next week, Idahoans of Hispanic and Latino heritage will be joining others in the United States and Mexico to celebrate the beginning of the decade-long battle to liberate Mexico from Spain almost 200 years ago. They gather to celebrate "El Grito de Dolores," or "The Cry from Dolores," issued by Father Miguel Gregorio Antonio Ignacio Hidalgo y Costilla Gallaga Mondarte Villaseñor, better known as Miguel Hidalgo y Costilla, Mexican priest and revolutionary leader. Cura Hidalgo, although ethnically a criollo, or Mexican of Spanish or European descent, became sympathetic at a young age to the terrible plight of the Indians and mestizos—those of mixed ancestry—who had been subjugated by the Spanish for 300 years in Mexico. Hidalgo was an intellectual, well-versed in a number of languages and well-read. Some historians tell that his classmates called him "el zorro," or "the Fox." He was

also known to be an entrepreneur and humanitarian. With the intention to better the plight of the indigenous people of his community, he taught them carpentry, harness-making, wool-weaving and blacksmithing and encouraged local artisans. He also cultivated vineyards and olive groves. In the early 1800s, he became involved in a movement to overthrow the Spanish-led Government of Mexico, then called "New Spain." Although led by a group of criollo intellectuals, the movement aimed to unify and energize the indigenous people and mestizos against their Spanish overlords. Due to a breach of intelligence, the conspirators were discovered, and Hidalgo gambled—and won.

Hidalgo's call to independence was obviously not recorded, and historical accounts cannot agree on the words of his exact speech, but it is understood that early on the morning of September 16, 1810, Cura Hidalgo, instead of delivering mass, rang the church bell and delivered a call to arms that has come to be known as "El Grito de Dolores," or, simply, "El Grito." The armed Indians and mestizos, under the command of Hidalgo, fellow revolutionary Ignacio Allende and others, marched to the provincial capitol, Guanajuato, and, just 2 weeks after "El Grito," won a stunning battle with their now 20,000-strong army. Although Hidalgo was captured 9 months later and executed on July 30, 1811, the storm that had been unleashed could not be stopped. Mexico successfully fought and won its independence from Spain in 1821.

Idahoans and other Americans of Mexican descent have a proud heritage in this early freedom fighter. Much like the tradition of our American Founding Fathers, the seeds of revolution sprouted in the fertile soil of intellectual debate and a recognition of the inherent equality of all human beings regardless of race, gender or ethnicity. As people in Idaho and across the United States celebrate Mexico's independence and those young freedom fighters 200 years ago, parallels are strong with Mexican Americans today who are fighting to keep the United States free from terror here at home. How fitting, then, for the week of September 11 that we also remember Hidalgo's "El Grito!"

#### TRIBUTE TO DR. PHILIP R. LEE

• Mrs. FEINSTEIN. Mr. President, today I recognize Dr. Philip R. Lee, a pioneering Californian and fellow San Franciscan, who has been a dynamic leader in health policy for more than 40 years. This September, the health policy program that Dr. Lee founded 35 years ago at the University of California, San Francisco, UCSF, will be renamed the Philip R. Lee Institute for Health Policy Studies in his honor.

Dr. Lee is a giant among health professionals. His work in health care policy continues to affect how millions of

Americans receive health care today. He served as Assistant Secretary for Health on two occasions; under President Johnson in the sixties and under President Clinton in the nineties. During the first 8 months of his tenure as Assistant Secretary in 1965, more than 80 landmark healthcare bills were passed including Medicare and Medicaid; health professions education assistance amendments; heart disease, cancer, and stroke amendments; the war on poverty; Job Corps; food stamps; and Head Start, to name a few.

Especially significant was Dr. Lee's work in developing policies for the newly created Medicare Program, his work to fund graduate medical education, and the work he is most proud of, the desegregation of 1,000 of the Nation's 7,000 hospitals at a time when discrimination was a real problem in the Nation.

I am proud to say that as mayor of San Francisco in 1985, I appointed Dr. Lee as the first president of the newly established health commission of the city and county of San Francisco. He was in charge of San Francisco's public health, mental health and substance abuse services, as well as San Francisco General Hospital. Dr. Lee served the health care needs of the residents of San Francisco during challenging times when the city was in the midst of the AIDS epidemic. He has served our city well.

Dr. Lee's influence also extends to health care education. As UCSF's third chancellor, he was charged with the instruction of future health care professionals and the running of a premier research university. As chancellor, he was known for his commitment to academic excellence and his efforts to stimulate minority recruitment and enrollment. When Dr. Lee founded the Institute of Health Policy Studies at UCSF, it was the first health policy unit in an academic health sciences center to bring together a multidisciplinary group of faculty to address complex health issues.

Dr. Lee's career has been devoted to improving health care and public health for all people. He has an unwavering commitment to the needs of the disadvantaged, including the elderly, the disabled, and those without access to care. Yet he is able to encourage evenhanded policy debate among parties with highly divergent views in a manner that encourages creative innovation.

He continues to be a valued teacher and mentor for many who are now in key positions as researchers, teachers, and as leaders in the health professions. It is fitting that the institute he founded three decades ago, the UCSF School of Medicine Institute for Health Policy Studies, will now be re-named the Philip R. Lee Institute for Health Policy Studies.

I wish to congratulate Dr. Lee on this tremendous honor and thank him for his service to the city of San Francisco and the State of California.

#### TRIBUTE TO SHAWN JOHNSON

• Mr. GRASSLEY. Mr. President, on Tuesday Iowa gymnast Shawn Johnson and her USA teammates won the gold at the Gymnastics World Championships in Germany.

Shawn is a native of West Des Moines, IA, where she has trained in gymnastics with Coach Liang Chow since the age of six. How did this young girl from Iowa become a world champion gymnast? I think it may have been said best by her coach in an interview with the Des Moines Register earlier this week. Coach Chow said Shawn, "loved gymnastics. She loved to work out. She wanted to learn, and to get better."

It is that love for what she does that carried Shawn to be crowned National Champion in San Jose, CA, two weeks ago, and carried her even higher to win the World Championship this week. I hope that Shawn's dedication to this sport will inspire many others to achieve greatness within their respective fields as well.

It is with great Iowa pride that I offer my sincere congratulations to Shawn Johnson for her accomplishments.

#### TRIBUTE TO PETER A. MAYER ADVERTISING, INC.

• Ms. LANDRIEU. Mr. President, I would like to take a moment to pay tribute to Peter A. Mayer Advertising, Inc., which on Friday celebrated its 40th anniversary.

This firm represents that Louisiana really is "open for business" following the devastating 2005 storms, Katrina and Rita. Not only is this agency profitable and strong, but part of its business practice is to contribute to our great city and region in the aftermath of the storms that completely destroyed 18,000 businesses in Louisiana alone.

When Katrina hit, the Agency evacuated to Baton Rouge and Monroe and provided housing and accommodations for employees and their families. Soon the firm was up and running again in New Orleans and promoting the city's recovery. For instance, it was the Peter A. Mayer agency that developed the "Come fall in love all over again" television and print tourism campaign. Tourism is our State's second largest industry, and the agency's help getting the word out that we are ready for tourists was invaluable.

Not only did the agency help the city and region, but it looked inward to create a support network for its own employees whose common thread was recovering from Katrina. The agency created a Web site, LivesConnected.com, where employees, through oral history, told their Katrina stories.

Peter Mayer founded the firm in 1967 with just three employees and \$200,000 in billing. It has become one of the largest advertising, public relations and marketing agencies in the South

and an economic anchor in New Orleans, with a staff of 125 and annual billings of more than \$75 million. The news media has recognized the agency's famed corporate culture, with New Orleans City Business and Gambit Weekly each naming it one of the top places to work in New Orleans.

In celebration of its 40th anniversary and in an effort to help beautify our city, the agency last week began planting 40 trees in City Park to replace those lost in Katrina. On Friday evening, the agency celebrated its history with all past and present employees at the Audubon Tea Room. I thank the Senate for recognizing this outstanding agency for its commitment to excellence and public service.●

#### MESSAGES FROM THE HOUSE

At 10:05 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

The message also announced that the House passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2786. An act to reauthorize the programs for housing assistance for Native Americans.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 377. An act to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

H.R. 2358. An act to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individuals Native Americans to the development of the United States and the history of the United States, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 1:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1908. An act to amend title 35, United States Code, to provide for patent reform.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2786. An act to reauthorize the programs for housing assistance for Native Americans; to the Committee on Indian Affairs.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1908. An act to amend title 35, United States Code, to provide for patent reform.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 10, 2007, she had presented to the President of the United States the following enrolled bill:

S. 377. An act to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3059. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Craney Island Dredged Material Management Facility; to the Committee on Environment and Public Works.

EC-3060. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the implementation of the Underground Storage Tank Program in Indian Country; to the Committee on Environment and Public Works.

EC-3061. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a flood damage reduction project in California; to the Committee on Environment and Public Works.

EC-3062. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Use of Electronic Submissions in Agency Hearings" (RIN3150-AH74) received on September 4, 2007; to the Committee on Environment and Public Works.

EC-3063. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NRC Size Standards; Revision" (RIN3150-AI15) received on September 4, 2007; to the Committee on Environment and Public Works.

EC-3064. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: TN-68 Revision 1" (RIN3150-AI21) received on September 4, 2007; to the Committee on Environment and Public Works.

EC-3065. A communication from the Assistant Secretary, National Wildlife Refuge System, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2007-2008 Hunting and Sport Fishing Regulations for the Upper Mississippi River National Wildlife and Fish Refuge" (RIN1018-

AV36) received on September 4, 2007; to the Committee on Environment and Public Works.

EC-3066. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Early Season Migratory Bird Hunting Regulations" (RIN1018-AV12) received on August 27, 2007; to the Committee on Environment and Public Works.

EC-3067. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting and Permits: Regulations for Managing Resident Canada Goose Populations" (RIN1018-AV15) received on August 27, 2007; to the Committee on Environment and Public Works.

EC-3068. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018-AV12) received on August 27, 2007; to the Committee on Environment and Public Works.

EC-3069. A communication from the Assistant Secretary of Commerce (Economic Development), transmitting, pursuant to law, a report relative to the activities of the Economic Development Administration during fiscal years 2005 and 2006; to the Committee on Environment and Public Works.

EC-3070. A communication from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's inventory of commercial activities and inherently governmental functions for fiscal year 2006; to the Committee on Environment and Public Works.

EC-3071. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's Strategic Plan for fiscal years 2007 through 2012; to the Committee on Environment and Public Works.

EC-3072. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Licenses, Certifications, and Approvals for Nuclear Power Plants" (RIN3150-AG24) received on August 27, 2007; to the Committee on Environment and Public Works.

EC-3073. A communication from the Administrator, Environmental Protection Agency, transmitting, draft legislation intended to collect certain fees under the Toxic Substance Control Act; to the Committee on Environment and Public Works.

EC-3074. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Medical Use of Byproduct Material—Minor Corrections and Clarifications" (RIN3150-AI14) received on August 17, 2007; to the Committee on Environment and Public Works.

EC-3075. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the worst forms of child labor; to the Committee on Health, Education, Labor, and Pensions.

EC-3076. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of

Labor, transmitting, pursuant to law, the report of a rule entitled "Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provisions of Six Federal Environmental Statutes and Section 211 of the Energy Reorganization Act of 1974, as amended" (RIN1218-AC25) received on September 4, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3077. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additive Permitted in Feed and Drinking Water of Animals; Selenium Yeast" (Docket No. 1998F-0196) received on August 27, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3078. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to a petition filed by the workers from the Rocky Flats Plant requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-3079. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Board's annual report for the fiscal year ended September 30, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-3080. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, "Evaluating the Effectiveness of Citizen Review Panels: A Feasibility Study"; to the Committee on Health, Education, Labor, and Pensions.

EC-3081. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Board's budget request for fiscal year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3082. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices: Immunology and Microbiology Devices: Classifications of In Vitro Immunodeficiency Virus Drug Resistance Genotype Assay" (Docket No. 2007N-0294) received on September 5, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3083. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on September 5, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3084. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on September 5, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3085. A communication from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Advance Electronic Transmission of Passenger and Crew Member Manifests for Commercial Aircraft and Vessels" (RIN1651-AA62) received on August 14, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3086. A communication from the Certifying Officer, Financial Management Serv-

ice, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Management of Federal Agency Disbursements" (RIN1510-AB07) received on August 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3087. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the Board's annual report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-3088. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to Office of Government Ethics Freedom of Information Act Regulation: Designations under E.O. 13392 and Updates to Contact Numbers and Addition of E-Mail Address" (RIN3209-AA37) received on September 4, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3089. A communication from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the Commission's financial statement for the period of October 1, 2005, to September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-3090. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-18" (FAC 2005-18) received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3091. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, an inventory of the Office's federal activities as of June 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-3092. A communication from the Regulatory Contact, National Archives and Record Administration, transmitting, pursuant to law, the report of a rule entitled "NARA Reproduction Fees" (RIN3095-AB49) received on August 17, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3093. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Nonforeign Area Cost-of-Living Allowance Rates; U.S. Virgin Islands" (RIN3206-AL12) received on August 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3094. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-100, "Joe Pozell Square Designation Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3095. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-96, "District of Columbia Consumer Protection Fund Temporary Amendment Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3096. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-97, "District of Columbia Regional Airports Authority Clarification Temporary Amendment Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3097. A communication from the Chairman, Council of the District of Columbia,

transmitting, pursuant to law, a report on D.C. Act 17-98, "Calvin Woodland Sr. Place Designation Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3098. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-99, "Adams Alley Designation Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3099. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-103, "Closing of a Public Alley in Square 28, S.O. 04-13414, and Closing Clarification in Square 739, S.O. 06-221, Amendment Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3100. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-102, "Historic Preservation Tax Credit Partnership and Limited Liability Company Clarification Amendment Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3101. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-101, "Senior Driver Empowerment Amendment Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3102. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-94, "Retail Class Exemption Clarification Temporary Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3103. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-95, "Heat Wave Safety Temporary Amendment Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3104. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-92, "Unfoldment, Inc., Equitable Real Property Tax Relief Clarification Temporary Amendment Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3105. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-93, "Bank Charter Modernization Temporary Amendment Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3106. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-91, "Non-Resident Taxi Drivers Registration Temporary Amendment Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3107. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-90, "Eastern Market and Georgetown Public Library Disaster Relief Temporary Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3108. A communication from the Chairman, Council of the District of Columbia,

transmitting, pursuant to law, a report on D.C. Act 17-89, "Capitol Riverfront Business Improvement District Amendment Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3109. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-88, "Election Date Amendment Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3110. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-84, "Ballpark Hard and Soft Costs Cap Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3111. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-85, "Ballpark Parking Completion Amendment Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3112. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-86, "One-Time Relocation of Licenses Displaced by the Ballpark and Skyland Development Project Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3113. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-87, "District of Columbia Sentencing and Criminal Code Revision Commission Amendment Act of 2007" received on September 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3114. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, the report of action on a nomination for the position of Deputy Administrator for National Preparedness, received on September 6, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3115. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, a report relative to the Board's inherently governmental and commercial activities during fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-3116. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's commercial and inherently governmental activities during fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-3117. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the Administration's Audit Report Register for the six-month period ending March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3118. A communication from the Secretary of Housing and Urban Development, transmitting, proposed legislation entitled, "Native American and Native Hawaiian Housing Reauthorization and Improvement Act of 2007"; to the Committee on Indian Affairs.

EC-3119. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmit-

ting, pursuant to law, the report of a rule entitled "Indian Housing Block Grant Program—Extension of Annual Performance Report Due Date" (RIN2577-AC74) received on August 27, 2007; to the Committee on Indian Affairs.

EC-3120. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy, designation of an acting officer and nomination for the position of Director of the Indian Health Service, received on August 27, 2007; to the Committee on Indian Affairs.

EC-3121. A communication from the Under Secretary of Commerce (Intellectual Property), transmitting, pursuant to law, the report of a rule entitled "Revision of Patent Fees for Fiscal Year 2007" (RIN0651-AB81) received on August 14, 2007; to the Committee on the Judiciary.

EC-3122. A communication from the General Counsel, Department of Commerce, transmitting, a draft bill entitled the "Patent Law Treaty Implementation Act"; to the Committee on the Judiciary.

EC-3123. A communication from the Acting Chief, Regulatory Management Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Removal of Temporary Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule" (RIN1615-AB61) received on September 4, 2007; to the Committee on the Judiciary.

EC-3124. A communication from the General Counsel, Department of Commerce, transmitting, a draft bill entitled the "Hague Agreement Implementation Act"; to the Committee on the Judiciary.

EC-3125. A communication from the Secretary of Labor and the Secretary of Homeland Security, transmitting, proposed legislation entitled the "Nonimmigrant Alien Labor Enforcement Reform Act of 2007"; to the Committee on the Judiciary.

EC-3126. A communication from the Speaker of the Senate and the Speaker of the House of Commons of Canada, transmitting, correspondence commemorating American Independence; to the Committee on the Judiciary.

EC-3127. A communication from the White House Liaison, Office of Legal Counsel, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Acting Assistant Attorney General, received on September 5, 2007; to the Committee on the Judiciary.

EC-3128. A communication from the White House Liaison, Office of Legal Counsel, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Acting Assistant Attorney General, received on September 5, 2007; to the Committee on the Judiciary.

EC-3129. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report relative to foreign military sales; to the Committee on Armed Services.

EC-3130. A communication from the White House Liaison, Office of Legal Counsel, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Acting Deputy Attorney General, received on September 5, 2007; to the Committee on the Judiciary.

EC-3131. A communication from the White House Liaison, Office of Legal Counsel, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Acting Associate Attorney General, received on Sep-

tember 5, 2007; to the Committee on the Judiciary.

EC-3132. A communication from the Deputy General Counsel, Office of Surety Guarantees, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Surety Bond Guarantee Program-Preferred Surety Qualification, Increased for Veteran and Service-Disabled Veteran-Owner Business, Deadline for Payment of Guarantee Fees, Denial of Liability, and Technical Amendments" (RIN3245-AF39) received on August 3, 2007; to the Committee on Small Business and Entrepreneurship.

EC-3133. A communication from the Director, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Information to Organ Procurement Organizations" (RIN2900-AM65) received on September 5, 2007; to the Committee on Veterans' Affairs.

EC-3134. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, a report relative to the Commission's FAIR Act inventory for fiscal year 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3135. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Registration of Intermediaries" (RIN3038-AC37) received on September 6, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3136. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Rules Relating to Review of National Futures Associations Decisions in Disciplinary, Membership Denial, Registration, and Member Responsibility Actions" (RIN3038-AC43) received on September 6, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3137. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Navy, case number 06-03; to the Committee on Appropriations.

EC-3138. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 05-03; to the Committee on Appropriations.

EC-3139. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Navy, case number 07-01; to the Committee on Appropriations.

EC-3140. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 06-11; to the Committee on Appropriations.

EC-3141. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 06-02; to the Committee on Appropriations.

EC-3142. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (13) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3143. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the National Defense Stockpile Annual Materials Plan for fiscal year 2008; to the Committee on Armed Services.

EC-3144. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Requirements for Insurance" (12 CFR Part 741) received on September 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3145. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report relative to the national emergency blocking property of persons undermining the democratic process in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-3146. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency relative to persons who commit or support terrorism as declared in Executive Order 13313 of July 31, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-3147. A communication from the Deputy Assistant General Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3148. A communication from the Deputy Assistant General Counsel, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of action on a nomination for the position Deputy Secretary of Transportation, received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3149. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch and Pelagic Shelf Rockfish in the Western Regulatory Area in the Gulf of Alaska" (RIN0648-XB79) received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3150. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" (RIN0648-XB87) received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3151. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XB86) received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3152. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and 'Other Flatfish' by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" (RIN0648-XB88) received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3153. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone

Off Alaska; Pacific Cod by Catcher Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XB89) received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3154. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Correction to Inseason Adjustments to Groundfish Management Measures" (RIN0648-AV69) received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3155. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Partial Approval of Final Rule to Modify the Halibut and Sablefish Individual Fishery Quota Program; Approval of Final Rule to Implement Amendment 67 to the Fishery Management Plan for Groundfish of the Gulf of Alaska" (RIN0648-AS84) received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3156. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Emergency Action to Lower the Haddock Minimum Size Limit to 18 Inches to Reduce Regulatory Discarding" (RIN0648-AV75) received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3157. A communication from the Acting White House Liaison, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of action on the nomination for the position of Assistant Secretary (Postsecondary Education), received on September 6, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3158. A communication from the Acting White House Liaison, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of the discontinuation of service in an acting role for the position of Assistant Secretary (Postsecondary Education), received on September 6, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3159. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; General and Plastic Surgery Devices; Classification of Absorbable Poly(hydroxybutyrate) Surgical Suture Produced by Recombinant DNA Technology" (Docket No. 2007N-0267) received on September 6, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3160. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary (Planning and Evaluation), received on September 6, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3161. A communication from the Assistant Secretary of Labor (Administration and Management), transmitting, pursuant to law, the Department's inventory of commercial and inherently governmental activities for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

## 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. WYDEN:

S. 2034. A bill to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself, Mr. LUGAR, and Mr. SCHUMER):

S. 2035. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 2036. A bill to temporarily raise conforming loan limits in high cost areas and portfolio caps applicable to Freddie Mac and Fannie Mae, to provide the necessary financing to curb foreclosures by facilitating the refinancing of at-risk subprime borrowers into safe, prime loans, to preserve liquidity in the mortgage lending markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself and Mr. BENNETT):

S. Res. 312. A resolution honoring the sacrifice and courage of the 6 miners who were trapped, the 3 rescue workers who were killed, and the many others who were injured in the Crandall Canyon mine disaster in Utah, and recognizing the community and the rescue crews for their outstanding efforts in the aftermath of the tragedies; considered and agreed to.

By Mr. LOTT (for himself and Mr. PRYOR):

S. Res. 313. A resolution supporting the We Don't Serve Teens campaign; to the Committee on the Judiciary.

By Mr. INHOFE (for himself and Mr. NELSON of Nebraska):

S. Res. 314. A resolution designating September 13, 2007, as "National Celiac Disease Awareness Day"; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 368

At the request of Mr. BIDEN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of

1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 449

At the request of Mr. BIDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 449, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 582

At the request of Mr. SMITH, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 667

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 671

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 671, a bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regu-

lations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 771

At the request of Mr. HARKIN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 807

At the request of Mr. DOMENICI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 829

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) 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. 911

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments

and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

At the request of Mr. REED, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 911, supra.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. LAUTENBERG) 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. 968

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 969

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 969, supra.

S. 988

At the request of Ms. MIKULSKI, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) 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. 1087

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) 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. 1204

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor

of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1247

At the request of Mr. LIEBERMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1247, a bill to amend the Weir Farm National Historic Site Establishment Act of 1990 to limit the development of any property acquired by the Secretary of the Interior for the development of visitor and administrative facilities for the Weir Farm National Historic Site, and for other purposes.

S. 1295

At the request of Mr. FEINGOLD, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1295, a bill to amend the African Development Foundation Act to change the name of the Foundation, modify the administrative authorities of the Foundation, and for other purposes.

S. 1359

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1382

At the request of Mr. REID, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1386

At the request of Mr. REED, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1386, a bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes.

S. 1430

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1545

At the request of Mr. SALAZAR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1545, a bill to implement the recommendations of the Iraq Study Group.

S. 1576

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a co-

sponsor of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1792

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1792, a bill to amend the Worker Adjustment and Retraining Notification Act to improve such Act.

S. 1800

At the request of Mrs. CLINTON, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Mr. CARDIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1800, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

S. 1812

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1812, a bill to amend the Elementary and Secondary Education Act of 1965 to strengthen mentoring programs, and for other purposes.

S. 1841

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1841, a bill to provide a site for the National Women's History Museum in Washington, District of Columbia, and for other purposes.

S. 1903

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1903, a bill to extend the temporary protected status designation of Liberia under section 244 of the Immigration and Nationality Act so that Liberians can continue to be eligible for such status through September 30, 2008.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1930

At the request of Mr. WYDEN, the names of the Senator from New Mexico

(Mr. BINGAMAN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1944

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S.J. RES. 13

At the request of Mr. LEAHY, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S.J. Res. 13, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 241

At the request of Mr. BROWN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. Res. 241, a resolution expressing the sense of the Senate that the United States should reaffirm the commitments of the United States to the 2001 Doha Declaration on the TRIPS Agreement and Public Health and to pursuing trade policies that promote access to affordable medicines.

S. RES. 269

At the request of Mr. LAUTENBERG, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. Res. 269, a resolution expressing the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of former United States Representative Barbara Jordan.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 2034. A bill to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the

State of Oregon as wild or scenic rivers, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, Oregon's coastal forests contain many hidden gems. Within the lush rainforests of the Siskiyou-Rogue River National Forest, we find one of these gems—the headwaters of the North Fork of the Elk River, known as the Copper Salmon area. Today I introduce a bill to protect this natural treasure, which lies adjacent to the existing Grassy Knob Wilderness.

During the last decade, a dedicated group of local conservationists has been working hard to protect Copper Salmon. It is one of the last intact watersheds on the southwest Oregon coast. Copper Salmon is renowned among fishermen. For anglers seeking to catch a trophy chinook salmon or winter steelhead for the barbecue or smoker in Oregon, this is the place. Few watersheds in Oregon can match the Elk River drainage. Even after torrential rainstorms, anglers are still able to fish the Elk. When 25 inches of rain fell over 18 straight days last December, the Elk was still fishable while the other rivers in southwest Oregon, Rogue, Umpqua, Coquille, were clouded with debris and mud. Copper Salmon also supports healthy populations of blacktail deer, elk, black bear and mountain lion. This beautiful gem on the southwestern Oregon coast provides great and challenging opportunities here to hunt in freedom and solitude.

Mr. President, 80 percent of the watershed in this region is still intact. The Elk has healthy wild runs of winter steelhead and chinook. It also has some coho salmon and sea-run cutthroat trout, as well as resident cutthroats and rainbow trout. Oregon State University researchers believe it is one of the healthiest anadromous fish streams in the lower 48. There is a reason why: intact habitat.

My bill would provide permanent protections to 13,700 acres of new wilderness. It would also designate 9.3 miles of wild and scenic rivers. Wilderness and wild and scenic designations will protect this watershed and ensure that hunting and fishing opportunities are protected in the Copper Salmon area. Wilderness designation is popular in the local area, as evidenced by resolutions in favor of it from the Port Orford Chamber of Commerce, the mayor of Port Orford, and the Curry County Commissioners. Additionally, a majority of the guides, lodges and local citizens have supported this proposal. It is time now that we all come together and permanently protect this special place.

As Oregon's population grows, I believe that we must match this growth and the corresponding development with protection of our natural heritage. Protection of these areas will ensure that Oregonians and visitors will continue to enjoy opportunities to hike

in the wilderness, hunt healthy populations of elk, blacktail deer, black bear, mountain lion and to catch trophy-sized chinook and steelhead.

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. 2034

*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 "Copper Salmon Wilderness Act".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the proposed Copper Salmon Wilderness, comprising 13,700 acres, includes a significant portion of an inventoried roadless area adjacent to the Grassy Knob Wilderness area protected by the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328);

(2) the proposed Copper Salmon Wilderness includes—

(A) the North Fork and South Fork of the Elk River;

(B) the upper Middle Fork of the Sixes River; and

(C) tributaries of the South Fork of Coquille River;

(3) the Elk River is designated as a Tier 1 Key Watershed;

(4) the fisheries of the Elk River are recognized as 1 of the best salmon and steelhead producers in the 48 contiguous States, producing more salmon per square meter than most rivers outside the State of Alaska;

(5) designation of the proposed Wilderness would provide permanent protection for the last remaining mammoth Port Orford Cedars in the Elk River watershed;

(6) the protection of the proposed Copper Salmon Wilderness is supported by the local communities near the proposed Wilderness, which have passed resolutions supporting the designation of the proposed Wilderness;

(7) the master plan for the economic stability of Curry County, Oregon, includes ecotourism and recreation as primary sources of income; and

(8) permanent protection for the proposed Copper Salmon Wilderness is needed to conserve the environment in southwestern Oregon.

**SEC. 3. DESIGNATION OF THE COPPER SALMON WILDERNESS.**

Section 3 of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328) is amended—

(1) in the matter preceding paragraph (1), by striking "eight hundred fifty-nine thousand six hundred acres" and inserting "873,300 acres"; and

(2) in paragraph (29), by striking the period at the end and inserting "and"; and

(3) by adding at the end the following:

"(30) certain land in the Siskiyou National Forest, comprising approximately 13,700 acres, as generally depicted on the map entitled 'Proposed Copper Salmon Wilderness Area', to be known as the 'Copper Salmon Wilderness'."

**SEC. 4. WILD AND SCENIC RIVER DESIGNATIONS, ELK RIVER, OREGON.**

Section 3(a)(76) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(76)) is amended—

(1) in the matter preceding subparagraph (A), by striking "19-mile segment" and inserting "29-mile segment";

(2) in subparagraph (A), by striking "and" and inserting a period; and

(3) by striking subparagraph (B) and inserting the following:

"(B) The approximately 0.4-mile segment of the North Fork Elk from the source of the North Fork Elk in sec. 21, T. 33 S., R. 12 W., of the Willamette Meridian, downstream to 0.01 miles downstream of Forest Service Road 3353, as a scenic river.

"(C) The approximately 5.3-mile segment of the North Fork Elk from 0.01 miles downstream of Forest Service Road 3353 downstream to its confluence with the South Fork Elk, as a wild river.

"(D) The approximately 0.9-mile segment of the South Fork Elk from the source of the North Fork Elk in sec. 32, T. 33 S., R. 12 W., of the Willamette Meridian, downstream to 0.01 miles downstream of Forest Service Road 3353, as a scenic river.

"(E) The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles downstream of Forest Service Road 3353 downstream to the confluence with the North Fork Elk, as a wild river."

By Mr. SPECTER (for himself,

Mr. LUGAR, and Mr. SCHUMER):

S. 2035. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to establish a reporter's privilege. The situation in the United States today is that newspaper reporters, journalists, are subject to a compulsory process to disclose confidential informants. The matter came to a head with the incarceration of a New York Times reporter, Judith Miller, for an extended period of time.

Last year, Senator LUGAR and I introduced legislation to establish a reporter's privilege. Since that time, the legislation has been revised to provide limitations where national security is involved or where the reporter may be the eyewitness to a specific event.

This legislation differs from S. 1267, the bill which has been introduced by Senator LUGAR and Senator DODD, in that it tightens up exceptions where, for reasons of substantial public importance, the privilege will be limited. But today, there is a patchwork quality in the law, with the circuits going in different directions. Privileges are accorded under many State laws.

This bill has very widespread support. So on behalf of Senator SCHUMER, Senator LUGAR, and myself, I introduce this bill.

I ask unanimous consent that the full text of my prepared statement be printed in the RECORD.

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

Mr. President, I seek recognition today to introduce, with Senators Schumer and Lugar, the Free Flow of Information Act of 2007. This bill would establish a Federal reporter's privilege to protect the free flow of information between journalists and confidential sources. It seeks to reconcile reporters' need to maintain confidentiality, in order to ensure that sources will speak openly and freely with the media, with the

public's right to effective law enforcement and fair trials. Senator LUGAR and I introduced a similar bill last year, which garnered the support of 10 cosponsors from both sides of the aisle, as well as 39 media organizations, including the Washington Post, The Hearst Corporation, Time Warner, ABC Inc., CBS, CNN, The New York Times Company, and National Public Radio.

There has been a growing consensus that we need to establish a Federal journalists' privilege to protect the integrity of the news gathering process, a process that depends on the free flow of information between journalists and whistleblowers, as well as other confidential sources.

Under my chairmanship, the Judiciary Committee held three separate hearings on this issue at which we heard from 20 witnesses, including prominent journalists like William Safire and Judith Miller, current and former Federal prosecutors, including Deputy Attorney General Paul McNulty, and First Amendment scholars.

These witnesses demonstrated that there are two vital, competing concerns at stake. On one hand, reporters cite the need to maintain confidentiality in order to ensure that sources will speak openly and freely with the news media. The renowned William Safire, former columnist for the New York Times, testified that "the essence of news gathering is this: if you don't have sources you trust and who trust you, then you don't have a solid story—and the public suffers for it." Reporter Matthew Cooper of Time Magazine said this to the Judiciary Committee: "As someone who relies on confidential sources all the time, I simply could not do my job reporting stories big and small without being able to speak with officials under varying degrees of anonymity."

On the other hand, the public has a right to effective law enforcement and fair trials. Our judicial system needs access to information in order to prosecute crime and to guarantee fair administration of the law for plaintiffs and defendants alike. As a Justice Department representative told the Committee, prosecutors need to "maintain the ability, in certain vitally important circumstances, to obtain information identifying a source when a paramount interest is at stake. For example, obtaining source information may be the only available means of preventing a murder, locating a kidnapped child, or identifying a serial arsonist."

As Federal courts have considered these competing interests, they adopted rules that went in several different directions. Rather than a clear, uniform standard for deciding claims of journalist privilege, the Federal courts currently observe a "crazy quilt" of different judicial standards.

The current confusion began 33 years ago, when the Supreme Court decided *Branzburg v. Hayes*. The Court held that the press's First Amendment right to publish information does not include a right to keep information secret from a grand jury investigating a criminal matter. The Supreme Court also held that the common law did not exempt reporters from the duty of every citizen to provide information to a grand jury.

The Court reasoned that just as newspapers and journalists are subject to the same laws and restrictions as other citizens, they are also subject to the same duty to provide information to a court as other citizens. However, Justice Powell, who joined the 5-4 majority, wrote a separate concurrence in which he explained that the Court's holding was not an invitation for the Government to harass journalists. If a journalist could show that the grand jury investigation was being conducted in bad faith, the journalist could ask the court to quash the subpoena. Justice Powell indicated that courts

might assess such claims on a case-by-case basis by balancing the freedom of the press against the obligation to give testimony relevant to criminal conduct.

In attempting to apply Justice Powell's concurring opinion, Federal courts have split on the question of when a journalist is required to testify. In the 33 years since *Branzburg*, the Federal courts are split in at least three ways in their approaches to Federal criminal and civil cases.

With respect to Federal criminal cases, five circuits—the First, Fourth, Fifth, Sixth, and Seventh Circuits—have applied *Branzburg* so as to not allow journalists to withhold information absent governmental bad faith. Four other circuits—the Second, Third, Ninth, and Eleventh Circuits—recognize a qualified privilege, which requires courts to balance the freedom of the press against the obligation to provide testimony on a case-by-case basis. The law in the District of Columbia Circuit is unsettled.

With respect to Federal civil cases, nine of the 12 circuits apply a balancing test when deciding whether journalists must disclose confidential sources. One circuit affords journalists no privilege in any context. Two other circuits have yet to decide whether journalists have any privilege in civil cases. Meanwhile, 49 States plus the District of Columbia have recognized a privilege within their own jurisdictions. Thirty-one States plus the District of Columbia have passed some form of reporter's shield statute, and 18 States have recognized a privilege at common law.

There is little wonder that there is a growing consensus concerning the need for a uniform journalists' privilege in Federal courts. This system must be simplified.

Today, we move toward resolving this problem by introducing the Free Flow of Information Act. The purpose of this bill is to guarantee the flow of information to the public through a free and active press, while protecting the public's right to effective law enforcement and individuals' rights to the fair administration of justice.

This bill also provides ample protection to the public's interest in law enforcement and fair trials. The bill provides a qualified privilege for reporters to withhold from Federal courts, prosecutors, and other Federal entities, confidential source information and documents and materials obtained or created under a promise of confidentiality. However, the bill recognizes that, in certain instances, the public's interest in law enforcement and fair trials outweighs a reporter's interest in keeping a source confidential. Therefore, it allows courts to require disclosure where certain criteria are met.

In most criminal investigations and prosecutions, the Federal entity seeking the reporter's source information must show that there are reasonable grounds to believe that a crime has occurred, and that the reporter's information is essential to the prosecution or defense. In criminal investigations and prosecutions of leaks of classified information, the Federal entity seeking disclosure must additionally show that the leak caused significant, clear, and articulable harm to the national security. In noncriminal actions, the Federal entity seeking source information must show that the reporter's information is essential to the resolution of the matter.

In all cases and investigations, the Federal entity must demonstrate that nondisclosure would be contrary to the public interest. In other words, the court must balance the need for the information against the public interest in newsgathering and the free flow of information.

Further, the bill ensures that Federal Government entities do not engage in "fishing

expeditions" for a reporter's information. The information a reporter reveals must, to the extent possible, be limited to verifying published information and describing the surrounding circumstances. The information must also be narrowly tailored to avoid compelling a reporter to reveal peripheral or speculative information.

Finally, the Free Flow of Information Act adds layers of safeguards for the public. Reporters are not allowed to withhold information if a Federal court concludes that the information is needed for the defense of our Nation's security, as long as it outweighs the public interest in newsgathering and maintains the free flow of information to citizens, or to prevent an act of terrorism. Similarly, journalists may not withhold information reasonably necessary to stop a kidnapping or a crime that could lead to death or physical injury. Also, the bill ensures that both crime victims and criminal defendants will have a fair hearing in court. Under this bill, a journalist who is an eyewitness to a crime or tort or takes part in a crime or tort may not withhold that information. Journalists should not be permitted to hide from the law by writing a story and then claiming a reporter's privilege.

It is time to simplify the patchwork of court decisions and legislation that has grown over the last 3 decades. It is time for Congress to clear up the ambiguities journalists and the Federal judicial system face in balancing the protections journalists need in providing confidential information to the public with the ability of the courts to conduct fair and accurate trials. I urge my colleagues to support this legislation and help create a fair and efficient means to serve journalists and the news media, prosecutors and the courts, and most importantly the public interest on both ends of the spectrum.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 312—HONORING THE SACRIFICE AND COURAGE OF THE 6 MINERS WHO WERE TRAPPED, THE 3 RESCUE WORKERS WHO WERE KILLED, AND THE MANY OTHERS WHO WERE INJURED IN THE CRANDALL CANYON MINE DISASTER IN UTAH, AND RECOGNIZING THE COMMUNITY AND THE RESCUE CREWS FOR THEIR OUTSTANDING EFFORTS IN THE AFTERMATH OF THE TRAGEDIES

Mr. HATCH (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

#### S. RES. 312

Whereas, on August 6, 2007, 6 miners, Kerry Allred, Don Erickson, Luis Hernandez, Carlos Payan, Brandon Phillips, and Manuel Sanchez, were trapped 1,800 feet below ground in the Crandall Canyon coal mine in Emery County, Utah;

Whereas Federal, State, and local rescue crews have worked relentlessly in an effort to find and rescue the trapped miners;

Whereas, on August 16, 2007, Dale "Bird" Black, Gary Jensen, and Brandon Kimber bravely gave their lives and 6 other workers were injured during the rescue efforts;

Whereas Utah is one of the largest coal-producing States in the United States, having produced more than 26,000,000 tons of coal in 2006;

Whereas coal generates more than half of our Nation's electricity, providing millions

of Americans with energy for their homes and businesses;

Whereas coal mining continues to provide economic stability for many communities in Utah and throughout the United States;

Whereas during the last century over 100,000 coal miners have been killed in mining accidents in the Nation's coal mines; and

Whereas the American people are greatly indebted to coal miners for the difficult and dangerous work they perform: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Kerry Allred, Don Erickson, Luis Hernandez, Carlos Payan, Brandon Phillips, and Manuel Sanchez, as well as Dale "Bird" Black, Gary Jensen, and Brandon Kimber for their sacrifice in the Crandall Canyon coal mine;

(2) extends the deepest condolences of the Nation to the families of these men;

(3) recognizes the brave work of the many volunteers who participated in the rescue efforts and provided support for the miners' families during rescue operations; and

(4) honors the contribution of coal mines and coal-mining families to America's proud heritage.

#### SENATE RESOLUTION 313—SUPPORTING THE WE DON'T SERVE TEENS CAMPAIGN

Mr. LOTT (for himself and Mr. PRYOR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 313

Whereas the 2005 National Survey on Drug Use and Health estimates there are 11,000,000 underage alcoholic beverage drinkers in the United States;

Whereas research shows that young people who start drinking alcoholic beverages before the age of 15 are 4 times more likely to develop an alcohol-related disorder later in life;

Whereas surveys show that 17 percent of 8th graders, 33 percent of high school sophomores, and 47 percent of high school seniors report recent drinking;

Whereas, in a 2003 survey of drinkers ages 10 to 18, 65 percent said they got the alcohol from family members or friends—some took alcohol from their own home or a friend's home without permission, and in other cases adults, siblings, or friends provided the alcohol;

Whereas the Surgeon General issued a national Call to Action against underage drinking in March 2007, asking Americans to do more to stop current underage drinkers from using alcohol and to keep other young people from starting;

Whereas the Leadership to Keep Children Alcohol Free initiative is a coalition of Governors' spouses, Federal agencies, and public and private organizations which specifically targets prevention of drinking in the 9- to 15-year-old age group;

Whereas the National Alliance to Prevent Underage Drinking is a coalition of public health, law enforcement, religious, treatment and prevention, and other organizations with the goal of supporting and promoting implementation of a comprehensive strategy to reduce underage drinking;

Whereas the best protections against underage drinking are comprehensive prevention and enforcement strategies that include educating parents and members of the community;

Whereas beverage alcohol is a unique product and is regulated in such a way as to encourage social responsibility;

Whereas parents should be encouraged to talk to their children about the dangers of underage drinking;

Whereas the goal of the We Don't Serve Teens campaign is to educate parents and community leaders about effective ways of reducing underage drinking;

Whereas the We Don't Serve Teens campaign seeks to unite State officials, business leaders, parents, and community leaders in fighting underage drinking;

Whereas the Federal Trade Commission has partnered with other Government entities, members of the beverage alcohol industry, and members of the advocacy community to educate the public on the dangers of underage drinking;

Whereas the Federal Trade Commission has created an Internet website, [www.dontserveteens.gov](http://www.dontserveteens.gov), as a resource for parents, educators, and community leaders concerned with underage drinking;

Whereas Congress has demonstrated its commitment to the prevention of underage drinking by enacting the Sober Truth on Preventing Underage Drinking Act (STOP), which recognizes that the 3-tier system of manufacturer, wholesaler, and retailer and continued State regulation of the sale and distribution of alcohol are critical to preventing access to alcohol by persons under 21 years of age; and

Whereas the We Don't Serve Teens campaign recognizes that all 3 tiers of the beverage alcohol industry play a key role in the prevention of underage drinking, and unites all of those participants in a concerted effort to protect America's youth: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of campaigns working to prevent underage drinking, including the We Don't Serve Teens campaign;

(2) recognizes September 10-15, 2007, as "National We Don't Serve Teens Week";

(3) encourages people across the Nation to take advantage of the wealth of information that can be used to combat underage drinking; and

(4) commends the leadership and continuing efforts of all groups working to reduce underage drinking, including State and local officials, the Federal Trade Commission, community groups, public health organizations, law enforcement, and the beverage alcohol industry.

#### SENATE RESOLUTION 314—DESIGNATING SEPTEMBER 13, 2007, AS "NATIONAL CELIAC DISEASE AWARENESS DAY"

Mr. INHOFE (for himself and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 314

Whereas celiac disease affects approximately 1 in every 130 people in the United States, for a total of 3,000,000 people;

Whereas the majority of people with celiac disease have yet to be diagnosed;

Whereas celiac disease is a chronic inflammatory disorder that is classified as both an autoimmune condition and a genetic condition;

Whereas celiac disease causes damage to the lining of the small intestine, which results in overall malnutrition;

Whereas, when a person with celiac disease consumes foods that contain certain protein fractions, that person suffers a cell-mediated immune response that damages the villi of the small intestine, interfering with the ab-

sorption of nutrients in food and the effectiveness of medications;

Whereas these problematic protein fractions are found in wheat, barley, rye, and oats, which are used to produce many foods, medications, and vitamins;

Whereas because celiac disease is a genetic disease, there is an increased incidence of celiac disease in families with a known history of celiac disease;

Whereas celiac disease is underdiagnosed because the symptoms can be attributed to other conditions and are easily overlooked by doctors and patients;

Whereas, as recently as 2000, the average person with celiac disease waited 11 years for a correct diagnosis;

Whereas ½ of all people with celiac disease do not show symptoms of the disease;

Whereas celiac disease is diagnosed by tests that measure the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies;

Whereas celiac disease can only be treated by implementing a diet free of wheat, barley, rye, and oats, often called a "gluten-free diet";

Whereas a delay in the diagnosis of celiac disease can result in damage to the small intestine, which leads to an increased risk for malnutrition, anemia, lymphoma, adenocarcinoma, osteoporosis, miscarriage, congenital malformation, short stature, and disorders of skin and other organs;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjogren's syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who wrote, "if the patient can be cured at all, it must be by means of diet";

Whereas Dr. Samuel Gee was born on September 13, 1839; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of celiac disease: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 13, 2007, as "National Celiac Disease Awareness Day";

(2) recognizes that all people of the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society, the Celiac Disease Foundation, the Gluten Intolerance Group of North America, and the Oklahoma Celiac Support Group No. 5 of the Celiac Sprue Association.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2790. Mrs. MURRAY (for herself and Mr. BOND) proposed an amendment to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

SA 2791. Mrs. MURRAY proposed an amendment to the bill H.R. 3074, *supra*.

SA 2792. Mrs. MURRAY (for herself, Ms. LANDRIEU, Mr. SCHUMER, Mrs. CLINTON, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. DURBIN, Mr. CARDIN, Mr. ROCKEFELLER, Mr. KERRY, Mr. SALAZAR, and Mr. PRYOR) proposed an

amendment to amendment SA 2791 proposed by Mrs. MURRAY to the bill H.R. 3074, supra.

SA 2793. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2794. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2795. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2796. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2797. Mr. DORGAN (for himself, Mrs. CLINTON, Mr. OBAMA, Mr. BROWN, Mr. SPECTER, Mr. INOUE, and Ms. LANDRIEU) proposed an amendment to the bill H.R. 3074, supra.

SA 2798. Ms. KLOBUCHAR (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2799. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2800. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2801. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2802. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2803. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2804. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2805. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2806. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2807. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2790.** Mrs. MURRAY (for herself and Mr. BOND) proposed an amendment to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Housing and Urban Development, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

### TITLE I

#### DEPARTMENT OF TRANSPORTATION

##### OFFICE OF THE SECRETARY

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$95,197,000, of which not to exceed

\$2,314,274 shall be available for the immediate Office of the Secretary; not to exceed \$736,833 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$18,719,099 shall be available for the Office of the General Counsel; not to exceed \$11,874,050 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$10,416,963 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,384,312 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$24,007,990 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$1,987,803 shall be available for the Office of Public Affairs; not to exceed \$1,534,557 shall be available for the Office of the Executive Secretariat; not to exceed \$1,334,596 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$8,299,072 for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$11,587,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

##### OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,140,900.

##### TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$14,115,000.

##### WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$128,094,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

##### MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, \$370,000, as authorized by 49 U.S.C. 332: *Provided*, That

such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$521,000.

##### MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$2,970,000, to remain available until September 30, 2009: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

##### PAYMENTS TO AIR CARRIERS

##### (AIRPORT AND AIRWAY TRUST FUND)

##### (INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$60,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

##### COMPENSATION FOR AIR CARRIERS

##### (RESCISSION)

Of the remaining unobligated balances under section 101(a)(2) of Public Law 107-42, \$22,000,000 are rescinded.

##### ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

##### FEDERAL AVIATION ADMINISTRATION

##### OPERATIONS

##### (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts

made available by Public Law 108-176, \$8,761,783,000, of which \$6,400,580,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$6,964,813,000 shall be available for air traffic organization activities; not to exceed \$1,092,103,000 shall be available for aviation safety activities; not to exceed \$12,837,437 shall be available for commercial space transportation activities; not to exceed \$103,848,661 shall be available for financial services activities; not to exceed \$91,214,239 shall be available for human resources program activities; not to exceed \$290,872,359 shall be available for region and center operations and regional coordination activities; not to exceed \$166,541,633 shall be available for staff offices; and not to exceed \$39,552,285 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary utilize not less than \$20,000,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That none of the funds provided for increases to the staffs of the aviation flight standards and aircraft certification offices shall be used for other purposes: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$8,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C.

546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

#### FACILITIES AND EQUIPMENT

##### (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$2,516,920,000, of which \$2,056,947,000 shall remain available until September 30, 2010, and of which \$459,973,000 shall remain available until September 30, 2008: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2009 through 2013, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

#### RESEARCH, ENGINEERING, AND DEVELOPMENT

##### (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$148,800,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2010: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

#### GRANTS-IN-AID FOR AIRPORTS

##### (LIQUIDATION OF CONTRACT AUTHORIZATION)

##### (LIMITATION ON OBLIGATIONS)

##### (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of

chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$4,399,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,514,500,000 in fiscal year 2008, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$80,676,000 shall be obligated for administration, not less than \$10,000,000 shall be available for the airport cooperative research program, not less than \$18,712,000 shall be for Airport Technology Research and \$10,000,000 shall be available and transferred to the account available to administer the small community air service development program, to remain available until expended.

#### (RESCISSION)

Of the amounts authorized for the fiscal year ending September 30, 2007, and prior years under sections 48103 and 48112 of title 49, United States Code, \$185,500,000 are rescinded.

#### ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2008.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2008, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking

“2006,” each place it appears and inserting “2008.”

(b) Section 44303(b) of such title is amended by striking “2006,” and inserting “2008.”

(c) Section 44310 of such title is amended by striking “March 30, 2008” and inserting “December 31, 2008”.

SEC. 115. (a) IN GENERAL.—A pilot who has attained 60 years of age may serve as a pilot of an aircraft operated by an air carrier engaged in operations under part 121 of title 14, Code of Federal Regulations, until attaining 65 years of age only if the pilot serves—

(1) as a required pilot in multi-crew aircraft operations; and

(2) with another pilot serving as a required pilot in such multi-crew aircraft operations who has not yet attained 60 years of age.

(b) SUNSET OF AGE-60 RULE.—

(1) IN GENERAL.—Section 121.383(c) of title 14, Code of Federal Regulations shall have no further force or effect.

(2) REGULATIONS.—Not later than 30 days after paragraph (1) takes effect, the Secretary of Transportation shall take such action as may be necessary to implement paragraph (1) and to modify the regulations relating to pilot privileges by reason of age.

(c) APPLICABILITY.—The provisions of subsection (a) shall not provide a basis for a claim of seniority under any labor agreement in effect between a recognized bargaining unit for pilots and an air carrier engaged in operations under part 121 of title 14, Code of Federal Regulations, that is made by a person who was a pilot and who attained 60 years of age before this section takes effect and is seeking a position as a pilot with such air carrier following that person's termination or cessation of employment or promotion or transfer to another position with such air carrier pursuant to section 121.383(c) of title 14, Code of Federal Regulations, as in effect on the day before the effective date of this section.

(d) GAO REPORT AFTER MODIFICATION OF AGE-60 STANDARD.—Not later than 24 months after the effective date described in subsection (e), the Comptroller General of the United States shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure concerning the effect on aviation safety, if any, of the modification of the age standard contained in subsection (a).

(e) EFFECTIVE DATE.—This section shall take effect 30 days after the date of the enactment of this Act.

#### FEDERAL HIGHWAY ADMINISTRATION

##### LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$377,556,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation.

#### FEDERAL-AID HIGHWAYS

##### (LIMITATION ON OBLIGATIONS)

##### (HIGHWAY TRUST FUND)

##### (INCLUDING TRANSFER OF FUNDS)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$40,216,051,359 for Federal-aid highways and highway safety construction programs for fiscal year 2008: *Provided*, That within the \$40,216,051,359 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and

5506 of title 49, United States Code; and title 5 of Public Law 109-59) for fiscal year 2008: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

#### (LIQUIDATION OF CONTRACT AUTHORIZATION)

##### (HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$40,955,051,359 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

#### (RESCISSION)

##### (HIGHWAY TRUST FUND)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, \$2,890,000,000 are rescinded: *Provided*, 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.

#### APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for West Virginia corridor H of the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102-240, as amended, \$20,000,000, to remain available until expended.

#### DELTA REGIONAL TRANSPORTATION DEVELOPMENT PROGRAM

For necessary expenses for the Delta Regional Transportation Development Program as authorized under section 1308 of Public Law 109-59, \$20,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2008, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takings authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; amounts designated under section 124; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Ac-

count) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute \$2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation

Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000 for each of fiscal years 2005 through 2008; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

(RESCISSION)

SEC. 122. Of the amounts made available under section 104(a) of title 23, United States Code, \$43,358,601 are rescinded.

(RESCISSION)

SEC. 123. Of the unobligated balances made available under section 188(a)(1) of title 23, United States Code, as in effect on the day before the date of enactment of Public Law 109-59, and under section 608(a)(1) of such title, \$187,146,000 are rescinded.

SEC. 124. Notwithstanding any other provision of law, funds authorized under section 110 of title 23, United States Code, for fiscal year 2008 shall be designated for projects and competitive initiatives as listed in the report accompanying this Act.

SEC. 125. Not less than 15 days prior to waiving, under her statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor. The Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

SEC. 126. Notwithstanding section 378 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106-346; 114 Stat. 1356A-38), amounts made available under that section for a project for construction of and improvements to North Shore Road in Swain County, North Carolina, that remain unobligated and unexpended after issuance of the record of decision for that project may be used to implement the selected alternative included in the record of decision.

FEDERAL MOTOR CARRIER SAFETY  
ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND  
PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred for administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109-59, \$231,469,553, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of \$231,469,553, for "Motor Carrier Safety Operations and Programs", of which \$7,550,000, to remain available for obligation until September 30, 2010, is for the research and technology program and \$1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109-59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109-59, \$300,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$300,000,000, for "Motor Carrier Safety Grants"; of which \$202,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; \$25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; \$32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; \$5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; \$25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109-59; \$3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109-59; and \$8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: *Provided further*, That of the funds made available for the motor carrier safety assistance program, \$29,000,000 shall be available for audits of new entrant motor carriers: *Provided further*, That \$11,260,214 in unobligated balances are rescinded.

MOTOR CARRIER SAFETY  
(HIGHWAY TRUST FUND)  
(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, \$32,187,720 in unobligated balances are rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM  
(HIGHWAY TRUST FUND)  
(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, \$5,212,858 in unobligated balances are rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR  
CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87 and section 6901 of Public Law 110-28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY  
ADMINISTRATION  
OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, \$124,406,000, of which \$26,156,000 shall remain available until September 30, 2010: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, \$107,750,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2008, are in excess of \$107,750,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, \$4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until September 30, 2010: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2008, are in excess of \$4,000,000 for the National Driver Register authorized under such chapter.

HIGHWAY TRAFFIC SAFETY GRANTS  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402,

405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, to remain available until expended, \$599,250,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2008, are in excess of \$599,250,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, of which \$225,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; \$25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405; \$124,500,000 shall be for "Safety Belt Performance Grants" under 23 U.S.C. 406; \$34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408; \$131,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; \$18,250,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109-59; \$29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109-59; \$6,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109-59; and \$6,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109-59: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed \$500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: *Provided further*, That not to exceed \$750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109-59.

ADMINISTRATIVE PROVISIONS—NATIONAL  
HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
(INCLUDING RESCISSIONS)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. Of the amounts made available under the heading "Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, \$12,197,113.60 in unobligated balances are rescinded.

SEC. 142. Of the amounts made available under the heading "National Driver Register (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, \$119,914.61 in unobligated balances are rescinded.

SEC. 143. Of the amounts made available under the heading "Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, \$10,528,958 in unobligated balances are rescinded.

FEDERAL RAILROAD ADMINISTRATION  
SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided

for, \$151,186,000, of which \$12,268,890 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$36,250,000, to remain available until expended.

CAPITAL ASSISTANCE TO STATES—INTERCITY  
PASSENGER RAIL SERVICE

To enable the Federal Railroad Administrator to make grants to States for the capital costs of improving existing intercity passenger rail service and providing new intercity passenger rail, \$100,000,000, to remain available until expended: *Provided*, That grants shall be provided to a State only on a reimbursable basis: *Provided further*, That grants cover no more than 50 percent of the total capital cost of a project selected for funding: *Provided further*, That no later than eight months following enactment of this Act, the Secretary shall establish and publish criteria for project selection, set a deadline for grant applications, and provide a schedule for project selection: *Provided further*, That the provisions of section 24312 of title 49, United States Code, shall apply to grantees assisted under this paragraph: *Provided further*, That to be eligible for this assistance, States must include intercity passenger rail service as an integral part of statewide transportation planning as required under section 135 of title 23, United States Code: *Provided further*, That the specific project must be on the Statewide Transportation Improvement Plan at the time of the application to qualify: *Provided further*, That the Secretary give priority to applications for projects that improve the safety and reliability of intercity passenger trains, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by freight railroads of financial resources commensurate with the benefit expected to their operations, improve or extend service on a route that requires little or no Federal assistance for its operations, involve a commitment by States or railroads of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates.

RAILROAD REHABILITATION AND IMPROVEMENT  
PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2008.

OPERATING GRANTS TO THE NATIONAL  
RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for operation of intercity passenger rail, \$485,000,000 to remain available until expended: *Provided*, That the Secretary of Transportation shall approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying

the Federal support to the Secretary's satisfaction: *Provided further*, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: *Provided further*, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning three months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the Corporation: *Provided further*, That not later than 120 days after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations the status of its plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): *Provided further*, That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in the plan provided in fiscal year 2007 and quantify savings realized to date on a monthly basis compared to those projected in the plan, identify any changes in the plan or delays in implementing these plans, and identify the causes of delay and proposed corrective measures: *Provided further*, That not later than 90 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business plan approved by the Board of Directors for fiscal year 2008 under section 24104(a) of title 49, United States Code: *Provided further*, That the business plan shall include, as applicable, targets for ridership, revenues, and capital and operating expenses: *Provided further*, That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Auto-train; and commercial activities including contract operations: *Provided further*, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: *Provided further*, That the Corporation shall continue to provide monthly reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: *Provided further*, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That the leases and contracts entered into by the Corporation in any year that the Corporation receives a Federal subsidy after the date of enactment of the Act, regardless of the place the same may be executed, shall be governed by the laws of the District of Columbia: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That

none of the funds provided in this Act may be used after March 1, 2006, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare: *Provided further*, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares.

#### CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the maintenance and repair of capital infrastructure owned by the Corporation, including railroad equipment, rolling stock, legal mandates and other services, \$885,000,000, to remain available until expended, of which not to exceed \$285,000,000 shall be for debt service obligations: *Provided*, That the Secretary may retain up to one-quarter of one percent of the funds under this heading to fund the oversight by the Federal Railroad Administration of the design and implementation of capital projects funded by grants made under this heading: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital grant justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2008 business plan: *Provided further*, That \$35,000,000 of amounts made available under this heading shall be available until expended for capital improvements if the Corporation demonstrates to the Secretary's satisfaction that the Corporation has achieved operational savings and met ridership and revenue targets as defined in the Corporation's business plan: *Provided further*, That of the funds provided under this section, not less than \$5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: *Provided further*, That within 90 days of enactment, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations upon the strengths and weaknesses of the system being developed by the Corporation and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation: *Provided further*, That not later than 180 days after the enactment of this Act, the Secretary, in consultation with the Corporation and the States on the Northeast Corridor, shall establish a common definition of what is determined to be a "state of good repair" on the Northeast Corridor and report its findings, including definitional areas of disagreement, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.

#### ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Notwithstanding any other provision of this Act, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section,

the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. Not later than January 1, 2008, the Federal Railroad Administrator shall submit a report, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate.

SEC. 152. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 153. Hereafter, any lease or contract entered into between the National Railroad Passenger Corporation and the State of Maryland or any department or agency of the State of Maryland, after the date of the enactment of this Act, shall be governed by the laws of the District of Columbia.

#### FEDERAL TRANSIT ADMINISTRATION

##### ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$88,795,000: *Provided*, That of the funds available under this heading, not to exceed \$910,239 shall be available for the Office of the Administrator; not to exceed \$6,353,739 shall be available for the Office of Administration; not to exceed \$4,545,039 shall be available for the Office of the Chief Counsel; not to exceed \$1,480,289 shall be available for the Office of Communication and Congressional Affairs; not to exceed \$8,741,339 shall be available for the Office of Program Management; not to exceed \$10,857,698 shall be available for the Office of Budget and Policy; not to exceed \$4,943,589 shall be available for the Office of Research, Demonstration and Innovation; not to exceed \$3,234,489 shall be available for the Office of Civil Rights; not to exceed \$4,458,289 shall be available for the Office of Planning; not to exceed \$22,551,290 shall be available for regional offices; and not to exceed \$20,719,000 shall be available for the central account: *Provided further*, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: *Provided further*, That no appropriation for an office shall be increased or decreased by more than a total of 5 percent during the fiscal year by all such transfers: *Provided further*, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, \$2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That upon submission to the

Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2009.

FORMULA AND BUS GRANTS  
(LIQUIDATION OF CONTRACT AUTHORITY)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)  
(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, \$6,855,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, shall not exceed total obligations of \$7,872,893,000 in fiscal year 2008: *Provided further*, That except as provided in section 3044(b)(1) of Public Law 109-59, funds made available to carry out 49 U.S.C. 5308 shall instead be available to carry out 49 U.S.C. 5309(b)(3): *Provided further*, That \$28,660,920 in unobligated balances are rescinded.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312-5315, 5322, and 5506, \$65,500,000, to remain available until expended: *Provided*, That \$9,300,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, \$4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and \$7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That \$44,900,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS  
(INCLUDING RESCISSION)

For necessary expenses to carry out section 5309 of title 49, United States Code, \$1,566,000,000, to remain available until expended: *Provided*, That of the funds available under this heading, amounts are to be made available as follows:

For section 5309(m)(6)(B) of title 49, United States Code, \$15,000,000.

For section 5309(m)(6)(C) of title 49, United States Code, \$5,000,000.

For the following sections of Public Law 109-59:

Section 3043(b)(9), \$11,200,000;  
Section 3043(d)(35), \$18,965,043;  
Section 3043(d)(10), \$70,000,000;  
Section 3043(b)(18), \$5,000,000;  
Section 3043(b)(1), \$13,000,000;  
Section 3043(b)(15), \$65,000,000;  
Section 3043(b)(21), \$125,000,000;  
Section 3043(b)(23), \$20,000,000;  
Section 3043(b)(22), \$35,000,000;  
Section 3043(c)(231), \$30,000,000;  
Section 3043(a)(19), \$90,000,000;  
Section 3043(a)(9), \$70,000,000;  
Section 3043(a)(7), \$51,560,484;  
Section 3043(a)(5), \$36,500,000;  
Section 3043(a)(31), \$35,000,000;  
Section 3043(a)(16), \$55,192,995;  
Section 3043(b)(20), \$200,000,000;  
Section 3043(b)(27), \$80,000,000;  
Section 3043(a)(20), \$33,516,444;  
Section 3043(b)(5), \$86,250,000;  
Section 3043(b)(30), \$80,000,000;  
Section 3043(a)(30), \$70,000,000;  
Section 3043(c)(134), \$35,000,000;  
Section 3043(b)(23), \$21,200,000;

Section 3043(d)(39), \$3,000,000;  
Section 3043(b)(14), \$500,000;  
Section 3043(c)(86), \$20,000,000;  
Section 3043(c)(43), \$5,000,000;  
Section 3043(c)(153), \$20,000,000; and  
Section 3043(c)(258), \$5,000,000.

For the Jacksonville Rapid Transit System Phase 1, Florida, \$9,870,000;

For North Corridor BRT, Houston and Southeast Corridor BRT, Texas, \$15,000,000;

For San Francisco Muni Third Street Light Rail, California, \$10,000,000;

For Mid-Jordan Light Rail Extension, \$20,000,000; and

For METRA Connects, Illinois, \$1,300,000:

*Provided further*, That of the funds available under this heading, amounts are to be made available under section 5309(e).

For the following sections of Public Law 109-59:

section 3043(c)(201), \$3,000,000;  
section 3043(c)(177), \$3,000,000;  
section 3043(d)(3), \$1,500,000;  
section 3043(c)(182), \$2,500,000;  
section 3043(c)(79), \$2,000,000;  
section 3043(c)(197), \$6,000,000;  
section 3043(c)(173), \$1,000,000; and  
section 3043(c)(95), \$14,250,000.

For State Avenue Corridor BRT, Wyandotte County, Kansas, \$1,500,000; and

For Troost Corridor BRT, Missouri, \$6,260,000.

ADMINISTRATIVE PROVISIONS—FEDERAL  
TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds made available by this Act under "Federal Transit Administration, Capital investment grants" and bus and bus facilities under "Federal Transit Administration, Formula and bus grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2010, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2007, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. In regard to the Central Link Initial Segment Project, to the extent that funds remain available within the current budget for the project, the Secretary shall amend the Full Funding Grant Agreement for said project to allow remaining funds to be used to support completion of the Airport Link extension of said project.

SEC. 165. Amounts provided for a high capacity fixed guideway light rail and mass transit project for the City of Albuquerque, New Mexico, in Public Laws 106-49, 106-346 and 107-87 shall be available for bus and bus facilities.

SEC. 166. Any unobligated amounts made available for the Commuter Rail, Albuquerque to Santa Fe, New Mexico under the heading "Capital Investment Grants" under the heading "Federal Transit Administration" in title I of division A of the Transpor-

tation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109-115; 119 Stat. 2418) shall be made available for public transportation buses, equipment and facilities related to such buses, and intermodal terminal in Albuquerque and Santa Fe, New Mexico, subject to the requirements under section 5309 of title 49, United States Code.

SEC. 167. Notwithstanding any other provision of law, funds made available for the "Las Vegas Resort Corridor Fixed Guideway Project", the "CATRAIL RTC Rail Project", and the "Las Vegas, Nevada Monorail Project" in Nevada in Public Laws 107-87, 108-7, 108-199 and 108-447 may be made available to the Regional Transportation Commission of Southern Nevada for bus or bus facilities projects eligible under section 5307 or section 5309 of title 49, United States Code, and shall remain available until expended.

SEC. 168. The second sentence of section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1986 (99 Stat. 1287) is repealed.

SAINT LAWRENCE SEAWAY DEVELOPMENT  
CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE  
(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, \$17,392,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

MARITIME ADMINISTRATION  
MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$156,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$122,890,545, of which \$24,720,000 shall remain available until September 30, 2008, for salaries and benefits of employees of the United States Merchant Marine Academy; of which \$13,850,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which \$10,500,000 shall remain available until expended for maintenance and repair of Schoolships at State Maritime Schools.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$18,000,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

To make grants for capital improvements and related infrastructure improvements at qualified shipyards that will facilitate the efficiency, cost-effectiveness, and quality of domestic ship construction for commercial and Federal Government use as authorized

under section 3506 of Public Law 109-163, \$20,000,000, to remain available until expended: *Provided*, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: *Provided further*, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: *Provided further*, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

MARITIME GUARANTEED LOAN (TITLE XI)  
PROGRAM ACCOUNT  
(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized, \$13,408,000, of which \$10,000,000 shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That the Inspector General shall report to the House and Senate Committees on Appropriations by March 30, 2007, on whether the Maritime Administration is in compliance with the recommendations contained in the Inspector General's audit reports on the title XI program: *Provided further*, That not to exceed \$3,408,000 shall be available for administrative expenses to carry out the guaranteed loan program, which shall be transferred to and merged with the appropriation for "Operations and Training", Maritime Administration.

SHIP CONSTRUCTION  
(RESCISSION)

Of the unobligated balances available under this heading, \$4,614,545 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME  
ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.), or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

PIPELINE AND HAZARDOUS MATERIALS SAFETY  
ADMINISTRATION  
ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, \$18,130,000, of which \$639,000 shall be derived from the Pipeline Safety Fund.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$27,003,000, of which \$1,761,000 shall remain available until September 30, 2010: *Provided*, That up to \$1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation,

to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY  
(PIPELINE SAFETY FUND)  
(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$82,404,000, of which \$18,810,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2010; of which \$63,594,000 shall be derived from the Pipeline Safety Fund, of which \$32,967,000 shall remain available until September 30, 2010: *Provided*, That not less than \$1,043,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS  
(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), \$188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2009: *Provided*, That not more than \$28,318,000 shall be made available for obligation in fiscal year 2008 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)-(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or her designee.

RESEARCH AND INNOVATIVE TECHNOLOGY  
ADMINISTRATION  
RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$12,000,000, of which \$6,036,000 shall remain available until September 30, 2010: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$66,400,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD  
SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$25,000,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees estab-

lished by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, to result in a final appropriation from the general fund estimated at no more than \$23,750,000.

GENERAL PROVISIONS—DEPARTMENT OF  
TRANSPORTATION  
(INCLUDING TRANSFERS OF FUNDS)

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 187. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal

Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 188. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 189. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term “improper payments”, has the same meaning as that provided in section 2(d)(2) of Public Law 107-300.

SEC. 190. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 191. Out of funds appropriated or otherwise made available under this Act to the Surface Transportation Board of the Department of Transportation, when considering cases, matters, or declaratory orders before the Board involving a railroad, or an entity claiming or seeking authority to operate as a railroad, and the transportation of solid waste (as defined in section 1004 of 42 U.S.C. 6903), the Board shall consider any activity involving the receipt, delivery, sorting, handling or transfer in-transit outside of a sealed container, storage other than inside a sealed container, or other processing of solid waste to be an activity over which the Board does not have jurisdiction.

SEC. 192. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board

of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 193. Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall—

(1) conduct an investigation of rail service disruptions since 2004 and incidents since 2004 in which rail carriers failed to timely deliver various commodities, such as coal, wheat, ethanol, and lumber; and

(2) submit a report containing legislative and regulatory recommendations designed to reduce such disruptions and incidents and to improve railroad service to—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Appropriations of the House of Representatives;

(C) the Committee on Commerce, Science, and Transportation of the Senate; and

(D) the Committee on Transportation and Infrastructure of the House of Representatives.

This title may be cited as the “Department of Transportation Appropriations Act, 2008”.

## TITLE II

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### OFFICE OF THE SECRETARY SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of the Secretary of Housing and Urban Development, \$3,930,000: *Provided*, That not to exceed \$25,000 of this amount shall be available for official reception and representation expenses.

#### EXECUTIVE OPERATIONS

##### OFFICE OF HEARINGS AND APPEALS

For the necessary salaries and expenses of the Office of Hearings and Appeals, \$1,490,000.

##### OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For the necessary salaries and expenses of the Office of Small and Disadvantaged Business Utilization, \$510,000.

##### OFFICE OF THE CHIEF FINANCIAL OFFICER

For the necessary salaries and expenses of the Office of the Chief Financial Officer, \$43,750,000.

##### OFFICE OF THE GENERAL COUNSEL

For the necessary salaries and expenses of the Office of the General Counsel, \$86,820,000.

##### OFFICE OF THE CHIEF PROCUREMENT OFFICER

For the necessary salaries and expenses of the Office of the Chief Procurement Officer, \$13,500,000.

##### CENTER FOR FAITH-BASED AND COMMUNITY INITIATIVES

For necessary salaries and expenses of the Center for Faith-Based and Community Initiatives, \$1,860,000.

##### OFFICE OF THE ASSISTANT SECRETARY FOR CON- GRESSIONAL AND INTERGOVERNMENTAL RELA- TIONS

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional and Intergovernmental Relations, \$2,670,000: *Provided*, That the Secretary shall provide the Committee on Appropriations quarterly written notification regarding the status of pending congressional reports.

##### OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS

For necessary salaries and expenses of the Office of the Assistant Secretary for Public Affairs, \$2,630,000.

##### OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY

For the necessary salaries and expenses of the Office of Departmental Equal Employment Opportunity, \$3,440,000.

##### ADMINISTRATIVE ACTIVITIES

##### OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, \$1,480,000.

##### ADMINISTRATION SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of Administration, \$252,010,000: *Provided*, That, funds provided under the heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109.

##### OFFICE OF DEPARTMENTAL OPERATIONS AND COORDINATION

For the necessary salaries and expenses of the Office of Departmental Operations and Coordination, \$12,520,000.

##### OFFICE OF FIELD POLICY AND MANAGEMENT

For the necessary salaries and expenses of the Office of Field Policy and Management, \$47,730,000.

##### PUBLIC AND INDIAN HOUSING

##### OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of the Assistant Secretary for Public and Indian Housing, \$1,620,000.

##### PUBLIC AND INDIAN HOUSING SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of Public and Indian Housing, \$188,340,000.

##### TENANT-BASED RENTAL ASSISTANCE (INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (“the Act” herein), not otherwise provided for, \$16,598,694,000, to remain available until expended, of which \$12,398,694,000 shall be available on October 1, 2007, and \$4,200,000,000 shall be available on October 1, 2008: *Provided*, That the amounts made available under this heading are provided as follows:

(1) \$14,936,200,000 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary for the calendar year 2008 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recently completed period of 12 consecutive months for which the Secretary determines the data is verifiable and complete and by applying the 2008 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: *Provided further*, That notwithstanding the first proviso, except for applying the 2008 Annual Adjustment Factor and making any other specified

adjustments, public housing agencies specified in category 1 below shall receive funding for calendar year 2008 based on the higher of the amounts the agencies would receive under the first proviso or the amounts the agencies received in calendar year 2007, and public housing agencies specified in categories 2 and 3 below shall receive funding for calendar year 2008 equal to the amounts the agencies received in calendar year 2007, 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: (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 United States 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 first proviso than they would receive under this proviso and that have been placed in receivership within the 24 months preceding the date of enactment of this Act; and (3) public housing agencies that spent more in calendar year 2007 than the total of the amounts of any such public housing agency's allocation amount for calendar year 2007 and the amount of any such public housing agency's available housing assistance payments undesignated funds balance from calendar year 2006 and the amount of any such public housing agency's available administrative fees undesignated funds balance through calendar year 2007: *Provided further*, That up to \$100,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs resulting from unforeseen circumstances or from portability under section 8(r) of the Act of tenant-based rental assistance; and (2) for adjustments for public housing agencies that could experience a significant decrease in voucher funding that could result in the risk of loss of voucher units due to the use of VMS data based on a 12-month period: *Provided further*, That none of the funds provided under the first proviso in this section may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following proviso, the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above and the Secretary shall notify public housing agencies of their annual budget not later than 90 days after enactment of this Act: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso;

(2) \$150,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Revisions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance: *Provided*, That the Secretary shall provide replacement vouchers for all units that cease to be available as assisted housing due to demolition, disposition, or conversion, subject only to the availability of funds;

(3) \$50,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(4) up to \$6,494,000 may be transferred to the Working Capital Fund;

(5) \$1,351,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$5,000,000 shall be available as an incentive bonus as determined by the Secretary for administrative expenses for PHAs that voluntarily consolidate, and which up to \$35,000,000 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 \$30,000,000 to be for fees associated with section 8 tenant protection rental assistance: *Provided*, That no less than \$1,311,000,000 of the amount provided in this paragraph shall be allocated for the calendar year 2008 funding cycle on a basis to public housing agencies as provided in section 8(q) of the Act as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts required by this paragraph, the Secretary may decrease the amounts allocated to agencies by a uniform prorated percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts required under this paragraph, utilize unobligated balances, including recaptures and carryovers, 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 2007 and prior years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(6) \$30,000,000 for incremental voucher assistance through the Family Unification Program; and

(7) \$75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 305 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as des-

ignated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turnover.

#### HOUSING CERTIFICATE FUND

##### (RESCISSION)

Of the unobligated balances, 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 "Tenant-based rental assistance", and the heading "Project-based rental assistance", for fiscal year 2007 and prior years, \$1,100,000,000 are rescinded, to be effected by the Secretary no later than September 30, 2008: *Provided*, That, if insufficient funds exist under these headings, the remaining balance may be derived from any other heading under this title: *Provided further*, That the Secretary shall notify the Committees on Appropriations 30 days in advance of the rescission of any funds derived from the headings specified above: *Provided further*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: *Provided further*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

#### PROJECT-BASED RENTAL ASSISTANCE

##### (INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$5,813,000,000, to remain available until expended: *Provided*, That the amounts made available under this heading are provided as follows:

(1) up to \$5,522,810,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) not to exceed \$286,230,000 for performance-based contract administrators for section 8 project-based assistance: *Provided*, That the Secretary may also use such amounts for performance-based contract administrators for: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959, as amended (12 U.S.C. 1701q, 1701q-1); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act; project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667).

(3) not to exceed \$3,960,000 may be transferred to the Working Capital Fund; and

(4) amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

PUBLIC HOUSING CAPITAL FUND  
(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g) (the "Act") \$2,500,000,000, to remain available until September 30, 2011: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2008, the Secretary may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That of the total amount provided under this heading, up to \$14,890,000 shall be for carrying out activities under section 9(h) of such Act; not to exceed \$16,847,000 may be transferred to the Working Capital Fund; and up to \$15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: *Provided further*, That of the total amount provided under this heading, not to exceed \$20,000,000 may be available for the Secretary of Housing and Urban Development to make grants, notwithstanding section 305 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen or unpreventable emergencies and natural disasters occurring in fiscal year 2008: *Provided further*, That of the total amount provided under this heading, \$40,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996: *Provided further*, That of the total amount provided under this heading up to \$8,820,000 is

to support the costs of administrative and judicial receiverships.

PUBLIC HOUSING OPERATING FUND

For 2008 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), \$4,200,000,000; of which \$5,940,000 shall be for technical assistance related to the transition and implementation of asset-based management in public housing: *Provided*, That, in fiscal year 2008 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

REVITALIZATION OF SEVERELY DISTRESSED  
PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, \$100,000,000, to remain available until September 30, 2008, of which not to exceed \$1,980,000 may be used for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS  
(INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$630,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, \$2,000,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; and \$4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to \$300,000 for related travel: *Provided further*, That of the amount provided under this heading, \$1,980,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are

available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$17,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$9,000,000, to remain available until expended, of which \$300,000 shall be for training and technical assistance activities.

INDIAN HOUSING LOAN GUARANTEE FUND  
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), \$7,450,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$367,000,000.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE  
FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b), \$1,044,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$41,504,255.

COMMUNITY PLANNING AND DEVELOPMENT  
OFFICE OF THE ASSISTANT SECRETARY FOR  
COMMUNITY PLANNING AND DEVELOPMENT  
SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of the Assistant Secretary for Community Planning and Development, \$1,520,000.

COMMUNITY PLANNING AND DEVELOPMENT  
SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of Community Planning and Development mission area, \$93,770,000.

HOUSING OPPORTUNITIES FOR PERSONS WITH  
AIDS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$300,100,000, to remain available until September 30, 2009, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2010: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Secretary may use not to exceed \$1,485,000 of the funds under this heading for training, oversight, and technical assistance activities; and not to exceed \$1,485,000 may be transferred to the Working Capital Fund.

RURAL HOUSING AND ECONOMIC DEVELOPMENT  
For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, \$17,000,000, to remain available until expended, which

amount shall be competitively awarded by September 1, 2008, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

COMMUNITY DEVELOPMENT FUND  
(INCLUDING TRANSFER OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$4,060,000,000, to remain available until September 30, 2010, unless otherwise specified: *Provided*, That of the amount provided, \$3,705,430,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That not to exceed \$1,570,000 may be transferred to the Working Capital Fund: *Provided further*, That \$3,000,000 is for technical assistance as authorized by section 107(b)(4) of such Act: *Provided further*, That \$62,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 305 of this Act), up to \$3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, \$248,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2006, 2007, and 2008, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, \$40,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives.

COMMUNITY DEVELOPMENT LOAN GUARANTEES  
PROGRAM ACCOUNT  
(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, \$6,000,000, to remain available until September 30, 2009, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the

Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, \$10,000,000, to remain available until September 30, 2009.

HOME INVESTMENT PARTNERSHIPS PROGRAM  
(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,970,000,000, to remain available until September 30, 2010, of which not to exceed \$3,465,000 may be transferred to the Working Capital Fund: *Provided*, That up to \$15,000,000 shall be available for technical assistance: *Provided further*, That of the total amount provided in this paragraph, up to \$150,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968.

SELF-HELP AND ASSISTED HOMEOWNERSHIP  
OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$70,000,000, to remain available until September 30, 2010: *Provided*, That of the total amount provided under this heading, \$26,500,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That \$33,500,000 shall be made available for the first four capacity building activities authorized under section 4(b)(3) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997 and of which up to \$5,000,000 may be made available for rural capacity building activities: *Provided further*, That of the total amount made available under this heading; \$3,000,000 shall be made available to the Housing Assistance Council; \$2,000,000 shall be made available to the National American Indian Housing Council; \$3,000,000 shall be made available as a grant to the Raza Development Fund of La Raza for the HOPE Fund, of which \$500,000 is for technical assistance and fund management, and \$2,500,000 is for investments in the HOPE Fund and financing to affiliated organizations; and \$2,000,000 shall be made available as a grant to the Housing Partnership Network for operating expenses and a program of affordable housing acquisition and rehabilitation.

HOMELESS ASSISTANCE GRANTS  
(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, \$1,585,990,000, of which \$1,580,990,000 shall remain available until September 30, 2010, and of which \$5,000,000 shall remain available until expended for rehabilitation projects with ten-year grant terms: *Provided*, That of the amounts provided, \$25,000,000 shall be set aside to conduct a demonstration program for the rapid re-housing of homeless families: *Provided further*, That of amounts made available in the preceding proviso, not to exceed \$3,000,000 may be used to conduct an evaluation of this demonstration program: *Provided further*, That funding made avail-

able for this demonstration program shall be used by the Secretary, expressly for the purposes of providing housing and services to homeless families in order to evaluate the effectiveness of the rapid re-housing approach in addressing the needs of homeless families: *Provided further*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing for individuals and families: *Provided further*, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to \$8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That not to exceed \$2,475,000 of the funds appropriated under this heading may be transferred to the Working Capital Fund: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2008.

HOUSING PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR  
HOUSING, FEDERAL HOUSING COMMISSIONER  
SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of the Assistant Secretary for Housing, Federal Housing Commissioner, \$3,420,000.

HOUSING SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of Housing, \$351,560,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area.

HOUSING FOR THE ELDERLY  
(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, \$735,000,000, to remain available until September 30, 2011, of which up to \$603,900,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That, of the amount provided under this heading, up to \$60,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to \$24,750,000 shall be for grants

under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, \$20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That not to exceed \$1,400,000 of the total amount made available under this heading may be transferred to the Working Capital Fund: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES  
(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, \$237,000,000, to remain available until September 30, 2011: *Provided*, That not to exceed \$600,000 may be transferred to the Working Capital Fund: *Provided further*, That, of the amount provided under this heading \$74,745,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center Inspections and inspection-related activities associated with section 811 Capital Advance Projects.

OTHER ASSISTED HOUSING PROGRAMS  
RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) in State-aided, non-insured rental housing projects, \$27,600,000, to remain available until expended.

(RESCISSION)

Of the amounts made available under the heading "Rent Supplement" in Public Law 98-63 for amendments to contracts under sec-

tion 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) in State-aided, non-insured rental housing projects, \$27,600,000 are rescinded.

FLEXIBLE SUBSIDY FUND  
(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2007, and any collections made during fiscal year 2008 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to \$16,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading 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 pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than \$0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2008 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION  
MUTUAL MORTGAGE INSURANCE PROGRAM  
ACCOUNT  
(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2008, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of \$185,000,000,000.

During fiscal year 2008, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative contract expenses, \$77,400,000, of which not to exceed \$25,550,000 may be transferred to the Working Capital Fund, and of which up to \$5,000,000 shall be for education and outreach of FHA single family loan products: *Provided*, That to the extent guaranteed loan commitments exceed \$65,500,000,000 on or before April 1, 2008, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments

(including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT  
(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, \$8,600,000, to remain available until expended: *Provided*, That commitments to guarantee loans shall not exceed \$45,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(1), 238, and 519(a) of the National Housing Act, shall not exceed \$50,000,000, of which not to exceed \$30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed \$20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

For administrative contract expenses necessary to carry out the guaranteed and direct loan programs, \$78,111,000, of which not to exceed \$15,692,000 may be transferred to the Working Capital Fund: *Provided*, That to the extent guaranteed loan commitments exceed \$8,426,000,000 on or before April 1, 2008, an additional \$1,980 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments over \$8,426,000,000 (including a pro rata amount for any increment below \$1,000,000), but in no case shall funds made available by this proviso exceed \$14,400,000.

For discount sales of multifamily real property under sections 207(1) or 246 of the National Housing Act (12 U.S.C. 1713(1), 1715z-11), section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11), or section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a), and for discount loan sales under section 207(k) of the National Housing Act (12 U.S.C. 1713(k)), section 203(k) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11(k)), or section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Act, 1997 (12 U.S.C. 1715z-11a(a)), \$5,000,000, to remain available until September 30, 2009.

GOVERNMENT NATIONAL MORTGAGE  
ASSOCIATION  
OFFICE OF THE GOVERNMENT NATIONAL  
MORTGAGE ASSOCIATION  
SALARIES AND EXPENSES

For the necessary salaries and expenses of the Office of the Government National Mortgage Association, \$9,530,000.

GUARANTEES OF MORTGAGE-BACKED SECURITIES  
LOAN GUARANTEE PROGRAM ACCOUNT  
(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$200,000,000,000, to remain available until September 30, 2009.

POLICY DEVELOPMENT AND RESEARCH  
OFFICE OF THE ASSISTANT SECRETARY FOR  
POLICY DEVELOPMENT AND RESEARCH  
SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of the Assistant Secretary for Policy Development and Research, \$1,570,000.

## POLICY DEVELOPMENT AND RESEARCH SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of Policy Development and Research, \$19,310,000.

## RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$59,040,000, to remain available until September 30, 2009: *Provided*, That of the total amount provided under this heading, \$5,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: *Provided further*, That of the funds made available under this heading, \$20,600,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974, as amended, as follows: \$3,000,000 to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended; \$2,600,000 for tribal colleges and universities to build, expand, renovate, and equip their facilities and to expand the role of the colleges into the community through the provision of needed services such as health programs, job training and economic development activities; \$9,000,000 for the Historically Black Colleges and Universities program, of which up to \$2,000,000 may be used for technical assistance; and \$6,000,000 for the Hispanic Serving Institutions Program.

FAIR HOUSING AND EQUAL OPPORTUNITY  
OFFICE OF THE ASSISTANT SECRETARY FOR FAIR HOUSING AND EQUAL OPPORTUNITY  
SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of the Assistant Secretary for Fair Housing and Equal Opportunity, \$1,490,000.

FAIR HOUSING AND EQUAL OPPORTUNITY  
SALARIES AND EXPENSES

For the necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, \$69,390,000.

## FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$52,000,000, to remain available until September 30, 2009, of which \$25,000,000 shall be to carry out activities pursuant to such section 561: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

## OFFICE OF LEAD HAZARD CONTROL

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL  
SALARIES AND EXPENSES

For the necessary salaries and expenses of the Office of Healthy Homes and Lead Hazard Control, \$6,140,000.

## LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$151,000,000, to remain available until

September 30, 2009, of which \$8,800,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That of the total amount made available under this heading, \$48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: *Provided further*, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a Notice of Funding Availability: *Provided further*, That of the total amount made available under this heading, \$2,000,000 shall be available for the Big Buy Program to be managed by the Office of Healthy Homes and Lead Hazard Control.

## WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related development activities, \$175,000,000, to remain available until September 30, 2009: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.

OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$112,000,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

## OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed \$500 for official reception and representation expenses, \$66,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: *Provided*, That the Director shall submit a spending plan for the amounts provided under this heading no later than January 15, 2008: *Provided further*, That not less than 80 percent of the total amount made available under this heading shall be used only for examination, supervision, and capital oversight of the enterprises (as such term is defined in section 1303 of the Federal Housing

Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) to ensure that the enterprises are operating in a financially safe and sound manner and complying with the capital requirements under Subtitle B of such Act: *Provided further*, That not to exceed the amount provided herein 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—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2008 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2008 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2008 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2008 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2008, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New

York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a three year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2008 for such corporation or agency except as hereinafter provided: *Provided*, That collections of

these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2008, HUD shall transmit this information to the Committees by March 15, 2008 for 30 days of review.

SEC. 209. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 210. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2008 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to

the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 211. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2008 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.

SEC. 212. The Department of Housing and Urban Development shall submit the Department's fiscal year 2009 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

SEC. 213. Incremental vouchers previously made available under the heading "Housing Certificate Fund" or renewed under the heading, "Tenant-Based Rental Assistance," for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover.

SEC. 214. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 215. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2008 and 2009, the Secretary may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) the number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects;

(2) the transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable;

(3) the receiving project or projects shall meet or exceed applicable physical standards established by the Secretary;

(4) the owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials;

(5) the tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects

shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy;

(6) the Secretary determines that this transfer is in the best interest of the tenants;

(7) if either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary;

(8) if the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions;

(9) any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section; and

(10) the Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term “multifamily housing project” means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term “project-based assistance” means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and,

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term “receiving project or projects” means the multifamily housing project or projects to which the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term “transferring project” means the multifamily housing project which is transferring the project-based assistance, debt and the statutorily required low-income

and very low-income use restrictions to the receiving project; and,

(6) the term “Secretary” means the Secretary of Housing and Urban Development.

SEC. 216. The funds made available for Native Alaskans under the heading “Native American Housing Block Grants” in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 217. Incremental vouchers made available under this Act and previously made available under the heading, “Housing Certificate Fund” or renewed under the heading, “Tenant-Based Rental Assistance”, for family unification shall, to the extent practicable, continue to be provided for family unification.

SEC. 218. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to develop or impose policies or procedures, including an account structure, that subjects the Government National Mortgage Association to the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.). This section shall not be construed to exempt that entity from credit subsidy budgeting or from budget presentation requirements previously adopted.

SEC. 219. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

(c) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue final regulations to carry out the provisions of this section.

SEC. 220. Notwithstanding any other provision of law, in fiscal year 2008, in managing and disposing of any multifamily property that is owned or held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, based on consideration of the costs of maintaining such payments for that property or other factors, the Secretary may, in consultation with the tenants of that property,

contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance.

SEC. 221. The National Housing Act is amended—

(1) in sections 207(c)(3), 213(b)(2)(B)(i), 221(d)(3)(ii)(II), 221(d)(4)(ii)(II), 231(c)(2)(B), and 234(e)(3)(B) (12 U.S.C. 1713(c)(3), 1715e(b)(2)(B)(i), 1715l(d)(3)(ii)(II), 1715l(d)(4)(ii)(II), 1715v(c)(2)(B), and 1715y(e)(3)(B))—

(A) by striking “140 percent” each place such term appears and inserting “170 percent”; and

(B) by striking “170 percent in high cost areas” each place such term appears and inserting “215 percent in high cost areas”; and

(2) in section 220(d)(3)(B)(iii)(III) (12 U.S.C. 1715k(d)(3)(B)(iii)(III)) by striking “206A” and all that follows through “project-by-project basis” and inserting the following: “206A of this Act) by not to exceed 170 percent in any geographical area where the Secretary finds that cost levels so require and by not to exceed 170 percent, or 215 percent in high cost areas, where the Secretary determines it necessary on a project-by-project basis”.

SEC. 222. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking “2003” and inserting “2008”; and

(2) in subsection (o), by striking “September 30, 2007” and inserting “September 30, 2008”.

SEC. 223. Public housing agencies that own and operate 500 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 224. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)).

SEC. 225. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 226. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate

Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost and a substantive rationale for using a sole source contract.

SEC. 227. Section 9(e)(2)(C) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)(2)(C)) is amended by adding at the end of the following:

“(iv) EXISTING CONTRACTS.—The term of a contract described in clause (i) that, as of the date of enactment of this clause, is in repayment and has a term of not more than 12 years, may be extended to a term of not more than 20 years to permit additional energy conservation improvements without requiring the reprocurement of energy performance contractors.”.

SEC. 228. The Secretary of Housing and Urban Development shall increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-281) by making the Alaska Public Housing Agency a Moving-to-Work Agency under such section 204.

SEC. 229. (a) The referenced statement of managers under the heading “Community Development Fund” in title II of Public Law 108-447 is deemed to be amended with respect to item number 203 by striking “equipment” and inserting “renovation and construction”.

(b) The referenced statement of managers under the heading “Community Development Fund” in title III of division A of Public Law 109-115 is deemed to be amended with respect to item number 696 by striking “a Small Business Development Center” and inserting “for revitalization costs at the College of Agriculture Biotechnology and Natural Resources”.

(c) The referenced statement of managers under the heading “Community Development Fund” in title III of division A of Public Law 109-115 is deemed to be amended with respect to item number 460 by striking “Maine-Mawoshen One Country, Two Worlds Project” and inserting “Sharing Maine's Maritime Heritage Project—Construction and access to exhibits”.

(d) The referenced statement of managers under the heading “Community Development Fund” in title III of division A of Public Law 109-115 is deemed to be amended with respect to item number 914 by striking “the Pastime Theatre in Bristol, Rhode Island for building improvements” and inserting “the Institute for the Study and Practice of Non-violence in Providence, Rhode Island for building renovations”.

(e) The referenced statement of managers under the heading “Community Development Fund” in title III of division A of Public Law 109-115 is deemed to be amended with respect to item number 918 by striking “South Kingstown” and inserting “Washington County”.

(f) The referenced statement of managers under the heading “Community Development Fund” in title III of division A of Public Law 109-115 is deemed to be amended with respect to item number 624 by striking “for the construction of a new technology building” and inserting “for renovations to the Wheeling Community Center”.

SEC. 230. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)), the Secretary of Housing and Urban Development may, until September 30, 2008, insure and enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z-20).

SEC. 231. Notwithstanding any other provision of law, the Secretary of Housing and

Urban Development may not rescind or take any adverse action with respect to the Moving-to-Work program designation for the Housing Authority of Baltimore City based on any alleged administrative or procedural errors in making such designation.

This title may be cited as the “Department of Housing and Urban Development Appropriations Act, 2008”.

#### TITLE III

##### INDEPENDENT AGENCIES

###### ARCHITECTURAL AND TRANSPORTATION

###### BARRIERS COMPLIANCE BOARD

###### SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$6,150,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

###### FEDERAL MARITIME COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$22,322,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

###### NATIONAL TRANSPORTATION SAFETY BOARD

###### SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) \$84,500,000, of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments due in fiscal year 2008 only, on an obligation incurred in fiscal year 2001 for a capital lease.

###### NEIGHBORHOOD REINVESTMENT CORPORATION

###### PAYMENT TO THE NEIGHBORHOOD

###### REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$119,800,000, of which \$5,000,000 shall be for a multi-family rental housing program.

###### UNITED STATES INTERAGENCY COUNCIL ON

###### HOMELESSNESS

###### OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$2,300,000.

Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking “2007” and inserting “2008”.

#### TITLE IV

##### GENERAL PROVISIONS THIS ACT

###### (INCLUDING TRANSFERS OF FUNDS)

SEC. 401. Such sums as may be necessary for fiscal year 2008 pay raises for programs

funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of 5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by 5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the statement of the managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations made available for salaries and expenses for fiscal year 2008 in this Act, shall

remain available through September 30, 2009, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2008. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain: *Provided further*, That the Government Accountability Office, in consultation with the National Academy of Public Administration, organizations representing State and local governments, and property rights organizations, shall conduct a study to be submitted to the Congress within 12 months of the enactment of this Act on the nationwide use of eminent domain, including the procedures used and the results accomplished on a State-by-State basis as well as the impact on individual property owners and on the affected communities.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”).

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

This Act may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008”.

**SA 2791.** Mrs. MURRAY proposed an amendment to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 129, strike section 218 and insert the following:

“SEC. 218. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars as a result of third party liability for such damages.”

**SA 2792.** Mrs. MURRAY (for herself, Ms. LANDRIEU, Mr. SCHUMER, Mrs. CLINTON, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. DURBIN, Mr. CARDIN, Mr. ROCKEFELLER, Mr. KERRY, Mr. SALAZAR, and Mr. PRYOR) proposed an amendment SA 2791 proposed by Mrs. MURRAY to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, as follows:

In lieu of the matter proposed to be inserted, insert the following:

“SEC. 218(a). The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this subsection shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

#### ADDITIONAL OBLIGATION LIMITATION

##### HIGHWAY TRUST FUND

(b) For an additional amount of obligation limitation to be distributed for the purpose of section 144(e) of title 23, United States Code, \$1,000,000,000; *Provided*, That such obligation limitation shall be used only for a purpose eligible for obligation with funds apportioned under such section and shall be distributed in accordance with the formula in such section; *Provided further*, That in distributing obligation authority under this paragraph, the Secretary shall ensure that such obligation limitation shall supplement and not supplant each State’s planned obligations for such purposes.”

**SA 2793.** Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 109, line 23, strike “\$2,600,000” and insert “\$5,000,000”.

On page 113, line 1, strike “\$175,000,000” and insert “\$172,600,000”.

**SA 2794.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 13, strike “106-49” and insert “106-69”.

**SA 2795.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, between lines 18 and 19, insert the following:

##### PERMANENT SUPPORTIVE HOUSING

For the provision of 3,000 units of permanent supportive housing as required under the Road Home Program of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, \$70,000,000, of which \$20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), and \$50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.): *Provided*, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: *Provided further*, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States

Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further, That* subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph: *Provided further, That* the amounts provided by this paragraph are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution of the budget for fiscal year 2008.

**SA 2796.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 147, between lines 8 and 9, insert the following:

SEC. 414. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Administrator of the Federal Aviation Administration to transfer the design and development functions of the FAA Academy or to implement the Air Traffic Control Optimum Training Solution proposed by the Administrator.

**SA 2797.** Mr. DORGAN (for himself, Mrs. CLINTON, Mr. OBAMA, Mr. BROWN, Mr. SPECTER, Mr. INOUE, and Ms. LANDRIEU) proposed an amendment to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to establish a cross-border motor carrier demonstration program to allow Mexico-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico.

**SA 2798.** Ms. KLOBUCHAR (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, between lines 13 and 14, insert the following:

I-35W BRIDGE REPAIR AND RECONSTRUCTION

For necessary expenses to carry out the project for repair and reconstruction of the Interstate I-35W bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, as authorized under section 1(c) of Public Law 110-56 (121 Stat. 558), \$195,000,000, to remain available until expended, *Provided, That* that amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

**SA 2799.** Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3074, making appropriations for

the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default or the assessment is the subject of a non-frivolous administrative or judicial appeal.

**SA 2800.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 17 and 18, insert the following:

SEC. 232. Paragraph (4) of section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of this paragraph, with respect to any fiscal year beginning after the date of the enactment of this sentence, the cities of Alton and Granite City, Illinois, shall be considered metropolitan cities for purposes of this title."

**SA 2801.** Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 17 and 18, insert the following:

SEC. 232. (a) EXTENSION.—For fiscal year 2008, the Secretary of Housing and Urban Development shall extend the term of the Moving to Work Demonstration Agreement entered into between a public housing agency and the Secretary under section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996; Public Law 104-134) if—

(1) the public housing agency requests such extension in writing;

(2) the public housing agency is not at the time of such request for extension in default under its Moving to Work Demonstration Agreement; and

(3) the Moving to Work Demonstration Agreement to be extended would otherwise expire on or before September 30, 2008.

(b) TERMS.—Unless otherwise proposed by the public housing agency and agreed to by the Secretary of Housing and Urban Development, the extension under subsection (a) shall be upon the identical terms and conditions set forth in the existing Moving to Work Demonstration Agreement of the public housing agency seeking such extension, except that for each public housing agency that has been or will be granted an extension to its original Moving to Work Agreement, the Secretary shall require that appropriate data be collected so that the effect of any policy changes to the Moving to Work Demonstration on residents can be measured.

(c) EXTENSION PERIOD.—The extension under subsection (a) shall be for such period as is requested by the public housing agency, not to exceed 3 years from the date of expiration of the extending agency's existing Moving to Work Demonstration Agreement.

(d) BREACH OF AGREEMENT.—Nothing in this section shall be construed to limit the authority of the Secretary of Housing and Urban Development to terminate any Moving to Work Demonstration Agreement of a public housing agency if the public housing agency is in breach of the provisions of such agreement.

**SA 2802.** Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 8 and 9, insert the following:

SEC. 414. Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of 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, a report detailing how the Federal Aviation Administration plans to alleviate air congestion and flight delays in the New York/New Jersey/Philadelphia Airspace.

**SA 2803.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, strike lines 5 through 20, and insert the following:

SEC. 220. Notwithstanding any other provision of law, in fiscal year 2008, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such

a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

**SA 2804.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, after line 11, insert the following:

**TITLE V—PUBLIC HOUSING EQUAL TREATMENT ACT**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Public Housing Equal Treatment Act of 2007”.

**SEC. 502. TREATMENT OF CERTAIN PREVIOUSLY ASSISTED PUBLIC HOUSING.**

(a) IN GENERAL.—Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended by adding at the end the following new subsection:

“(o) ENSURING CORRECT ASSISTANCE.—Notwithstanding any other provision of law, in determining the allocations for each public housing agency from the Operating and Capital Funds pursuant to this section, the Secretary shall include as dwelling units eligible for such assistance all public housing dwelling units that—

“(1) are owned by the public housing agency at the time of such determination; and

“(2) before the date of the enactment of the Public Housing Equal Treatment Act of 2007 have received development, operating, capital, or modernization assistance pursuant to the terms of any agreement with Department of Housing and Urban Development authorizing the agency to expend such funds on behalf of such units.”

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to assistance under section 9 of the United States Housing Act of 1937 for fiscal year 2008 and each fiscal year thereafter.

**SA 2805.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 23, after “receivership” insert “, including public housing agencies that are under a Memorandum of Agreement, Corrective Action Plan, or other arrangement with the Secretary of Housing and Urban Development to facilitate improvement of their voucher program and that are not in default of such an agreement, plan, or arrangement.”

**SA 2806.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to Congress that describes the average marginal production cost of making any new passenger automobile with a gross vehicle weight under 10,000 pounds sold in the United States capable of using a flexible fuel mixture.

(b) In this section, the term “flexible fuel mixture” means—

(1) any mixture of gasoline and ethanol that is up to 85 percent ethanol;

(2) any mixture of gasoline and methanol that is up to 85 percent methanol; or

(3) any mixture of diesel and biodiesel that is 85 percent biodiesel, as measured by volume.

**SA 2807.** Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the sections under the heading “GENERAL PROVISIONS” at the end of title I, add the following:

SEC. 1 \_\_\_\_ (a) Notwithstanding sections 109, 111, 131, and 402 of title 23, United States Code (including regulations promulgated to carry out those sections), none of the funds made available by this Act may be used by the Secretary of Transportation to withhold funds provided by this Act from any State for the implementation of any program under which a State, or any of the agents, designees, or lessees of the State, acknowledges roadside maintenance by a non-State entity through living plant materials that are arranged to identify the name or logo of the non-State entity providing the maintenance.

(b) Any funds paid to a State under a program described in subsection (a) shall be—

(1) considered to be State funds (as defined in section 101(a) of title 23, United States Code); and

(2) made available for expenditure under the direct control of the applicable State transportation department (as defined in section 101(a) of title 23, United States Code).

**NOTICES OF HEARINGS**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the infor-

mation of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, September 27, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on hard-rock mining on Federal lands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to gina\_weinstock@energy.senate.gov.

For further information, please contact Patty Beneke at 202-224-5451 or Gina Weinstock at (202) 224-5684.

**COMMITTEE ON RULES AND ADMINISTRATION**

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 12, 2007, at 9:30 a.m., to conduct a hearing on the Nomination of Robert C. Tapella of Virginia, to be Public Printer, Government Printing Office.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224-6352.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Monday, September 10, 2007, at 9:30 a.m. in order to conduct a hearing entitled “Confronting the Terrorist Threat to the Homeland: Six Years After 9/11.”

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

**PRIVILEGES OF THE FLOOR**

Mrs. MURRAY. Mr. President, I ask unanimous consent that Jacqueline Beatty-Smith, Smith a fellow in Senator REID’s office, be accorded the privileges of the floor during consideration of H.R. 3074, the Transportation appropriations bill and any votes therein.

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

**TRANSPORTATION APPROPRIATIONS**

Mr. REID. Mr. President, we haven’t made as much progress on the Transportation bill as I had wished, but we

are making progress. This is what happens with these complicated bills on occasion. Tomorrow night people should expect votes into the night. It will not be an early evening tomorrow. We have a lot to do on this bill. I have spoken to the distinguished Republican leader. Senator MCCONNELL said they will have an alternative to the Mexican truck measure offered by Senator DORGAN. Hopefully, sometime in the morning we can get those teed up for a vote. We also have been told by Senator COBURN that he has a number of amendments he wishes to offer. He said he would be here at 10:30 in the morning to begin offering those amendments. I have found Senator COBURN in the past doesn't need to talk very long, doesn't want to talk very long. I am sure that will be the case with this bill. I am glad he is coming over in the morning at 10:30. If others have amendments to offer, they should do so. It is my understanding Senator COBURN has a number of amendments. If that is the case and we can't stack these votes, what we will do is, the first vote could come as early as 11 o'clock or thereabouts tomorrow.

We have a lot to do. The fiscal year is coming to a close, and we have a number of must-do issues. We will work on those. I have spoken today, as I indicated, to the distinguished Republican leader about how we would proceed next week on Iraq matters. I think we are making progress on how we should proceed. These are very hotly contested issues, very important. We want to make sure people have the opportunity to speak on this without delaying things for an extended period of time.

Tomorrow morning I am going to ask consent to go to conference on H.R. 1538, which is the Wounded Warrior/military pay raise bill. There was a Republican objection to that request the last time. I hope this time the result will be different so we can send this important bill, which means so much to our men in uniform, to conference. We need to send that to conference. So we will proceed to that unanimous consent request tomorrow morning. I will not do that tonight.

#### PANCREATIC CANCER AWARENESS MONTH

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of and the Senate proceed to S. Res. 222.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 222) supporting the goals and ideals of Pancreatic Cancer Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to,

and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 222) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 222

Whereas over 37,170 people will be diagnosed with pancreatic cancer this year in the United States;

Whereas pancreatic cancer is the 4th most common cause of cancer death in the United States;

Whereas 75 percent of pancreatic cancer patients die within the first year of their diagnosis and only 5 percent survive more than 5 years, making pancreatic cancer the deadliest of any cancer;

Whereas there has been no significant improvement in survival rates in the last 25 years and pancreatic cancer research is still in the earliest scientific stages;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas when symptoms of pancreatic cancer generally present themselves, it is too late for an optimistic prognosis, and the average survival rate of those diagnosed with metastasis of the disease is only 3 to 6 months;

Whereas the incidence rate of pancreatic cancer is 40 to 50 percent higher in African Americans than in other ethnic groups; and

Whereas it would be appropriate to observe November as Pancreatic Cancer Awareness Month to educate communities across the Nation about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and treatment programs: Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of Pancreatic Cancer Awareness Month.

#### NATIONAL CELIAC DISEASE AWARENESS DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 314.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 314) designating September 13, 2007, as "National Celiac Disease Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 314) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 314

Whereas celiac disease affects approximately 1 in every 130 people in the United States, for a total of 3,000,000 people;

Whereas the majority of people with celiac disease have yet to be diagnosed;

Whereas celiac disease is a chronic inflammatory disorder that is classified as both an

autoimmune condition and a genetic condition;

Whereas celiac disease causes damage to the lining of the small intestine, which results in overall malnutrition;

Whereas, when a person with celiac disease consumes foods that contain certain protein fractions, that person suffers a cell-mediated immune response that damages the villi of the small intestine, interfering with the absorption of nutrients in food and the effectiveness of medications;

Whereas these problematic protein fractions are found in wheat, barley, rye, and oats, which are used to produce many foods, medications, and vitamins;

Whereas because celiac disease is a genetic disease, there is an increased incidence of celiac disease in families with a known history of celiac disease;

Whereas celiac disease is underdiagnosed because the symptoms can be attributed to other conditions and are easily overlooked by doctors and patients;

Whereas, as recently as 2000, the average person with celiac disease waited 11 years for a correct diagnosis;

Whereas ½ of all people with celiac disease do not show symptoms of the disease;

Whereas celiac disease is diagnosed by tests that measure the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies;

Whereas celiac disease can only be treated by implementing a diet free of wheat, barley, rye, and oats, often called a "gluten-free diet";

Whereas a delay in the diagnosis of celiac disease can result in damage to the small intestine, which leads to an increased risk for malnutrition, anemia, lymphoma, adenocarcinoma, osteoporosis, miscarriage, congenital malformation, short stature, and disorders of skin and other organs;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjogren's syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who wrote, "if the patient can be cured at all, it must be by means of diet";

Whereas Dr. Samuel Gee was born on September 13, 1839; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of celiac disease: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 13, 2007, as "National Celiac Disease Awareness Day";

(2) recognizes that all people of the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society, the Celiac Disease Foundation, the Gluten Intolerance Group of North America, and the Oklahoma Celiac Support Group No. 5 of the Celiac Sprue Association.

#### MEASURE READ THE FIRST TIME—H.R. 1908

Mr. REID. Mr. President, I understand that H.R. 1908 is at the desk.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 1908) to amend title 35, United States Code, to provide for patent reform.

Mr. REID. Mr. President, I ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.



PROGRAM

Mr. REID. Mr. President, in short, we are going to be in late tomorrow. We hope to finish this bill Wednesday by the time we recess for the Jewish holiday. We tried to clear a few nominations tonight, but there were some objections on the Republican side. We hope to get those cleared for the President tomorrow.

ORDERS FOR TUESDAY,  
SEPTEMBER 11, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow morning, September 11; that on tomorrow, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 3074, the Transportation Appropriations Act; that the Senate stand in recess from 12:30 to 2:15 p.m. to accommodate the respective party conferences; further, that on Tuesday, in commemoration of the sixth anniversary of the September 11 attack, the Senate observe a moment of silence at 12 noon.

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

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that we now stand adjourned under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Tuesday, September 11, 2007, at 10 a.m.



CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, September 10, 2007:

THE JUDICIARY

WILLIAM LINDSAY OSTEEN, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

MARTIN KARL REIDINGER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA.

JANIS LYNN SAMMARTINO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.