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# House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LINCOLN DAVIS of Tennessee).

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*October 16, 2007.*

I hereby appoint the Honorable LINCOLN DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

## SCHIP VETO

Mr. BLUMENAUER. Mr. Speaker, the vote to override President Bush's veto of SCHIP marks the culmination of the most disingenuous and deliberately misleading debate I have witnessed in my entire political career.

The partisan talking points from the Bush White House have been disputed not only by the independent experts, but by dozens of sensible Republicans like Senator GRASSLEY, Senator ROBERTS and Senator HATCH. The facts are simple: working families are having great difficulty providing their children with health insurance.

This is not a program about poor kids, most of whom are already eligible for State Medicaid programs. SCHIP provides health care to children of working families who make too much to receive welfare, but can't afford private insurance. Everyone I talk to back home agrees that this is a problem government needs to address and that children of struggling working families shouldn't pay the price for Republican politics.

The President and his Republican defenders say that SCHIP shouldn't go to families who earn $83,000 a year. Well, as Republican Senator GRASSLEY points out, this is why the bill doesn't authorize coverage at that income level.

The White House now opposes the bipartisan bill because it provides coverage for adults. Yet, over the last 6 years, the administration has cheerfully approved numerous waivers to allow States that have requested to extend coverage to some adults; for example, to pregnant women. This bill actually phases out adult coverage over 2 years, coverage the Bush White House used to think was a good idea, before they were against it.

We have heard complaints about the process, how Republicans were shut out of consideration of SCHIP reauthorization. Yet Commerce Committee Republicans wasted hour after hour demanding the bill be read line-by-line, aloud, instead of debating areas of concern and proposing their own amendments. Just because House Republicans chose to squander time with procedural games and stalling tactics is no justification for denying health care to 10 million children.

Nothing is more ludicrous than the argument that SCHIP is a step towards socialized medicine. We have heard them say it time after time. But SCHIP is a block grant program to the States where most SCHIP recipients receive their coverage by private, managed care plans, similar to the private Medicare Advantage plans the Republicans have been promoting for the last 5 years.

The argument that SCHIP is too costly rings hollow. After all, remember, there are 98 Republican opponents of SCHIP who voted for a more expensive unfunded Medicare prescription drug program, which the President happily signed into law.

Five years of SCHIP expansion would cost little more than a month of the Iraq war, and SCHIP is paid for, unlike the President's war that is all borrowed money. The President's opposition, if wrong headed, is at least consistent. His budget proposal for 2008 underfunded SCHIP. It would have cut coverage for 800,000 children currently in the program.

He drug his feet on SCHIP as Governor of Texas, and his home State still has the highest percentage of uninsured children in the country. Of course, his tendency to ignore inconvenient facts or make up his own is well documented.

What I find inexplicable is the decision of House Republicans to follow the President's leadership down this path of denial and deceit. This bill is about more than health care for 10 million children. It could mark a turning point in the future of politics and health care reform in America.

If Bush and his GOP supporters are allowed to kill this bipartisan compromised legislation without severe consequences, meaningful health care reform and progress will be delayed for years. We must lay the foundation for accountability at the ballot box, because the message will be clear.



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Progress would be possible only with a new visionary president and a Congress that will listen.

I still hold out hope that this Congress will listen to the support of 70 percent of the American public, the support of 16 Republican governors and the bipartisan support in the Senate, that will convince a sufficient number of House Republicans to overturn this cruel veto and provide 10 million children with needed health care.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 10 a.m.

## PRAYER

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

O God of peace and Lord of Light, be present in the midst of Congress this day. May the issues that are discussed in committee work and on the floor of this Chamber bring forth enlightened truth that will lead to defined laws and solid policies so to guide and protect Your people.

Since this work is undertaken for the good of this Nation, assure justice, engender hope, and bring this society into a greater union that will give You glory both now and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. BARRETT of South Carolina led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 36. Concurrent resolution supporting the goals and ideals of National Teen Driver Safety Week.

## COMBAT TROOPS TAX RELIEF ACT

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

Ms. GIFFORDS. Madam Speaker, last week, I introduced the Combat Troops Tax Relief Act. From Fort Huachuca in Arizona to Iraq and Afghanistan, members of our armed services make the defense of our great Nation their number one priority. With unflinching honor and dedication, our military families inspire us by sending their husbands and their wives and their sons and daughters off to war to protect our freedoms.

My bill calls on Congress to honor their patriotism and commitment to the military families with more than rhetoric. This bill would give them concrete tax relief. This Congress is setting new priorities, including policies impacting military families. This bill does more by cutting taxes for middle-class military families. It increases the standard tax deduction for our soldiers and protects military families' eligibility for the Earned Income Tax Credit and the Child Care Tax Credit.

Military families in southern Arizona and across the country deserve nothing less.

## SCHIP SHOULD BE ABOUT THE CHILDREN

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

Mr. WILSON of South Carolina. Madam Speaker, we need to reauthorize the State Children's Health Insurance Program so children from low-income families without health insurance can get it. That is why my Republican colleagues and I remain supportive of a program and funding that will do just that. Unfortunately, the current SCHIP bill would send precious health care dollars to cover adults, illegal aliens, some children from families that are not low income, and others that have private insurance.

Republicans remain committed to putting children first. We want to provide the funds necessary to cover eligible children and enroll the low-income children still not covered. President Ronald Reagan foresaw this diversion of funds. He once said, ''You know, we could say the Democrats spend their money like drunken sailors, but that would be unfair to drunken sailors. It would be unfair because the sailors are spending their own money.''

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

## HOUSE REPUBLICANS HAVE TWO CHIP PLANS BEFORE THEM—THEY HAVE TO DECIDE THIS WEEK

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

Mr. SIRES. Madam Speaker, this week, Republicans must decide if they're going to support a bipartisan bill that provides health care for 4 million more children or if they're going to back a Bush administration plan that will leave 800,000 more children uninsured.

Today, the Children's Health Insurance Program ensures that 6 million children have access to private health insurance.

Earlier this year, President Bush proposed increasing CHIP funding by $5 billion over the next 5 years. The nonpartisan Congressional Budget Office concluded that this plan will result in 800,000 children losing their health coverage.

The President's proposal is unacceptable to many of us. Our bipartisan compromise bill allows us not only to insure all the children currently in this program, but also allows us to cover an additional 4 million children who are already eligible but not enrolled in CHIP.

Madam Speaker, House Republicans have a decision to make. I hope they stand up for 10 million children to help us override the President's veto.

## SCHIP BILL

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, instead of the reauthorization of a successful plan, the majority party is trying to reinvent the government health care wheel by proposing a $35 billion expansion of the current SCHIP plan.

The current SCHIP plan has proven itself successful because it now provides approximately 6.6 million low-income children with government-funded health care services annually. By the way, only 13 percent of this money will actually go to children anyway.

If we allow the vetoed SCHIP bill to pass, the intent of the original SCHIP program, which is to provide health care insurance to children of low-income families who are unable to afford private coverage, will be lost.

This bill would allow families earning an annual income $83,000 a year to take advantage of a program designed to help low-income, uninsured children.

Voting against the SCHIP bill reflects a disagreement for the manner in which the health care coverage will be distributed and to whom. The SCHIP bill needs to be authorized, but can be and should be done in a fiscally responsible manner.

I will vote to sustain the President's veto for this bill because it will overlook the children it was first intended for.

## HEALTH CARE PRIORITIES

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

Mr. EMANUEL. Madam Speaker, this morning, The Washington Post reports that States across this country are forced to start preparing to cut hundreds of thousands of children off of children's health care because Republicans in this House and President Bush have put children's health care on the bottom of their priority list. Unfortunately, we've seen this movie before. When States faced shortfalls and health care for children was threatened earlier this year, States were forced to take steps that would have denied hundreds of thousands of children health care. And once again, the administration failed to lead, and only Democratic efforts to fund the State children's health care in the supplemental appropriations saved us from that catastrophe.

From day one, the administration has adopted a policy of benign neglect when it comes to children's health care. In fact, the President's current plan would cut 1 million children from health care.

Now Republicans in this House have a chance to change that policy. On Thursday, Republicans can join Democrats and Republicans and give 10 million children the care that they need for the future. In fact, I always find it amazing that Republicans will give $480 million to the war in Iraq, no questions asked, but when it comes to 10 million kids' health care, they have a lot of questions.

The choice is simple, 10 million children in States across the country are counting on the House Republicans to make the right choice for their future.

## RESTORE ACT WILL HAMPER EFFORTS OF INTELLIGENCE COMMUNITY

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

Ms. GRANGER. Madam Speaker, our intelligence community and military officials should have every tool available to them as we continue to fight the global war on terror.

While we all agree that proper oversight is necessary, oversight does not equate to needless red tape, and it should never prohibit our men and women in uniform from doing their jobs, especially when it comes to rescuing American lives.

The article in yesterday's New York Post is a startling depiction of how the current system has failed our men and women. After a young American soldier was captured by al Qaeda insurgents last May, lawyers in Washington debated the legalities of electronic eavesdropping connected to his rescue for over 10 hours. That is completely unacceptable. Unfortunately, the RESTORE Act that the Democrat leadership is bringing to the floor this week will only continue to hamper the efforts of our intelligence community and place our men and women at risk.

I urge my Democratic colleagues to reconsider the RESTORE Act. We should focus our efforts on a bipartisan approach to our national security, not on legislating defeat. We should fight for the right to listen to al Qaeda and stop these plots.

## BUSH TRYING TO SHOW FISCAL DISCIPLINE WITH CHILDREN'S HEALTH BILL—RHETORIC VS. REALITY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, President Bush and congressional Republicans know they have a perception problem with the American people when it comes to being fiscally responsible.

The fact is, they inherited a record surplus from President Clinton back in 2001, and over the next 6 years they turned that surplus into record deficits. In fact, it's so bad that President Bush has the distinction of borrowing more money from foreign nations than all of his 42 predecessors combined. That is not a record to brag about. And so now the President and some Republicans are attempting to wipe away 6 years of fiscal mismanagement by opposing a bipartisan bill that would provide quality health care coverage to 10 million children.

The problem is, the bill that they are opposing is completely paid for. You see, when we took over the House in January, we restored pay-as-you-go rules so that we could finally tackle our Nation's deficit. The bipartisan children's health care bill would not add one cent to our Nation's deficit. And House Republicans need to realize that this bill is bipartisan for a reason.

## THE AMERICAN PEOPLE WANT TO COVER THE POOREST KIDS FIRST

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

Mr. STEARNS. Madam Speaker, let me just talk to my colleagues. A new Gallup Poll just came out yesterday, and it really shows what we on this side have been talking about.

The poll indicates that over 55 percent of Americans are worried that the expansion of the SCHIP program would create incentives for families to drop private health coverage and switch to the public program. This goes to the very core of what we've been saying.

I was here in 1997 when Republicans created the SCHIP program. The Democrat leadership is creating a future entitlement train wreck, and they would be wise to listen to the American people before tying the hands of our Federal Government with more spending.

The poll goes on further to state that over 52 percent of Americans believe that most benefits should go to families making 200 percent below the poverty line. This was the original intent of the law.

The American people are asking Congress to follow the original bipartisan plan for the SCHIP program. The American people want to cover the poorest kids first; we do, too. The Democrat leadership needs to understand they're not doing the American people a favor with this program.

## CHIP BILL AND BUSH'S VETO: FACT VS. REALITY ON THE LEGISLATION

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

Mr. CARDOZA. Madam Speaker, many House Republicans have mistakenly bought into President Bush's false rhetoric about the CHIP program and its reauthorization. I would hope that they would listen to their Senate Republican colleagues who are willing to see past the White House rhetoric.

Republican Senator CORKER from Tennessee said, ''What will move our country towards socialized medicine is not this bill, which focuses on poor children, but the lack of action to allow people in need to have access to private affordable health care.''

Republican Senator ROBERTS of Kansas said, ''I'm not for excessive spending and I strongly oppose the federalization of health care. And if the administration's concerns about this bill were accurate, I would support a veto. But, bluntly, they are not.''

And Republican Senator HATCH from Utah thinks the President ''has been sold a bill of goods'' on this legislation.

Madam Speaker, the House Republicans should not buy into the administration's falsehoods. This week, we have an opportunity to ensure 10 million children have access to quality health insurance. They should join us in overriding the President's veto.

## IMMIGRATION

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

Mrs. BLACKBURN. Madam Speaker, what I'm hearing from my constituents is they are still very concerned about our national security, about border security, about the security on their streets and in their communities. That's why I would like to raise one issue with the House this morning.

For the second time in the last several months, a mobile foreign consulate has traveled to Memphis, Tennessee, on the western edge of my district, to issue government IDs and passports, the latest courtesy of the Guatemalan Government.

Now, many illegal immigrants in this country are using these matricula consular cards to access American financial markets. And some American financial institutions are offering illegal immigrants credit cards and access to our financial services and financial markets based on the issuance of these cards. Only reason you need one, you're in the country illegally.

I've even had an industry representative tell me that they think they should be able to ''bank illegal immigrants.''

Madam Speaker, that's why I've introduced H.R. 1314, the Photo ID Security Act, to close this loophole that allows illegal immigrants access to these services.

I encourage all to join me in sponsorship of this bill.

□ 1015

## THE FIFTH DISTRICT OF CONNECTICUT SUPPORTS THE SCHIP PROGRAM

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

Mr. MURPHY of Connecticut. Madam Speaker, why is it that we have so many Republicans here in the House, a veto-proof majority in the Senate, a poll that came out showing that Republicans across this country support expansion of the SCHIP bill by a 2 to 1 margin. Why is that? Because the expansion of the SCHIP bill is not just morally responsible. It is fiscally responsible. We have to stop pretending that these kids that don't have health care insurance don't have health care. They do. But they get it in the least humane and most expensive way. We have a system of universal health care in this country. It just doesn't get care to these kids until they are so sick and so crippled by their illness that they show up at an emergency room and get the worst care and most expensive care that you can get in this system

I come from a morally responsible district, but I also come from a fiscally responsible district, Madam Speaker, and that is why they support expansion of the SCHIP program.

## HEALTH CARE CHOICE FOR FAMILIES

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

Mr. BOUSTANY. Madam Speaker, I am pleased that a report by AARP acknowledged consumer-directed health plans often provide more freedom of choice, lower premiums while giving consumers more control over their health care. This year I introduced H.R. 2639 to expand and improve coverage under these patient-centered plans. Public and private sector leaders must do more to empower patients with convenient, reliable information on cost and quality so consumers can purchase better care at a lower cost.

Recent reports contend that health care plans haven't done enough in this area. These criticisms underscore the need to quickly build on gains we have made in health care transparency. Secretary Leavitt has laid important ground work in this area.

H.R. 2639, coupled with better information for patients, will improve access, lower costs and improve quality of health care. I urge my colleagues to cosponsor this bill.

## RHETORIC VERSUS REALITY ON THE BIPARTISAN CHILDREN'S HEALTH BILL

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

Ms. LEE. Madam Speaker, House Republicans have now had 2 weeks to sift through the rhetoric and reality of the bipartisan children's health insurance bill that the President vetoed. When the President vetoed the bill, he said it was a step toward government-run health care. Surely, he can't believe that. If he understood the program, he would know that it is a Federal-State partnership to ensure that children have access to private health insurance.

The President also says that the bill attempts to expand the SCHIP program to upper middle class children who are not currently eligible. Again that is false. It does not expand the program. There are now about 12 million children who are eligible for SCHIP. Today we are reaching 6 million of those kids. Our legislation would allow us to reach an additional 4 million children who are already eligible for the program.

The President also says that our bill is too expensive. But he ignores the fact that it is fully paid for. And he is asking for $190 billion more to fund the occupation of Iraq. Even if the President does not make children his priority, let us do so by overriding his veto on Thursday. Republicans have had 2 weeks to realize that the President's reasons for vetoing this bill simply do not add up. So they should join us in overriding the veto.

## LIEUTENANT MICHAEL MURPHY WILL POSTHUMOUSLY BE AWARDED THE CONGRESSIONAL MEDAL OF HONOR

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

Mrs. DRAKE. Madam Speaker, on October 22, the President will posthumously award our Nation's top military honor to the first Navy SEAL since the Vietnam War.

In June of 2005, Lieutenant Michael Murphy of Patchogue, New York, led a team of four SEALs on an intelligence-gathering mission in the mountains of Afghanistan when Taliban supporters revealed the team's position. A heavy firefight ensued, and the team, cut off from all reinforcements and outnumbered 50 to 1, fought valiantly to preserve each other's lives. Faced with certain death, Lieutenant Murphy deliberately exposed himself to enemy fire in order to gain a clear signal which would communicate with rescue forces. He risked his own life to save the lives of his men.

Madam Speaker, as the proud representative of both Naval Amphibious Base Little Creek and Dam Neck Fleet Combat Training Center, my heart goes out to the family of the first Navy SEAL to earn the Congressional Medal of Honor in the global war on terror.

Lieutenant Murphy was a true American hero and will live on as an inspiration for all who serve within the ranks of the most elite special operations forces in the world.

## REMARKS ON THE SCHIP VETO OVERRIDE

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

Mr. LANGEVIN. Madam Speaker, I rise today in strong support of the SCHIP program and urge all of my colleagues to vote to override the President's veto of this bill.

While the number of uninsured adults has steadily climbed over the past 10 years, the number of uninsured children in our Nation has declined by nearly a third. This is a direct result of the SCHIP program which began in 1997 with the goal, and indeed the national commitment, of providing health insurance for children whose parents cannot afford private health coverage. I was proud to be a part of a Congress that was able to craft a responsible and critical reauthorization of the SCHIP program, one that would ensure that all eligible children can participate.

However, while Democrats and Republicans here in Congress were able to put politics aside for the sake of this critical program, the President chose not to do so. His veto means that thousands of children in Rhode Island and millions more across the country will be denied access to health insurance.

I urge all of my colleagues to vote to override the President's veto and show our support for a program that has been tremendously successful in supporting working families, strengthening our health care system, and keeping our children healthy.

## OVERREACTING TO AN OVER-EXAGGERATED THREAT OF TERRORISM

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

Mr. DUNCAN. Madam Speaker, we all want to do what we should to fight

terrorism, but the Federal Government has to do many other things, too. The Wall Street Journal editorial said: ''We would like to suggest a new post-September 11 rule for Congress. Any bill with the words ''security'' in it should get double the public scrutiny and maybe four times the normal wait, lest all kinds of bad legislation become law under the phony guise of fighting terrorism.''

More significantly, Homeland Security Secretary Michael Chertoff testified in front of a congressional committee: ''We should not let an overexaggerated threat of terrorism drive us crazy, into bankruptcy, trying to defend against every conceivable threat.'' He went on to say: ''We do have limits, and we do have choices to make. We don't want to break the very systems we're trying to protect. We don't want to destroy our way of life trying to save it. We don't want to undercut our economy trying to protect our economy, and we don't want to destroy our civil liberties and our freedoms in order to make ourselves safer.''

## THE STORY OF TWO TENS IN IRAQ AND HERE IN THE UNITED STATES

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

Mr. ALTMIRE. Madam Speaker, when we as a Nation talk about our priorities, it is often useful to use numbers to put things in perspective. So today let's think about the number 10. On Thursday, this House will have the opportunity to override a Presidential veto that would allow us to ensure 10 million children have access to quality health care so that they can see the doctor of their choice when they need to. We realize the importance of preventive care. Children shouldn't be forced to let a cold or earache linger until it reaches emergency proportions.

President Bush says our bipartisan compromise is too expensive. But while we are working to ensure 10 million children have access to health care, President Bush has no problem asking us to send $10 billion every month to Iraq.

Madam Speaker, this is a debate about priorities. House Republicans should join us in overriding the President's veto to send a message that children's health care is a priority of this House.

## TAXPAYER CHOICE ACT

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

Mr. MCHENRY. Madam Speaker, I am confident the only thing worse than having to pay taxes is figuring out how to fill out the forms to pay taxes. As Albert Einstein said: ''The hardest thing in the world to understand is the income tax.'' He was right. It is 16,485 pages. Our income tax is an outrage, an outrage long in need of reform and simplification.

Last week Republicans introduced an alternative to this outrage. The Taxpayer Choice Act does what it says. It gives taxpayers a choice between all the headaches of the current tax system or a highly simplified alternative tax. It simplifies the process for taxpayers and gives them what they deserve, a transparent, efficient, simple and fair Tax Code and completely eliminates AMT tax and makes permanent the capital gains and dividends tax cuts of 2001 and 2003.

Madam Speaker, it is long time that we pass fundamental tax reform and give taxpayers the choice, the Taxpayer Choice Act.

## RED TAPE DELAYS RESCUE

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

Ms. FOXX. Madam Speaker, homeland security and the safety of our men and women in uniform should be on the front of everyone's mind in Congress. Yet, we are here again this week discussing a Democrat bill that fails to provide our intelligence community the tools necessary to monitor terrorist activity. The Democrat RESTORE bill does nothing to streamline a process that is hampered by endless red tape and severely slows the reaction time between Washington and our battlefield commanders.

Intelligence opportunities sometimes exist for minutes, and we need the flexibility to monitor activity that can save lives. The article in the New York Post yesterday is a perfect example. The current law delayed a rescue mission by 10 hours. Our troops should never have to wait 10 hours for permission to rescue them.

I urge my Democrat colleagues to reconsider the RESTORE Act. We should focus our efforts on a bipartisan approach to our national security, not on legislating defeat.

## PROVIDING FOR CONSIDERATION OF H. RES. 734 EXPRESSING THE SENSE OF THE HOUSE REGARDING WITHHOLDING OF INFORMATION RELATING TO CORRUPTION IN IRAQ

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 741 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 741

*Resolved,* That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 734) expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform; and (2) one motion to recommit which may not contain instructions.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. WELCH of Vermont. Madam Speaker, I also ask unanimous consent that all Members be given 5 legislative days to revise and extend remarks on House Resolution 741.

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

There was no objection.

Mr. WELCH of Vermont. Madam Speaker, House Resolution 741 provides for the consideration of House Resolution 734, expressing the sense of the House of Representatives regarding the withholding of information relating to rampant corruption in Iraq, corruption that is being used with taxpayer money from our country. The rule provides for 1 hour of general debate controlled by the Committee on Oversight and Government Reform.

Resolution 734 expresses the explicit sense of the House that the State Department, our State Department, has abused its classification authority by withholding from Congress and the American people information about the extent of corruption in the Maliki government. The resolution further condemns the State Department for retroactively classifying documents that had been widely distributed previously as unclassified and by directing State Department employees not to answer questions in an open forum.

□ 1030

Madam Speaker, we are in the fifth year of this war. We have lost over 3,700 of our best young men and women. By the time this war is over, many experts anticipate that the cost to the taxpayers will exceed $1 trillion. General Ricardo Sanchez, a retired commander, last week described the situation in Iraq as an absolute nightmare with no end in sight.

This war started on the basis of bogus information: the threat of weapons of mass destruction that did not exist. Hard questions that should have been asked weren't asked. The war continued for years, until November of 2006, with a Congress that was a rubber stamp for whatever it was that the executive agencies wanted. Those days are over.

The Committee on Oversight and Government Reform has been pursuing relentlessly article I powers of this Congress to accept its responsibility on behalf of the citizens of this country to ask questions and get answers; yet the State Department is refusing to allow relevant information to be disseminated to the members of that committee.

Madam Speaker, let me go through the history. On October 4, 2007, the Oversight and Government Reform Committee held a hearing regarding the extent of corruption within the Iraqi Government. David Walker, the Comptroller General of the United States, and Stuart Bowen, the Special Inspector General for Iraq Reconstruction, testified that entrenched corruption in the Iraqi Government is actually fueling the insurgency, undermining the chances of political reconciliation, which, incidentally, was the whole point of the surge strategy of General Petraeus, and that this corruption is, in fact, endangering our troops.

The former Commissioner of the Iraqi Commission on Public Integrity, Judge Radhi Hamza al-Radhi, testified that his own investigation documented at least $18 billion in money stolen by corrupt officials. He stated that Prime Minister Maliki personally intervened to prevent the investigation from continuing.

Each witness that day provided evidence suggesting that corruption within the Iraqi Government was tantamount to a second insurgency. Specifically, David Walker testified that widespread corruption undermines efforts to develop the government's capacity by robbing it of needed resources, some of which are used to fund the insurgency itself. Similarly, Mr. Bowen testified that corruption in Iraq stymies the construction and maintenance of Iraq's infrastructure, deprives people of goods and services, reduces confidence in public institutions, and publicly aids insurgent groups reportedly funded by graft from oil smuggling or embezzlement.

Judge al-Radhi testified that corruption in Iraq today is rampant across the government, costing tens of billions of dollars, and has infected virtually every agency and ministry, including some of the most powerful in Iraq. He further stated that the Ministry of Oil is effectively financing terrorism.

Madam Speaker, after hearing this testimony, which can only be described as shocking, the Oversight Committee heard from Ambassador Lawrence Butler, Deputy Assistant Secretary of State. Members of the committee asked the obvious questions, very simple, very straightforward: A, whether the Government of Iraq currently has the political will or the capability to root out corruption within its government; B, whether the Maliki government is working hard to improve the corruption situation so that he can unite his country; C, whether Prime Minister Maliki obstructed any anticorruption investigations in Iraq to protect his political allies. Simple questions; no answers.

Ambassador Butler refused to answer any of these questions at the hearing because on September 25, 2007, 7 business days before this hearing, the State Department instructed officials not to answer questions in open setting that called for, basically, answers. In the jargon of the State Department, you couldn't answer a question that called for ''broad statements or assessments which judge or characterize the quality of Iraqi governance or the ability or determination of the Iraqi Government to deal with corruption, including allegations that investigations were thwarted or stifled for political reasons.''

It is astonishing; $1 trillion, over 3,700 lives, a war that has no end in sight, that was based on misinformation. Now, with billions of dollars gone missing, no one is disputing this is as a result of corruption, not just bad decisions. The State Department is directing the people who have answers to deny answers to Congress and to the American people.

Madam Speaker, the thrust of this resolution is very simple. It is whether Congress has the right and the will to demand that it get answers on behalf of the American people about this most catastrophic foreign policy blunder.

In addition to preventing officials from answering questions about the corruption in Iraq, the State Department retroactively classified two reports written by the Office of Accountability and Transparency, one of the two primary entities established by the State Department to lead U.S. anticorruption efforts. So we turned the Office of Transparency into the ''Office of Obscurity.''

These reports were initially marked ''sensitive but unclassified,'' and they suddenly, by fiat of the State Department, became ''confidential.'' The State Department also retroactively classified portions of a report that was released and distributed at that October 4 hearing by Comptroller Walker. It addressed the commitment of the Iraqi Government to enforce anticorruption laws.

As a member of the Oversight and Government Reform Committee, I and my colleagues witnessed firsthand the State Department's absolute, adamant, willful, and really intransigent refusal to testify about Iraqi corruption. That is why the committee believes so strongly in the support of this resolution.

The resolution states in very simple and plain language what every American, I think, believes they are entitled to. One, it is essential that Congress and the people of the United States know the extent of corruption in Iraq. Two, it was wrong, not right, but wrong, to reclassify documents that are embarrassing but do not meet the criteria for classification. Three, it is an abuse of the classification process to withhold from the American people broad assessments of the extent of corruption within the Iraqi Government. Four, the directive issued by the State Department on September 25, 2007, prohibiting its officials from discussing the state of Iraqi corruption should be, indeed must be, rescinded.

Madam Speaker, corruption within the Iraqi Government is unacceptable. It undermines the efforts of this country; it undermines the efforts of the honest people in Iraq to build a civil society. We have no recourse but to demand from the State Department that they tell us the facts and not withhold them because they are embarrassing and don't serve what has been a self-serving and misguided policy since its inception.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I want to begin by thanking my very good friend, a new member of the Rules Committee, the gentleman from Vermont (Mr. WELCH) for his statement that was very thoughtful. But it actually in many ways buttressed the argument that I was making in the Rules Committee yesterday, that Chairman WAXMAN countered, that this resolution is little more than an attempt to try and appease this sector of the House of Representatives that wants this immediate withdrawal from Iraq, represented by more than a couple of my colleagues who are here right now.

I rise, Madam Speaker, in strong opposition to both this rule and the underlying resolution. Once again the Democratic leadership has shut down the normal, open legislative process in order to bring their substantively flawed legislation to the floor, and once again they must resort to a complete distortion of facts in order to advance their agenda.

They have the formula down pretty well, Madam Speaker. First, you pick an issue that no one could possibly oppose. In this case they have bravely come forward and taken a stance against corruption. Well, it is very impressive. Obviously we are all opposed to corruption.

Next, they slap together a resolution that ostensibly advances this position, but, in reality, twists the facts such that the issue is actually abandoned for purely political potshots; then shut down regular order so that no dissenting voice can be heard.

Finally, when all due process and substantive deliberation has been thwarted, attack those who expose their sloppy work by calling them ''pro-corruption,'' or ''anti-poor children,'' or whatever dark and sinister trope we are exploiting this week.

This is a well-worn approach that has been, unfortunately, standard operating procedure in this 110th Congress. What makes it so troubling this time is that it came from a committee whose

chairman and ranking member have generally worked in a bipartisan way, despite the Democratic leadership's very heavy-handed approach on so many issues.

The ranking member, the gentleman from Virginia (Mr. DAVIS), has been very eager to work constructively with, Madam Speaker, our California colleague (Mr. WAXMAN) who chairs the committee. They have worked together on a number of issues. And it was the same way when our friend from Fairfax, Virginia (Mr. DAVIS) was the chairman of the then Committee on Government Reform and Oversight, now the Committee on Oversight and Government Reform, when Mr. DAVIS was the chairman and Mr. WAXMAN was the ranking member.

Mr. DAVIS has not shied away from taking a very, very honest and fair approach to oversight and speaking very frankly about the problems that are exposed. He has always concerned himself only with the facts, not the party affiliation of those who have come under scrutiny.

So why is it, Madam Speaker, why is it that the majority did not so much as share the text of this resolution with the minority before introducing it? Why did it not go through the regular committee process to vet the language? What exactly do they fear by allowing just a little bit of sunshine in their work?

Madam Speaker, when the Republicans on the Committee on Oversight and Government Reform finally got to have just a little peek at this resolution, what they found were half-truths, distortions and blatant omissions.

Our friend from Virginia (Mr. DAVIS) offered a substitute that would modify the resolution by adding the critical information that the majority had omitted and correcting what was mischaracterized. The majority shamelessly but predictably shut out the amendment, in an apparent attempt to suppress any effort to expose the glaring flaws to their resolution.

Madam Speaker, all we have asked is to have a debate based on facts rather than on phony narratives and biased misinformation. I have no doubt that their side will continue this charade of a debate and pretend that this resolution is simply about exposing corruption and those who try to cover it up.

Madam Speaker, they can have their charade, but this side is going to actually talk about facts today, something that we are proud to regularly do, and, unfortunately, doesn't emerge too often from the other side of the aisle.

We will start with the issue of corruption in the Iraqi Government. It is a huge problem. It is a huge problem, corruption in the Iraqi Government, Madam Speaker. We all recognize that. The Iraqis recognize that. Today in The Washington Post a representative from the State Department made it very clear that the issue of corruption within the Iraqi Government is a serious one. The entire world recognizes the fact that there is corruption within the Iraqi Government.

Through a number of U.S. departments and agencies, including the State Department, we are funding a wide range of programs to find, root out and prevent corruption; to build the capacity of the Iraqi Government to fight corruption within its own ranks, which is what our goal is, making sure we fight corruption. We want to strengthen the democratic institutions that must be strong, transparent and enduring, so that the rule of law can prevail, and those who break the law will, in fact, be brought to justice.

That is what our goal is, Madam Speaker, and that is something that I believe we could address in a bipartisan way if Mr. WAXMAN and Mr. DAVIS had, in fact, had the chance to come together. Mr. DAVIS very much wanted to, but apparently he was rebuffed.

This is the primary goal of our policy, ensuring that we take on and root out and eliminate corruption within the Iraqi Government. And our efforts would be highlighted in this resolution, if its authors had not systematically struck the positive comments made by the very experts quoted in their text.

□ 1045

For example, they quote Judge Radhi Hamza al-Radhi as saying, and I quote, Madam Speaker, ''Corruption in Iraq today is rampant and has infected virtually every agency and ministry.'' That is what is in the resolution, Madam Speaker. They unfortunately in this resolution cut out the rest of the quote.

Judge Radhi went on to tell the committee, and I quote, Madam Speaker, ''The Iraqi people would hope that you continue your support to them, otherwise they will be suppressed by the neighboring countries.'' He went on to say, ''I believe if you help the Iraqi people to be managed and governed by an honest government, I believe that the problem will be over.'' Now that's the full quote from Judge Radhi Hamza al-Radhi.

To this key point, the very people that came before the committee to testify on Iraq's corruption problem also highlighted our attempts to combat it; and they begged us, they begged us, Madam Speaker, not to abandon them. A number of other key quotes were cut short in the resolution resulting in a skewed view of testimony.

They suppressed testimony from the Inspector General for Iraq Reconstruction citing that the Iraq Government fully recognizes its corruption problem. They cut out the Comptroller General's testimony that this is an internal Iraqi problem which does not involve U.S. funds, and that the Iraqis face enormous challenges following decades of a dictatorship where, and I quote, ''corruption was woven into the very fabric of governing.''

It is all there in black and white in the alternative that Mr. DAVIS presented to us up in the Rules Committee.

Of course, that full litany of the facts will never come to a vote in this House because of a decision that the majority leadership has made. They would rather cherry-pick quotes and give a distorted account of the facts.

Madam Speaker, the resolution's second major premise, which also suffers from being disassociated with the facts, is that the State Department has tried to cover up Iraqi corruption and has withheld pertinent information from Congress. Again, the majority can continue their pseudo-debate if they would like; but, Madam Speaker, on this side of the aisle, we are just going to stick to the facts. And the fact is that a portion of an unfinished, unvetted document was inadvertently leaked. When the report was ultimately finalized, portions were deemed classified in the interest of protecting sources whose lives would be threatened for their anticorruption efforts and to protect private conversations stemming from diplomatic efforts.

We can accuse the State Department of sloppiness because of the leak; we can play Monday morning quarterback and say that they shouldn't have bothered to classify information no matter how sensitive after it was inadvertently leaked. But to accuse them of trying to cover up information is a blatant mischaracterization of the facts.

Furthermore, Chairman WAXMAN has declined to release the transcripts of interviews with State and Justice Departments officials on the very issues raised in this resolution. State has also offered classified briefings to answer any and all questions that can't be addressed in an open setting. Now, Madam Speaker, according to the State Department, Chairman WAXMAN has declined that offer. It would appear that the authors of this resolution may not actually be interested in gathering this information.

In fact, it is ironic that a resolution accusing government officials of withholding information would cherry-pick quotes from testimony and suppress an amendment that tells the whole story. And it is ironic that its authors make these accusations while refusing to release the transcripts of its own proceedings and deny the opportunity for a full classified briefing. If they were truly interested in combating corruption or the full disclosure of information, they would have gone through regular order that developed legislation within the context of a full debate that includes the facts in the situation.

I would ask them to take the issue of corruption more seriously, Madam Speaker. This is an issue that has plagued our own government. We have wrestled for years over ethics reform, and we still haven't got it right. We are trying right now to bring to the floor earmark reform. We have a discharge petition in the well and we have encouraged our colleagues to sign that to deal with what clearly has been a bipartisan issue. It is an issue that has been wrought with corruption in the

past. We are trying very hard to address that. Unfortunately, the majority leadership refuses to allow us to bring to the floor earmark reform that would simply bring us to the standard that we passed in the last Congress.

Now, Madam Speaker, as we look around the world at democracies old and new, we see that no one has been able to completely root out the problem of corruption. I have the great privilege to work with my colleague, David Price, and 18 other of our Members as part of the House Democracy Assistance Commission. Our commission works directly with legislatures in developing democracies all around the world, and corruption tops the list of challenges every single time.

In every one of the 12 member countries that we have within the House Democracy Assistance Commission, this problem of corruption comes to the forefront. Endemic corruption threatens the very survival of real democracy, and that is why we are tackling the problem across the globe; and, Madam Speaker, Iraq is no exception.

Unfortunately, rather than furthering our efforts, the Democratic majority would rather sit in the cheap seats taking shots at the Iraqi Government awash in righteous indignation over trumped-up charges of a coverup. I would call on them instead to offer a meaningful bill that addresses the very serious issue of corruption and take it up under regular order. I would call on them, Madam Speaker, to allow their work to stand before the rigors of scrutiny and deliberation.

Madam Speaker, I am quite confident that we could all come together to work on a universally supported issue of combating corruption. As I said, we have these great models of HENRY WAXMAN and TOM DAVIS who traditionally in a bipartisan way have worked together. I believe we could do that again. But, unfortunately, Mr. DAVIS was completely rebuffed when this resolution was introduced, as our colleague from Pasco, Washington (Mr. HASTINGS) said, in the Rules Committee last night, was introduced last Friday with no markup whatsoever, and then we brought it up last night in the Rules Committee.

Let's work to have a constructive, meaningful debate on this issue based on facts that actually attempt to do something grander than the political posturing that we are seeing with this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, before I yield to my friend from Massachusetts, I would like to just comment on a few of the observations and statements made by my friend from California.

First of all, I agree with him that Chairman WAXMAN and Ranking Member DAVIS have worked cooperatively and extremely well. And, in fact, there was an effort to maintain that tradition here when Chairman WAXMAN last Wednesday delivered a copy of the text of this resolution to the minority with specific heads-up that this resolution was going to be introduced on Friday and with the request that comments or edits be provided in a timely way so that the introduction could occur on that day.

The edits were not presented until Monday, just before the Rules Committee meeting. So the good news here is that that cooperative approach continued. Mr. WAXMAN, in his usual gentlemanly and collegial way, made apparent what his intentions were, provided the language and opportunity for response, and it was not forthcoming. So that's the story.

The gentleman from California will have an opportunity to respond on his own time, so I won't yield at this time.

Secondly, the premise that on a matter of enormous public importance where it is our lives, it is our money that is imperiled, that is being wasted, that Members of Congress could sacrifice their capacity to be a representative of the people that we represent by accepting a classified briefing on something that is profoundly public in nature is flat out rejected by the committee and by most Members of this Congress.

When we are asked to go get a private briefing up in the Intelligence SCIF with a requirement that we sign an oath that we can't reveal anything that we learned, it means that the State Department has succeeded in its goal of keeping secret information that should be made public. So that is not simply an option that makes any sense if we are going to move ahead.

Madam Speaker, at this time I yield 6 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, I regret that the intransigence and stonewalling by the Bush administration of Congress' oversight responsibilities have made this legislation necessary.

H. Res. 734 rightfully expresses the sense of the House that the Department of State has abused its classification authority by withholding from Congress and the American people information about the extent of corruption in the Iraqi Government. This resolution criticizes the State Department for retroactively classifying public documents that have previously been widely distributed as unclassified.

It also calls upon the State Department to rescind its directive that orders officials not to answer questions in an open committee hearing that might characterize the situation of corruption in the Iraqi Government.

What is the background on this, Madam Speaker? On October 4, the Committee on Oversight and Government Reform held a hearing on corruption in Iraq. Mr. Stuart Bowen, the Special Inspector General for Iraq, and Mr. David Walker, the Comptroller General of the United States with the Government Accountability Office, testified that entrenched corruption in the Iraqi Government is fueling the insurgency, undermining the chances of political reconciliation and endangering our troops. Judge Radhi Hamza al-Radhi, the former head of Iraq's own Commission on Public Integrity, stated that his work documented $18 billion stolen by corrupt officials. He also testified that Prime Minister Maliki personally intervened to block further investigations and prosecutions of his relatives and political allies from going forward.

Concern about endemic corruption in the Iraqi Government should be of great concern to every single Member of this House. It raises a fundamental question: Is the Iraq Government, under the leadership of Prime Minister Maliki, too corrupt to succeed?

It should definitely concern the White House and the State Department. So how did the Bush administration respond?

The State Department took the extraordinary step of retroactively classifying corruption reports by its own officials, and even portions of a GAO report already released by Mr. Walker.

State Department witnesses appearing before the committee refused to answer even the most basic questions about corruption in Iraq in open session.

So imagine my surprise when I opened this morning's Washington Post to find that the State Department told the press yesterday that official corruption in Iraq is ''real, endemic and pernicious,'' and remains a major challenge to building a functioning, stable democracy.

Now that wasn't in a classified setting; it was on a conference call with reporters. So it is okay to make such statements to the press but not to a congressional committee?

Madam Speaker, we are not talking about state secrets on how to carry out attacks against al Qaeda in Iraq. We are talking about corruption. Government corruption. There is no reason for stonewalling Congress, especially when the topic is discussed freely with reporters in a conference call.

Quite simply, Madam Speaker, the Bush administration has abused the classification system and demonstrated its contempt of congressional oversight and accountability. More than 3,800 of our troops have been killed in Iraq and more than 28,000 wounded. Let me repeat that. More than 3,800 of our troops have been killed in Iraq and more than 28,000 wounded.

What kind of an Iraqi Government are they fighting for? I think their families and their military comrades deserve to know. President Bush is asking Congress to give him another $150 billion for the war. I think Congress and the American people deserve to know the extent of corruption within the Iraqi Government and how that might affect our chances of success in Iraq.

Madam Speaker, the facts about corruption may be embarrassing for the Iraqi Government, but they do not meet the test for secret classification.

□ 1100

Every newspaper in America has written stories on corruption in Iraq. Classifying previously released public documents, silencing public officials so that Congress and the American people are unable to get a complete picture, the good and the bad, about corruption in Iraq serve no legitimate purpose.

Any Member, Madam Speaker, who stands up on the House floor and says they're against corruption in Iraq has to vote for this measure.

The fact is that our occupation of Iraq is, occupation of Iraq is now in its fifth year. For four of those years, when Republicans were in control of Congress, they did nothing and said nothing about corruption. They were silent, while hundreds of billions of dollars were funneled to a government who I wouldn't trust to tell me the correct time.

Madam Speaker, talk is cheap, and if you're against corruption, then you should vote for this resolution. The problem is that for too long in this Congress there have been some who have been apologists for bad behavior. They have looked the other way while they have known that corruption in the Iraqi Government has been an increasing problem, not a decreasing problem.

So I would say to my friends on the other side of the aisle that if, in fact, you want to change the behavior of the Iraqi Government, if you want to stop the silence and the inaction that characterized your control of this Congress when it came to the issue of corruption in Iraq, then you need to vote for this resolution. The administration's actions need to be denounced and rescinded.

I would urge my colleagues to stand up finally and belatedly and do the right thing and support H. Res. 734.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume, and I look forward to yielding to my friend from Worcester if he would like to engage in a colloquy with me on this issue.

Now, my friend has basically stood here basically buttressing the entire argument I made in my opening statement. Who is it that's a proponent of corruption? My friend has argued, Madam Speaker, that if you are opposed to corruption, you have no choice but to support this resolution.

Here's the thing that concerns me greatly, and I'd be happy to yield to my friend if he would like to challenge me on this at all. Here's the thing that troubles me greatly, Madam Speaker.

As we stand here at this moment, we regularly have Members of the other side of the aisle accusing this administration of not coming forward with all the facts. And what is it that this resolution does? This resolution actually ignores the facts, and I will go through again the quotes from Judge Radhi Hamza al-Radhi who, in fact, said time and time again that the issue of our support for the effort of rooting out corruption in Iraq is one that must continue, and unfortunately, all we're doing is pointing a finger of blame here.

I would say to my friend that, as we look at this issue, why not seize the opportunity that the State Department has offered to make sure that you can have a full classified briefing and then make the determination as to whether or not something should or should not be classified? That's the way it should be handled, rather than this broad brush, sweeping approach saying that if you, Madam Speaker, are somehow opposed to corruption you have no choice but to support this resolution.

Of course we support the effort to ensure that we don't have corruption, but to see this ploy trying to paint people in a corner with just a little bit of the facts is, I think, a great disservice to our quest to root out corruption. And I believe very strongly, Madam Speaker, that it is essential for us, on behalf of the American people and on behalf of the model that we are trying to provide that corruption is bad, to make sure that this resolution provides all of the facts as we move forward.

Mr. McGOVERN. Madam Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Madam Speaker, I thank the former chairman of the Rules Committee for yielding.

I would just say for 4 years this Congress and this administration has been indifferent to the corruption in Iraq, and as a result, we bear some responsibility for the mess that's there now, and this resolution says we need to change course.

Mr. DREIER. Reclaiming my time, and I'd like my friend to continue because I'll yield to him in a moment, but for him to claim over the last 4 years that this administration has been indifferent to the problem of corruption is an outrage because the problem of corruption is something that has existed for years.

This administration and this Congress have been dedicated to rooting out corruption in Iraq. We've worked in a bipartisan way on it, and it's very tragic and I think a disservice to those who want to address the issue of corruption that we somehow are told that we only accept this resolution, that does not engage in providing all of the facts, that we somehow are tolerant of or supportive of a policy of corruption.

I'm happy to further yield.

Mr. McGOVERN. I would say to the gentleman, if during the last 4 years that this Congress and this administration did anything to fight corruption in Iraq in a meaningful way as a statement, maybe it's part of a classified briefing we need to have.

Mr. DREIER. He's making the exact same argument here. He's making the exact same argument that nothing has been done.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind Members that they must maintain proper order in yielding and reclaiming time.

Mr. DREIER. Madam Speaker, I would inquire of the Chair, did I correctly reclaim my time? Did I make a mistake here, I would inquire of the Chair.

The SPEAKER pro tempore. The Chair's admonition was to all Members.

Mr. DREIER. Madam Speaker, what I would like to do is to share with our colleagues some of the things that have been done over the past 4 years.

My friend mentions the fact that this administration has turned their back on the issue of corruption in Iraq. Let me just state, there has been technical training to build capacity, judicial reform. The National Endowment for Democracy has provided grants. There are international programs involved. The Iraq Reconstruction Rehabilitation Fund has increased the capacity of the Commission on Public Integrity by training, mentoring and providing equipment for the Commission on Public Integrity investigators, and aiding in corruption prevention programs, implementing financial management systems that remove some of the opaqueness that enables misuse of public funds to occur.

The U.S. prosecutors who advise and mentor the CCCI judges in all manner of serious cases, including anticorruption cases, have received support over the past 4 years, Madam Speaker. Judicial reforms have taken place, funded with $9 million through the Department of Justice in Iraq in fiscal 2006 on anticorruption activities, and this goes on and on.

I will include in the RECORD the items that have been done over the past 4 years by this administration to combat the issue of corruption in Iraq, including, as I said, grants from the National Endowment for Democracy, dealing with human rights issues, and a wide range of other entities and a litany of some of the items that have been done.

So it is a gross mischaracterization, Madam Speaker, to argue that the administration has turned their back on the issue of corruption in Iraq.

ANTI-CORRUPTION PROGRAMS IN IRAQ PROVIDED BY THE U.S. STATE DEPARTMENT

STATE/EMBASSY BAGHDAD SUPPORT FOR ANTI-CORRUPTION EFFORTS

Technical training: build capacity.
Judicial reform.
NED Grantees.
International Programs.

*Technical training: build capacity*

IRRF (Iraq Reconstruction and Rehabilitation Fund) has increased the capacity of the Commission on Public Integrity, CPI, by training, mentoring, and providing equipment for CPI investigators and aiding in corruption prevention programs (implementing financial management systems that remove

some of the opaqueness that enables misuse of public funds to occur).

INL funds DOJ Resident Legal Advisors—U.S. prosecutors who advise and mentor CCCI judges in all manner of serious cases, including anti-corruption cases.

*Judicial reforms*

IRRF funded $9 million through DOJ in Iraq in FY06 on anti-corruption activities.

Six advisors work with the Embassy's Office of Accountability and Transparency, OAT, to provide support to the CPI and other Iraqi anti-corruption entities.

*NED Grantees working on anti-corruption and transparency*

Iraqi Human Rights Watch Society is working to build and train a core group of activists on combating corruption.

Badlisy Cultural Center is working to raise awareness among youth about anti-corruption and transparency in Sulaimaniya province and to encourage cooperation between Iraqi NGOs in the North and their counterparts in the South.

To expand its democracy training program in Al-Muthan, Dhiqar, and Alqadisiya, the Rafidain Civic Education Institute will train six trainers to conduct 36 workshops targeting students and NGO activists to provide them with the skills to raise awareness of the need to combat corruption.

*International Programs*

On September 26, 2007, the State Department signed a $1,621,700 grant agreement with the Organization for Economic Cooperation and Development, OECD. The OECD has already started working with the Government of Iraq (GOI) to develop and implement a framework more conducive to investment and economic development.

WHAT HAS THE EMBASSY DONE RECENTLY?

Anti-corruption efforts are a part of everything we do in Iraq: a multiagency, multicountry approach, at the local, provincial, and national levels. From 2004 to 2006, we focused on building and heavily investing in anticorruption strategies and institutions. In 2007, we created OAT (the Office of Accountability and Transparency) to help coordinate those activities and identify gaps. We increased staff dedicated to anti-corruption activities (recruited qualified people and expanded our focus to include the BSA and IGs). We formed the Iraqi inter-agency anti-corruption team, a multi-agency, multicountry team.

PRTS: provincial success on budget/acquisition accountability processing.

Well over 50 USG employees work on some aspect of anti-corruption activities in Iraq.

EMBASSY RESPONSE TO CORRUPTION CONTROVERSY

The Embassy continues to work with the Iraqi Government to combat public corruption and improve transparency and accountability.

Support and training contracts are on hold pending clarity of succession at CPI.

The 11 Iraqi CPI investigators who went to the U.S. for training along with Radhi in mid-August have returned to Iraq and, according to Embassy reports, are eager and ready to investigate corruption, at great personal risk.

While corruption in Iraq is a serious problem and we are helping Iraqis combat it, this issue does not affect U.S. programs. There is a distinction between GOI activities and USG efforts in Iraq, and the USG has strict checks in place to help combat corruption.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I would inquire of the gentleman from California if he has any remaining speakers. I'm the last speaker on this side. So I reserve my time until the gentleman has closed for his side and yielded back his time.

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

It is very, very unfortunate that we are here trying to tackle the issue of corruption in Iraq and we are failing to look at the facts. The distinguished former chairman of the Committee on Oversight and Government Reform, our friend from Fairfax, Virginia (Mr. DAVIS) has worked long and hard in a bipartisan way on the constitutionally mandated responsibility of legislative oversight of the executive branch. It's an issue which he takes very seriously.

He represents northern Virginia. He represents a lot of people who work in the executive branch, a lot of people who work in the legislative branch as well. He's an expert on these issues and he's been proud to work in past Congresses and in this Congress in a bipartisan way.

He's done that with my good friend and California colleague with whom we share representing the Los Angeles area (Mr. WAXMAN), the distinguished Chair of the Committee on Oversight and Government Reform. And traditionally, we've seen these two, while they've obviously had a different perspective on issues, we've seen their arguments propounded very, very thoughtfully on a regular basis, but they have been able to join on a wide range of issues.

And here we have Mr. DAVIS, who did have his staff last Wednesday get a copy of this resolution, but Madam Speaker, as you recall we had the funeral of our colleague Mrs. Davis, and we were not in on Thursday and on Friday we were not in session. And the members of the staff on the minority side were told on Wednesday that they were not to share this information, to wait until it was introduced on Friday.

Madam Speaker, it was introduced on Friday. We had not been in session for 2 days then, Thursday or Friday, and then all of a sudden this is brought up in the Rules Committee, no markup held whatsoever, no attempt to even get the briefing from the State Department. We've been told by the State Department that the chairman of the committee turned down the offer to have this briefing.

And so what can we conclude, Madam Speaker, other than the fact that there is gross politicization of this issue? Who is opposed to tackling the issue of corruption? I mean, it's motherhood and apple pie, and yet we somehow, because we want to get all the facts on the table, because we want to have an opportunity for a free-flowing debate, because we want the very respected ranking minority member to have a chance to have his substitute voted on in this House, we are somehow being told we are pro-corruption, we want to be part of a coverup. It is absolutely outrageous, Madam Speaker. It's a disservice to Democrats and Republicans of this institution to have this kind of treatment.

Madam Speaker, I have some closing remarks that I'd like to make, but we've just been joined by our very thoughtful colleague from Bridgeport, Connecticut, who is a hardworking member of the Committee on Oversight and Government Reform.

Madam Speaker, may I inquire of the Chair how much time we have remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 6½ minutes remaining. The gentleman from Vermont has 12½ minutes remaining.

Mr. DREIER. And the gentleman from Vermont has no further speakers; is that correct, Madam Speaker?

Mr. WELCH of Vermont. That's correct.

Mr. DREIER. Madam Speaker, at this time, I'm happy to yield 5 minutes to my friend from Bridgeport (Mr. SHAYS).

Mr. SHAYS. Madam Speaker, I appreciate the gentleman yielding.

Today, we're here to consider a resolution about corruption in Iraq. Mr. DAVIS attempted to present an alternative to the resolution, but it was blocked by my Democratic colleagues. The Democratic version provides a one-sided view about corruption in Iraq and Department of State efforts to counter corruption. The other version by Mr. DAVIS accepted the Democratic points but also presented the rest of the story. Whatever happened to compromise and bipartisanship?

It never ceases to amaze me what my colleagues on the other side of the aisle will do to get votes and keep the support of their base. We all know the Democratic base wants the United States to get out of Iraq; however, the Democrats have not been able to prevent President Bush from carrying out his new and winning strategy in Iraq, so they continue to try to find other means to undermine our efforts to stabilize Iraq.

For example, they've held hearings on Blackwater, the contractor accused of shooting into crowds of civilians. Although this oversight is justified and needed, my colleagues are using the results of this hearing as a tool to drive a wedge between the American people and the administration's efforts to stabilize Iraq.

Another example is the resolution condemning the Armenian genocide. The Democrats know full well, if this resolution passes the House, Turkey will take retaliatory steps against the United States. These steps could undermine our efforts in Iraq and our troop presence throughout the Middle East. In fact, Turkey has already begun the process and called their U.S. ambassador back to Turkey for consultation.

And now we have a resolution about corruption in Iraq. What a revelation! Yes, there is corruption in Middle Eastern countries. Yes, there has been corruption in Iraq. And yes, there continues to be corruption in a

postauthoritarian regime. The United States did not bring corruption to this country, nor will it end when we leave. Saddam Hussein and his bureaucratic henchmen were major contributors to that continued corruption. Just read the reports about the Oil-for-Food Program our committee conducted.

Is the Department of State remiss in their efforts to fight corruption in Iraq? They may well be. But countering long-standing corruption is not easy and will take some time. I believe we in the United States face some of the same problems.

I'm not asking for my Democratic colleagues to stop oversight ferreting out waste, fraud and abuse. What I am asking is for Democrats and Republicans to come together and work through the issue of Iraq and not use it as a wedge preventing the United States from assisting the Iraqis to establish a stable democratic regime that will not export terrorism.

Yes, there are those who believe Iraq is a lost cause. Senator REID and NANCY PELOSI both believe we should withdraw our troops right away. But there are others who understand the international security consequences of leaving Iraq precipitously and believe we should withdraw our presence in a safe and responsible manner.

Therefore, I ask those who truly understand the consequences of undermining our efforts in Iraq to understand what my Democratic colleagues are doing. Sadly they are trying to drive a wedge between the American public and the administration efforts to be successful in Iraq. Please understand that attempts to undermine our efforts in Iraq undermine our troops and U.S. interests all over the globe.

□ 1115

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

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from California has 3½ minutes.

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

I am happy to see the distinguished Chair of the Committee on Rules has joined us here on the floor, and I have to say, Madam Speaker, that I am going to encourage our colleagues to defeat the previous question on this rule. Why? Because this resolution is all about tackling the issue of corruption.

One of the things that we tragically learned is there has been corruption not only in Iraq, and we all, including the State Department, recognize there has been serious corruption in Iraq. But there has been corruption right in this body as well. It has been widely heralded; it is bipartisan. We have had problems on both sides of the aisle.

We want to take on this issue of corruption. And there was a promise made last fall that we would in fact see a great new day when it came to the issue of earmark reform. I was very proud, Madam Speaker, that last October we were able to pass legislation that provided full transparency, disclosure, and accountability on all earmarks, appropriations, authorization, and tax bills.

Now, we were told that that measure that passed last year, Madam Speaker, was in fact a sham. And, Madam Speaker, I have to tell you that we have passed earmark reform in this Congress, but unfortunately it doesn't go nearly as far as the bill that we passed in the 109th did on the issue of transparency, accountability, and disclosure. Why? The disclosure we have today only deals with the issue of appropriations. It does not, as we did in the last Congress, have full transparency, disclosure, and accountability on authorization and tax bills. Meaning, Madam Speaker, that the structure that we have now, unfortunately, creates the potential for corruption right here in this body.

That is why, since we have in this resolution an attempt to take on the issue of corruption in Iraq, the vote on the previous question that we are going to be offering to defeat the previous question to make in order the resolution, that we have as a discharge petition that our Republican leader (Mr. BOEHNER) has offered in the well of the House. We hope colleagues will sign because that hasn't come forward. But what we are trying to do with the defeat of the previous question is to make in order that measure so that we can take on the issue of corruption in this institution.

So, Madam Speaker, I urge my colleagues to vote ''no'' on the previous question so that we are able to make in order that measure.

I ask unanimous consent to include in the RECORD just prior to the vote on the previous question the text of the amendment and extraneous material.

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

There was no objection.

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

Mr. WELCH of Vermont. Madam Speaker, our Chair has arrived and has requested 30 seconds. Notwithstanding my previous statement that I was the last speaker, I am inquiring if my friend from California has any objection.

Mr. DREIER. Madam Speaker, I am always very, very thrilled to have a chance to hear from the distinguished Chair of our Rules Committee, and I would like to reclaim the balance of my time if I might.

The SPEAKER pro tempore. Without objection, the gentleman from California reclaims his time.

There was no objection.

Ms. SLAUGHTER. Madam Speaker, I simply want to say that I did hear my colleague say how concerned we all were about corruption and how much we really wanted to do about it. Unfortunately, for the past 3 years nothing on your side was done about it. It was never looked into, despite the fact that our side brought it up numerous times, trying to get bills to the floor and trying to discuss what was going on in Iraq in terms of the loss of taxpayer money. I regret that that has not been acknowledged. This is the first time that we have literally brought up the actual corruption in the Iraq Government.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume to respond to the very distinguished Chair of the Committee on Rules and say that the issue of corruption is one which we have taken on both in Iraq and in this Congress with great enthusiasm. And I would say to my friend that if she believes that somehow this nonbinding resolution, which does absolutely nothing, is going to somehow allow us to tackle the issue of corruption in Iraq with greater enthusiasm, that is preposterous, absolutely preposterous, Madam Speaker.

What we need to do is we need to have a fair, free-flowing debate that allows us to bring all of the facts forward. And that is what we have been attempting to do here; and, unfortunately, it just is not happening. Why? Because as my friend from Connecticut, a very thoughtful Member (Mr. SHAYS) has said, we are observing political posturing here, and I think it is a very sad day.

Let's take on the issue of corruption in this institution by defeating the previous question so we can bring forward real meaningful earmark reform, something that the new majority promised but not only has failed to deliver on but failed completely in getting us to even the standard we had in the last Congress. So vote ''no'' on the previous question and ''no'' on the rule.

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

Mr. WELCH of Vermont. The distinguished Chair has requested an additional 30 seconds, and I would yield 30 seconds to my colleague.

Ms. SLAUGHTER. I simply want to say that the purpose of this resolution is to call attention to the fact that the State Department of the United States of America has refused to respond to subpoenas from a congressional committee. And if we are going to have a free flow of discussion on Iraq and corruption, as my colleague suggested, then we need to have the State Department give us the documents that we need to be able to do so. That is the purpose for this resolution, and I urge a ''yes'' vote on all sides from everyone who really wants this full discussion.

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

Mr. WELCH of Vermont. I yield 30 seconds to the gentleman from California.

Mr. DREIER. Madam Speaker, in this 30 seconds what I am going to say is we witnessed something that is virtually unprecedented here. The manager of the rule made it clear that he was the

last speaker and there was no one else. Now, I recognized the first time that I was enthused about hearing from the distinguished Chair of the Committee on Rules. And I exhausted the time allotted to us for our debate on the minority's side, and this is what we have gotten, a repetition of the same thing.

The issue of corruption, Madam Speaker, is something that we all want to take on; we want to take on with all of the facts before us. Our colleagues need to get the classified briefing and this information. I am going to continue to urge a ''no'' vote on the previous question and the rule.

Mr. WELCH of Vermont. Madam Speaker, I thank the distinguished Chair for joining us. I thank my friend from California for cooperating in this debate and giving his usual vigorous presentation of his side's point of view. I want to address a couple of things that came up.

One, my friend from California said basically that this is a resolution attempting to appease the Out of Iraq Caucus. And he used the word ''appease.''

It is not about that. But I will confess that I am a person who is strongly opposed to this war, believe it was the wrong decision, it was based on false information, and it is the single most terrible foreign policy blunder that our country has embarked upon. But this resolution has nothing to do with that profound question.

What this is about is not who favors corruption. Nobody favors corruption. But it is about who tolerates secrecy. If we tolerate secrecy while we criticize corruption, don't we, in fact, condone the corruption to which we avert our eyes?

How will we talk about the facts? How can we talk about the facts which my distinguished colleague from California says he wants to talk about when the State Department denies us the facts?

If we are going to root out corruption in Iraq, don't we have to destroy the wall of self-serving State Department secrecy here in our own government?

It has been said on the other side that corruption is everywhere. Human nature. No argument there. But if corruption exists elsewhere and it is their money and their future, that is one thing. If corruption exists in Iraq with our hundreds of billions of taxpayer dollars and our soldiers and their lives, then it is our problem. And we not only have a right, we have a responsibility, Madam Speaker, to do every single thing we can to get to the bottom of it and to stop it.

It was also said that in Iraq it is just another government with some corruption. We owe it not just to our own citizens, our own soldiers; we owe it to our allies and our friends in Iraq to do everything we can to help those good people who are there standing up to fight corruption back here. They need our help.

Let me just tell you some of the testimony that Judge Radhi presented to us about the incredible peril that folks in Iraq are subjected to when they try to fight for an honest government. Judge Radhi held that position for 3 years, until he finally resigned amid repeated death threats to himself, his family, and his staff.

He testified in our committee that 31 of his employees had been killed, not injured, killed, as well as at least 12 of their family members. Judge Radhi's home was attacked by rockets, by a sniper's bullet barely missing him as he stood outside his office. He testified about how one staff member was gunned down with a 7-month pregnant wife. He testified about how the father of a security chief was kidnapped and then literally found hung on a meat hook. He testified about how another staff member's father was killed; and when his dead body was found, a power drill had been used to drill his body with holes.

These are officials who are fighting corruption in Iraq, and they are being gunned down, they are being assassinated, they are being tortured; and we are supposed to be standing idly by.

When we ask questions of the State Department what is going on and they take a document that yesterday was unclassified and today make it classified, that is not acceptable. The State Department anticorruption efforts have been a mess. And basically what the State Department is doing is just enough so that they can claim they are trying to do something about corruption; but basically it is status quo, as it has been since the day this war began.

We have to make a decision as Members of Congress that is very simple: we are real, we are serious, or we aren't. And it is about tolerating secrecy, depriving us and the American people of information that we are entitled to, that we must have in order to do our job; or it is turning a blind eye to those folks in Iraq who are standing up on our side and finding their bodies of loved ones drilled with holes and hung on meat hooks. It is not acceptable. The American people know it is not acceptable.

We may have an administration that disregarded the vote of the American people in November when they said they wanted a new direction in Iraq. We may have an administration that disregarded the recommendations of an eminent bipartisan group in the Iraq Study Commission. And we may have an administration that has dismissed and disregarded votes in this House and the Senate, making it clear that we want a new direction even as we struggle to find what that is. But we cannot, any of us on either side of the aisle, accept being an enfeebled Congress that isn't entitled to get the information that our Congress needs to do its job. It is that simple.

And that is what this resolution is about. That is what the Oversight and Government Reform Committee is about. That is what Chairman WAXMAN is standing up to assert and defend, and that is our constitutional responsibility. Not just prerogative, but constitutional responsibility to do what is required to defend our Constitution, to protect our soldiers, to stand up for our taxpayers, and to restore democratic tradition in this country.

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

AMENDMENT TO H. RES. 741 OFFERED BY MR. DREIER OF CALIFORNIA

Strike all after the resolved clause and insert the following:

That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the

Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

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

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

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. WELCH of Vermont. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## PROVIDING FOR CONSIDERATION OF H.R. 2102, FREE FLOW OF INFORMATION ACT OF 2007

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 742 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 742

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2102) 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. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the amendment printed in the report of the Committee on Rules, if offered by Representative Boucher of Virginia or his designee, which shall be in order without intervention of any point of order (except those arising under clause 9 or 10 of rule XXI) or demand for division of the question, shall be considered as read, and shall be separately debatable for ten minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2102 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1130

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, H. Res. 742 provides for consideration of H.R. 2102, the Free Flow of Information Act, under a structured rule. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

I rise to speak today on one of the most critical issues that faces our democracy, the freedom of the press and the sacred historic protection afforded to journalists allowing them not to reveal their sources.

Understanding this, in 1799, one of our Founding Fathers, Thomas Jefferson, said, ''Our citizens may be deceived for a while, and have been deceived; but as long as the presses can be protected, we may trust to them for light.''

Madam Speaker, with the birth of this new Nation came a government that was designed to be open and transparent to its people and held accountable for its actions. America's Founding Fathers established and implemented a system of checks and balances to ensure that one branch of government could not unilaterally impose its will on the others, aggressively overstep its authority, or greedily infringe upon the rights of its citizens.

Beyond the checks and balances of government is an often overlooked, but equally important, element of our system: the freedom of the press. Embodied in the first amendment, this right grants active citizens and vocal journalists the power to expose corruption and misbehavior committed by those elected and appointed to office. They serve as protectors of our democracy and work to make up for our system's failings where they exist.

Ensuring the free flow of information and providing protection for whistleblowers is vital to a free society. The Watergate scandal epitomized the value of the free press and, with it, the need to protect the relationship between journalists and their confidential sources.

For a moment, I would like my colleagues to consider a reality in which journalists could routinely be forced to reveal the names of their informants, and where sources could undoubtedly become reluctant to share important information that is unknown to the public.

Think of the scandals that journalists have revealed just in the last few years: The Central Intelligence Agency's clandestine prisons across Eastern Europe; Jack Abramoff's trading expensive troops for political favor from lawmakers; our veterans returning home from Iraq and Afghanistan to dilapidated, unsafe, unsanitary facilities at Walter Reed Medical Center. Make no mistake, confidential sources made these reports possible.

And I would be remiss if I did not ask my colleagues, would we rather be unaware of these incidents because shield laws don't exist and our reporters are too afraid of prosecution when doing their jobs?

The past 6 years have produced one disturbing reminder after another that the legitimacy of our government and the integrity of our democracy are dependent on the ability of journalists to protect their sources. From uncovering the horrifying incidents of detainee abuse at Abu Ghraib to revealing the administration's covert domestic spying program, the press managed to expose illegal actions by the executive branch when Congress refused to do so.

The public has long valued this relationship as critical to the functioning of an open and free media. Unfortunately, the court record has been more mixed.

In December of 1972, the Supreme Court ruled that the journalist-source relationship is not protected under the Constitution. That ruling has allowed journalists to be forced to testify before grand juries about their sources. In response, individual States across the country enacted their own journalist shield laws to guarantee that a member of the press can continue to maintain their anonymous sources without fear of prosecution.

In fact, 49 States and the District of Columbia all provide some form of shield law. But there is still no Federal statute providing uniformity. Now, recent Federal court cases are, again,

challenging the critically important relationship between journalists and their sources, arguing that State interests supersede those of a free press.

And according to The Washington Post, in recent years, more than 40 reporters have been questioned about their sources, notes and stories in civil and criminal cases.

The Free Flow of Information Act before us today would, for the first time on the Federal level, explicitly protect journalists and their sources from the kind of vengeful legal actions that threaten to keep all those necessary whistles unblown.

Unless Congress passes a comprehensive shield law that will guarantee the rights of journalists to speak with anonymous sources and ensure their confidentiality, the freedom of the press will be undermined along with the public good it has the power to defend. Any such bill must, of course, take into account the legitimate needs of our government, and this bill does that.

Madam Speaker, should we in any way compromise the freedom of the press, we will deny our citizens their right to be informed about their government and retreat from the true nature of the political system that made our government unique. Our forefathers saw fit to enshrine this belief in the very first sentences of our Bill of Rights, and this Congress must continue to guarantee those rights.

And today, Madam Speaker, as we debate extending these protections to the press, we must pause to remind the press of their obligation to the public.

I regret to say that, for much of the recent past, some of the press, which was intended to be the watchdog of our government, quickly transformed into nothing more than a mouthpiece, exemplified in its coverage and lack of questions on the Iraq war.

Madam Speaker, we saw time and time again the tough questions expected by the American people before and after the invasion in Iraq replaced with nothing more than patriotic propaganda and White House talking points.

Embedded journalists were fed information and painted rosy scenarios of our invasion and occupation. Those who were skeptical and challenged this spoon-fed information were discredited and sometimes even fired for so much as questioning the actions of the war and this government.

Thomas Jefferson said, again, and I quote, ''The press is impotent when it abandons itself to falsehood.''

With all the wonderful protections of the first amendment of the Constitution of the United States, the press must not only be vigilant, but it must be courageous.

And we all remember that it is the prime directive of the press to inform the people. It is their duty to ask the tough questions when the American people are unable to do so. It is their responsibility to shine light on government actions, secret or mundane, and to hold it accountable.

And let me finish by asking this simple question. Will the press pay as much attention to Blackwater as they did to Whitewater? I certainly hope so.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank the distinguished Chair of the Rules Committee (Ms. SLAUGHTER) for the time, and I yield myself such time as I may consume.

One of the Founding Fathers of the Nation, whose likeness is above your chair, Madam Speaker, George Mason, said that ''the freedom of the press is a great bulwark of liberty.''

It does act as a bulwark of liberty by often checking governmental power. In order to gather and publish news stories, journalists often find it necessary to protect their sources. So if a journalist is forced to reveal his or her sources through legal proceedings, that has a chilling effect on other sources. And such a chilling effect ultimately may harm the public interest.

Under current law, Madam Speaker, courts have the power to force testimony from individuals unless they can cite a specific ground, such as the lawyer-client or the physician-patient privilege. It is in the public interest to have such privileges, and I think it should be possible to provide journalists, that's what this legislation is trying to do, and their sources with some reasonable protections, because currently there is no privilege for journalists to refuse to appear and testify in legal proceedings.

As the distinguished Chair of the Rules Committee stated, 49 States and the District of Columbia have various statutes or follow judicial decisions that have the effect of protecting reporters from being compelled to testify or disclose their sources. The underlying legislation would set a national standard similar to those that are in effect in the various States.

In determining whether to require testimony by a member of the news media, it is appropriate to strike a balance between the public's interest in the free dissemination of information and the public's interest in effective law enforcement and the fair administration of justice.

So the underlying legislation attempts to strike this balance by providing a privilege to journalists that prevents them from being forced to testify or disclose sources in legal proceedings. But, however, the privilege is not absolute. It contains exceptions where it is necessary to reveal a source to prevent an act of terrorism or other significant and specified harm to national security or imminent death or significant bodily harm.

I think it's appropriate, and I want to emphasize my gratitude to Representative PENCE for his hard work and dedication on this important issue. He has been not only studying it, but working on this critical issue, really, a critical issue related to our freedom for years, and so as I thank him, I urge Members to support the legislation that he's been working on so diligently for so long.

The rule we are debating now, Madam Speaker, only allows for a manager's amendment, which, as you know, is an amendment for the majority to make final changes in a bill. So the rule is essentially a closed rule. Only one other amendment was submitted to the Rules Committee, but the majority decided, on a party-line vote, to exclude the amendment and not make possible the debate of that amendment on the floor.

I understand that the authors of the bill feel that that amendment, which was submitted by the distinguished ranking member of the Judiciary Committee (Mr. SMITH), the authors of the bill believe that that amendment would go counter, would be counter to much of the essence of the bill. But, in my view, that doesn't mean that we should preclude or prevent consideration of the amendment.

□ 1145

Even Mr. PENCE, the author and champion of the underlying legislation, who opposes the Smith amendment, testified at the Rules Committee that the amendment should definitely have an opportunity to be considered by the House.

The amendment includes many of the concerns that the Justice Department has had throughout the long period of time with parts of the underlying legislation. It is a serious amendment, and it certainly deserves to be debated on the floor.

So I think it is unfortunate, and as we bring this important legislation once again, it is an example of bringing important legislation to the floor excluding, making impossible, serious debate of ideas that differ by Members of this House. So that's unfortunate, and that is why I oppose the rule that is bringing forth this important legislation. I certainly support the underlying legislation, but I think that it is unfortunate that we once again have an overly restrictive process for bringing forth this legislation.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. I thank the distinguished Chair and the good work of my friend from Florida.

Madam Speaker, I rise today in support of Resolution 742, the rule providing for the consideration of H.R. 2102, the Free Flow of Information Act.

This important legislation protects the public's right to know while at the same time honoring the public interest in having reporters testify in certain circumstances. While news organizations prefer to have their sources on the record whenever that is possible,

we all know there are times when sources will simply not come forward without the promise of confidentiality, and that's in the public interest to get the information those sources have. Consider groundbreaking stories such as conditions at Walter Reed, Abu Ghraib, the Enron scandal, steroid abuse in the Major Leagues would not have been known to the public or the Congress without confidential sources. And over the past few years, more than 40 reporters and media organizations have been subpoenaed or questioned about their confidential sources, their notes, and their work product in criminal and civil cases in Federal court.

The need for this legislation was underscored when on August 13 a Federal judge ordered five more reporters from major news organizations to reveal their confidential sources in the privacy lawsuit filed by Dr. Steven Hatfill against the Federal Government.

If sources, including public and private sector whistleblowers, are uncertain whether reporters have adequate protection, they won't come forward in the public dialogue and important issues will diminish.

The shield is qualified, as it must be. If the information possessed by the journalist is necessary to prevent an act of terrorism, imminent death or significant bodily injury, or harm to national security, disclosure can be compelled.

While 49 States and the District of Columbia recognize a reporter's privilege through statute or common law, no uniform Federal standard exists to govern when testimony can be sought from reporters. Journalists should be the last resort, not the first stop, for civil litigants and prosecutors attempting to obtain the identity of confidential sources.

I urge my colleagues to vote ''yes'' on H. Res. 742 and ''yes'' on the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my privilege at this time to yield 3 minutes to a great leader in this House, our colleague from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of the Free Flow of Information Act.

This media shield legislation is important because ''off the record'' confidential sources are needed to help journalists get to the truth, and I don't want reporters thrown in jail for doing their jobs.

Our history is full of examples of confidential sources exposing corruption, fraud, and misconduct. For example, the Watergate scandal was blown wide open by Deep Throat, a confidential source we now know to be Mark Felt, the number two person at the FBI. Confidential sources also exposed the cooked books at Enron and the unacceptable treatment of soldiers recovering at Walter Reed.

Whistleblowers, with inside knowledge of corruption, might be discouraged from talking to reporters if they fear their identities might be disclosed and their jobs placed at risk. That's why protecting the public's right to know is needed for a healthy democracy. That is also why a majority of the States already have media shield laws on the books and why we need this law on the Federal level.

The media shield privilege under this bill is not absolute. Exceptions are carved out where it is necessary to reveal a source in order to prevent imminent death or bodily harm, terrorist attacks, or other specific threats to national security. The bill also includes the language I drafted, which provides an exception for civil defamation claims. This language, found in section 2(C) of the bill, is modeled after language found in various State media shield laws such as those in Tennessee and Oklahoma dealing with this issue.

Finally, I want to thank my colleagues, especially Mr. PENCE and Mr. BOUCHER, for their impressive bipartisan leadership and hard work on this important bill. It was my honor to work closely with them on the drafting of this legislation during the Judiciary Committee process.

Madam Speaker, the bottom line is that a free and independent press is critical to ensure government accountability. I urge my colleagues to protect the public's right to know and vote ''yes'' on H.R. 2102.

Ms. SLAUGHTER. Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my privilege to yield 8 minutes to someone who has been working long and hard on this important issue and deserves much commendation, my dear friend Mr. PENCE of Indiana.

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

Mr. PENCE. I thank the gentleman for yielding.

Madam Speaker, 3 years ago this month, I read a newspaper editorial decrying a growing trend of cases where reporters were being subpoenaed and threatened with jail time to reveal confidential sources. The article also lamented how Republicans in Congress would never support such a statute to shield reporters in those cases.

The next day I asked my congressional staff two questions: First, I asked, what's a Federal media shield statute? And next I asked, tell me what I will never do. And it was in that moment of challenge and inquiry that the Free Flow of Information Act was born.

Shortly thereafter I partnered with the gentleman from Virginia, Congressman RICK BOUCHER, the lead sponsor of this legislation today. And the legislation that we will bring to the floor of the House of Representatives this afternoon is a direct result of a bipartisan partnership that has been a singular personal and professional pleasure for me. It is indeed humbling for me to work with Mr. BOUCHER, Chairman CONYERS, and colleagues on both sides of the aisle to truly put a stitch in what I believe is a tear in the fabric of the Bill of Rights.

When the Free Flow of Information Act passed out of the Judiciary Committee on August 1, 2007, Mr. Speaker, I was informed that in the past 30-odd years approximately 100 Federal media shield statutes had been introduced in Congress. But the Free Flow of Information Act is the first of those to be passed out of the committee, and it will be the first Federal media shield bill to ever be considered by the House. It is arguable, in fact, that the Free Flow of Information Act is the first Federal legislation regarding the freedom of the press since the words ''Congress shall make no law abridging the freedom of speech or of the press'' were added to the Constitution. As such, and I say humbly, passage of this legislation today would be both momentous and historic.

So what's a conservative like me doing passing a bill that helps reporters? I have been asked that question many times.

It would be Colonel Robert McCormick, the grandson of the founder of the Chicago Tribune, who once said: ''The newspaper is an institution developed by modern civilization to present the news of the day and to furnish that check upon government which no Constitution has ever been able to provide.''

As a conservative who believes in limited government, I believe the only check on government power in real-time is a free and independent press. The Free Flow of Information Act is not about protecting reporters. It is about protecting the public's right to know.

Thomas Jefferson warned that ''our liberty cannot be guarded but by the freedom of the press, nor that limited without danger of losing it.'' Today, the Congress has the opportunity to heed President Jefferson's words and take this important step towards strengthening our first amendment, a free and independent press.

Not long ago a reporter's assurance of confidentiality was unquestionable. That assurance led to sources who provided information to journalists who brought forward news of great consequence to the Nation, like Watergate, where government corruption and misdeeds were brought to light by the dogged persistence of Woodward and Bernstein.

However, the press cannot currently make the same assurance of confidentiality to sources today, and we face a real danger that there may never be another Deep Throat. In recent years, reporters like Judith Miller have been jailed, James Taricani placed on house arrest, Mark Fainaru-Wada and Lance Williams threatened with jail. The protections provided by the Free Flow of

Information Act, I submit, are necessary so that members of the media can bring forward information to the public without fear of retribution or prosecution and, more importantly, so that sources will continue to come forward.

Compelling reporters to testify, and in particular compelling them to reveal the identity of confidential sources, is a detriment to the public interest. Without the promise of confidentiality, many important conduits of information about our government will be shut down. The dissemination of information by the media to the public on matters ranging from the operation of our government to events in our local communities is invaluable to the operation of democracy. Without the free flow of information from sources to reporters, the public will be ill prepared to make informed choices.

Which is not to say the press is always without fault, as the chairman of the Rules Committee said just moments ago, or always gets the story right. In fact, President James Madison wrote: ''To the press alone checkered as it is with abuses, the world is indebted for all the triumphs that have been gained by reason and humanity over error and oppression.''

As a conservative, I believe that concentrations of power should be subject to great scrutiny. Integrity in government is not a Democrat or Republican issue, and corruption cannot be laid at the feet of one party. But when scandal hits either party, any branch of government, or any institution, our society is wounded.

The longer I serve in Congress, the more firmly I believe in the wisdom of our Founders, especially as it pertains to the accountability that comes in a free and independent press.

And it is important to note this legislation is not a radical step. Thirty-two States and the District of Columbia have various statutes to protect reporters from being compelled to testify and disclose confidential sources. And the Free Flow of Information Act, I would say to all of my colleagues, has been carefully drafted after reviewing internal Department of Justice guidelines, State shield laws, and gathering input from many talented members on the Judiciary Committee and throughout the Congress. It puts forward only a qualified privilege for journalists to protect sources and strikes an appropriate balance between the public's need for information and the fair administration of justice.

In most instances under our legislation, a reporter will be able to use the shield provided in the bill to refrain from testifying or providing documents. But testimony or documents can be forced under certain circumstances if all reasonable alternatives have been exhausted and the document or testimony is critical to criminal prosecutions. A reporter may also be asked to reveal the identity of a confidential source in very specific and exceptional cases. And the manager's amendment we will consider today will add even additional exceptions.

Lastly, Mr. Speaker, let my say how humbling it is for me to have played a small role in moving this legislation forward. From my youth I have enjoyed a fascination with freedom and with the American Constitution. I learned early on that freedom's work is never finished, that it falls on each generation of Americans to preserve, protect, and defend our freedom as those who have bequeathed it to us did in their time.

The banner of the Indianapolis Star, the newspaper of record in my home State, quotes a verse from the Bible that reads: ''Where the spirit of the Lord is, there is freedom.'' As I opened my Bible this morning for devotions, it was that verse that just happened to be in my daily readings.

□ 1200

It reminded me that when we do freedom's work, like putting this stitch in a tear in the fabric of the Bill of Rights, His work has truly become our own.

I ask all of my colleagues in both parties to join us today in freedom's unfinished work. Say ''yes'' to a free and independent press. Vote ''yes'' on the Free Flow of Information Act.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking for a ''no'' vote on the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

Under the current rule, so long as the chairman of the Committee of Jurisdiction includes either a list of earmarks contained in the bill or report or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress. However, under the rule as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the new Rules Committee majority specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule or on the bill.

I would like to direct all Members to a letter that House Parliamentarian JOHN SULLIVAN recently sent to the distinguished Chair of the Rules Committee, Ms. SLAUGHTER, which confirms what we have been saying since January, that the Democratic earmark rule contains loopholes.

In his letter to the distinguished chairman, the Parliamentarian states that the Democratic earmark rule ''does not comprehensively apply to all legislative propositions at all stages of the legislative process.''

I will insert this letter from the House Parliamentarian, JOHN SULLIVAN, into the RECORD.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE PARLIAMENTARIAN,
*Washington, DC, October 2, 2007.*

Hon. LOUISE MCINTOSH SLAUGHTER,
*Committee on Rules, House of Representatives, Washington, DC.*

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order ''except those arising under clause 9 of rule XXI'' should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called ''manager's amendment'' to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called ''manager's amendment,'' i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The. question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as

confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of rule XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN,
*Parliamentarian.*

This amendment, Mr. Speaker, will restore the accountability and the enforceability of the earmark rule to where it was at the end of the 109th Congress, to provide Members with an opportunity to bring the question of earmarks before the House for a vote.

I urge my colleagues to close this loophole by opposing the previous question.

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

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I think this is a momentous day for the House. We have before us today a resolution that has been approved by both sides of the aisle, worked on with great consideration as concerns the Constitution. We are very happy to present it today. We think its importance is certainly easily explained and necessary.

I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 742 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution ..... [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

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

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

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

## INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

Mr. WATT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3678

*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 ''Internet Tax Freedom Act Amendments Act of 2007''.*

***SEC. 2. MORATORIUM.***

*The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—*

*(1) in section 1101(a) by striking ''2007'' and inserting ''2011'', and*

*(2) in section 1104(a)(2)(A) by striking ''2007'' and inserting ''2011''.*

***SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.***

*Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:*

*''(c) APPLICATION OF DEFINITION.—*

*''(1) IN GENERAL.—Effective as of November 1, 2003—*

*''(A) for purposes of subsection (a), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and*

*''(B) for purposes of subsection (b), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108–435).*

*''(2) EXCEPTIONS.—Paragraph (1) shall not apply until November 1, 2007, to a tax on Internet access that is—*

*''(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or*

*''(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.*

*''(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5)*

*made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to November 1, 2007, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).''.*

***SEC. 4. DEFINITIONS.***

*Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—*

*(1) in paragraph (1) by striking ''services'',*

*(2) by amending paragraph (5) to read as follows:*

*''(5) INTERNET ACCESS.—The term 'Internet access'—*

*''(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;*

*''(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—*

*''(i) to provide such service; or*

*''(ii) to otherwise enable users to access content, information or other services offered over the Internet;*

*''(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity; and*

*''(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), or (C)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), or (C).'',*

*(3) by amending paragraph (9) to read as follows:*

*''(9) TELECOMMUNICATIONS.—The term 'telecommunications' means 'telecommunications' as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and 'telecommunications service' as such term is defined in section 3(46) of such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).'', and*

*(4) in paragraph (10) by adding at the end the following:*

*''(C) SPECIFIC EXCEPTION.—*

*''(i) SPECIFIED TAXES.—Effective November 1, 2007, the term 'tax on Internet access' also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—*

*''(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);*

*''(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);*

*''(III) is imposed on a broad range of business activity; and*

*''(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.*

*''(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State's ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).*

*''(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1, 2007.''.*

***SEC. 5. CONFORMING AMENDMENTS.***

*(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—*

*(1) by striking ''telecommunications services'' each place it appears and inserting ''telecommunications'', and*

*(2) in subsection (b)(2)—*

*(A) in the heading by striking ''SERVICES'',*

*(B) by striking ''such services'' and inserting ''such telecommunications'', and*

*(C) by inserting before the period at the end the following: ''or to otherwise enable users to access content, information or other services offered over the Internet''.*

*(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.*

***SEC. 6. EFFECTIVE DATE.***

*This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted, except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 3678 is an excellent example of what can occur when we work together on both sides of the aisle to deal with highly complex issues, and I am evidently not alone in this observation.

This bipartisan legislation is supported by industry groups such as the Don't Tax Our Web Coalition, government organizations such as the National Governors Association, the Federal Tax Administration, the National Conference of Mayors and the National Conference of State Legislatures, and supported by a wide range of labor and union groups.

In sum, H.R. 3678 temporarily bans State and local taxes on Internet access, while minimizing the effect on State and local government ability to raise needed revenue and treat businesses fairly. The bill is pro-consumer, pro-innovation and pro-technology. It amends the Internet Tax Freedom Act in four key respects.

First, it extends the moratorium on State and local taxes on Internet access for 4 years until November 1, 2011. The 4-year time frame will allow Congress to make any adjustments to the moratorium, if necessary, in light of development in the States or in technology, as Congress has done each time it has extended the original moratorium in 2001, in 2004, and in this bill. It will also allow sufficient time for business planning, while ensuring that everyone continues to have the benefit of access to the Internet tax free.

Second, the bill extends for 4 years the grandfather provisions to preserve the legality of taxes imposed prior to the 1998 act, consistent with passed extensions. The bill also phases out new grandfathers that some States claim were created in the 2004 extension, while allowing States that issued public rulings before July 1, 2007, that are inconsistent with the foregoing rules to be held harmless until November 1, 2007.

Third, the bill clarifies the treatment of gross receipts taxes which certain States have enacted in recent years in lieu of or as a supplement to general corporate income taxes. Like the general corporate income tax, these gross receipt taxes apply to nearly all large businesses, not just to Internet access providers. The bill clarifies that this form of general business tax is treated in the same fashion as a corporate income tax and is not covered by the moratorium as long as it is broadly imposed on businesses and is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

Finally, in response to a number of concerns regarding the definition of Internet access in the current law, the bill clarifies the term to mean a service that enables a user to connect to the Internet. This new definition will not only prevent all tax-exempt content bundling but will also include closely related Internet communication services, such as e-mail and instant messaging. In addition, the bill amends the definition of ''telecommunications'' to include unregulated, nonutility telecommunications, such as cable service.

I want to particularly thank Judiciary Committee Chairman CONYERS, Ranking Member SMITH, as well as Subcommittee Chairperson SÁNCHEZ and Ranking Member CANNON for their cooperative efforts in helping us get to this point in the process.

H.R. 3678 is a good, strong bill that provides much-needed clarity to the communications and Internet industries, and strikes the right balance in addressing the needs of States and local governments, while helping keep Internet access affordable.

I urge my colleagues on both sides of the aisle to join me in supporting this bill.

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

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

Mr. Speaker, I could use my time today to discuss the bill before us because it does some good things, as the gentleman from North Carolina has

pointed out. For example, it clarifies a definition of ''Internet access'' to ensure that States do not tax Internet access, including the acquisition of transmission capabilities. But instead, Mr. Speaker, I'm going to talk more about what this bill does not do.

This bill does not permanently ban taxes on Internet access and e-commerce. Only by making the ban on Internet access taxes permanent can we give businesses the certainty they need to spend billions of dollars to construct, maintain and update the broadband Internet infrastructure throughout the country. And only by extending the moratorium permanently can we continue to keep the cost of Internet access down so that low-income individuals, those who are most sensitive to cost, can continue to use the great informational tool that is called ''the Internet.''

More than 240 Members have cosponsored bills H.R. 743 and H.R. 1077, which provide for a permanent extension of the Internet Tax Freedom Act. This support is broad and bipartisan. A permanent extension is also consistent with the past actions of the House, which passed a permanent ban in 2003.

Hundreds of companies and groups, including AOL, Apple, Americans for Tax Reform, AT&T, Comcast, eBay, Electronics Industry Alliance, Level 3 Communications, the National Association of Manufacturers, the National Cable and Telecommunications Association, the National Taxpayers Union, Sprint/Nextel, Time Warner Communications, T-Mobile, U.S. Chamber of Commerce, U.S. Telecom Association, U.S. Internet Industry Association, Verizon, Yahoo, the Business Software Alliance, and the Hispanic Technology & Telecommunications Partnership, among many, many others, have called for a permanent ban on Internet access taxes; but this bill contains no such provision.

At the markup of this bill at the Judiciary Committee, Mr. GOODLATTE, the gentleman from Virginia, offered an amendment to extend the moratorium permanently. Even though 21 members of the committee, a majority, cosponsored H.R. 743, the Permanent Internet Tax Freedom Act of 2007, five of the six Democratic cosponsors reversed themselves and voted against the permanent extension.

□ 1215

Mr. Speaker, to paraphrase a one-time Presidential candidate, I guess they must have been for permanence before they were against it.

After the Democrats defeated that amendment, Mr. GOODLATTE offered the next best thing, an 8-year extension of the moratorium. The 8-year amendment subsequently failed on a more or less straight party-line vote as did a similar amendment to extend the moratorium for 6 years. If we are going to have a healthy economy in America, if we are going to continue to create jobs, if we are going to continue to enjoy a high standard of living, if we are going to continue to increase productivity, we have to do everything we can to encourage and help the high-tech industry.

To that end, I, along with Republican Leader BOEHNER, Republican Whip BLUNT, Mr. GOODLATTE and Mr. CANNON, sent a letter to the majority leader on Friday urging him to bring this bill to the floor under a rule that allowed for a vote on permanence. By denying the 242 Members who cosponsored a permanent ban on Internet taxes, Republicans and Democrats alike, the opportunity to vote for permanence, the Democratic leadership has shown that they oppose a permanent Internet tax moratorium that would help high-tech companies and that they want to leave the door open for taxing the Internet in the future.

I hope the American people and high-tech employers are watching today.

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

Mr. WATT. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. ZOE LOFGREN) who is the Chair of the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, but has been an invaluable participant in the discussions that have led to this bill.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in support of H.R. 3678.

Mr. Speaker, the Internet is one of the main drivers of the United States economy. But we are quickly losing our edge over our global competitors on the Internet. Over the past year, the United States slipped from 12th to 17th in broadband adoption, and average broadband speed in the United States is only 1.9 megabits per second. Now, compare that to 61 megabits per second in Japan. France and Canada also enjoy broadband speeds well beyond ours.

We made a commitment in the Innovation Agenda to reverse this trend and bring affordable broadband access to all Americans. H.R. 3678 furthers that commitment in three very important ways: first and foremost it prevents the moratorium from expiring on November 1. Expiration would be a disaster, leading to hastily imposed taxes that breed confusion and litigation. Even if we fix the problem later, the damage will already have been done. Second, the bill codifies an agreed-upon definition of Internet access that clarifies what services are and are not taxable. Finally, the bill removes ambiguity that some States have tried to exploit to tax the Internet backbone. Eliminating that ambiguity is absolutely essential. We must remove obstacles to investment in the basic infrastructure of the Internet.

As my colleagues and constituents know, I strongly favor a permanent Internet tax moratorium. That is why I'm a cosponsor of my friend ANNA ESHOO'S bill that would have made the moratorium permanent. That's why I voted for the amendment offered by Mr. GOODLATTE in committee to make the moratorium permanent.

But we must take stock of a few basic facts. First, no permanent moratorium will make it through the Senate. Second, the Senate has yet to even vote a bill out of committee. And, third, it is October 16. The moratorium expires in 2 weeks.

Given the state of affairs, I think it is crucial that we act now. We need to send a clear message to our colleagues in the Senate that the hour is late and the time for dithering is long since past. Therefore, I urge my colleagues to join me in supporting this bill.

Mr. SMITH of Texas. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 16 minutes. The gentleman from North Carolina has 13 minutes.

Mr. SMITH of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia (Mr. GOODLATTE) who is a senior member of the Judiciary Committee, ranking member of the Agriculture Committee, chairman of the high-tech working caucus and co-chairman of the Congressional Internet Caucus, as well, in the House.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Texas for yielding me this time and for his leadership on this overall issue and on what could have been, had the Congress been allowed to work its will. But, Mr. Speaker, it is a sad day when a majority of those, in fact, I think almost everybody, who come down here to speak on this issue are going to say, I also supported a permanent ban on access taxes to the Internet, and that is why it is sad that we are not able to bring this legislation forward under a rule under general order.

This is inappropriate to take the product of a committee when in the process, a majority of the members of that committee had cosponsored the alternative, a significant majority of the House had cosponsored the alternative of a permanent ban on taxes on the Internet, that if such a vote were brought here on the floor of the House I don't think there is any doubt on the part of anybody here that it would pass overwhelmingly.

In fact, that is exactly what has happened every other time this legislation has been brought to the floor of the House. We have voted for a permanent ban on access taxes on the Internet. That is the appropriate thing to do if we want to see the Internet continue to grow and to continue to reach out to more and more Americans, where instead we find ourselves falling further and further behind more and more other countries in terms of the numbers of Americans and the percentage of Americans who have high-speed broadband access to the Internet.

One of the reasons for that is that there needs to be greater investment in this technology to roll it out, to bring it to more people's homes, to make it

more affordable. As long as the potential for taxes on the Internet remains strong, as long as the potential for consumers to see on their Internet access bills the same kind of charges that they see today on their telephone bills and on their cable bills, where tax after tax after tax adds up to, in some instances, 20 percent, 30 percent, 40 percent of the cost of getting access to some of these technologies, obviously impacting lower income people. But, no, we weren't given the opportunity to do that. We weren't given the opportunity to have, on the floor of this House, what the vast majority of the Members of the House have indicated they want to have.

Sure, the time is running out. This bill should have been brought up months ago so that we would have adequate opportunity to work with the Senate on this legislation. In fact, every indication is that the Senate would agree to an extension greater than the 4 years provided in this legislation. But, no, instead of leaving the House with the same position we did the last time this came before the Congress in the 108th Congress when we passed a permanent extension, instead of having a strong vote showing that kind of support, we are back-pedaling. We are retrenching. We are coming forward with a much weaker position and not going in the right direction if we truly intend to see the kind of investment that needs to be made in making sure that families of all income levels have access to the Internet.

The Internet Tax Fairness Act of 1998 created the moratorium on Internet access taxes and discriminatory taxes on e-commerce. Seeing that the growth of the Internet was an important thing, we have maintained that moratorium on taxes, but also seeing at the same time the percentage of American families who are able to access high-speed Internet services, broadband services, declined, or not grow as fast as a host of other countries in many parts of the world, is a very discouraging thing.

That is why there has been a continued impetus for a permanent ban. The ban has been temporarily extended, but it will expire in just 2 weeks. This legislation that is before the House today will pass and will get that extension. But we will not be doing the things that we need to be doing to make sure that the Internet remains permanently free of access taxes and has that kind of encouragement to consumers and to investors to know that those investments will not be curtailed by a loss of interest in the growth of uptake of the Internet access by those who would like to impose taxes on it.

State and local governments have shown a great appetite for doing that. In fact, some had done it even before we put the original ban in place, and they have been grandfathered in under the legislation that moved forward. The proposal that we had would have phased out that grandfathering after 4 years. In fact, after the permanent ban was defeated in the committee, I offered an amendment that would have extended it for 8 years, but only a 4-year extension of the grandfather clauses, so that those States that were dependent upon these taxes could phase them out over 4 years and we would then have a longer period of time for which investors would see an opportunity to see greater investment opportunities in the rollout of high-speed broadband services to more Americans.

That actually passed in the committee the first time by a vote of 20–18. Then without any explanation for why a member would change their vote, nonetheless, a vote was changed and that was then defeated, and we wound up with what we have on the floor with us today.

The Congress, the will of this House, is clear. Over 240 bipartisan Members have cosponsored legislation to make the ban permanent. At every turn, the Democratic majority has worked unusually hard to suppress the clear will of the actual majority of Members of the House, including nearly 100 Members on their side of the aisle who have cosponsored legislation to make a permanent ban of Internet access charges.

Despite the clear will of the House, and despite the requests that the gentleman from Texas (Mr. SMITH), our ranking member, referred to a letter requesting that this be brought up under regular order, the leadership of the House refused to bring a permanent extension to the floor. No Members were allowed to offer amendments on the floor. Why? Because clearly if anyone had been allowed to offer an amendment to make the ban permanent, it would have passed by an overwhelming margin. It would have supplanted the legislation that we are having here on the floor today.

So no subcommittee markup was held on this legislation. The House Judiciary Committee resorted to rare procedural maneuvers to reverse the vote to double the length of the tax moratorium which I offered, and party politics have trumped good policy in bringing this legislation to the floor.

Our Nation's low-income families and the technology sector deserve better, and they are big losers today. The permanent ban and the rationale for it is important for people to understand. The temporary fix before us does little to bridge the digital divide, the divide between those who can easily afford high-speed Internet access service and those who cannot. It is estimated that only 11 percent of U.S. households with incomes less than $30,000 a year have high-speed Internet service, as opposed to 61 percent of households with incomes over $100,000. Why is that? Well, in part, it is because there has not been sufficient buildout of Internet access in communities where there are lower incomes, and in part it is because of the concern that once this ban expires, this moratorium expires, significant taxes will be imposed that will discourage lower-income families from maintaining their service on the Internet or from acquiring it in the first place.

A permanent ban would guarantee that the price of Internet access will not be raised due to excessive taxation, and a permanent ban would create certainty for broadband providers and those who have to make the multibillion dollar capital investment to make sure that the United States not only catches up, but retakes its place as the world leader in technology, not just in developing the technology, but making sure that American businesses, large and small, and American families, rich and poor, have access to this technology.

It is a shame that we are not having an opportunity to cast that vote today, which is the clear will of the majority of this House.

Mr. WATT. I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentleman from Texas.

Mr. Speaker, 9 years ago, this House passed this ban on Internet taxes. It has been in place for 9 years. During that time, we have seen tremendous growth, economic growth, come from the Internet and also tremendous opportunity for people to access information that before they could not access over that 9 years.

During this time, e-mail, which once cost everyone something, now costs most people nothing. Instant messages now exist which are generally entirely free. There are all kinds of Web sites that allow people to access information for free that prior to the evolution and growth of the Internet they would have to pay to get that information. Now you have a number of municipalities and organizations looking at free WiFi, meaning that is even free access to the Internet.

In the face of all of this, all of these market pressures lowering the cost of people accessing this information and adding to the economic growth that comes from the Internet, the last thing that government should be doing is imposing their cost on it, their cost meaning ''taxes.''

Mr. Speaker, I stand today to support this legislation, although I firmly believe, as the previous speakers have said, that this ban should have been made permanent.

□ 1230

I don't think we are going to learn anything in the next 4 years that we didn't learn in the last 9 years, that the Internet is a tremendous engine for economic growth and an opportunity for information transfer available to people of all demographics all across the country. We do not want to retard its growth. We do not want to slow its growth by imposing taxes from government. We haven't done it in the next 9 years, and this bill make sure we don't

do it for the next 4 years. I hope we don't ever do it.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO), who is the original sponsor of H.R. 743, which would make the Internet tax moratorium permanent. We appreciate her leadership in writing such a bill, and we appreciate her support.

Mr. WATT. Mr. Speaker, I yield the gentlewoman from California 2 minutes.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Mr. Speaker, I thank the ranking member of the House Judiciary Committee and the gentleman from North Carolina for yielding me time.

Mr. Speaker, I want to talk about and address what we accomplished at the beginning of this year in the 110th Congress. At that time in January, we came together on a bipartisan basis and a bicameral basis, with Mr. GOODLATTE as well as, I think, the Father of the Internet tax moratorium effort, Senator RON WYDEN. What we did was to launch an effort that would be bipartisan and that would capture the position that the House of Representatives has always taken, and that is that there would be a permanent moratorium on access taxes on the Internet.

Now, what do ''access taxes'' mean? The term is thrown around. I really think that there are some that don't even understand what that means. Just think of the following: Every time you walk into a public library, how would you like to have to pay an access fee? Well, it's the same thing that would apply to the Internet. Every time you click on, you would be taxed.

Mr. Speaker, I think there are hundreds of reasons why we stand in opposition to that. I think it's why when I was in the minority, I was always an original lead on the legislation, and now, as the majority, I am the lead on this bill. It is why we have attracted over 240 cosponsors to the legislation. It is not what the House Judiciary, unfortunately, passed out.

I don't think it is good public policy. Why do I say that? I don't say that simply because I feel like coming to the floor to say it. This is about commerce in our country. We want to broaden broadband in our country. I think that a permanent ban really speaks to that, a permanent moratorium. I also think that it demonstrates our commitment to the entire Internet community, that access to the Internet will remain tax free.

We also want to ensure that e-commerce will remain free of discriminatory taxes. Instead, the legislation is before us today on a suspension and I can't offer an amendment, because if I was able to offer an amendment, it would be permanent. We all know that. So I am very disappointed with what the Judiciary Committee came out with. I think that the best public policy is a permanent moratorium. I think it would serve the best interest of the people of our country, not just the Internet community, but all the people of our country. I also understand that some unions have a problem with permanence. Of all groups, they should be, in my view, protecting their workers who earn less and not have to pay an access fee.

So I regret that the House position today has really been diminished, because I don't think this is the fullness of what we can do. I think we can do much better. I really don't know the reason for a 4-year moratorium, why we have fallen back to that position. But I want to make very clear that very few bills have attracted 240-plus bipartisan cosponsors. I think that is the most eloquent statement about making the moratorium permanent.

Mr. Speaker, I appreciate the time that the gentleman has yielded to me, as well as Mr. WATTS for seeking to give me more time. I hope that in the not-too-distant future that ''permanent'' will be the full position of the House of Representatives, the Congress of the United States, and that we put this behind us so that the country can move forward with a public policy that is going to serve everyone so much better than what is at hand.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentlewoman for her comments, and I yield back the balance of my time.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume to close the debate and to address some of the issues that have been raised. I hope my colleagues will stay around, since they want to know the rationale for the 4-year extension versus the permanent extension, and listen to the rationale, because there is both ''practical rationale'' and there is ''substantive rationale.''

Let me deal with the practical reasons first. This moratorium that currently exists will expire the last day of this month if we do not act. The Senate has not done anything yet, and in many ways has made it clear that a permanent moratorium would be ''dead on arrival'' in the Senate. If the Senate is not going to act on a permanent moratorium, for the House to pass a permanent moratorium, send it to the Senate, have the Senate reject that permanent moratorium, runs the risk that time will run out before the month's end and the moratorium will run out before the month's end.

Mr. Speaker, I have heard the argument that we ought to make this permanent because this is stifling innovation. That strikes me as being like the argument that we ought to not tax anything because people are going to quit making money because there are taxes on the money that they make. I don't know anybody who, over all these years of threats that people have said to me people are going to quit making money if you don't quit taxing their money, I don't know anybody who has fallen prey to that kind of shortsighted attitude. I don't know anybody in the technology industry or in the innovation industry who has fallen prey to this notion that we are going to stop innovating just because there is a temporary moratorium on Internet access taxation as opposed to a permanent moratorium.

The last time I checked, the definition of ''politics'' was that politics is the art of compromise. We are doing what is necessary to move a bill. We can stand here and rail against the idea of a good bill on the idea that we want a perfect bill, or we can pass this bill, which I presume all these people who are railing against it not being permanent are planning to vote against the temporary extension when we get to a vote on it.

Mr. Speaker, I have heard this referred to as partisan politics. This is not partisan politics. We heard two Democrats get up and say they support a permanent moratorium. You have heard a number of Republicans say they support a permanent moratorium. There are people who don't support a permanent moratorium. A bunch of them are over there on the Senate side, and they have already made it clear if we deliver a bill over there, it's not coming back over here. So this is not partisan politics; it is practical politics. Understand the difference between partisan politics and practical politics.

Now, I have told you the political reasons why this is a temporary moratorium. Let me tell you the substantive reasons that this is a temporary moratorium. I just want to go back and read what I said in my opening statement. Every time we have extended this moratorium, we have revised this moratorium. The last time we did it, we had left out a whole bunch of people in the telecommunications world who thought that they should have been included in the definition of the moratorium. If we had made it permanent, perhaps we would have just left it as faulty, not corrected it. The fact that this is not a permanent moratorium doesn't mean that we can't go back 2 years from now, 4 years from now, 1 year from now, next month, and do something different.

Mr. Speaker, this is really not the end of the world that this is a temporary moratorium. This is the beginning of the world. We changed the moratorium in 2001, in 2004, and we will probably change it again, because every time we think we know the outer limits of the Internet, somebody comes along with something else that they can do on the Internet.

If we made this permanent, as if we had all the answers about what the moratorium, what the Internet's capacity is going to be, presumably that would be the end of the discussion, because we would have made this permanent, gone on to other issues, and not

been thinking about revisiting this and addressing whatever shortcomings we might have 4 years from now, as opposed to sometime in infinity out in the future.

Mr. Speaker, I, for one, am not on the permanent moratorium bill. I stand here with integrity telling you that I think it would be a serious mistake to make this a permanent moratorium on Internet taxation, because we don't have a clue standing here today what the capacity of the Internet is. Four years from now everything in life may be being done on the Internet. We might have a virtual world out there and then we may not be able to tax anything under the moratorium. So we need to continue to look at this on a regular, systematic basis.

This is not a cavalier decision that we have made. It is a practical, substantive, smart decision that we have made. I would request that my colleagues get off of this kind of ''letting the perfect be the enemy of the good'' notion, support this bill, and let's move on and extend this moratorium for 4 additional years. It is a good bill.

Mr. CHABOT. Mr. Speaker, I rise in support of H.R. 3678, the Internet Tax Freedom Act Amendments Act.

The Internet has changed the way we communicate, learn, and do business—all for the better. Since the Internet tax moratorium was first adopted, tremendous investment, growth and innovation in the scope and use of the Internet has occurred. By preventing unnecessary taxation of the Internet, Congress has fostered growth in productivity, spurred innovation, and widened public access to information.

This expansion is impressive. However, there is still more that Congress can do to ensure equal Internet access among all Americans. Permanently prohibiting unnecessary taxes, such as an Internet access, is the best course of action for accomplishing this goal.

Mr. Speaker, the surest way to stifle achievement, progress, and growth is to involve the Government. I urge my colleagues to use H.R. 3678 and its four year extension to work together to permanently extend the moratorium in order to foster the innovation and the free market that have been the formula for economic growth and prosperity.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 3678, the ''Internet Tax Freedom Act Amendments Act of 2007.'' I support this bill because it extends the moratorium imposed by Congress in the Internet Tax Freedom Act, ITFA, for 4 years, extends the grandfather protections for my home State of Texas and eight other States for 4 years for Internet access taxes levied before October 1998, and provides a new definition for Internet access that will narrow what generally constitutes Internet access.

The Internet Tax Freedom Act, ITFA, was enacted on October 21, 1998, as Title XI of Division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act. The ITFA placed a 3 year moratorium on the ability of State and local governments to: (1) impose new taxes on Internet access; or (2) impose any multiple or discriminatory taxes on electronic commerce. The Act also grandfathered the State and local access taxes that were ''generally imposed and actually enforced prior to October 1, 1998[.]''

This initial Internet tax moratorium expired on October 21, 2001. The Internet Tax Nondiscrimination Act was then enacted on November 28, 2001. It provided for a 2 year extension of the prior moratorium through November 1, 2003. The moratorium was then extended for an additional 4 years, through November 1, 2007, by the Internet Tax Nondiscrimination Act of 2003, Pub. L. No. 108–435 (2004). Taxes on Internet access that were in place before October 1, 1998, were protected by a grandfather clause.

Mr. Speaker, I oppose making the Internet Tax Freedom Act, ITFA, permanent because it would have several significant adverse effects on the ability of State and local governments, including my home State of Texas, to raise the revenue necessary to fund programs necessary to protect the health and safety, and promote the general welfare, of their citizens.

First, under the current, extremely broad definition of ''Internet access'' in the ITFA virtually all goods and services delivered over the Internet would be exempt from State and local taxation. Keeping this definition in a permanent ITFA could prevent States and localities from extending their conventional sales taxes to online music, movies, games, television programming, and similar products.

Many sellers of such content, even if they do not truly provide an end-user with a connection to the Internet, arguably are selling ''Internet access'' as defined in ITFA: ''a service that enables users to access content, information, electronic mail, or other services offered over the Internet.'' For example, the ''Rhapsody'' service sold by RealNetworks, Inc. streams an unlimited amount of music on demand to a subscriber for a fixed monthly fee. RealNetworks literally is providing ''a service that enables users to access content . . . over the Internet.'' Accordingly, the company could take the position that the Rhapsody service is tax-exempt ''Internet access'' under ITFA's definition and refuse to charge tax on it.

Also, the definition of ''Internet access'' includes ''access to proprietary content, information, and other services as part of a package of services offered to consumers.'' Nothing in this definition places any limits on the type or quantity of such ''content, information, and other services.'' Thus, any Internet access provider could achieve tax-exempt status for such content and services by ''bundling'' them with ''Internet access'' as conventionally understood and selling the package for a single, combined price.

Under this definition of ''internet access,'' States and localities would lose the hundreds of millions of dollars in annual revenue from their sales taxation of conventional cable TV service and the hard-media versions of music, movies, software, and computer games sold in stores. As is illustrated by the rapid growth of Apple Computer's iTunes music service, the majority of such ''digital content'' is likely to be distributed over the Internet eventually. The same is likely with respect to the majority of television programming, which in some parts of the country is already being distributed via so-called ''Internet Protocol TV'', IPTV. A permanent ITFA with a definition that seems to encompass all online content and services and that places no limits on what a telecommunications or cable TV company bundles with tax-exempt Internet access is likely to lead to a serious long-term drain on sales tax revenues.

Second, eliminating ITFA's grandfather clause could have far-reaching, unintended consequences by invalidating a wide array of state and local taxes currently paid by companies providing Internet access, such as sales taxes levied on their equipment purchases. ITFA defines a ''tax on Internet access'' as ''a tax on Internet access, regardless of whether such tax is imposed on a provider of Internet access or a buyer of Internet access.'' Because of the inclusion in the definition of taxes on Internet access providers, State and local officials have long been concerned that Internet access providers could take the position that a wide variety of taxes to which all types of businesses are subject constitute indirect taxes on Internet access services and are therefore banned by ITFA.

Acknowledging the legitimacy of such concerns, language was added to ITFA in 2004 expressly ''carving-out'' from the definition of a ''tax on Internet access'' four categories of taxes imposed on Internet access providers—taxes on ''net income, capital stock, net worth, or property value.'' However, this list by no means covers all of the type of taxes Internet access providers may have to pay. For example, it does not include sales taxes on computer servers purchased by such companies or state unemployment compensation taxes.

The very limited coverage of the tax carve-out language added to ITFA in 2004 did not overly-concern State and local officials, because virtually all of the significant taxes on Internet access providers potentially at risk had been enacted prior to 1998. Accordingly, ITFA's general grandfather clause served as a back-stop to the explicit protection added in 2004. With the grandfather clause eliminated, however, all State and local taxes on Internet access providers other than the four types carved-out in the 2004 provision could be at risk.

It is not at all clear that States could convince a court that any taxes except for the four types explicitly named are still legal when applied to an Internet access provider. If anything, the fact that some taxes on Internet access providers were explicitly preserved might create an inference on the part of a court that Congress intended to ban all other taxes on providers.

Third, if ITFA's grandfather clause were repealed, State and local governments in Texas and eight other States would lose existing revenues from currently protected taxes on Internet access services. The State of Texas alone stands to lose more than $50 million in annual revenue. The other eight States—Hawaii, New Hampshire, New Mexico, North Dakota, Ohio, South Dakota, Texas, Washington, and Wisconsin—and some of their local governments—would lose collectively between $30 million and $70 million in annual revenue flowing from previously-grandfathered taxes on Internet access services.

Revenue losses of this magnitude are sufficient to trigger the provisions of the Unfunded Mandates Reform Act of 1995, which classifies Federal preemptions of State and local taxing powers as an unfunded mandate. Most of the taxes directly affected by repeal of the grandfather clause are conventional State and local sales taxes that apply to a wide array of goods and services in addition to Internet access.

In and of itself, the direct impact of repeal of the grandfather clause on revenue in the affected States is not significant. In combination with the other impacts discussed above, however, State finances would be adversely affected. Due to balanced-budget requirements, Texas and the eight other States and their affected local governments would either have to reduce state services or increase other taxes to compensate for the lost revenue.

For all these reasons, I oppose making the Internet Tax Moratorium Act permanent. I strongly support H.R. 3678, which extends the moratorium for four years and retains the protections for Texas and other States that were grandfathered in the original legislation and I urge my colleagues to join me in voting for this wise and beneficial legislation.

Mr. SHAYS. Mr. Speaker, I urge support for H.R. 3678, the Internet Tax Freedom Act Amendments Act, which extends the current moratorium to November 2011. I would be inclined to support further extending the moratorium if legislation is brought to the House floor for my consideration, and in the past have voted to permanently bar taxation.

The purpose of the moratorium is to prevent the thousands of overlapping tax jurisdictions across our Nation from laying claim to a piece of the Internet. Some have argued that States will lose revenue if they are not allowed to tax the Internet, but this is a false assumption.

The fact is the Internet economy is generating tremendous tax revenue for State and local governments. Extending this moratorium will help sustain our Nation's economic growth. At the same time, making Internet access more affordable will help reduce what is commonly known as "the digital divide."

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, H.R. 3678, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

ordering the previous question on H. Res. 741, by the yeas and nays;

adoption of H. Res. 741, if ordered;

ordering the previous question on H. Res. 742, by the yeas and nays;

adoption of H. Res. 742, if ordered;

motion to suspend the rules on H.R. 3678, by the yeas and nays.

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

## PROVIDING FOR CONSIDERATION OF H. RES. 734, EXPRESSING THE SENSE OF THE HOUSE REGARDING WITHHOLDING OF INFORMATION RELATING TO CORRUPTION IN IRAQ

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 741, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 223, nays 196, not voting 12, as follows:

[Roll No. 964]

YEAS—223

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

NAYS—196

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

NOT VOTING—12

Carson
Cubin
Holden
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

□ 1311

Mr. COBLE changed his vote from "yea" to "nay."

Mr. MEEKS of New York, Ms. WATSON, Mr. SNYDER, Ms. CORRINE BROWN of Florida and Mr. LARSON of Connecticut changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 195, not voting 11, as follows:

[Roll No. 965]

YEAS—225

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

NAYS—195

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

NOT VOTING—11

Carson
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

□ 1321

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF H.R. 2102, FREE FLOW OF INFORMATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 742, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 196, not voting 11, as follows:

[Roll No. 966]

YEAS—224

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

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan

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

NOT VOTING—11

Carson
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

□ 1331

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 194, not voting 15, as follows:

[Roll No. 967]

YEAS—222

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

NAYS—194

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

NOT VOTING—15

Carney
Carson
Cubin
Diaz-Balart, M.
Gilchrest
Honda
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1339

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3678, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, H.R. 3678, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 25, as follows:

[Roll No. 968]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boren
Boswell
Boucher
Boustany

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

NAYS—2

Eshoo
Turner

NOT VOTING—25

Alexander
Boozman
Carson
Cubin
Davis (AL)
Emanuel
Gonzalez
Gordon
Hastings (FL)
Heller
Hirono
Inslee
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Rehberg
Ros-Lehtinen
Sires
Sullivan
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1346

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TURNER. Mr. Speaker, on rollcall No. 968, I mistakenly voted "nay." I intended to vote "yea."

Mr. REHBERG. Mr. Speaker, on rollcall No. 968, I was unavoidably detained in a meeting with Governor Blanco and Mayor Nagin discussing Hurricane Katrina Relief. Had I been present, I would have voted "yea."

Mr. ALEXANDER. Mr. Speaker, on rollcall No. 968, I was unavoidably detained in a meeting with Governor Blanco and Mayor Nagin discussing Hurricane Katrina Relief. Had I been present, I would have voted "yea."

Mr. HELLER of Nevada. Mr. Speaker, on rollcall No. 968, had I been present, I would have voted "yea."

Mr. BOOZMAN. Mr. Speaker, on rollcall No. 968, H.R. 3678, the Internet Tax Freedom Act Amendments Act of 2007, I was not present due to an emergency situation. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately today, October 16, 2007, I was unable to cast my votes on ordering the previous question on H. Res. 741, H. Res. 741; ordering the previous question on H. Res. 742, H. Res 742; and on suspending the rules and passing H.R. 3678 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 964 on ordering the previous question on H. Res. 741, providing for the consideration of H. Res. 734, expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq, I would have voted "nay."

Had I been present for rollcall No. 965 on passing H. Res. 741, providing for the consideration of H. Res. 734, expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq, I would have voted "nay."

Had I been present for rollcall No. 966 on ordering the previous question on H. Res. 742, providing for the consideration of H.R. 2102, the Free Flow of Information Act, I would have voted "nay."

Had I been present for rollcall No. 967 on passing H. Res. 742, providing for the consideration of H.R. 2102, the Free Flow of Information Act, I would have voted "nay."

Had I been present for rollcall No. 968 on suspending the rules and passing H.R. 3678, the Internet Tax Freedom Act Amendments Act of 2007, I would have voted "yea."

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 106

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Resolution 106.

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

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 106

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor to House Resolution 106.

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

There was no objection.

## EXPRESSING THE SENSE OF THE HOUSE REGARDING WITHHOLDING OF INFORMATION RELATING TO CORRUPTION IN IRAQ

Mr. WAXMAN. Mr. Speaker, pursuant to H. Res. 741, I call up the resolution (H. Res. 734) expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 734

Whereas Stuart Bowen, the Special Inspector General for Iraq Reconstruction, testified before the Committee on Oversight and Government Reform on October 4, 2007, that the "rising tide of corruption in Iraq" is "a second insurgency" that "stymies the construction and maintenance of Iraq's infrastructure, deprives people of goods and services,

reduces confidence in public institutions, and potentially aids insurgent groups reportedly funded by graft derived from oil smuggling or embezzlement'';

Whereas David Walker, the Comptroller General of the United States, testified at the hearing that ''widespread corruption undermines efforts to develop the government's capacity by robbing it of needed resources, some of which are used to fund the insurgency'';

Whereas Judge Radhi Hamza al-Radhi, the former Commissioner of the Iraqi Commission on Public Integrity, testified at the hearing that ''corruption in Iraq today is rampant across the government, costing tens of billions of dollars, and has infected virtually every agency and ministry, including some of the most powerful officials in Iraq'', that ''the Ministry of Oil [is] effectively financing terrorism'', and that Prime Minister Nouri al-Maliki ''has protected some of his relatives that were involved in corruption'';

Whereas the Independent Commission on the Security Forces of Iraq, chaired by General James L. Jones, U.S.M.C. (Ret.), reported on September 6, 2007, that ''sectarianism and corruption are pervasive in the MOI [Ministry of Interior] and cripple the ministry's ability to accomplish its mission to provide internal security of Iraqi citizens'' and that ''the National Police should be disbanded and reorganized'';

Whereas on September 25, 2007, the State Department instructed officials not to answer questions in an open setting that ask for ''Broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons'';

Whereas Members of the Committee on Oversight and Government Reform asked Ambassador Lawrence Butler, Deputy Assistant Secretary of State for Near Eastern Affairs, at the hearing whether ''the Government of Iraq currently has the political will or the capability to root out corruption within its Government'', whether ''the Maliki Government is working hard to improve the corruption situation so that he can unite his country'', and whether Prime Minister Maliki ''obstructed any anticorruption investigations in Iraq to protect his political allies'';

Whereas Ambassador Butler refused to answer these questions at the hearing because ''questions which go to the broad nature of our bilateral relationship with Iraq are best answered in a classified setting'', although he did answer questions at the hearing that portrayed the Iraqi Government in a positive light;

Whereas the State Department retroactively classified portions of the report titled ''Stabilizing and Rebuilding Iraq: U.S. Ministry Capacity Development Efforts Need an Overall Integrated Strategy to Guide Efforts and Manage Risk'', which was released at the hearing by Comptroller General Walker and which addressed the commitment of the Iraqi government to enforce anticorruption laws;

Whereas the State Department also retroactively classified two reports on corruption in Iraq prepared by the Office of Accountability and Transparency in the United States Embassy in Iraq;

Whereas the United States has spent over $450,000,000,000 on the war in Iraq and the President is seeking over $150,000,000,000 more; and

Whereas more than 3,800 members of the United States Armed Forces have been killed in Iraq and more than 28,000 have been wounded: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that—

(1) as Congress considers the President's request for over $150,000,000,000 more for the war in Iraq, it is essential that Congress and the people of the United States know the extent of corruption in the Iraqi government and whether corruption is fueling the insurgency and endangering members of the United States Armed Forces;

(2) it was wrong to retroactively classify portions of the report titled ''Stabilizing and Rebuilding Iraq: U.S. Ministry Capacity Development Efforts Need an Overall Integrated Strategy to Guide Efforts and Manage Risk'', which was released by the Comptroller General of the United States at the hearing of the Committee on Oversight and Government Reform on October 4, 2007, and other statements that are embarrassing but do not meet the criteria for classification;

(3) it is an abuse of the classification process to withhold from Congress and the people of the United States broad assessments of the extent of corruption in the Iraqi Government; and

(4) the directive that prohibits Federal Government officials from providing Congress and the people of the United States with ''broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons'' should be rescinded.

The SPEAKER pro tempore. Pursuant to House Resolution 741, the gentleman from California (Mr. WAXMAN) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I yield myself 5 minutes.

Today we mark an ominous anniversary. It was 5 years ago today that President Bush signed the congressional authorization to use military force in Iraq. As we have learned since, that authorization was based on fatally flawed information. Congress and the American people were told that we needed to go to war against Saddam Hussein because he had weapons of mass destruction. But there were no nuclear bombs or biological weapons.

Now, 5 years later, more than 3,800 U.S. servicemembers have been killed, more than 28,000 have been injured, and the U.S. taxpayers have spent more than $450 billion; and Iraq is in shambles.

Today we are considering a different resolution. The purpose of today's resolution is simple: to end the abuse of the classification process and to demand the truth about corruption in Iraq.

We must stop the pattern of dissembling and the misuse of classified information. President Bush is now asking taxpayers for an additional $150 billion to support the war and to support Iraqi Prime Minister Nouri al-Maliki. But . . . is not being honest about the level of corruption in the Maliki government.

Just as it did 5 years ago, the Bush administration is hiding the truth while seeking hundreds of billions of dollars and placing our troops in danger. We cannot allow this to happen.

Mr. ISSA. Mr. Speaker, I ask that his words be taken down for disparagement of the Bush administration.

The SPEAKER pro tempore. The Clerk will report the words.

□ 1400

Mr. WAXMAN. I gather that the offensive word is that ''he'' is not being honest, and what I intended to say is that the Bush administration is not being honest. I think that removes the objection that would lie against a personal disparagement, so I would seek to make that clarification and ask unanimous consent to withdraw that spoken word.

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

Mr. ISSA. Mr. Speaker, I have no objection as long as the admonishment of the Chair would be that, in fact, there is a caution as to disparaging or appearing to disparage the office or the person of the President or the Vice President under our rules.

The SPEAKER pro tempore. The Chair can affirm that with respect to the person, as a response to a parliamentary inquiry.

Mr. ISSA. I thank the gentleman, and that is an acceptable UC.

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

There was no objection.

Mr. WAXMAN. Mr. Speaker, the Bush administration is hiding the truth while seeking hundreds of billions of dollars and placing our troops in danger, and we cannot allow this to happen.

We need answers to some very important questions: How corrupt is the Maliki government? Are top officials in Iraq stealing billions of dollars to fund insurgents who are attacking and killing our troops? Is corruption undermining the chances for political reconciliation?

Secretary of State Rice says she will answer these questions only on one condition: every Member of Congress who hears the answers has to keep the answers secret. Well, that's an outrageous abuse of the classification system.

Earlier this month, the former head of the Iraqi Commission on Public Integrity, Judge Radhi, testified before the Oversight Committee. He told us that corrupt Iraqi officials had stolen a staggering $18 billion and used part of that money to fund terrorists. He told us that when he tried to track down who was responsible, well, 31 of his investigators were brutally assassinated, and his own family living in the Green Zone was targeted twice with rocket attacks. And he gave us copies of secret orders that Prime Minister Maliki personally issued to protect his allies, including his own cousin, from corruption investigations and prosecutions.

Judge Radhi, Special Inspector General Stuart Bowen and Comptroller General David Walker all told us that

corruption is so entrenched in Iraq that it is jeopardizing our troops and our mission. But when we asked the State Department for unclassified documents about the extent of corruption in the Maliki government, Secretary Rice retroactively classified them. And when we asked the embassy officials when they knew about corruption, she ordered them not to respond.

Secretary Rice has made public statements praising the anticorruption efforts of the Maliki government, and he, himself, she praised; and she even praised the corrupt Interior Ministry. But when we asked embassy officials in Iraq whether her public statements were accurate, they said they were not allowed to respond unless we agreed to keep their answers secret.

Mr. Speaker, 5 years ago, abusive classified information got us into this war. It's time for these abuses to end, and that's why we ask all Members to support this resolution.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise today to speak on H. Res. 734, a resolution about corruption in Iraq.

Corruption, the theft of public resources for private gain, saps the life out of everything it touches. The fact that official corruption has long undermined government effectiveness and public confidence in Iraq and throughout the Middle East should come as no news to anyone. But no one believes rampant corruption is inevitable or tolerable in Iraq. Republicans don't support corruption, Democrats don't support corruption, so the pace and reach of our efforts to help the Iraqis prevent, deter, investigate and punish corruption in their struggling democracy should be one thing, perhaps the only thing, about our policy in Iraq that we can agree on.

But we were never given the chance to agree. The language of this resolution has never been considered by any committee. Why not? Just last week, four House Committee chairmen wrote to the Secretary of State asking for her cooperation in ''finding solutions'' to corruption in Iraq. So those committees apparently have an interest in the issues raised by the resolution. But none of them ever considered this language. Why not? Because this resolution is just the latest find in the frantic search for proxy antiwar votes that the leadership has staged to feed an increasingly restive left wing of their party. Unable to prevail directly, they ignore regular order and nibble around the edges with symbols, surrogates, and sense of Congress resolutions.

In this political environment, it almost doesn't matter how we vote since the resolution means so little and accomplishes even less. But, fairly or not, as has been voiced by several Members on the other side, a ''no'' vote would be portrayed as ''pro-corruption.'' That's unfortunate, and it didn't have to be that way.

Both the committee majority and the State Department have gone out of their way to politicize the discussion of corruption in Iraq. This resolution cherry-picks statements from our hearing testimony and tries to pick a fight with the Secretary of State over access to certain information. I offered a substitute to try to bring some balance and perspective to this resolution, but it was rejected by the majority in the Rules Committee. I will talk more about that substitute later.

For its part, the State Department's process for answering our inquiries about anticorruption assistance to Iraq has been sluggish and poorly thought out. When requested documents failed to show up, we didn't demand a committee vote on subpoenas the chairman decided to send to the Department. It's a separation of powers issue. The committee has a right to timely and meaningful access to information about executive branch programs and operations. The Department then classified information already, irretrievably, in the public domain. As a result of that decision, they felt compelled to limit open discussion on what everybody already knows about corruption in Iraq.

Had the State Department witness at our hearing said to the committee what Ambassador Satterfield said in today's Washington Post, broadly speaking about the Iraqi Government's political will to fight corruption, we might not have needed to consider this resolution at all.

Nevertheless, this is obviously not a resolution I'd bring to the floor to assert our constitutional rights. Both the process and the product tend to trivialize a serious and pernicious problem by reducing it to the terms of a spat over what State Department employees can say in an open forum and classification of a few sentences and two reports. It's a transparent attempt to draw the Secretary of State into a highly visible, but completely avoidable, conflict with the Oversight Committee.

What is the House being asked to ''resolve'' in this resolution? That we should know ''the extent of corruption in Iraq''? That it was wrong to ''retroactively classify'' two draft State Department reports that had never been reviewed for sensitive information before? That it's an abuse of the classification process to ''withhold'' broad, unverified assessments of a foreign government by low-level State Department employees? And that a ''directive'' limiting discussion of potentially sensitive matters to a closed setting should be rescinded? Let me take them one by one.

The phrase ''the extent of corruption in Iraq'' is used several times. In truth, it's code for the unspoken conclusion that if we only knew the real level of corruption, we would all conclude Iraq could never stand on its own. But contrary to what this resolution implies, it's no secret there is widespread corruption in Iraq. We concede that. It's sadly well documented, from the scandalous Oil-for-Food Program in the 1990s to present-day diversion of oil revenues. Corruption is a critical concern to the United States Government, to the Iraqi Government, and to the Iraqi people.

No amount of handwringing or feigned indignation can avoid the hard truth that the United States did not bring corruption to Iraq, and it won't stop when we leave. And no spreadsheet or corruption clock will ever give us the real-time cost of bribes and the real-time cost of graft there.

Focusing on the extent of corruption rather than the extent of anticorruption efforts betrays a desire to publicize corruption, not help fix it.

On the classification question, in all honesty, I have my doubts whether the State Department's reports should have been classified. A sloppy process in Baghdad leaked them; they're on the Internet right now. It's probably counterproductive to put that genie back in the bottle. The Department simply should have said, ''The reports got out. Our mistake. But they represent only the collected anecdotes and flavor added by the authors and were not official policy statements of the United States.'' That could have avoided the whole fight over classification, but they didn't do it.

On the question of ''withholding'' information, there is a difference, and in my judgment an important difference, between hiding information and simply exercising appropriate caution and good management in deciding who makes official statements about U.S. relations with another sovereign state and where those statements are made.

More determined to be aggrieved than informed, the committee refused repeated efforts and offers to question witnesses in a setting that could permit us to discuss sensitive and classified information.

If anything constructive comes out of passage of this resolution, I hope it's to refocus and reenergize State Department anticorruption efforts in Iraq. They need it. That might not be the goal of all those that are voting for this resolution, but it's my goal in voting for it, and it's the only positive outcome that I can see.

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

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Massachusetts (Mr. TIERNEY), the chairman of the subcommittee dealing with international relations of the Oversight Committee.

Mr. TIERNEY. Mr. Speaker, the fundamental issue before us on this resolution is whether or not this institution, the Congress, is going to absolutely carry out its oversight responsibilities and demand that the executive branch provide to us materials we need to make reasonable determinations as to whether or not there is an extent of corruption in Iraq with respect to what is going on there, but also whether or

not our State Department and other agencies are doing all they should do to build up the capacity of the Iraqi Government to be able to combat corruption.

In December 2006, and again in July of 2007, the United States Embassy in Iraq produced two reports that weighed on those issues, corruption in the Iraqi Government, and would have shown us some capacity of whether or not the United States was doing enough about it. They were marked ''sensitive but unclassified.'' And they were widely distributed within the United States Government and they were even posted on the Internet.

In September, the Oversight Committee requested copies of those two documents. But rather than provide them in their unclassified form, the State Department decided to retroactively classify them, in essence, keeping them from public view or from public debate.

The State Department classified these documents only after the committee requested that they be produced. And they gave this task to an official who told the committee he had never in his life been requested to review for classification before.

Incredibly, the State Department then retroactively also classified key portions of a Government Accountability Office report that was issued to the Oversight Committee at a public hearing on October 4. Now, David Walker, the Comptroller General, testified in open session that this Government Accountability Office report addressed corruption in Iraq and the failure of the United States agencies to properly support capacity-building efforts in Iraqi ministries. This is not about just deciding how much corruption there was in playing that. It's about deciding whether or not there had been sufficient capacity-building efforts in Iraq ministries to prevent corruption.

Mr. Walker issued the report, copies were handed out to the press, and it was posted on the Internet. But after the hearing, the State Department classified those portions of the report that addressed Iraq's commitment or a lack of commitment to fighting corruption. And yesterday, the State Department claimed in a letter to Congress that they classified the Government Accountability Office report prior to official publication, but, in fact, when we checked with the Government Accountability Office, they said that was not true. The State Department reviewed this report before it was released. They confirmed that it contained no classified information. It was not until after the report was released at the public hearing that the State Department retroactively classified it.

Secretary Rice may not want the public to know what the Government Accountability Office found when it investigated whether the Maliki government is committed to fighting corruption, or they may not want the public to know whether or not the government is actually working hard enough to build the necessary capacity to stop and check corruption in Iraq. But it's a gross abuse of the administration's powers to retroactively classify these findings and the findings of the State Department's own embassy officials and to do it retroactively.

Classification cannot be allowed to happen primarily because people think they're going to be embarrassed, whatever government may be embarrassed. Congress has to exercise its prerogative here and do the proper oversight for the protection of our troops and of the public's interests.

Testimony was that some $18 billion in corruption was occurring in Iraq, and that was without going into the oil ministry, where significant further corruption was believed to happen. Testimony was that monies from that corruption were going to fund militias, who in turn were placing their focus on targeting United States troops.

It is imperative that this Congress investigate whether or not, through review of these documents and other sources, we are making enough efforts to build the capacity in Iraq to make sure that that corruption stops and that our troops, our men and women in service, are not being targeted through corruption.

Mr. Speaker, this is an important matter. This is the prerogative of this House. This should not be about partisan politics or protecting the home team. This should be about making sure that we protect our troops and the public interest.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would be happy to yield 4 minutes to the gentleman from Indiana, the former chairman of the committee (Mr. BURTON).

Mr. BURTON of Indiana. Thank you, Mr. DAVIS, for yielding the time.

You know, I get such a kick out of my colleagues on the other side of the aisle, in particular the chairman of the committee. He was my ranking Democrat for 6 years. And during those 6 years we investigated the illegalities of the Clinton administration that took place, and he blocked and defended the administration, as I would expect him to do because he is a Democrat, every single time. But the thing that interests me is he's talking about corruption in our State Department. We sent out over 1,000 subpoenas, and he and his side tried to stop us at every turn in the road to get to the bottom of corruption during the Clinton years. We had over 100 people in the administration and associated with the administration either take the fifth amendment or flee the country. We have pictures of them up on the wall, people that would not testify, that had memory loss. We said there was an epidemic of memory loss at the White House. People were leaving the country. People were taking the fifth amendment. They wouldn't give us any information. They blocked us time after time after time for 4 years.

And so today, here they are on the floor talking about corruption and being blocked by the State Department when they are the authors of this process. They're the ones who did it for 4 straight years to protect Bill Clinton and his administration when there was no question about corruption in that administration.

We sent five criminal referrals to the Justice Department during the time I was chairman, and they and their colleagues in the Justice Department, the head of the Justice Department blocked us at every step of the way, every turn in the road. And here they are today complaining about our State Department, during a time of war, trying to deal with the problems over there, and they're alleging a cover-up, blockage and everything else. You know, there is nothing so righteous as a lady of the evening who is reformed. And so I just want to say to my colleagues tonight that this is another example of you coming to this floor complaining about the administration blocking you when you did it for 4 straight years. You did it every day, you did it every night, and now you're complaining because we're trying to do something about the war in Iraq and we're stopping you from getting some information that you think is absolutely essential. Where were you when we were investigating Clinton? Why didn't you want that stuff to come out?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to please direct their remarks through the Chair.

Mr. BURTON of Indiana. I will direct this to you, Mr. Speaker.

For 4 years, they did exactly what they're accusing this administration of doing, and they did it in spades. When people wouldn't testify, they stuck up for them. When people took the fifth amendment, they stuck up for them.

□ 1415

When people from the administration came down here to testify and couldn't remember anything, they helped block the testimony coming before the committee. So today, they are complaining about the very things that they did for four straight years and during a time of war.

Mr. WAXMAN, I just want to say to you one more time I appreciate your reformation. I appreciate your changing. I am happy you are seeing the light. But I don't know why you didn't do it when I was chairman.

Mr. WAXMAN. Mr. Speaker, I want to point out that Mr. BURTON, who was chairman of our committee, issued thousands of subpoenas. He received millions of pages of documents. He had hundreds of hours of depositions. He conducted an investigation that has been widely regarded as irresponsible and reckless.

Mr. Speaker, I now yield 3 minutes to the gentleman from Maryland to speak on this resolution.

Mr. CUMMINGS. Thank you very much, Chairman WAXMAN, for yielding.

Mr. Speaker, I rise in support of H. Res. 734, a resolution expressing our dismay at the withholding of information relating to Iraqi corruption, which I have cosponsored.

By all accounts, Iraq was a corrupt state at the time of the U.S. invasion. Unfortunately, it remains so today. The nonpartisan group, Transparency International, finds that the Iraqi Government is the world's third most corrupt country more than 4 years after Saddam Hussein was ousted.

In an October 4 hearing of the Oversight and Government Reform Committee, we listened to the heart-wrenching testimony of Judge al-Radhi, the former Commissioner of the Iraqi Commission on Public Integrity. During his tenure, the judge uncovered up to $18 billion in funds that were lost as a result of corruption. Rather than receive the accolades for his efforts, however, Judge Radhi faced severe retaliation instead. He told us of the horrible atrocities that he and his family and that of his staff suffered at the hands of those who aimed to stifle his investigations.

In total, 31 people from his office and 12 of their family members were killed. Many endured unspeakable torture, their bodies hung from meat hooks. Judge Radhi's own home was struck by rockets. Harassment eventually reached the point that he was forced to flee his own country. This is not the sort of environment that leads to the free and democratic Iraqi society that President Bush is so fond of invoking.

We cannot achieve a victory in Iraq as long as we allow corruption to continue unchecked. Unfortunately, officials of the U.S. Department of State do not appear to agree. Following our hearing, the Department retroactively classified reports and portions of reports that detailed problems with Iraqi corruption. These actions represent a blatant attempt to manipulate the classification process to stave off bad publicity.

Mr. Speaker, this is a very sad reality indeed. I find it ironic that our own government is engaging in obstructive practices in an attempt to cover up the truth about corruption in Iraq. I urge all of my colleagues to join us in sending a very strong message to the administration that these practices will not be tolerated by voting in favor of H. Res. 734.

Mr. TOM DAVIS of Virginia. Mr. Speaker, let me just say that I appreciate what the chairman of the committee has done in holding the hearings and the investigations. I think this is something the American people should know. There is no question about that. But there are particular concerns that go to the particular content of the resolution. The chairman and I have discussed this.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Thank you, Mr. Ranking Member.

Mr. Speaker, the chairman of this committee cannot have it both ways. And the Speaker of the House cannot have it both ways. In their blind hatred for this administration and the President, they would have you believe on Tuesday of last week that you must believe the Ministry of Interior in Iraq and you must believe that the veterans, now serving for Blackwater, murdered in cold blood 17 Iraqis who were unarmed, defenseless, simply for the sport of it. On Tuesday, that is what Erik Prince had to deal with on the orders of Speaker PELOSI and dealt out by Chairman WAXMAN.

That was Tuesday. By Thursday, we were looking at what we see here today, that the administration was covering up so much corruption, particularly the corruption of the Ministry of Interior. Mr. Speaker, I am going to vote for this resolution not because it is flawless. It has its understandable flaws. But I am going to vote for it because in the whereases it says, whereas, the independent commission on security forces of Iraq chaired by General James L. Jones (Retired) reported on September 6, 2007 that ''sectarianism and corruption are pervasive in the Ministry of Interior and cripple the ministry's ability to accomplish its mission.''

It goes on and on to make the point I am making, just as the majority has already made, Mr. Speaker, and that is that in order to believe that combat veterans, special forces veterans, Green Berets and special forces SEALS now out of the military and out of harm's way in Iraq working for Blackwater, in order to believe that they murdered in cold blood defenseless civilians at an intersection just for sport just after a bomb went off, you would have had to believe the Minister of Interior. And Mr. WAXMAN would have had the committee believe that on Tuesday. But by Thursday, of course, we have the cover-up of such rampant corruption. Yet in the very, very resolution, we have an independent commission headed by a distinguished former general say, in no uncertain terms, there is rampant and widespread corruption. That has not been taken back by the administration.

Mr. Speaker, what I would say is Mr. WAXMAN and the Speaker of the House, NANCY PELOSI, cannot have it both ways. They cannot go after our troops in harm's way, our contractors serving in those capacities similar, most of them, if not all of them veterans, they cannot denounce every aspect of this war, how we got there and when we go there and then say, but this group is so corrupt we must leave.

The previous speaker, Mr. Speaker, went out of his way to say the third from the bottom in corruption is Iraq, never mentioning that Burma was below that. Burma managed to be one of the two at the very bottom. Mr. Speaker, would the majority have us pull out our representation and support in Burma and leave to those who are already the victims of corruption an even more corrupt government? Or would they, given that this administration in their view is not doing enough, say, We should do more, we should engage, we should spend the money insisting on transparency and reform?

Mr. Speaker, I am voting for this resolution because, in fact, I believe the majority and the minority should agree that there is corruption, corruption so widespread in Iraq for the Minister of Interior to frame men and women in harm's way in order to get them out of the way. I do not want this body and this Congress to be a party to framing Americans who are putting their lives on the line as patriots in Iraq.

I ask that people support it on both sides, not because Mr. WAXMAN isn't trying to have it both ways, but because, in fact, there is corruption in Iraq, and hopefully, at some point, he will begin to believe loyal Americans over those very corrupt entities that he denounces in other parts of his resolution.

Mr. WAXMAN. Mr. Speaker, I don't understand the argument the gentleman made. But I like his conclusion. So we welcome his support for our resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), a very esteemed member of our committee.

Mr. KUCINICH. Mr. Speaker, I rise in support of the resolution. One must put this debate in perspective. The administration certainly helped to create the war. Iraq didn't have weapons of mass destruction, but Iraq did have one thing that is very valuable, and that is oil. The administration helped create the war. They created the Coalition Provisional Authority, and they helped to create the Maliki government. Now they are withholding information and classifying previously unclassified information. Again, no WMDs in Iraq, but oil.

I maintain that has all been about oil. The administration looks the other way on corruption, putting great pressure on the Maliki government at this very moment to privatize 20 to $30 trillion worth of Iraqi oil assets. Now, they can classify all they want over at the White House. But this is still about oil. It can't classify nearly 3,800 deaths of our soldiers. They can't classify 1 million deaths of innocent Iraqis. They can't classify that the war will cost up to $2 trillion. They can't classify that they are borrowing money from China to fight a war against Iraq. This war has been based on lies. We agree we should all abide by the rules of the House. We should also abide by the United States Constitution. That is why I support this bill. It is also why I support accountability, and I support impeachment.

Mr. TOM DAVIS of Virginia. I would like to inquire as to how much time I have.

The SPEAKER pro tempore (Mr. SCHIFF). The gentleman from Virginia

has 16 minutes remaining. The gentleman from California has 16½ minutes remaining.

Mr. TOM DAVIS of Virginia. I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. LYNCH), a member of our committee.

Mr. LYNCH. Mr. Speaker, I want to thank the gentleman from California for yielding.

Mr. Speaker, I think it is important that the American people understand what exactly is going on here. This is not about the Clinton administration. It is not about Blackwater.

I just want to touch on a few facts here. Number one, $450 billion has already been committed by this President and his administration toward the war in Iraq. Recently, the President has come back to us with a request for an additional $150 billion also to be spent in Iraq on, among other things, schools, roads, bridges, power plants, water treatment facilities, not in the United States, but in Iraq.

Now, Congress, our responsibility here, we have the power of the purse. The power of the purse is not simply the power to open the purse, but it also includes the duty and the obligation to inspect appropriations and to inquire whether or not this country, this government, who has had the benefit of, if the bill goes through, it will be $600 billion, we have the duty to inquire whether that government is corrupt.

We received several reports, one from the Special Inspector General for Iraq Reconstruction, Mr. Stuart Bowen, who indicates there is widespread corruption. There is a commission headed by General James Jones, United States Marine Corps, indicating there is widespread corruption in Iraq among the government, and again by Comptroller General David Walker, who indicated, again, there is widespread corruption in Iraq.

We have requested, in response to these reports, testimony and documents from the State Department. They have said ''no.'' They have said, no, they would not testify; they would not give us documents. Chairman WAXMAN had to join with the committee and we issued four subpoenas. They were joined in by my respected colleague from Virginia (Mr. DAVIS) who agreed that he would support the subpoenas, as well. However, they did not give us all the documents. The witnesses came forward, but refused to testify as to the level of corruption in Iraq. They have denied Congress the access to the information we need.

There's a strong irony here; it is inescapable to me. The State Department has retroactively classified two reports by its own officials regarding Iraqi corruption. Do you know, it is ironic, the name of the office inside the U.S. Embassy that wrote those reports? It is the Office of Accountability and Transparency. They have refused to give us information. They are the ones who are supposed to be teaching the Iraqi Government how to be more transparent, how to be more accountable to their own government.

What about the other report the State Department classified, basically has hidden from the American people? Who issued that one? The Government Accountability Office. The statement retroactively classified that one, too. If this were not so serious, it would be laughable. These offices were set up with the express mission of calling the government to account, not only the Government of Iraq but also the Government of the United States. This effort to classify this information has been done for the express purpose of saving the Maliki government from embarrassment because of the allegations of corruption regarding their officials.

So here we are supposed to be exporting democracy, but what we are doing here now is covering up for a corrupt government at the expense of the American people. And the irony runs deep. The Bush administration says we are in Iraq to spread democracy and the rule of law; but, instead, it appears that we are, indeed, complicit with the corruption that is going on in the Maliki government.

I question how it makes America look not only to Iraqis but to our own citizens. I believe it does render us complicit. It harms our core mission. It does not win the hearts and minds of the Iraqis. It loses them. America must lead by action and by example, not by suppressing public discussing of corruption in government.

□ 1430

Mr. TOM DAVIS of Virginia. Just to put it in perspective, the report was, I think, something like 60 pages. It was called back for five sentences.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. HUNTER), the former chairman of the Armed Services Committee, now the ranking member.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I rise to oppose this resolution. Let me just speak to the point that is made by the resolution that talks about the need to disclose in open session facts which would deal with corruption, and I am quoting, ''including allegations that investigations were thwarted, stifled for political reasons, and that that classification should be rescinded.''

I have looked at Mr. Butler's testimony to the committee. I have read it. I have got it in front of me. He talks a great deal, acknowledging that there is corruption in the Iraqi Government, as there is in practically every government in the Middle East, to some degree. He talks about that.

Mr. Speaker, he also said that he would be happy to talk about details concerning any political moves to avert investigations into corruption. He would be happy to talk about those details in a classified session. So he gave that opportunity, as I understand it, to the committee, and the committee didn't take him up on it.

I would just say, Mr. Speaker, that sources and methods are important. If there was a secret conversation that went on in the Iraqi Government and that secret conversation was listened to by somebody who then relayed that to the U.S. Government, or U.S. officials, laying that out for the public without going into classified session would not be good for American intelligence operations. This committee could have gone into classified session and had all the details that they needed.

Mr. Speaker, I rise in opposition to this particular resolution.

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

Mr. HUNTER. I would be happy to yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I can understand what the gentleman is saying about sources and methods, and we understand that under some circumstances talking about it in public session might be harmful. But we asked the representative from the State Department questions, such as whether the Government of Iraq currently has the political will or the capability to root out corruption within its government. We were told he couldn't answer that in a public session. That is the problem that we are complaining about in this resolution.

Mr. HUNTER. Mr. Speaker, what I have in front of me is the actual testimony of Mr. Butler, who says this: ''The Department of State has devoted considerable effort and resources helping courageous Iraqis establish mechanisms and procedures to investigate and prosecute corruption.'' He says, ''It's fair to say we probably do not have a program in the ministerial capacity development area that does not seek to build an environment in which corruption is less prevalent.'' He goes on to talk about what has been done. So he does engage you on this issue of corruption.

I think you could have gone to a classified session, as was invited by Mr. Butler, you could have gone to a classified session, he invited you to do that, and he would give you the details on that particular conversation. Incidentally, the particular conversation that you're talking about is the one that is manifested in your resolution. It's not this statement that you have just given me. It's the one that is in your resolution. You could have had him do that in private.

Mr. TOM DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I would be happy to yield to the gentleman.

Mr. TOM DAVIS of Virginia. Let me say that who speaks for the State Department at certain times and how nuanced the statement is going to be is very important in diplomatic jargon in terms of what its meaning is. I think

that was one of the difficulties they had at that time.

Mr. HUNTER. I thank the gentleman for his time.

Mr. WAXMAN. Mr. Speaker, I just want to point out that we asked Mr. Butler from the State Department questions such as whether the Maliki government is working hard to improve the corruption situation so that he can unite his country. We were told he could not answer that question unless we went into closed session, which would mean that if he answered it in closed session, it would be a national security violation for any of us to report his response. That was what was so offensive. They did not want to even discuss a broad kind of questions which go to the nature of our bilateral relations with Iraq how they are doing and what our efforts are doing and whether we are succeeding in stopping the corruption in Iraq, which is jeopardizing our mission and endangering our troops.

I would like to now yield 3 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, last week Lieutenant General Ricardo Sanchez, who led our forces in Iraq when the vast majority of the American public had yet to turn against the war, emphatically agreed with those of us who criticized the invasion and occupation from the start. In calling the situation a ''nightmare,'' Lieutenant General Sanchez referred to the ''unfortunate display of incompetent strategic leadership.''

But from what I have seen from my seat on the Oversight and Government Reform Committee, with all due respect to the Lieutenant General, he is wrong. The administration isn't failing to implement the strategic leadership needed to bring peace to the region and protect our young men and women risking their lives in Iraq; they are refusing.

David Walker, U.S. Comptroller General, said that widespread corruption is robbing Iraq of the resources to develop the government and is funding the very insurgency we are fighting. Rather than working to end or mend this catastrophe, the State Department has instructed its officials not to cooperate. Instead of using the ''Stabilizing and Rebuilding Iraq'' report to rectify the problem, they classified it retroactively, giving the impression that honest information is seen by this administration as politically embarrassing rather than constructive.

Mr. Speaker, regardless of how they see it, they owe it to the American people not to ignore factors that endanger our soldiers, jeopardize Iraqi stability, and squander upwards of $18 billion due to corruption. In today's terms, that is 2½ years of health care for 4 million children through SCHIP. But this isn't merely a case of ignoring crucial information. Our government is actually covering up the rampant corruption, which Inspector General Bowen has referred to as ''a second insurgency.''

With article I of the Constitution, our Nation's Founders protected us against this abuse by calling for a representative government with all legislative powers vested in the hands of a Congress. By defying that mandate, the Bush administration is defying the American people. So I call on the President to return to those Constitutional principles by dropping the veil of secrecy and restoring the open, honest government envisioned by the Framers, demanded by the people, and depended upon by our soldiers.

Mr. Speaker, saying ''supporting the troops'' is one thing, but following through with actions is something entirely different. That means admitting our deficiencies so that we can correct them. For the 3,820 warriors we lost in Iraq, and for the more than 165,000 serving there today on the ground, I urge my colleagues to support H. Res. 734, and call on the administration to level with us and support our troops abroad.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, let me just add that official diplomatic statements, even under oath in congressional testimony, critical of foreign governments, have consequences. Criticizing foreign governments through official statements of our government, when you are trying to get them to comply with other things, have consequences. Criticizing specific ministries, which were some of the questions asked, have consequences within a fragile political framework of the Iraqi current coalitions, and, for one reason or another, the State Department felt that, at least in an open forum, they felt constrained to make appropriate statements.

However, I think it is clear from the amount of testimony and the volume of testimony and the substance of the testimony that we have heard that there has been corruption in Iraq for a long time. It continues, it will probably continue after we leave, and it is something that this Congress and the American people need to know about, and we can address it here on the House floor.

This resolution was introduced dealing with corruption in Iraq and the State Department's attempts to cover up the extent of the corruption, or, I should say, the alleged attempts. This quotes various witnesses that have appeared before our committee over the last several years to discuss the affairs of Iraq.

Along with the chairman, I participated in those hearings, too, and I listened to what the witnesses had to say, and I share his concern about the extent of corruption in Iraq, and I hope every Member does. But I am concerned about the way that the statements are being portrayed, the statements by the panels of expert witnesses who appeared before our committee, because in this resolution, it only paints half the picture.

I offered to work with the chairman to come up with a resolution that in my judgment paints a more complete picture of the extent of corruption in Iraq, but the offer wasn't accepted. I then, in good faith, filed an amendment with the Rules Committee that accepted basically the resolution that was presented by the chairman but added some additional whereas and resolved clauses that I thought provided a more accurate, bipartisan perspective on the extent of corruption in Iraq.

For example, the chairman's resolution quotes Stuart Bowen, the Special Inspector General for Iraqi Reconstruction, as stating before the committee on October 4 that the ''rising tide of corruption in Iraq stymies the construction and maintenance of Iraq's infrastructure, deprives people of goods and services, reduces confidence in public institutions, and potentially aides insurgent groups reportedly funded by graft derived from oil smuggling or embezzlement.''

I concur with the chairman's concerns about this particular statement by Mr. Bowen and included the same statement in the amendments that we proposed. But I also added an additional quote made by Mr. Bowen at the hearing that says, ''Iraq has a history of corruption'' and ''the United States did not bring corruption to Iraq, and it will not be gone whenever we leave.''

He said that, but apparently that proposed addition didn't fit the theme of what the majority is trying to do this week.

Additionally, the chairman's resolution quotes David Walker, the well-respected Comptroller General of the United States, as stating before our committee that ''widespread corruption undermines efforts to develop the government's capacity by robbing it of needed resources, some of which are used to fund the insurgency.''

I concur with the chairman's concerns about that statement made by Mr. Walker, something we want the world to know, Congress should be aware of. I included the same statement in the amendments that I proposed. But I also added an additional quote by General Walker at the hearing that says, ''none of us should underestimate the challenges of establishing strong and transparent government institutions in the wake of a dictatorship where corruption was woven into the very fabric of governing. And none of us should underestimate the challenge of rooting out corruption in a combat zone, even one where violence is diminishing as we have seen over the past 6 months.''

Apparently this proposed addition also failed to fit the majority's tidy little box for discussion this week.

Another example, the resolution highlights the fact that the State Department instructed officials not to answer certain questions. My amendment included the same language as the chairman's but added an additional whereas to acknowledge the fact that the State Department counsel, concerned about the specific assessments regarding the government's capacities

of Iraq Ministries and Ministers made in an open setting, and that these statements could affect the United States' bilateral relationship with the Government of Iraq and could put in danger the lives of Americans, of our allies, repeatedly offered to make United States Government officials and employees available to respond to questions regarding potentially sensitive or classified information, including foreign government information, in an appropriate secure setting where we wouldn't be endangering lives.

But that truthful statement went too far as well to include in this resolution.

The resolution also states that the State Department retroactively classified two reports on corruption in Iraq prepared by the Office of Accountability and Transparency in the United States Embassy in Iraq. I included the same whereas clause, but simply added an additional whereas, to explain that the original leaked report was an internal, unpublished, unedited and unapproved draft report on corruption in Iraq that, as described by one U.S. Embassy Baghdad employee has been embellished with anecdotes for flavor. The report had not been properly reviewed and vetted for classification purposes before.

The majority was not interested in including that explanation for why the State Department chose to classify the report.

Finally, my amendment would have included all but one of the chairman's resolved clauses and then added a handful of additional clauses to paint a more accurate picture of the extent and cause of corruption in Iraq.

For example, I proposed to add a resolved clause that stated it is not an abuse of the classification process to protect from unauthorized disclosure information contained in draft internal, unedited, unpublished and unapproved reports that reasonably may be expected to cause harm to the national defense or foreign relations of the United States.

Like all the previously discussed additions I proposed, apparently this assessment went too far, which leads me to the unfortunate conclusion that the resolution we are considering today is not a substantive resolution intended to achieve a bipartisan consensus on the important issue of corruption in Iraq, which we all agree on. It is intended to politicize and is a political measure, put forth by the majority, with no intention of trying to reach constructive steps to improve U.S. anticorruption efforts.

Is that enough for Members to oppose this press release masquerading as serious legislation? That is for each Member to decide. As for me, I am going to support the resolution, with those reservations.

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

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. I thank the chairman.

Mr. Speaker, I think it is important to say it today that the conversation about corruption in Iraq, this isn't theoretical. It is not hypothetical. It is not just about numbers or statistics. Corruption in Iraq is real. It has a face. And, frankly, it is no secret to those Iraqis who are picking up their newspapers and their media outlets every day and finding out the corruption that is rampant there. So I think it is worthwhile just for a second to talk about the face of corruption in Iraq.

This is Salam al-Maliki, the former Iraqi Minister of Transportation. He is also the Prime Minister's cousin. He was accused of abusing his official position to purchase real estate at a fraction of its value. But the Prime Minister issued an order barring, barring, his case from being referred to court.

I want to now introduce you to Aiham Alsammarae. He was the Iraqi Minister of Electricity who was convicted in Iraq of the abuse of national funds; yet he escaped from the Green Zone with the help of U.S. contractors. He is now living, if you can believe it, in Chicago, running his own business and traveling around the world.

Finally, this is Hazem Shaalan. He was the Iraqi Minister of Defense, accused of embezzling almost $1 billion that should have been spent on weapons and vehicles for the Iraqi Army. Iraqi courts reportedly have audiotapes of his deputy discussing payoffs to various officials. After his conviction, he also fled the country, and he is now living in Europe or the Middle East.

Mr. Speaker, this is just the tip of the iceberg. But this administration doesn't think that the American people should be concerned or even know about this. By refusing to answer questions and retroactively classifying corruption reports, this administration has proved once again that they either don't trust the American people, or they know that their case for continuing this war is so weak that they have to obfuscate the facts on the ground.

Now government contractors are getting into the game. Two weeks ago, Erik Prince, the CEO of Blackwater Security, refused to disclose to this committee his salary or the profit margins of his company, despite the fact that Blackwater makes 90 percent of its money off of U.S. taxpayers.

This cannot stand, Mr. Speaker. I, for one, will never support another war funding authorization that doesn't provide for the redeployment of forces out of Iraq.

But for those on this floor who do support this war, I plead with you to at least demand accountability for the billions of wasted dollars that we have thrown at the Iraqis. Do not stand here on the House floor telling us that we cannot afford to heal children throughout the United States of America if we aren't even asking questions and getting the appropriate documentation that we require on the billions of wasted dollars in Iraq.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, it is my honor and privilege to yield 1 minute to the gentlewoman from California (Ms. LEE).

□ 1445

Ms. LEE. Mr. Speaker, let me thank the gentleman for yielding and also for his leadership as Chair of the committee for insisting that Congress exercise its constitutional responsibility of oversight of the executive branch.

The classification process is meant to protect State's secrets, not to cover administration's failed policies. The American people and Congress deserve honest answers about the extent of corruption in the Iraqi Government, and to what extent corruption is fueling the insurgency and endangering our troops. We deserve to know if our troops are dying to support a corrupt regime propped up with United States tax dollars.

But when the Committee on Oversight and Government Reform started to ask those questions, the State Department turned around and classified key sections of the report and testimony.

In a democracy, we do not run away from facts. We do not classify information just because it is embarrassing. Unfortunately, this administration has shown an alarming lack of interest in the facts. This incident looks more like the same kind of stuff we have seen coming from this administration that really wants to continue to keep our young men and women in harm's way knowing full well this is a civil war that cannot be won militarily. I urge my colleagues to support transparency and accountability and condemn this abuse of the classification process and to support this resolution.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I reserve my time to close.

Mr. WAXMAN. Mr. Speaker, I yield to a very important member of our committee, the gentleman from Maryland (Mr. VAN HOLLEN), for 3 minutes.

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague, the chairman of the committee (Mr. WAXMAN) for his important work in this area and moving the committee to take a look at this.

Look, the question is why does the Bush administration not want us to see this information about corruption in the Iraqi Government. One thing is clear, it is not that we are hiding something from the Iraqis that they don't already know. They know about the problem. In fact, we had Judge Radhi from the Iraqi Government who had been thrown out of his job because he was uncovering corruption testify.

So if it is not the Iraqis we are trying to shield this information from, why is it? It is pretty clear that the administration doesn't want the American people to hear it. I think they are finally

understanding that their position is untenable.

Just yesterday the State Department sent a letter saying: ''There is no Department 'directive' prohibiting officials from providing Congress any information relating to corruption in Iraq.'' That is just flatly false. In fact, we have a copy of the directive right here.

Before the committee began its hearings, we asked for some State Department officials to come before the committee and talk about corruption issues. Well, the night before they came before the Oversight Committee, they were given this directive. Here is what it says. These are the areas which are red lined. That means these are the topics that they are not allowed to talk about in public: ''Broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi Government to deal with corruption, including allegations that investigations were thwarted/stifled for political purposes,'' and it goes on.

It is very clear that the State Department did not want their representatives coming before the committee to tell the truth about Iraqi corruption. And since then, when their officials actually came before the committee during the hearings, they refused to answer questions, the broadest kind of questions.

Let me give you an example of questions that Ambassador Lawrence Butler, the Deputy Assistant Secretary of State for Near Eastern Affairs, said he couldn't answer: whether ''the Government of Iraq currently has the political will or capability to root out corruption within its government.''

That's an important question for the American people.

Also: ''whether the Maliki government is working hard to improve the corruption situation so that he can unite his country.''

Another question that was put to the State Department representative by the committee: whether Prime Minister Maliki ''obstructed any anticorruption investigations in Iraq to protect his political allies.'' These are important questions to answer for the American people. These are questions that go to the heart of whether or not the policy in Iraq is succeeding or failing. They go to the heart of the question about whether the billions of dollars that taxpayers in this country have put into Iraq are being put to good use or whether they are squandered through waste, abuse, and corruption.

This resolution simply says let's not play games here. Let's not play games with the truth. Let's not try to hide the facts from the American people. The people of Iraq know well the problems they have with respect to corruption. In fact, some of their leaders have put their lives on the line and have had to flee Iraq when the government said they were getting too close to the truth.

But the people here need to know the truth, and the State Department and the Bush administration should not be using games to try and hide the facts and hide the truth from the American people on a very important issue.

Mr. TOM DAVIS of Virginia. Mr. Speaker, let me start by saying, Look, I think the State Department when this draft was leaked made a mistake in trying to reclassify this and put the genie back in the bottle. They should have just said this is unofficial, this has some problems, and gone ahead. I think that would have made it a lot easier for everybody.

Secondly, let's get real. For the State Department to make official pronunciations about another government and particular ministries can have its diplomatic challenges, and I respect the right of the administration in some of these instances to refrain from saying what the majority would like them to say.

Having said that, I think the State Department, when they go tell The Washington Post things that they wouldn't tell this committee, gives me some problems and puts me on the side of voting for this resolution rather than defending the State Department.

I want to thank the chairman for his oversight hearings on corruption in Iraq. I think it is entirely appropriate. I think he is certainly within his bounds in the right to get the information from the Department of State, and I hope in the future they will be more cooperative in terms of turning over information to the committee instead of just turning it over to the newspapers with their own slant. That is not the way this works. We have a separation of powers. We are a separate branch of government, the legislative branch, and we want to be part of these discussions.

Now, this resolution could have been about a strong bipartisan consensus calling attention to the corruption in Iraq and urging the State Department to step up its efforts to ferret out official corruption, but it is not.

The resolution is just the latest, as I said before, it is the latest find in a search for proxy anti-war votes that the leadership on the other side has staged to feed an increasingly restive left wing of their party.

Unable to prevail directly, they ignore regular order; they nibble around the edges with symbolic surrogates and sense of Congress resolutions.

Having said that, I am going to vote for this resolution. It is not the resolution I would have put forward. We would like to have had more input. I hope as we move down the road on a number of war issues, we can work across the aisle to try to bring some consensus and real change regarding what is going on in Iraq, instead of putting up a document such as this, drafted by one party. But I urge support for the resolution. I thank the chairman for his oversight hearings.

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

Mr. WAXMAN. Mr. Speaker, I wish we had everyone sign off on every word in this resolution, but I think the Members ought to understand what this resolution does. It says to the State Department: don't go with a double standard. You can say publicly positive things about the Iraqi Government, but you can't say things that are honest that may be negative about them, and we are not talking about specific statements, but general statements as well.

Mr. Speaker, we are in a war in Iraq. Not everybody in this country is making a sacrifice for that war. But those who are being called to make a sacrifice are called to make the maximum sacrifice. They are giving up their lives potentially. The rest of us are paying through deficit spending billions and hundreds of billions of dollars.

But if we are going to ask people to give up their lives in this war, what we owe them is to know the truth, not propaganda, but the truth about what this Iraqi Government is doing that may enable them to accomplish the goal that we have said we wanted to accomplish in Iraq, and that is to reach out, to bring about reconciliation in Iraq and a government that has credibility for its own people.

If this Government in Iraq is so corrupt that our State Department won't even tell us about it, I have to wonder whether we can ask our brave men and women to risk and to give their lives to support that Iraqi Government.

I urge passage of this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 734, expressing the sense of House of Representatives regarding the withholding of information relating to corruption in Iraq, introduced by my distinguished colleague from California, Representative HENRY WAXMAN. This important legislation recognizes the incongruities amongst reporting on the situation in Iraq and seeks to hold the Government accountable for the provision of and access to accurate and consistent information.

This resolution expresses the sense of the House that the State Department is misusing the national security classification process to withhold from the American people information about widespread and increasing corruption within the Government of Iraq. This misuse includes the retroactive classification of documents and directions to employees not to answer questions in an open forum that calls for ''broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons.''

Mr. Speaker, the American people have poured vast amounts of resources and treasure into the misguided war in Iraq. According to the nonpartisan Congressional Budget Office, CBO, the U.S. is spending an estimated $10 billion per month in Iraq. This $10 billion a month translates into $329,670,330 per day, $13,736,264 per hour, $228,938 per minute, and $3,816 per second. For this huge sum of money, we could have repaired the more than

70,000 bridges across America rated structurally deficient ($188 billion), potentially averting the tragedy that occurred August 1st in Minneapolis, MN. We could have rebuilt the levees in New Orleans ($50 billion), protecting that City from future hurricanes that could bring Katrina-like destruction upon the City. We could have provided all U.S. public safety officials with interoperable communication equipment ($10 billion), allowing them to effectively communicate in the event of an emergency, and we could have paid for screening all air cargo on passenger planes for the next 10 years ($3.6 billion). And, we could have enrolled 1.4 million additional children in Head Start programs ($10 billion). Instead of funding increased death and destruction in Iraq, we could have spent hard-earned taxpayer dollars on important progress here at home.

Given the enormous amount of resources involved, coupled with the catastrophic costs in human lives, we would certainly expect adequate oversight and management of U.S. funds and military supplies. We would expect clear records of exactly where those $10 billion a month is going, and to whom it is being given. And yet, the GAO reports that the Pentagon has lost track of over 190,000 weapons, given to Iraqis, particularly in 2004 and 2005. The report's author stated that the U.S. military does not know what happened to 30 percent of the weapons the United States distributed to Iraqi forces from 2004 through early this year as part of an effort to train and equip the troops. These weapons could be used to kill our American troops.

Americans who are footing this enormous bill deserve real answers about where their money is going. Recent indications have suggested that it is not being well spent. The recently released Government Accountability Office report on Iraqi progress toward the 18 legislative, economic, and security benchmarks indicated that only three of these benchmarks have been met by the Maliki government. Despite the surge, despite increasing U.S. military involvement, the Iraqi Government has not made substantial progress toward stabilizing their country. The over 3,750 U.S. casualties and the $3,816 per second we are spending in Iraq have not bought peace or security. Mr. Speaker, the time has long passed for the Iraqi Government to step up to take control of their own nation.

However, as long as corruption remains endemic in Iraq, the government will find it difficult, if not impossible, to address the ongoing insurgency and to successfully achieve stability in Iraq. Mr. Speaker, leading experts have testified to the widespread corruption of the Iraqi Government, and that this problem continues to threaten our mission in Iraq as long as it's not effectively addressed. According to Stuart Bowen, the Special Inspector General for Iraq Reconstruction, corruption in Iraq is "a second insurgency" that "stymies the construction and maintenance of Iraq's infrastructure, deprives people of goods and services, reduces confidence in public institutions, and potentially aids insurgent groups reportedly funded by graft derived from oil smuggling or embezzlement." The Comptroller General of the United States, David Walker, agreed, testifying that "widespread corruption undermines efforts to develop the government's capacity by robbing it of needed resources, some of which are used to fund the insurgency."

The State Department must answer questions about the extent of corruption in the government of Iraq, and how this corruption is undermining both our governments' abilities to successfully end the insurgency. Instead, however, on September 25, 2007, the State Department instructed officials not to answer questions in an open setting that asks for "broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons." On top of this, the State Department retroactively classified portions of a report on Iraqi corruption previously released by Comptroller General Walker.

In order to emerge successfully from our war in Iraq, we must be able to understand the situation on the ground and have access to documents and information that will allow our troops and fund to go where they are most needed. While the administration has put forward in a myriad of reports a sunny picture of the situation in Iraq emphasizing the progress of a few over the majority.

This legislation is so significant because it addresses the corruption, within both the Iraqi and the United States Government, which have allowed for such a skewed perception of the reality in Iraq. This legislation illuminates the active work of the State Department in masking information on Iraq from public view. In order for this Congress to do its duty and protect its citizens, both at home and serving in our military overseas, it must be able to see what it is that its funds and soldiers are supporting overseas. Voices of dissent and honesty must be heard. We cannot continue to provide open-ended funding and protection for a government which has failed in its mission to be transparent and based in integrity.

Mr. Speaker, the American people deserve more. The men and women who have fallen in this war due to this endemic lack of information deserve more. I strongly urge my colleagues to join me in supporting this legislation.

Mr. BACA. Mr. Speaker, I rise today in support of H. Res. 734, a resolution that discloses the corruptive withholding of information in Iraq. The Administration cannot continue to hide corruption in the Iraqi Government. We cannot allow this abuse of the classification process. Americans have the right to know the truth about the situation in Iraq. The fact of the matter is, our military presence in Iraq is not making our country any safer. Instead, in my district alone, we have lost 13 brave young men to this war.

The Iraq War is costing the American taxpayers ten billion dollars a month. With the money we have spent in Iraq, we could have hired an additional 7.8 million teachers. Americans should be outraged by this abuse of the system. Americans are paying for the war with their money and more importantly, the lives of their loved ones. I urge my colleagues to cast a vote for honesty and accountability by supporting this resolution.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 741, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

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

Mr. WAXMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on adoption of House Resolution 734 will be followed by 5-minute votes on the motion to suspend the rules and pass H.R. 2295, as amended, and the motion to suspend the rules and agree to H. Con. Res. 182.

The vote was taken by electronic device, and there were—yeas 395, nays 21, not voting 15, as follows:

[Roll No. 969]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos

Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—21

Broun (GA)
Cannon
Cantor
Carter
Conaway
Doolittle
Dreier
Gingrey
Hall (TX)
Hunter
Jordan
King (IA)
Lewis (CA)
Linder
Miller, Gary
Neugebauer
Pence
Rogers (AL)
Rogers (MI)
Sali
Thornberry

NOT VOTING—15

Blunt
Boehner
Carson
Clyburn
Costa
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

□ 1520

Mr. GARY G. MILLER of California and Mr. HALL of Texas changed their vote from ''yea'' to ''nay.''

Messrs. FRANKS of Arizona, KLINE of Minnesota, BARRETT of South Carolina, SULLIVAN, BILBRAY, HASTERT, SHADEGG, and Mrs. BLACKBURN changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COSTA. Mr. Speaker, on rollcall No. 969, had I been present, I would have voted ''yea.''

## ALS REGISTRY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2295, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the bill, H.R. 2295, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 3, not voting 17, as follows:

[Roll No. 970]

YEAS—411

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

NAYS—3

Broun (GA)
Flake
Paul

NOT VOTING—17

Blunt
Boehner
Burton (IN)
Carson
Clyburn
Cubin
Green, Gene
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weldon (FL)
Weller
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1529

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SUPPORTING THE GOALS AND IDEALS OF NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 182, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 182.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 17, as follows:

[Roll No. 971]

YEAS—414

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

NOT VOTING—17

Akin
Blunt
Boehner
Carson
Clyburn
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Waters
Weller
Whitfield
Wilson (OH)
Woolsey

□ 1537

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately today, October 16, 2007, I was unable to cast my votes on H. Res. 734, H.R. 2295, and H. Con. Res. 182 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 969 on passing H. Res. 734, expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq, I would have "aye."

Had I been present for rollcall No. 970 on suspending the rules and passing H.R. 2295, the ALS Registry Act, I would have voted "aye."

Had I been present for rollcall No. 971 on suspending the rules and passing H. Con. Res. 182, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, I would have voted "aye."

## FREE FLOW OF INFORMATION ACT OF 2007

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 742, I call up the bill (H.R. 2102) 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2102

*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 ''Free Flow of Information Act of 2007''.

**SEC. 2. COMPELLED DISCLOSURE FROM COVERED PERSONS.**

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—In any proceeding or in connection with any issue arising under Federal law, a Federal entity may not compel a covered person to provide testimony or produce any document related to information possessed by such covered person as part of engaging in journalism, unless a court determines by a preponderance of the evidence, after providing notice and an opportunity to be heard to such covered person—

(1) that the party seeking to compel production of such testimony or document has exhausted all reasonable alternative sources (other than a covered person) of the testimony or document;

(2) that—

(A) in a criminal investigation or prosecution, based on information obtained from a person other than the covered person—

(i) there are reasonable grounds to believe that a crime has occurred; and

(ii) the testimony or document sought is essential to the investigation or prosecution or to the defense against the prosecution; or

(B) in a matter other than a criminal investigation or prosecution, based on information obtained from a person other than the covered person, the testimony or document sought is essential to the successful completion of the matter;

(3) in the case that the testimony or document sought could reveal the identity of a source of information or include any information that could reasonably be expected to lead to the discovery of the identity of such a source, that—

(A) disclosure of the identity of such a source is necessary to prevent imminent and actual harm to national security with the objective to prevent such harm;

(B) disclosure of the identity of such a source is necessary to prevent imminent

death or significant bodily harm with the objective to prevent such death or harm, respectively; or

(C) disclosure of the identity of such a source is necessary to identify a person who has disclosed—

(i) a trade secret of significant value in violation of a State or Federal law;

(ii) individually identifiable health information, as such term is defined in section 1171(6) of the Social Security Act (42 U.S.C. 1320d(6)), in violation of Federal law; or

(iii) nonpublic personal information, as such term is defined in section 509(4) of the Gramm-Leach-Bliley Act (15 U.S.C. 6809(4)), of any consumer in violation of Federal law; and

(4) that nondisclosure of the information would be contrary to the public interest, taking into account both the public interest in compelling disclosure and the public interest in gathering news and maintaining the free flow of information.

(b) LIMITATIONS ON CONTENT OF INFORMATION.—The content of any testimony or document that is compelled under subsection (a) shall, to the extent possible—

(1) be limited to the purpose of verifying published information or describing any surrounding circumstances relevant to the accuracy of such published information; and

(2) be narrowly tailored in subject matter and period of time covered so as to avoid compelling production of peripheral, nonessential, or speculative information.

**SEC. 3. COMPELLED DISCLOSURE FROM COMMUNICATIONS SERVICE PROVIDERS.**

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—With respect to testimony or any document consisting of any record, information, or other communication that relates to a business transaction between a communications service provider and a covered person, section 2 shall apply to such testimony or document if sought from the communications service provider in the same manner that such section applies to any testimony or document sought from a covered person.

(b) NOTICE AND OPPORTUNITY PROVIDED TO COVERED PERSONS.—A court may compel the testimony or disclosure of a document under this section only after the party seeking such a document provides the covered person who is a party to the business transaction described in subsection (a)—

(1) notice of the subpoena or other compulsory request for such testimony or disclosure from the communications service provider not later than the time at which such subpoena or request is issued to the communications service provider; and

(2) an opportunity to be heard before the court before the time at which the testimony or disclosure is compelled.

(c) EXCEPTION TO NOTICE REQUIREMENT.—Notice under subsection (b)(1) may be delayed only if the court involved determines by clear and convincing evidence that such notice would pose a substantial threat to the integrity of a criminal investigation.

**SEC. 4. DEFINITIONS.**

In this Act:

(1) COMMUNICATIONS SERVICE PROVIDER.—The term ''communications service provider''—

(A) means any person that transmits information of the customer's choosing by electronic means; and

(B) includes a telecommunications carrier, an information service provider, an interactive computer service provider, and an information content provider (as such terms are defined in sections 3 and 230 of the Communications Act of 1934 (47 U.S.C. 153, 230)).

(2) COVERED PERSON.—The term ''covered person'' means a person engaged in journalism and includes a supervisor, employer, parent, subsidiary, or affiliate of such covered person.

(3) DOCUMENT.—The term ''document'' means writings, recordings, and photographs, as those terms are defined by Federal Rule of Evidence 1001 (28 U.S.C. App.).

(4) FEDERAL ENTITY.—The term ''Federal entity'' means an entity or employee of the judicial or executive branch or an administrative agency of the Federal Government with the power to issue a subpoena or issue other compulsory process.

(5) JOURNALISM.—The term ''journalism'' means the gathering, preparing, collecting, photographing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.

The SPEAKER pro tempore (Mr. SERRANO). Pursuant to House Resolution 742, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2102

*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 ''Free Flow of Information Act of 2007''.*

***SEC. 2. COMPELLED DISCLOSURE FROM COVERED PERSONS.***

*(a) CONDITIONS FOR COMPELLED DISCLOSURE.—In any matter arising under Federal law, a Federal entity may not compel a covered person to provide testimony or produce any document related to information obtained or created by such covered person as part of engaging in journalism, unless a court determines by a preponderance of the evidence, after providing notice and an opportunity to be heard to such covered person—*

*(1) that the party seeking to compel production of such testimony or document has exhausted all reasonable alternative sources (other than the covered person) of the testimony or document;*

*(2) that—*

*(A) in a criminal investigation or prosecution, based on information obtained from a person other than the covered person—*

*(i) there are reasonable grounds to believe that a crime has occurred; and*

*(ii) the testimony or document sought is critical to the investigation or prosecution or to the defense against the prosecution; or*

*(B) in a matter other than a criminal investigation or prosecution, based on information obtained from a person other than the covered person, the testimony or document sought is critical to the successful completion of the matter;*

*(3) in the case that the testimony or document sought could reveal the identity of a source of information or include any information that could reasonably be expected to lead to the discovery of the identity of such a source, that—*

*(A) disclosure of the identity of such a source is necessary to prevent an act of terrorism against the United States or its allies or other significant and specified harm to national security with the objective to prevent such harm;*

*(B) disclosure of the identity of such a source is necessary to prevent imminent death or significant bodily harm with the objective to prevent such death or harm, respectively; or*

*(C) disclosure of the identity of such a source is necessary to identify a person who has disclosed—*

*(i) a trade secret, actionable under section 1831 or 1832 of title 18, United States Code;*

*(ii) individually identifiable health information, as such term is defined in section 1171(6) of the Social Security Act (42 U.S.C. 1320d(6)), actionable under Federal law; or*

*(iii) nonpublic personal information, as such term is defined in section 509(4) of the Gramm-Leach-Biley Act (15 U.S.C. 6809(4)), of any consumer actionable under Federal law; and*

*(4) that the public interest in compelling disclosure of the information or document involved outweighs the public interest in gathering or disseminating news or information.*

*(b) LIMITATIONS ON CONTENT OF INFORMATION.—The content of any testimony or document that is compelled under subsection (a) shall—*

*(1) not be overbroad, unreasonable, or oppressive and, as appropriate, be limited to the purpose of verifying published information or describing any surrounding circumstances relevant to the accuracy of such published information; and*

*(2) be narrowly tailored in subject matter and period of time covered so as to avoid compelling production of peripheral, nonessential, or speculative information.*

*(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as applying to civil defamation, slander, or libel claims or defenses under State law, regardless of whether or not such claims or defenses, respectively, are raised in a State or Federal court.*

***SEC. 3. COMPELLED DISCLOSURE FROM COMMUNICATIONS SERVICE PROVIDERS.***

*(a) CONDITIONS FOR COMPELLED DISCLOSURE.—With respect to testimony or any document consisting of any record, information, or other communication that relates to a business transaction between a communications service provider and a covered person, section 2 shall apply to such testimony or document if sought from the communications service provider in the same manner that such section applies to any testimony or document sought from a covered person.*

*(b) NOTICE AND OPPORTUNITY PROVIDED TO COVERED PERSONS.—A court may compel the testimony or disclosure of a document under this section only after the party seeking such a document provides the covered person who is a party to the business transaction described in subsection (a)—*

*(1) notice of the subpoena or other compulsory request for such testimony or disclosure from the communications service provider not later than the time at which such subpoena or request is issued to the communications service provider; and*

*(2) an opportunity to be heard before the court before the time at which the testimony or disclosure is compelled.*

*(c) EXCEPTION TO NOTICE REQUIREMENT.—Notice under subsection (b)(1) may be delayed only if the court involved determines by clear and convincing evidence that such notice would pose a substantial threat to the integrity of a criminal investigation.*

***SEC. 4. DEFINITIONS.***

*In this Act:*

*(1) COMMUNICATIONS SERVICE PROVIDER.—The term ''communications service provider''—*

*(A) means any person that transmits information of the customer's choosing by electronic means; and*

*(B) includes a telecommunications carrier, an information service provider, an interactive computer service provider, and an information content provider (as such terms are defined in sections 3 and 230 of the Communications Act of 1934 (47 U.S.C. 153, 230)).*

*(2) COVERED PERSON.—The term ''covered person'' means a person who, for financial gain or livelihood, is engaged in journalism and includes a supervisor, employer, parent, subsidiary, or affiliate of such covered person. Such term shall not include—*

*(A) any person who is a foreign power or an agent of a foreign power, as such terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); or*

*(B) any organization designated by the Secretary of State as a foreign terrorist organization in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).*

*(3) DOCUMENT.—The term ''document'' means writings, recordings, and photographs, as those terms are defined by Federal Rule of Evidence 1001 (28 U.S.C. App.).*

*(4) FEDERAL ENTITY.—The term ''Federal entity'' means an entity or employee of the judicial or executive branch or an administrative agency of the Federal Government with the power to issue a subpoena or issue other compulsory process.*

*(5) JOURNALISM.—The term ''journalism'' means the gathering, preparing, collecting, photographing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.*

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in House Report 110–383 if offered by the gentleman from Virginia (Mr. BOUCHER) or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2102.

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

There was no objection.

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

Ladies and gentlemen of the House, in recent years, the press has been under assault as reporters are increasingly being imprisoned, imprisoned for obstruction of justice and other charges. There are many causes of these attacks, including an increasingly consolidated media, abuse of position of power to intimidate members of the press, and a co-opting of the media as an investigative arm of the government.

Today, we are here in an attempt to reclaim one of the most fundamental principles enshrined by the Founding Fathers in the first amendment to the Constitution. Freedom of the press is the cornerstone of our democracy. Without it, we cannot have a well-informed electorate and a government that truly represents the will of the people.

This measure before us, H.R. 2102, the Free Flow of Information Act, helps restore the independence of the press so that it can perform its essential duty of getting information to the public. The bill will ensure that members of the press are free to utilize confidential sources without causing harm to themselves or their sources by providing a qualified privilege that prevents a reporter's source material from being revealed except under certain narrow circumstances. This measure balances the public's right to know against the legitimate and important interests that society has in maintaining public safety.

After the hearing and markup of this legislation, the sponsors of the bill worked hard to accommodate the concerns of all that were raised. While several good changes were made, I want to focus my comments today on the issue of national security and why I believe concerns about national security have been very effectively addressed in the bill and in the proposed manager's amendment.

The bill provides that disclosure of a source can be compelled where necessary to prevent an act of terrorism or significant specified harm to national security. The manager's amendment that will be offered by our colleagues, Mr. BOUCHER and Mr. PENCE, specifically addresses the Department of Justice and DNI's primary concern, which is that the bill's exception for national security concerns would hinder efforts to investigate and prosecute leakers of classified information.

In response to this concern, the manager's amendment provides that disclosure of a source can be compelled in a criminal investigation or prosecution of an unauthorized disclosure of properly classified information when such disclosure will cause significant harm to national security.

The bill defines a covered person to exclude foreign powers or agents of foreign powers, so that, for example, a government-controlled newspaper of a foreign nation does not receive the protections of the act. This provision insures that our national security and law enforcement efforts will not be flouted by foreign governments that try to hold themselves out as covered journalists and claim entitlement to the act's protections.

The bill makes it clear that any foreign terrorist organization designated by the Secretary of State is excluded from the protections of the act.

In addition, the manager's amendment adds three more exceptions to the definition of ''covered person,'' so the privilege does not apply to any person designated as a specially designated global terrorist by the Treasury Department, any person who is specially designated a terrorist under FISA, and any terrorist organization as defined in the Immigration and Nationality Act.

Each of these exceptions were proposed by the Department of Justice and accepted by us. So, as you can see, the bill provides broad protection for national security.

□ 1545

If the exceptions were any broader, it would swallow up the rule itself. And for those who claim that the national security exception should not also be subject to the balancing test, I have no doubt that if a court finds that the disclosure of the source is necessary to prevent an act of terrorism or other harm to national security, it will also find that disclosure outweighs the public interest in gathering and disseminating the information.

So it is our responsibility, Congress's responsibility, to ensure the press is able to perform its job adequately. The Free Flow of Information Act is an important part of fostering the continued growth of a free and independent press in the United States. It will encourage increased dialogue on the issues that face this country; and, in doing so, it will strengthen the foundation of our democracy.

This legislation receives wide support. Over 100 editorial boards, a diverse group of over 50 media companies and organizations, including the Newspaper Association of America, the National Association of Broadcasters, the Associated Press, News Corp, the Newspaper Guild, ABC, NBC, and journalist organizations like the Reporters Committee for Freedom of the Press and the American Society of Newspaper Editors.

Please join with us on both sides of the aisle so that we can support and pass this important piece of legislation.

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

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

First of all, I would like to say to my colleagues that beginning last night in the early evening and continuing and extending to this morning, a number of us have been in touch with each other about the provisions of this bill with the hope and expectation that we might be able to resolve our differences. I have been in touch with the White House. I have been in touch with the principal sponsors of the legislation; and I think we had engaged in some good-faith efforts to try to, as I say, resolve our differences.

Specifically, I had been hopeful that the other side would accept some of the provisions that had been in an amendment that I had hoped to offer today. Unfortunately, that amendment was not allowed by the Rules Committee. So Members of the House are not going to be able to vote on that amendment, which, in my judgment, would have improved the bill. There were a couple of provisions in that amendment, though, that I thought would be of interest to the sponsors of the bill and to the other side, and I regret that we were not able to come to a meeting of the minds, because I think that would have improved the bill and also yielded a better result when the bill perhaps becomes law.

Mr. Speaker, I also want to say to my colleagues that, if anything, I have a sympathy for the media, for the press. Long ago and far away, I was a newspaper reporter and spent 2 years writing articles, and so I have stood in the shoes of those who are reporters today. After being a reporter for a couple of years, I went to law school; and while in law school I actually wrote an article for the Texas Bar Journal called ''Politicians Versus the Press: Libel in Texas,'' and I actually came down on the side of the press. So that is where my sympathies lie.

However, in the case of this bill, I am afraid I cannot support it. And because we were not able to reach a compromise on the bill, I remain opposed to the bill, the White House remains opposed to the bill, the Director of National Intelligence remains opposed to the bill, and the Department of Justice remains opposed to the bill. Unfortunately, it is still so flawed that we cannot support it.

Mr. Speaker, a free press strengthens democracy. In our Nation the first amendment of the Constitution guarantees the press their freedom to report. And for 200 years in this Nation, the press, in fact, has flourished. Information has flowed freely. And that is why I believe this bill is simply a solution in search of a real problem.

Members of the private sector and law enforcement officials believe H.R. 2102 diminishes legal rights, public safety, and our national security. We must ensure that whistleblowers can expose crimes, waste, and wrongdoing. But we should not create a protection so broad that those who would destroy people's reputations, businesses, and privacy can hide behind it.

The Federal Government defends our national security; so we must weigh the benefits of a reporter's privilege with the problems it may cause for those who protect our country.

I thank the primary authors of H.R. 2102, Mr. BOUCHER and Mr. PENCE, for working with the Department of Justice, interested groups, and Members to develop alternative language to address legitimate concerns of industry and law enforcement authorities. Despite efforts to accommodate their concerns, the Justice Department and the acting Director of National Intelligence, as I mentioned a while ago, still oppose this bill for very good reasons. The White House also opposes the bill and a veto is likely. The President's senior advisers, in fact, have recommended a veto of this bill. They believe the stakes are too high in a post-9/11 world to support the Free Flow of Information Act.

For example, they have pointed out that the exceptions language fails to address misconduct that the Justice Department confronts on a daily basis. To illustrate, neither the bill nor the manager's amendment that will be offered contains exceptions language allowing DOJ to obtain the identity of a new source with the knowledge of a child prostitution ring, an online purveyor of pornography, gang violence, or alien smuggling, all examples.

And the text governing source disclosure exceptions only addresses prospective events, not past events. For example, the Department may be able to acquire information about a source's identity to prevent a terrorist attack like September 11; but if al Qaeda decides to tell a media outlet on September 12 how it planned and carried out the attack, DOJ could not compel that media outlet to reveal its terrorist sources while conducting an investigation.

If a child molester spoke to a journalist and revealed that he molested a child yesterday, under this bill Justice officials could not compel that journalist to reveal his sources and cooperate in the investigation. The Department of Justice will be hamstrung as it goes about the business of conducting investigations and prosecuting criminals.

Yes, numerous States have shield laws, but they run the gamut; and many are not near as broad as the Federal shield law proposed today. But the key difference is that the States are not entrusted with the responsibility of defending our country; the Federal Government is. Under the bill, DOJ carries the burden of trying to establish a national security imperative which can still be negated by a judge's subjective notion of what constitutes the public interest in news gathering. The bill's terms will be subject to the different opinions of hundreds of Federal judges across the country.

The bill is simply a solution in search of a problem. It has been 35 years since the Supreme Court ruled that the first amendment does not shield journalists in grand jury proceedings. The Justice Department has issued only 19 subpoenas to reporters seeking confidential source information since 1991. Only 19 subpoenas since 1991. The system is not broken. So why are we trying to fix it?

I simply believe we must err on the side of caution and not support legislation that could make it harder to apprehend criminals and terrorists or to deter their activities.

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

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute before turning to the gentleman from Virginia (Mr. BOUCHER).

I want to just take this time to say to the distinguished ranking member of Judiciary, LAMAR SMITH, how much we appreciate his constructive work with the working group that has been trying to come together to reach an agreement on this bill. At all times he has been straightforward, candid; and we think that the work that we are doing should go on, even though we are bringing the bill up today and it is moving forward. And I invite his continued working with us so that we can reach as much conclusion as we can on the several points that are outstanding.

Mr. Speaker, I now yield 4 minutes to the gentleman who has put so much work into this matter, the distinguished gentleman from Virginia, RICK BOUCHER, the author of this bill.

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

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Michigan, the distinguished chairman of the House Judiciary Committee, for yielding this time to me. I want to thank Chairman CONYERS also for his strong leadership and his persistent effort that has resulted in this bipartisan measure's coming to the floor of the House this afternoon. His leadership has been invaluable to the success that we will experience when this measure is approved by the House later today.

I also want to commend the outstanding work of the gentleman from Indiana (Mr. PENCE), who has devoted his personal time and his commitment to this bipartisan undertaking. He is the lead Republican sponsor of this bill, and I want to say to him how much I appreciate the productive partnership that he and I have formed and the tremendous work that he has done in moving this measure forward. We truly would not be where we are today without the constructive work of Mr. PENCE.

He and I are joined by a total of 71 House cosponsors, who, on a bipartisan basis, believe that the time has arrived for the Congress to extend to journalists a privilege to refrain from revealing their confidential sources of information in Federal court proceedings.

The privilege our bill provides is similar to those currently extended by statutes in 34 States and in the District of Columbia. The ability to assure confidentiality to people who provide information is essential to effective news gathering and reporting. Typically, the best information that can be received about events like corruption in government or misdeeds in a large private organization, such as a corporation or a large public charity, will come from someone on the inside who feels a responsibility to contact a reporter and bring that sensitive information to public scrutiny.

But that person has a lot to lose if his or her identity becomes known. In many cases the person responsible for the corruption or the misdeeds can punish that individual through dismissal from employment or through more subtle means if the identity of that confidential source is disclosed. In most sensitive cases it is only by assuring anonymity to the source that a reporter can gain access to the information and bring that information to public light.

By granting to reporters a qualified privilege to refrain from revealing their confidential news sources, we are clearly protecting the public's right to know. And public knowledge of misdeeds can lead to the corrective action

of criminal charges or of the passage, perhaps, of legislation.

While extending a broad privilege, we have included some exceptions for instances in which source information can and should be disclosed where a strong public interest compels that disclosure. The exceptions include disclosures to prevent an act of terrorism or to prevent an imminent and actual harm to national security, to prevent imminent death or significant bodily harm, or to determine who has disclosed trade secrets or personal health or personal financial information in violation of law.

□ 1600

An amendment that I will be offering shortly, along with Mr. PENCE, will permit disclosure in a number of other instances, including the instance of the leak of certain kinds of classified information.

In every instance, an exception to the privilege will only apply if the court determines that the public interest and disclosure outweighs the public interest in protecting news gathering and news dissemination. Our measure extends a needed privilege; it will protect the public's right to know.

I again want to thank Chairman CONYERS and his outstanding staff for the work that they have done which leads to this measure arriving on the floor today. And I thank my partner, Mr. PENCE, for his outstanding efforts.

Mr. SMITH of Texas. Mr. Speaker, before I yield to a colleague, I want to yield myself 1 minute.

Mr. Speaker, what I want to do is read an excerpt from the Statement of Administration Policy that might respond to some of the points that have been made.

The administration said that if H.R. 2102 were presented to the President in its current form, his senior advisers would recommend that he veto the bill, and here's one of the reasons why:

''The bill would impose an unreasonable and unjustified evidentiary burden on prosecutors seeking to issue a subpoena to a member of the news media, placing authorities in an untenable position.

''In order to satisfy the bill's requirements, prosecutors essentially must prove the existence of specific criminal activity in a hearing before a judge, with notice to the subjects of the investigation, before they will be able to undertake the necessary investigative steps to determine whether a crime has occurred. Thus, in many cases, prosecutors will have to conduct a mini-trial before their investigation has concluded, and in some cases, even before their investigation has gotten off the ground.''

Mr. Speaker, I am now happy to yield to the gentleman from Missouri, the minority whip (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

I want to also thank my good friends, Mr. PENCE and Mr. BOUCHER, for working so hard on this legislation. I think it was first introduced 3 years ago. I was a cosponsor of it at the time and I am a cosponsor today. And I want to mention the hard work that Mr. CONYERS has done to get this legislation to this point today after a long effort, and also to suggest that the hard work of my good friend, Mr. SMITH, is deeply appreciated.

I'm always hesitant when I rise on the House floor with any position that's different than his, but this is a place where I really do think that it's important to draw a line, and important, a bright line, between the information that people have access to and how they get it. I certainly can't say that I agree with everything I read in a newspaper article or that I see on the evening news or that I hear on a local radio program, but I can say that the public is best served by maintaining the free flow of information on matters of public interest.

As James Madison said in the report of 1800, arguing against the Sedition Act, ''To the press alone, checkered as it is with abuses, the world is indebted for all the triumphs that have been gained by reason and humanity over error and oppression.'' Madison, Jefferson and our history lead to the conclusion that a free press is essential for a free people.

In the past few years, there have been too many instances where the pendulum has swung against the free flow of information and in favor of the government. I was troubled by the instances I've seen where reporters have been jailed or threatened with jail for simply protecting their sources. Journalists should be the last resort, not the first stop, for civil litigants and for prosecutors attempting to obtain the identity of confidential sources.

In my view, continuing to compel reporters to reveal the identity of their confidential sources will result in a chilling effect on the free flow of information and be detrimental to the public interest. Nevertheless, the privileges that reporters have should not be unlimited, they should not be absolute, and this bill defines those exceptions in an important way. This bill says that in cases where it's necessary to reveal a source to prevent an act of terrorism, to prevent other significant harm to national security, to prevent imminent death or significant bodily harm, the reporter can be compelled. It also includes an exception in cases where a properly classified national security secret along with financial information, a trade secret or personal medical information has been improperly leaked, where that reporter can face a penalty.

Finally, it excludes from protection terrorists and their media arms. Yes, there are times when confidentiality must be breached, and I believe this bill strikes that balance. Forty-nine States and the District of Columbia have legislation similar to this, but this establishes a national standard.

Again, I thank my colleagues for the hard work to bring this to the floor. I look forward to the vote today, and I urge my colleagues to support this bill.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 1 minute to Ms. SHELLEY BERKLEY of Nevada.

Ms. BERKLEY. I thank the gentleman from Michigan for being in the forefront of this issue as well as all other issues regarding the civil liberties of our fellow Americans, and a special thank you to Mr. BOUCHER and Mr. PENCE for their outstanding work on this particular piece of legislation.

Mr. Speaker, I rise in strong support of the Free Flow of Information Act. This legislation strikes a careful balance by protecting journalists from being forced to reveal confidential sources unless there is an imminent threat to our national security.

I've heard from journalists and broadcasters in my district about the importance of being able to protect their sources without risking prosecution. Without this protection, stories involving conditions at the Walter Reed Army Medical Center, prisoner abuse at Abu Ghraib, and the unmasking of the culprits behind the Enron scandal might never have been written.

I wholeheartedly support this legislation, and I urge my colleagues to do the same.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana, a distinguished member of the Judiciary Committee and one of the original sponsors of the legislation we are debating today.

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

Mr. PENCE. I thank the gentleman for yielding.

I want to thank Ranking Member SMITH for his spirit of cooperation on this legislation. While we may differ ultimately on the vote today, he is a public-minded man deeply committed to the free press, and I appreciate his engagement.

My heartfelt thanks to Chairman CONYERS for his yeoman's work in moving this legislation forward. And I also want to express my profound gratitude to the gentleman from Virginia, Congressman RICK BOUCHER, who is the lead sponsor of this legislation today and has been my partner these last 3 years as we've moved the Free Flow of Information Act to this moment on the House floor.

This legislation today is a direct result of his bold and thoughtful leadership, and it is a result of a bipartisan partnership that has been a singular, personal and professional pleasure for me.

As a conservative who believes in limited government, I believe the only check on government power in real time is a free and independent press. The Free Flow of Information Act is not about protecting reporters; it's about protecting the public's right to know.

Not long ago, reporters' assurance of confidentiality was unquestionable, but today the press cannot currently make the same assurances, and we face a time when there may never be another Deep Throat. Compelling reporters to testify, in particular, compelling them to reveal the identity of confidential sources is a detriment to the public interest.

The Free Flow of Information Act has been carefully crafted after reviewing internal Department of Justice guidelines, State shield laws, and other gathering input from interested parties. In most instances, under our bill, a reporter will be able to use the shield provided to refrain from testifying or providing documents or revealing a source, but the privilege is not absolute or unlimited. Testimony or documents can be forced if all other reasonable alternative sources have been exhausted, it's critical to a criminal prosecution, and a judge determines, through a balancing act, that its disclosure is in the public interest.

In a situation where a reporter is being asked to reveal the identity of a source, the bill provides several exceptions where a reporter can be compelled to reveal a source, and in the Boucher-Pence manager's amendment we will add additional exceptions to this bill under which compelled disclosure of a source will be permitted in cases of unauthorized leaks of national security secrets.

It is important to know what the bill does not do. It does not give reporters a license to break the law, the right to interfere with police or prosecutors; it simply gives journalists certain rights and abilities to seek sources and report information without intimidation.

Lastly, let me say how humbling it is for me to have played a small role in moving this legislation forward. From my youth, I have enjoyed a fascination with freedom and the Constitution. I learned early on that freedom's work is never finished, that it falls on each generation to preserve the freedoms we inherit. The banner of the Indianapolis Star in my home State reads below the name, ''Where the spirit of the Lord is, there is freedom.'' I opened my Bible this morning for my devotions, and it was that verse that happened to be in my daily readings; just happened to be. It reminded me of when we do freedom's work by putting a stitch in a tear in the fabric of the Bill of Rights, His work has truly become our own.

I urge my colleagues and both parties to join us in freedom's unfinished work. Say ''yes'' to the Free Flow of Information Act.

Mr. CONYERS. Mr. Speaker, I am pleased to have the gentleman from Kentucky working with us (Mr. YARMUTH) and I yield to him 2 minutes in support of this measure.

Mr. YARMUTH. I thank the chairman. And I also want to thank Mr. BOUCHER and Mr. PENCE for inviting me to become an original cosponsor of this important piece of legislation.

As the only member of the Society of Professional Journalists in Congress and as a former journalist, I fully understand how assurances of anonymity put a frightened insider at ease and turn a reluctant source into an eye-opening wealth of information.

At my newspaper in Louisville, we were able to open doors for the community on several occasions due to confidential accounts of protected sources which would have otherwise remained closed to us forever. Also, at Louisville, we saw what happens when we fail to protect a source's identity. There, Jeffrey Wigand, the famous tobacco whistle-blower, was victimized by threats and intimidation, ultimately losing his job, his family and his home. He is considered a hero today, but for many the lesson from that episode was, if you have incriminating information that will benefit the American public, just keep it to yourself.

The first amendment to the Constitution demands the right to free press. Now it falls on Congress to help facilitate that freedom pursuant to our authority vested in us by the first article of the Constitution. And speaking of article I of the Constitution, the article vests all legislative power in the Congress of the United States. It doesn't ask us to ask the White House first whether it approves of what we do. It actually imposes on us, not just the right, but the responsibility to legislate in the best interests of the country. And that's what we are doing with this legislation.

Without the Free Flow of Information Act, we, as a country, will be in the dark on certain issues, conscientious journalists will be imprisoned, and potential sources will remain tight lipped.

I urge my colleagues to join me in supporting this crucial measure.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to my friend from North Carolina (Mr. COBLE), a distinguished member of the Judiciary Committee and the ranking member of the Intellectual Property Subcommittee of the Judiciary Committee.

Mr. COBLE. I thank the gentleman.

H.R. 2102 was approved by the House Committee on the Judiciary by voice vote.

I feel strongly, Mr. Speaker, that the administration's opposition to this legislation is misguided.

Former Solicitor General of the United States, Theodore Olson, wrote that ''the legislation is well balanced and long overdue, and it should be enacted.''

The bill is good policy, and I urge all Members to vote in support of final passage and in support of the manager's amendment.

In closing, I want to thank the sponsors of the legislation, the distinguished gentleman from Virginia, the distinguished gentleman from Indiana, Representatives BOUCHER and PENCE, respectively. Both have been champions for H.R. 2102 and have diligently worked to address all concerns throughout the legislative process, as have Chairman CONYERS and Ranking Member SMITH.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. KELLER), a diligent member of the Judiciary Committee.

Mr. KELLER of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Free Flow of Information Act. This media shield legislation is important because off-the-record, confidential sources are needed to help journalists get to the truth, and I don't want reporters thrown in jail for doing their jobs.

Our history is full of examples of confidential sources exposing corruption, fraud and misconduct. For example, the Watergate scandal was blown wide open by Deep Throat, a confidential source we now know to be Mark Felt, the number two person at the FBI. Confidential sources also exposed the cooked books at Enron, and the unacceptable treatment of soldiers recovering at Walter Reed.

A free and independent press which protects the public's right to know is needed for a healthy democracy and government accountability. That's why a majority of States already have media shield laws on the books, and why we need this law on the Federal level.

I urge my colleagues to vote ''yes'' on the Free Flow of Information Act.

□ 1615

Mr. SMITH of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to read an excerpt from the Department of Justice's letter in opposition to the bill we are discussing: ''Given the extensive safeguards already in place, the Department strongly opposes H.R. 2102 and similar legislative efforts to provide a 'journalist's privilege' that would prevent the disclosure of relevant testimony and evidence critical to the fair disposition of investigations and trials.

''H.R. 2102 would make it virtually impossible to enforce certain Federal criminal laws, particularly those pertaining to the unauthorized disclosure of classified information, and would seriously impede other national security investigations and prosecutions, including terrorism prosecutions.

''H.R. 2102 would undermine national security and other law enforcement investigations by permitting compelled disclosure of a media source only when necessary to prevent a terrorist attack against the United States and only when the bill's other burdensome prerequisites are satisfied.''

But the problem here is that it would not allow us to get to the information after the fact. You could not force a journalist to disclose information, for instance, after a terrorist attack when you want to find out who was involved

in that attack. For that reason, we should oppose the bill.

Mr. CONYERS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I would like to begin by complimenting MIKE PENCE of Indiana, a distinguished member of the Judiciary Committee who has been working on this bill before the 110th Congress. He was a leader in supporting this legislation in the 109th Congress and may have been working on it even before then. So when I listened to my other colleagues on the other side who have been working on and continue to support this legislation, I think it is very easy to perceive that with the working group, with the leaders on both sides of the aisle working with RICK BOUCHER on this for so long, we have now come to a point where most of the concerns have been addressed; and I deeply thank my colleagues on the Judiciary Committee for the constructive role they played not only in their independent capacity, but in the working group that has been working behind the scenes on this, as well.

Now, Members of the House, there has been something said about the importance of national security information. Sometimes it is just as important that the press report on information that the government has tried to hide in the name of national security. Because the problem frequently is that if we keep going after journalists trying to shut them up, trying to put them in jail, or threatening to prosecute them, they will be afraid to report some of the important stories that I am going to relate to you that up until now journalists have had to take it on their own risk to decide what to do. I don't think that is appropriate, nor is it necessary, nor is it contrary to any of our concerns about national security.

The history of the American press provides ample evidence of certain stories that would have never been known to the general public without the news media's use of confidential sources. Oftentimes these stories shed light on government misconduct, on corporate waste, fraud and abuse, and other matters of concern. The free flow of information to the public is vitally important to the operation of our democracy and to oversight our most powerful public and private institutions.

Now, here are a few examples of issues that were made known to the public through news reports based on confidential source information. Reporters decided that they would honor the confidence of their resources no matter what happened to them. These are courageous people of the media that had to take this on themselves. So this shield law is to take people out of this bind, out of this fear of having to be coerced because we don't know what is going to happen. This draws a very bright line for everybody to understand how we should proceed in the future.

Here is a matter that is important: the unsafe and deteriorating conditions at the Walter Reed Army Medical Center. Here is another public interest matter: the exposure of fertility fraud in Southern California based upon clinical records provided by anonymous sources, reporting more than 250 accounts of fertility fraud and revealed coverups, intimidation of clinical employees and bribery. Because of this reporting, the American Medical Association issued new guidelines for fertility clinics.

Here is another story that was of some consequence: a hospital scandal of patient dumping by a Los Angeles County emergency aid program. Reporting that article prompted a government investigation that brought it to an end. Rampant steroid use in Major League Baseball by world-class athletes which, in part, led Major League Baseball and its players union to open up its labor contract and adopt a steroid testing policy.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to my friend and colleague from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, The Free Flow of Information Act helps ensure that our press remains free. Our Constitution provides for a free press in the first amendment. The first amendment is first for a reason. It is the most important. Without the first amendment freedom of press, speech, religion and assembly, all the rest of the amendments are meaningless. A free press provides for a free flow of information.

I agree with the doctrine: a free press will ensure a fair press. The president and publisher of the Houston Chronicle, Jack Sweeney, said today: ''Journalists should be the last resort, not the first stop for civil litigants and prosecutors attempting to obtain the identity of confidential sources. This bill would protect the public's right to know, while at the same time honoring the public interest in having reporters testify in certain circumstances.''

This bill really does not create a new special protection. It gives journalists the protection that is already afforded to them in 49 States which protect the confidentiality of reporters' sources. Federal protection is long overdue.

Mr. Speaker, I gladly cosponsor this bill, and that's just the way it is.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to my distinguished colleague from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, as a graduate of the School of Journalism at the University of Oregon and as the owner of radio stations with award-winning journalists, I am a firm believer in the need for journalists to be able to protect their confidential sources so they can have a vibrant and free press in America.

This bill is about much more than simply shielding reporters. It is about protecting the public's right to know. Jailing reporters to force them to divulge their sources has a chilling affect on whistleblowers and investigative reporters.

Thomas Jefferson said: ''Our liberty cannot be guarded but by the freedom of the press nor that be limited without danger of losing it.'' A vote for the Free Flow of Information Act is a vote to protect citizens and taxpayers from an ominous and oppressive government that seeks to silence its critics. And in America, such government power would threaten our freedom and our informed democracy.

Mr. SMITH of Texas. Mr. Speaker, may I ask how much time remains on each side.

The SPEAKER pro tempore (Mr. SERRANO). The gentleman from Texas has 11 minutes remaining. The gentleman from Michigan has 9½ minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to read for my colleagues an excerpt of a letter we received from the Office of the Director of National Intelligence:

''We are joining the Department of Justice in opposing H.R. 2102, the Free Flow of Information Act of 2007. We share the Department's strong opposition to H.R. 2102 articulated in its letter of July 31, 2007.

''The government must retain the ability to obtain information from the press that would both prevent harm to the United States and its citizens and to identify and bring to justice those who cause such harm. Unfortunately, press reports on U.S. intelligence activities have been a valuable source of intelligence to our adversaries. Former Russian military intelligence Colonel Stanislav Lunev wrote: 'I was amazed, and Moscow was very appreciative, at how many times I found very sensitive information in American newspapers. In my view, Americans tend to care more about scooping their competition than about national security, which made my job easier.''

What an indictment.

Finally, and I am quoting from the letter: ''The bill, as drafted, would require that identification of the source be necessary to prevent an act of terrorism or other significant and specified harm to the national security. It would not, however, allow the government to compel the identification of a source if it was necessary to identify the perpetrators of a completed act of terrorism or an act that harmed the national security. Similarly, the bill could authorize the government to compel the identification of a source in order to prevent imminent death or bodily harm, but would not allow the government to compel disclosure of a source in order to identify a murderer.

''For these reasons and for the reasons set out in the letter from the Department of Justice, we urge the Congress to reject this bill.''

Mr. Speaker, that is a letter from the Office of the Director of National Intelligence.

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

Mr. Speaker, during our negotiations led by the Boucher-Pence team, I would like to bring to the attention of the ranking member and manager of this bill before us an important change that was made in the manager's amendment which may or may not have come to his attention because it was made so late in the day. We now have a manager's amendment that would allow the government to pierce the journalistic shield to prevent a terrorist attack, but also to identify any perpetrators of a terrorist attack. I wanted to make sure that my friend and colleague was aware of this very important change because it was made at the very last minute.

Mr. Speaker, I will submit a number of articles from newspapers, mostly editorials, that deal with the support of the shield law that is before the Congress at this time.

We have a contribution from the Post-Standard in Syracuse, New York, entitled, ''The Shield Law Moves Closer to Reality,'' dated 14 October of this year.

In the Baltimore Sun, we had an opinion written yesterday in that newspaper, ''In Search of Shield,'' in support of the legislation.

We have heard from the Detroit Free Press from today's paper, ''Vote to Pass Law to Shield Reporters,'' in support of this legislation.

The Los Angeles Times earlier in May wrote an article: ''Shielding Journalists: Reporters, and the Country, Would Benefit from a Proposed Federal Law to Protect Confidential Sources.''

The Detroit News in May of this year wrote, ''Why a Federal Shield Law is Necessary,'' authored by Christine Tatum.

The New York Times in two different instances in September and October of this year, ''A Shield for the Public,'' was the editorial page comment, and in October, ''The Public's Right to Know,'' another important article in support of this legislation.

□ 1630

Here's one that the ranking member would be interested in. The San Antonio Express-News: ''Smith's Decision on Shield Law Critical.'' We hope that had come to his attention before today.

The Washington Post, in September: ''Protecting Sources.''

Another important contribution: ''A Much-Needed Shield for Reporters,'' written by Theodore B. Olson in The Washington Post in June of this year.

Finally, from USA Today: ''Our Views on Prosecutors and the Press: Jailing of Reporters Chills Free Flow of Information.''

These are only a few of a notebook full of materials that we wouldn't dare introduce this many pieces of material into the CONGRESSIONAL RECORD. I will include for the RECORD the items that I cited.

SUBMISSIONS TO RECORD ON H.R. 2102

''Shield Law Moves Closer to Reality.'' The Post-Standard. Syracuse, NY: Opinion Section. 14 October 2007.

''In Search of Shield.'' The Baltimore Sun, Baltimore, MD: Opinion Section. 15 October 2007.

''Vote to Pass Law to Shield Reporters.'' Detroit Free Press. Detroit, MI: Opinion Section. 16 October 2007.

Shielding Journalists: Reporters, and the Country, Would Benefit from a Proposed Federal Law to Protect Confidential Sources.'' The Los Angeles Times. Los Angeles, CA: Editorial Page. 27 May 2007.

Tatum, Christine. ''Why a Federal Shield Law Is Necessary.'' The Detroit News. Detroit, MI. 23 May 2007.

''A Shield for the Public.'' The New York Times. New York, NY: Editorial Page. 20 September 2007.

''The Public's Right to Know.'' The New York Times. New York, NY: Editorial Page. 9 October 2007.

''Smith's Decision on Shield Law Critical.'' San Antonio Express-News. San Antonio, TX: Editorial Page. 28 July 2007.

''Protecting Sources.'' The Washington Post. Washington, DC: A–18. 21 September 2007.

''Olson, Theodore B. ''A Much-Needed Shield for Reporters.'' The Washington Post. Washington, DC: A–27. 29 June 2007.

''Our Views on Prosecutors and the Press: Jailing of Reporters Chills Free Flow of Information.'' USA Today. McLean, VA: Editorial page. 14 May 2007.

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[From the Detroit News, May 23, 2007]

WHY A FEDERAL SHIELD LAW IS NECESSARY

(By Christine Tatum)

Regardless of whether you think journalists use too many anonymous sources, it's hard to argue that they don't need to promise confidentiality sometimes.

Many of the biggest investigative stories of our age have been based in part on information shared with a reporter by someone who wanted to keep his or her identity a secret. Anonymous sources handed over the Pentagon Papers and unmasked the culprits behind Watergate and Enron. They have outed some of the nation's worst corporate polluters. They have helped inform Americans' debates about the Iraq War, the proliferation of nuclear weapons and global warming.

Yes, sources almost always have an agenda when they speak up, but sometimes they have information of vital interest to the general public and much to lose if they're caught passing it along. If journalists can't protect their sources' identities, you will be much less informed about the world.

Currently, 49 states (Wyoming is the only unenlightened one) have shield laws or operate under court rulings that grant journalists and their sources a ''privilege'' much like those afforded to clergy, lawyers and their clients and therapists and their patients. This protection applies only to local and state cases, not federal ones.

Lately, federal prosecutors have dragged too many journalists into court, flaunting subpoenas for notes, work product and recollections of private conversations. The feds' arrogant insistence that journalists should be compelled to act as arms of law enforcement undermines free speech, a free press and an informed citizenry.

Journalists need a federal shield law. Thankfully, one has been reintroduced in Congress. The Free Flow of Information Act of 2007 has bipartisan support in the House and Senate. The bill's sponsors include Reps. Mike Pence, R–Ind., and Rich Boucher, D–Va., and Sens. Richard Lugar, R–Ind., and Christopher Dodd, D–Conn. All four have fought for a federal shield law for a couple of years, arguing that transparency is good for democracy even if it exposes politicians to more scrutiny.

Among the bill's provisions: The federal government could not compel a person covered by the shield to provide testimony or produce documents without first showing the need to do so by a ''preponderance of evidence.''; Journalists can be compelled to reveal the identity of sources when the court finds it necessary to prevent ''imminent and actual harm to national security'' or ''imminent death or significant bodily harm.'' Journalists also may be compelled to identify a person who has disclosed trade secrets, health information or nonpublic personal information of any consumer in violation of current law; and people covered by the shield would be those ''engaged in journalism.'' Journalism is defined as ''the gathering, preparing, collecting, photographing, recording, writing, editing, reporting or publishing of news and information for dissemination to the public.'' The bill does not explicitly protect bloggers, but to the extent a court determines they are engaged in the practice of journalism, they are likely to be shielded.

Even with the protection of a federal shield law, journalists should use anonymous sources sparingly and take great care to explain to the public why a source's identity needs to remain secret. More Capitol Hill reporters should insist their conversations are on the record. Newsrooms should tighten rules regarding the use of anonymous sources, which undermine the credibility of the news and leave journalism with black eyes at the hands of more reporters than we have the space to name here.

A federal shield law won't end journalists' abuse of anonymous sources, and it won't end prosecutorial witch hunts. It will, however, help the public have access to important information, and that, in the end, is what really matters.

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[From the New York Times, Sept. 20, 2007]

A SHIELD FOR THE PUBLIC

For freedom of the press to be more than a promise and for the public to be kept informed about the doings of its government, especially the doings that the government does not want known, reporters must be able to pursue the news wherever it takes them. One of the most valuable tools they have is the ability to protect the names of confidential sources—people who provide vital information at the risk of their jobs, their careers, and sometimes even their lives.

That is why it is so important for Congress to finally pass a federal shield law for journalists and why we commend Senators Arlen Specter, Republican of Pennsylvania, and Charles Schumer, Democrat of New York, for a compromise bill designed to achieve passage.

The bill would create a qualified privilege, which is what this newspaper and other news organizations have sought, not an absolute protection against revealing a source's name under any conceivable circumstance.

The new measure does not contain everything we would have liked. The shield for sources in the sphere of national security is weaker than in a bill approved by the House Judiciary Committee in August and an earlier proposal by Senators Richard Lugar, Republican of Indiana, and Christopher Dodd, Democrat of Connecticut.

Under the new bill, in order to compel disclosure of a source, the government would have to show that withholding the information is necessary to prevent a specific act of terrorism against the United States or would create ''significant harm to national security'' that outweighs the public interest in maintaining the flow of information. That is a broad standard and much will depend on judges exercising care to ensure that the government meets its burden to prove that the alleged harm to national security is real.

However, some tweaking was necessary to reassure hesitating senators that the bill

would not permit journalists to withhold information that is truly necessary to protect the United States.

The compromise has the support of dozens of news organizations, including The New York Times Company. Having worked for months to achieve this accord, Senators Specter and Schumer, and the chairman of the Senate Judiciary Committee, Patrick Leahy of Vermont, must do everything in their power to make sure that there is no further watering down of the protection for reporters and the whistle-blowers, or other insiders who will not speak without a pledge of confidentiality.

Passage of a federal shield law would be a major achievement. Some 32 states and the District of Columbia have such laws, and 17 other states have recognized a reporter's privilege to maintain the confidentiality of sources through judicial decisions. Prosecutions have not suffered, and it is past time for Congress to act.

In fact, a virtue of the Specter-Schumer bill is that it removes any excuse by lawmakers to avoid taking a step vital for the press's ability to report, so the public can exercise its right to know what government is doing and to make informed judgments.

[From the Washington Post, Sept. 21, 2007]

PROTECTING SOURCES: PRESERVING THE FREE FLOW OF INFORMATION

Next week, the Senate Judiciary Committee is scheduled to take up the Free Flow of Information Act of 2007, sponsored by Sens. Arlen Specter (R-Pa.) and Charles E. Schumer (D-N.Y.). This finally would bring to the federal government something that exists in 49 states and the District of Columbia: clear protection for the relationship between journalists and their sources.

Sometimes people who speak to journalists don't want it publicly revealed that they were the source of information that exposed ethically sketchy behavior or criminality; one common reason is a fear of reprisals. The relationship between reporters and confidential sources is rooted in trust, and the accountability it fosters is a foundation of a thriving democracy.

As with a bill approved last month by the House Judiciary Committee, the Senate measure does not give to reporters a blanket protection against disclosure of sources but instead offers a reasonable balancing of competing interests. Information identifying sources who were promised confidentiality would be covered by the new law. But courts would still be able to compel disclosure in certain circumstances—for example, if national security interests at stake in the case outweighed ''the public interest in gathering news and maintaining the free flow of information.'' The Washington Post Co. and other media organizations that have lobbied for a bill might want more protection, but this represents a reasonable compromise that many legislators, including Sens. Richard G. Lugar (R-Ind.) and Christopher J. Dodd (D-Conn.), have labored to get right.

More than 40 reporters have been questioned in recent years by federal prosecutors about their sources, notes and reports in civil and criminal cases. No doubt those who would talk to the media confidentially have been chilled by such action. Without adequate protection on the federal level, much information that Americans have a right to know might never be known. That's not good for journalism—and it isn't good for the republic, either.

JUNE 29, 2006

A MUCH-NEEDED SHIELD FOR REPORTERS

(By Theodore B. Olson)

Journalists reporting on high-profile legal or political controversies callllot function effectively without offering some measure of confidentiality to their sources. Their ability to do so yields substantial benefits to the public in the form of stories that might otherwise never be written about corruption, misfeasance and abuse of power. A person with information about wrongdoing is often vulnerable to retaliation if exposed as an informant.

Yet it has become almost routine for journalists to be slapped with subpoenas seeking the identity of their sources when their reports make it into print or onto the air. From the Valerie Plame imbroglio and the Wen Ho Lee investigation to the use of steroids by professional baseball players, it is now de rigueur to round up the reporters, haul them before a court, and threaten them with heavy fines and jail sentences if they don't cough up names and details concerning their sources.

Unfortunately, the rules regarding what reporters must disclose, and under what circumstances, remain a hopelessly muddled mess. Ask any reporter today, or his publisher, or his publisher's lawyer, whether a reporter must testify about his sources and you will get a litany of ambiguity. The answer may depend on which court issued the subpoena or the predilections of the judge before whom the reporter is summoned. State courts have their rules and federal courts have another set of standards that differ from one part of the country to another. That means that the journalist cannot tell sources whether promises of confidentiality have any teeth. And that, in turn, means that information vital to the public concerning the integrity of government, or of the national pastime, may never see the light of day.

It certainly doesn't have to be this way. Reporters do not expect to be above the law. But they should be accorded some protection so that they can perform their public service in ensuring the free flow of information and exposing fraud, dishonesty and improper conduct without being exposed to an unanticipated jail sentence. A free society depends on access to information and on a free and robust press willing to dig out the truth and spread it around. This requires some ability to deal from time to time with sources who, for one reason or another, require the capacity to speak freely but anonymously.

This is not a novel or threatening concept. Forty-nine states and the District of Columbia have laws protecting the confidentiality of reporters' sources. The Justice Department has had internal standards providing protection to journalists and their sources for 30 years. Yet no such protection exists in federal law. Thus reporters may be protected if they are subpoenaed in state court, but not protected at all if the same subpoena is issued by a federal court. No one benefits from that patchwork of legal standards.

Congress is moving forward to regularize the rules for reporters, their sources, publishers, broadcasters and judges. The Senate Judiciary Committee will soon take up a bill entitled the Free Flow of Information Act of 2006, sponsored by a bipartisan group of legislators and modeled in large part on the Justice Department guidelines. It does not provide an absolute privilege for confidential sources, but it does require, among other things, that a party seeking information from a journalist be able to demonstrate that the need for that information is real and that it is not available from other sources. Matters involving classified information and national security are treated differently. The current controversy over publications relative to the administration's efforts to deter terrorists does not, therefore, provide any basis for delaying or rejecting this needed legislation.

This legislation is long overdue and should be enacted. It will not, contrary to its opponents' arguments, hamper law enforcement. The 49 states and the District of Columbia that have such protection have experienced no diminution of law enforcement efforts as a result of these shield laws. Nor will it give reporters any special license beyond the type of common-sense protection we already accord to communications between lawyers and clients, penitents and clerics, doctors and patients and among spouses—where we believe that some degree of confidentiality of communications furthers broad social goals.

The same is true for journalists and their sources. We all know of stories that we might never have heard but for hardworking reporters who were able to pry vital information from reluctant sources. Watergate, of course, is the most memorable and important example, but others occur every day.

There is utterly no value served by the current state of confusion regarding when a meaningful promise of confidentiality may be made, or when it will simply be a prelude to a jail sentence for a conscientious reporter.

SMITH'S DECISION ON SHIELD LAW CRUCIAL

[From the San Antonio Express-News, June 28, 2007]

Freedom of the press is crucial to the survival of American democracy.

And part of that freedom must be allowing journalists to protect confidential sources.

Whistle-blowers aren't as likely to reveal what is actually happening in government if they are forced to risk all through exposure.

Knowing as much as possible about government activities is the best way for the public to get a true picture and protect itself from official malfeasance.

That's why a federal shield law is crucial to preserving a free press.

Media organizations have been hit with an exponential number of subpoenas from public and private entities seeking to learn about confidential sources in recent years. The harassment is costly, time-consuming and carries a chilling effect on the flow of important information to the public.

San Antonio Rep. Lamar Smith, the ranking Republican on the House Judiciary Committee, is in a position to protect the free press and the flow of information to the public.

The panel is scheduled to consider a proposed federal shield law, known as the Free Flow of Information Act, this week.

As the senior GOP leader on the judiciary panel, Smith's vote will be closely watched.

The Bush administration opposes the bipartisan legislation, but committee leaders already have made changes to deal with administration concerns about national security. Other objections forwarded by the Justice Department frankly are far-fetched.

The legislation would allow prosecutors and others to compel a journalist to testify if the information can't be obtained elsewhere and they convince a judge that the testimony is necessary.

The legislation would not provide blanket protection for journalists. But it would reduce efforts by lawyers to undermine confidentiality agreements and take shortcuts in the discovery process of routine cases.

Smith has a record as a friend of a free press and open government. He has advocated improvements in the Freedom of Information Act to allow journalists and the public better access to government records.

It is vital that Smith again stand up for the public's right to know by preserving the flow of information with the shield law.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. KING), who is the ranking member of the Immigration Subcommittee of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I thank the ranking member from Texas (Mr. SMITH) for yielding to me. I do appreciate the privilege to serve on this committee.

Mr. Speaker, I rise in opposition to H.R. 2102, the Free Flow of Information Act. It would protect journalists in most circumstances from having to reveal their sources or produce documents and notes to government.

This is not a problem. The press has flourished for over 200 years without a Federal privilege. The Department of Justice reports that since 1991 they have issued only 19 subpoenas to reporters seeking information. Only 19 since 1991. No one is above the law. Even reporters, as the Supreme Court has held, sometimes need to divulge information during the investigation of crimes. We have not seen the level of professionalism in journalism that we see in the medical profession, for example, and I think that is an argument we ought to weigh also.

Mr. Speaker, I would bring up the issue of our national security. Some of the people who hide behind the shield of journalism today routinely release classified national security data and publish it as if it were their patriotic duty and hide behind the shield of journalism.

H.R. 2102 places a heavy burden on the Department of Justice to demonstrate a compelling need for a reporter's source, which can be negated by the personal whims of hundreds of Federal judges who would handle these cases. The shield bill also makes it more difficult for the Department of Justice and other government agencies to fight crime and protect our national security. For example, the bill contains a limited number of examples where the privilege doesn't apply. Most of the Department of Justice crime fighting activity, such as efforts to combat child pornography or alien smuggling, is not addressed under this bill.

For example, there is a flaw in the bill because the Department of Justice could obtain source information to prevent a terrorist attack but not acquire the same information after the fact, after an attack, say, on the Twin Towers or on the Capitol. Additionally, H.R. 2102's definition of a journalist is so broad it would protect the media outlets of designated terrorist organizations, even terrorists themselves. I know the chairman has addressed that issue, but the language still remains broad.

Congress, State legislatures, and the courts have taken significant steps in certain circumstances to assure confidentiality, as have 49 States. Examples of protected information include pre-patent research, a person's medical records, the fact that someone may have sought medical health care, information related to a victim of sexual violence. The list goes on.

Mr. Speaker, with these very private subjects, there are significant legal, moral, or fiduciary obligations granted to protect people when their disclosure could cause serious and irrevocable hardships. People who improperly disclose them should not be protected through a media shield law just because they gave the information to a reporter or blogger, not someone else.

Historically, when Congress has enacted public access legislation, it has balanced the competing rights of personal and business privacy. Consider the Freedom of Information Act. It is one of the most important ''public right to know'' statutes in this country's history. FOIA specifically exempts from disclosure information protected by law, proprietary or privileged business information, and information that could lead to unwarranted invasions of personal privacy. Similarly, whistle-blower laws only protect the reporting of information related to suspected wrongdoing, not the disclosure of all private information. Congress's long-standing commitment to these distinctions in protecting confidential and proprietary information can and should be continued.

Mr. Speaker, H.R. 2102 protects the inappropriate leaking of a good deal of legitimately private information in the same way it protects a source who has disclosed information in an appropriate situation. For example, if a source told a reporter the name of a victim of a sexual assault, H.R. 2102 would block the victim from holding the leaker-source accountable for any harm such a story could cause.

The same would be true for information related to the location of a domestic violence safe house or employee records that might include Social Security numbers and credit information from stores and credit bureaus. It could also provide an absolute privilege when a source for purely personal purposes leaked information in violation of a specific court order protecting the contents of discovery or settlements that were sealed by a court. When and if such information appears in the media, the person harmed would be unable to use the judicial process to assure that the law fulfilled its purpose, even when every other avenue had been pursued to no avail.

So my question is, Mr. Speaker, what are we trying to fix? What is the problem? Nineteen subpoenas since 1991, a handful of cases stacked up against a mountain of information that has been pored through in the public media, classified information leaked into the New York Times, for example, jeopardizing our national security, and what is Congress doing about that? We are coming here to produce a shield law to protect even more of the same behavior.

Mr. CONYERS. Mr. Speaker, it is now my privilege to recognize the Speaker of the House, Ms. NANCY PELOSI, for 1 minute.

Ms. PELOSI. Mr. Speaker, I thank the distinguished chairman for yielding, and I appreciate his strong leadership in protecting and defending the Constitution of the United States. He leads us well in honoring our oath of office that we take.

I commend the cosponsors of this bipartisan legislation, Mr. BOUCHER and Mr. PENCE, for their leadership and commitment to working in a bipartisan way on an issue central to our democracy.

Thomas Jefferson once wrote, ''Our liberty depends on the freedom of the press, and that cannot be limited without being lost.'' Freedom of the press, protected by the first amendment, has been a cornerstone of our democracy, one that we cherish and promote around the world.

A free press keeps our Nation informed and holds those of us in government accountable. It is critical to freedom of speech and expression in our country. Freedom of the press is fundamental to our democracy and it is fundamental to our security.

Speaking truth to power is vital to our democracy today, as it has been throughout our history.

Mr. Speaker, the recent contracting scandals in Iraq, the appalling care of our wounded soldiers at Walter Reed Hospital, and the hidden Medicare drug prescription estimates a few years ago are several of the many examples where press coverage shaped our debate and our actions. These stories are central to accountability, the accountability necessary to make our Nation stronger and to be better stewards of the taxpayers' dollars.

However, the essential work of the press has been severely hampered by the lack of a consistent Federal standard or a federally recognized privilege concerning the disclosure of confidential sources by journalists. As a result, in recent years, more than 40 reporters have been subpoenaed for the identities of confidential sources in nearly a dozen cases.

Former Solicitor General Ted Olson, who served under President George W. Bush, wrote recently in The Washington Post, ''Journalists reporting on high-profile controversies cannot function effectively without offering some measure of confidentiality to their sources. Their ability to do so yields substantial benefits to the public in the form of stories that might otherwise never be written about corruption and abuse of power.''

Nearly all States have some form of press shield protecting the confidentiality of journalist sources; however, that protection is lacking at the Federal level and in the Federal courts.

It is for this reason that I have long supported a Federal press shield law, without which freedom of the press is threatened. The Federal Government's policies and actions should protect and preserve the press's ability to speak

truth to power. And this legislation does so with appropriate national security safeguards, striking a careful balance between liberty and security.

Freedom of the press has long been an issue of importance to many of us in this body. When I was the ranking member of the Intelligence Committee, I encouraged President Clinton to veto the Intelligence Committee authorization bill one year because it made it easier to prosecute journalists. We fixed those provisions and passed a bill that both protected our Nation and protected our fundamental freedoms.

Mr. Speaker, we seek today to protect the freedom of the press that has served our Nation so well. We also seek to make clear to confidential sources that they will be protected in most circumstances when they bring forward public evidence of waste, fraud and abuse in government and in the private sector.

As we protect and defend our Nation, we must now protect and defend the Constitution by enabling our press to be free, as our Founders envisioned.

I urge my colleagues to support this legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes for the purpose of engaging in a colloquy with my friend from Indiana (Mr. PENCE). I have a question I would like to ask him.

The bill states that the determination as to whether the testimony or document is critical to the underlying matter is to be made ''based on information obtained from a person other than the covered person,'' the covered person being the journalist. There has been some confusion as to what is meant by ''information from the covered person.''

In the Washington Post on October 4, Patrick Fitzgerald, who was the U.S. Attorney in the Scooter Libby case, wrote, ''The bill puzzlingly requires that agents prove that the leak occurred without relying on the newspaper article.''

Is Mr. Fitzgerald right? Does this provision mean that the party seeking the subpoena cannot use the very newspaper article at issue in the lawsuit to show why the reporter's testimony is needed?

I yield to the gentleman from Indiana.

Mr. PENCE. I thank the gentleman for yielding, and I thank him for a thoughtful question.

The answer would be no, that was not our intent and it is not how this provision should be read. This provision is meant to close a potential loophole in the bill. Without this provision, we were concerned that a person would be able to call a journalist to testify or provide documents for the purpose of showing why the journalist's testimony or documents are needed in the litigation. That obviously would short-circuit the statute and would not make sense.

The news article would be a matter of public record and would not be obtained from the journalist, and therefore could be used at such a hearing.

Mr. SMITH of Texas. I thank the gentleman from Indiana for his answer to my question. That is much appreciated.

Mr. Speaker, I am the last speaker on this side, and I know the chairman of the Judiciary Committee has the right to close. I wonder if he has any additional speakers.

Mr. CONYERS. I have none.

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

Mr. Speaker, let me summarize the objections to this legislation. The White House, the Justice Department, the Acting Director of National Intelligence and many law enforcement officials oppose H.R. 2102 because they believe it diminishes legal rights, public safety and endangers national security. The Department of Justice is concerned that this legislation will impede its efforts to conduct investigations and prosecute criminals.

For 200 years, information has flowed freely to the press. Congress need not enact H.R. 2102, when the status quo is working and the legislation's potential harm to our national security is so significant.

Our Founders created a legal system where no one is above the law. But if the media shield bill passes, we will be carving out a special exception to that rule for reporters, tabloids and bloggers.

□ 1645

This is not what our Founders intended when they created a free press. No one should be above the law, not even the press. We must err on the side of caution and not support legislation that could make it harder to apprehend criminals and terrorists or deter their activities. I urge my colleagues to oppose this legislation.

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

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time and just want to say that we have not given up on the possibility of winning some modest support from the ranking member of the Judiciary Committee. He has negotiated with us in good faith. We continue to work on any improvements. I am very proud of the work that the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Indiana (Mr. PENCE) have put forward, and I want to thank Members of the House on both sides. There is apparently a large number of bipartisan supporters for this measure. I want to assure the House that we are moving forward with deliberate speed, and it is in that sense that I continue to urge support for the measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak in strong support of H.R. 2102, the Free Flow of Information Act of 2007, which I am proud to co-sponsor. This legislation provides a qualified immunity from prosecution or contempt to journalists for refusing to disclose confidential sources or information.

Let me say, Mr. Speaker, that I am confident that this legislation adequately addresses and resolves the conflict between society's competing interests in a free and vigorous press, on the one hand, and not unduly hampering the ability of law enforcement to investigate and prosecute crimes.

Mr. Speaker, when it comes to the freedom of the press, the Department of Justice's Statement of Policy is clear. It states ''Because freedom of the press can be no broader than the freedom of reporters to investigate and report the news, the prosecutorial power of the government should not be used in such a way that it impairs a reporter's responsibility to cover as broadly as possible controversial public issues.'' 28 C.F.R. 50.10.

I have long been a strong proponent of a qualified privilege for journalists. Indeed, in 2001 I spoke out in favor of the need for such a privilege when I went to the Federal Detention Center in Houston today to support the efforts of Professor Vanessa Leggett, a 33-year-old freelance non-fiction writer who had been jailed without bond since July 20, 2001 for asserting her journalistic privilege and First Amendment right not to reveal confidential source information.

After visiting Professor Vanessa Leggett I became convinced of the justice of her cause and the importance of her case. Professor Leggett had spent four years researching the 1997 murder of Doris Angleton. When she refused to give in to threats and intimidation by an overzealous prosecution, and asserted her First Amendment rights in a grand jury investigation, she was found in contempt and jailed.

Mr. Speaker, like you I believe the First Amendment is the most important amendment in the Bill of Rights. And it is not a coincidence that the freedoms of speech and press are the first freedoms listed in the First Amendment.

I believe allowing journalists the right to maintain the confidentiality of their sources when doing research must be protected because it is indispensable to a free press which is the sine qua non of a free society. We must heed the counsel of Justice

Douglas's dissent in Branzburg v. Hayes, 408 U.S. 665 (1972): ''The people, the ultimate governors [of our democracy], must have absolute freedom of and therefore privacy of their individual opinions and beliefs.'' Justice Douglas reminds us that ''effective self-government cannot succeed unless the people are immersed in a steady, robust, unimpeded, and uncensored flow of opinion and reporting which are continuously subjected to critique, rebuttal, and re-examination.''

Again, this principle, codified at Title 28 CFR 50.10 of the Department of Justice Statement of Policy, clearly recognizes and protects one of our most sacred democratic institutions: the media. It requires, for example, that the Department of Justice ''strike the proper balance between the public's interest in effective law enforcement and the fair administration of justice,'' while other subsections clearly require that sanctions, such as those administered by the Department of Justice in this case, shall be reviewed by the Attorney General. As such, this Section presents a tension with the Court precedents set in Branzburg and in Jascalevich.

The Supreme Court's decisions in Branzburg v. Hayes, 408 U.S. 665 (1972), and New York Times v. Jascalevich, 439 U.S. 1331 (1978) establish the precedent that a

journalist cannot rely upon an absolute First Amendment-based privilege to justify refusal to testify when called by a grand jury, unless the grand jury investigation is instigated in bad faith. However, since the Court handed down its decision in Branzburg, 49 states and the District of Columbia now recognize some version of a shield law protecting the press, to varying degrees, from unfettered disclosure of sources, work product, and information generally.

These various state protections range in type and scope, from broad protections that provide an absolute journalistic privilege to shield laws that offer only qualified protection. The majority of state shield laws currently in place offer some form of a qualified privilege to reporters, protecting source information in judicial settings, unless the compelling party can establish that the information is: (1) relevant or material; (2) unavailable by other means, or through other sources; and (3) a compelling need exists for that information. There is considerable variation among the states on the last prong, with some requiring the party seeking disclosure to establish a compelling need for the information. Other states require a compelling showing that disclosure is needed to achieve a broader and greater public policy purpose.

In Federal courts, however, there is no current uniform set of standards to govern when testimony can be sought from reporters. Rather, the Federal jurisprudence has developed on an ad hoc, case-by-case basis. That is why we need, and I support, H.R. 2102.

H.R. 2102 establishes a procedure by which disclosure of confidential information from a journalist may not be compelled to testify or provide documents related to information obtained or created by the journalist unless the following conditions are met by a preponderance of the evidence and after notice to be heard: (1) The party seeking production must have exhausted all reasonable alternative sources of the information; (2) in the case of a criminal investigation, the party seeking production must have reasonable grounds to believe a crime has occurred and the information sought is critical to the case; (3) disclosure is necessary to: prevent an act of terrorism against the United States or other significant specified harm to national security or to prevent imminent death or significant bodily harm or to identify a person who has disclosed a trade secret actionable under 18 U.S.C. § 1831 or § 1832; or (4) the party seeking production must prove that the public interest in compelling disclosure outweighs the public interest in gathering or disseminating news or information.

Mr. Speaker, section 4 of the bill defines the key terms used in this bill. A ''Covered Person'' is a person who, for financial gain or livelihood, is engaged in journalism, including supervisors, employers, parents, subsidiaries, or affiliates of a covered person. ''Journalism'' is defined as the ''gathering, preparing, collecting, photographing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.''

Mr. Speaker, I applaud and commend Mr. BOUCHER's efforts to address the many concerns of his colleagues relating to the scope of a ''covered person'' and the definition of ''journalism.'' Initially, I was troubled that one day in the future some runaway court or wayward judge may construe these definitions so narrowly that situations like the one involving Vanessa Leggett that I have previously discussed would be excluded. However, based on my consultations with the lead sponsors, as well as my detailed discussions and consultations with groups like the Reporters Committee for Freedom of the Press, I am satisfied that the proposed language is broad enough to cover journalists who are in Vanessa Leggett's situation.

Under this legislation, a freelance journalist facing a similar subpoena will be able to represent to a judge that at the time she was talking to sources, she represented to them that she was working on a story or non-fiction book that she planned to sell to a newspaper or magazine or publisher. A reasonable judge would have little choice but to find her to be covered by the statute.

Mr. Speaker, it is interesting to note that the District Court and the 5th Circuit never questioned Vanessa Leggett's status as a journalist. Rather, the court assumed she was a journalist using the test of In re von Bulow, 828 F2d 94 (2d Cir. 1987). If the issue of a freelancer being covered was found to be vague in the statute, I believe a court would revert to the von Bulow standard, which holds someone is a journalist if she represented to her sources at the time of the interview that she was a journalist and was gathering information intending to write a story to disseminate to an audience.

In short, Mr. Speaker, because I believe the language of the bill now leaves no doubt that the Congress specifically intends the Free Flow of Information Act to cover situations similar to the Vanessa Leggett case, I strongly support this legislation and urge my colleagues to join me in voting for H.R. 2102.

Mr. UDALL of Colorado. Mr. Speaker, I support this legislation and urge its passage.

The bill is intended to provide journalists with a limited, qualified shield against efforts by prosecutors or other officials to compel public disclosure of the identities of whistleblowers or other sources of information.

Like 48 other States (and the District of Columbia), Colorado has already provided a similar protection for journalists, but of course that State law does not apply in Federal cases—for that a Federal statute is required, which is the purpose of this legislation.

And while I recognize that the Justice Department thinks no such law is needed—their view is that their own guidelines adequately deal with the subject—I think our experience in Colorado shows that it is possible to provide the assured protection that comes with a statutory shield without compromising the investigation of wrongdoing or the vigorous prosecution of crime.

I think this legislation does a good job of achieving a similar balance between protection for investigative journalists and their sources while maintaining the ability of the government to protect national security and conduct effective law enforcement.

Under the bill, journalists would be required to testify if a judge finds that a prosecutor, criminal defendant or civil litigant has shown by a preponderance of the evidence that an applicable test for compelled disclosure has been met.

For a prosecutor, that means showing that he or she had exhausted alternative sources before demanding information, that the sought-after material was relevant and critical to proving a case, and that the public interest in requiring disclosure would outweigh the public interest in news gathering.

The bill includes special rules for cases involving leaks of classified information or involving a journalist's being an eye witness to a crime.

The bill will enable federal law enforcement authorities to obtain an order compelling disclosure of the identity of a source in the course of an investigation of a leak of properly classified information. It also provides that disclosure of a leaker's identity can be compelled whenever the leak has caused or will cause ''significant and articulable harm to the national security.''

And the bill also permits law enforcement to obtain an order compelling disclosure of documents and information obtained as the result of eyewitness observations by journalists of alleged criminal or tortious conduct, as well as cases involving alleged criminal conduct by journalists themselves.

And, in addition to provisions designed to guard against impairing efforts to prevent acts of terrorism, threats to national security, and death or bodily harm to members of the public, there are similar provisions to guard and make sure the legislation will not thwart efforts to identify those who disclose significant trade secrets or certain financial or medical information in violation of current law.

Mr. Speaker, the need for this legislation was well expressed by former Solicitor General Theodore B. Olsen in an article published in the October 4th edition of the Washington Post.

In that article, Mr. Olsen said:

> . . . journalists reporting on high-profile controversies cannot function effectively without offering some measure of confidentiality to their sources. Their ability to do so yields substantial benefits to the public in the form of stories that might otherwise never be written about corruption and abuse of power. A person with information about wrongdoing is often vulnerable to retaliation if exposed . . . Yet it has become almost routine for journalists to be slapped with federal subpoenas seeking the identity of their sources.
>
> Reporters do not expect to be above the law. But they should receive some protection so they can perform their public service in ensuring the free flow of information and exposing improper conduct without risking jail sentences.
>
> The lack of federal protection makes for an especially strange state of affairs because the Justice Department has had internal standards providing protection to journalists and their sources for 35 years, and Special Counsel Patrick J. Fitzgerald claimed to be adhering to those standards when he subpoenaed reporters in the Plame affair. Thus, as Judge Robert Sack of the U.S. Court of Appeals for the 2nd Circuit has noted, the only real question is whether federal courts should be given some supervisory authority to ensure that prosecutors have, in fact, met governing standards before forcing reporters to testify. The answer seems obvious: yes.
>
> The District and the 49 states with shield laws have experienced no diminution of law enforcement efforts as a result of those laws. The legislation would not give reporters special license beyond the type of commonsense protection we already accord to communications between lawyers and clients, between spouses and in other contexts where

we believe some degree of confidentiality furthers societal goals.

This legislation is well balanced and long overdue, and it should be enacted.

I agree with Mr. Olson, and I urge all our colleagues to join me in voting for this bill.

Mr. ISSA. Mr. Speaker, I rise in opposition to H.R. 2102, the Free Flow of Information Act. This bill goes too far in jeopardizing our national security.

The freedom of the press is an immensely important principal in our democratic society. That is why the Department of Justice (DOJ) has for the past 35 years followed a policy that strictly limits when Federal prosecutors are allowed to issue subpoenas to the press. These standards are so difficult to meet that prosecutors, under this current policy, are commonly discouraged from even seeking a subpoena for a reporter in the first place.

These protections, which are far reaching, should not be absolute. When critical, highly sensitive national security information is illegally disclosed to members of the news media and published for every enemy of America to see—Federal prosecutors must be empowered to aggressively investigate the disclosure of that information and the prosecution of those responsible. We simply cannot erect obstacles which hamstring Federal law enforcement when sensitive government secrets are divulged. Such disclosure can be treasonous, and reporters should not be able to protect individuals who jeopardize our national security. American lives are more important than the privilege of anonymity that reporters promise to a source who is compromising our nation's secrets.

According to the DOJ, the ''unduly narrow exception to the legislation's broad prohibition on compelled disclosure would hinder efforts to investigate and prosecute those who have leaked classified information, undermine the ability of law enforcement to investigate national security breaches that have already occurred, and weaken Federal efforts to mitigate damage to national security that has already taken place.'' As a member of both the Committees on Judiciary and the Permanent Select Committee on Intelligence, I find these faults with the bill unacceptable.

While I do not stand in opposition to my friends Representatives MIKE PENCE and RICK BOUCHER, the primary sponsors of this legislation, I must ask my colleagues to vote no on this bill. H.R. 2102 establishes new dangers without sufficient justification.

Mr. STARK. Mr. Speaker, I rise today in support of freedom of the press and an informed public.

The Free Flow of Information Act (H.R. 2102) is a straightforward bill that will protect journalists from being legally obligated to disclose their confidential sources of information. This will allow sources to speak more freely, allowing for the vibrant exchange of important information between reporters, their contacts and the public.

Predictably, George Bush's Department of Injustice opposes today's legislation, in part because the Administration issued more than 300 subpoenas last year alone. That's understandable. If I had a track record of wasting money on a failing war, abusing civil liberties, suppressing scientific research, and failing to enforce important consumer protections and environmental regulations, I too would want to keep the press and the public in the dark.

But it is also despicable. Forty-nine states and the District of Columbia already recognize a reporter's privilege to keep confidential sources, and to do so without risking interrogation or prosecution. A federal media shield law would further protect the public's right to know about corruption, waste and mismanagement in and out of government.

In the past few years, journalists have depended on confidential sources to inform them about the torture of Iraqi prisoners at Abu Ghraib, the disclosure of CIA prisons in Eastern Europe, and the President's warrantless wiretapping program. If we left it up to the administration to decide what went into news stories, we would have headlines that told us the war in Iraq is a smashing success and that DICK CHENEY's hunting technique is unparalleled.

The Constitution guarantees the right to a free press. That freedom depends on not having to worry about being punished for revealing information that the public has a right to know. I urge my colleagues to vote in support of this bill.

Mr. HOLT. Mr. Speaker, I am pleased the House is taking action today to help protect reporters from prosecutions simply for doing their jobs.

Over the last few years, more than forty reporters have been subpoenaed for the identities of confidential sources in nearly a dozen cases. Although the Department of Justice has promulgated voluntary guidelines for issuing subpoenas to the media and reporters, these guidelines do not apply to civil litigants in federal court and give unreviewable discretion to special prosecutors.

H.R. 2102 would establish a Federal standard for all parties—prosecutors, civil litigants, journalists and sources—and send a signal to potential sources that they will be protected in most circumstances when they pass to news organizations evidence of waste, fraud and abuse in government and in the private sector.

The bill requires journalists to testify at the request of criminal prosecutors, criminal defendants and civil litigants who have shown by a preponderance of the evidence that they have met the various tests for compelled disclosure. The bill contains provisions to ensure that the privilege would not impair law enforcement's efforts to identify a person who has disclosed significant trade secrets or certain financial or medical information in violation of current law.

In the case of national security issues, the test is that ''disclosure of the identity of such a source is necessary to prevent an act of terrorism against the United States or its allies or other significant and specified harm to national security with the objective to prevent such harm.'' It is the latter half of this clause that would allow the Justice Department to compel testimony from reporters in national security leak cases.

It is important that we ensure that information that is properly classified be protected from unauthorized disclosure. However, as we've seen repeatedly over the last century, too often government officials will misuse the classification system to hide evidence of their own lawbreaking. It will be important for Congress to carefully monitor how this particular provision is employed by the Department of Justice to ensure it is not abused in a way that prevents Congress and the public from learning about violations of law carried out in the name of protecting the nation's security.

Organizations representing publishers, broadcasters, and journalists agree that this legislation provides a suitable framework for balancing the needs of a free press with the need to uphold our laws, and on balance, so do I. I urge my colleagues to vote for this important legislation.

Mr. SHAYS. Mr. Speaker, as a cosponsor of H.R. 2102, the Free Flow of Information Act, I am pleased to support this legislation on the House floor today.

I support this bill because I believe news reporting fosters public awareness of important public issues and is an important means of ensuring government accountability.

This legislation would create criteria that must be met before a Federal entity may subpoena a member of the news media in any government, criminal or civil case.

H.R. 2102 closely follows existing Department of Justice guidelines for issuing subpoenas to members of the news media.

It simply makes the guidelines mandatory and provides protection against compelled disclosure of confidential sources.

In doing so, I believe this legislation strikes a balance between the public's need for information and the fair administration of justice.

Mr. Speaker, I urge support for this bill.

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

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT NO. 1 OFFERED BY MR. BOUCHER

Mr. BOUCHER. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 110–338 offered by Mr. BOUCHER:

Page 3, line 24, strike ''to prevent'' and insert ''to prevent, or to identify any perpetrator of,''.

Page 4, line 6, strike ''or''.

Page 4, line 22, strike ''and'' and insert ''or''.

Page 4, after line 22, insert the following:

(D)(i) disclosure of the identity of such a source is essential to identify in a criminal investigation or prosecution a person who without authorization disclosed properly classified information and who at the time of such disclosure had authorized access to such information; and

(ii) such unauthorized disclosure has caused or will cause significant and articulable harm to the national security; and

Page 5, after line 19, insert the following:

(d) EXCEPTION RELATING TO CRIMINAL OR TORTIOUS CONDUCT.—The provisions of this section shall not prohibit or otherwise limit a Federal entity in any matter arising under Federal law from compelling a covered person to disclose any information, record, document, or item obtained as the result of the eyewitness observation by the covered person of alleged criminal conduct or as the result of the commission of alleged criminal or tortious conduct by the covered person, including any physical evidence or visual or audio recording of the conduct, if a Federal court determines that the party seeking to compel such disclosure has exhausted all other reasonable efforts to obtain the information, record, document, or item, respectively, from alternative sources. The previous sentence shall not apply, and subsections (a) and (b) shall apply, in the case that the alleged criminal conduct observed

by the covered person or the alleged criminal or tortious conduct committed by the covered person is the act of transmitting or communicating the information, record, document, or item sought for disclosure.

Page 7, strike lines 14 through 18 and insert the following:

(2) COVERED PERSON.—The term ''covered person'' means a person who regularly gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public for a substantial portion of the person's livelihood or for substantial financial gain and includes a supervisor, employer, parent, subsidiary, or affiliate of such covered person. Such term shall not include—

Page 7, line 22, strike ''or''.

Page 7, line 26, strike the period and insert a semi-colon.

Page 7, after line 26, insert the following:

(C) any person included on the Annex to Executive Order 13224, of September 23, 2001, and any other person identified under section 1 of that Executive order whose property and interests in property are blocked by that section;

(D) any person who is a specially designated terrorist, as that term is defined in section 595.311 of title 31, Code of Federal Regulations (or any successor thereto); or

(E) any terrorist organization, as that term is defined in section 212(a)(3)(B)(vi)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)(II)).

The SPEAKER pro tempore. Pursuant to House Resolution 742, the gentleman from Virginia (Mr. BOUCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

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

Mr. BOUCHER. Mr. Speaker, the amendment I am pleased to offer at this time, along with the principal coauthor of this legislation, the gentleman from Indiana (Mr. PENCE), incorporates recommendations that were made to us by a number of members of the House Judiciary Committee and other interested Members of the House both during the extensive markup of this legislation in the committee and in the time intervening between then and now.

The legislation was broadly supported in that committee and was approved by voice vote in that committee, and the recommendations that we have received now incorporated into this manager's amendment came from members of the committee and other Members of the House both on the Democratic and Republican sides. We have folded those various recommendations into the manager's amendment.

These amendments that are folded into the manager's amendment further limit the scope of the privilege that is conferred by the legislation itself.

First, the amendment expands the instances in which source disclosure can be compelled to include a leak by the source of properly classified information where the leak has caused a significant and articulable harm to national security.

Secondly, source disclosure could be compelled when the reporter personally witnesses criminal conduct or when the reporter is himself involved in criminal conduct.

Third, source disclosure could occur when necessary to identify any perpetrator of an act of terrorism against the United States or other significant and specified harm to national security.

The amendment also narrows the definition of the individuals who may assert the privilege to refrain from revealing confidential sources in Federal court proceedings. Under the amendment, only people who are regularly engaged in news gathering and reporting and who receive substantial financial gain or receive a substantial portion of their livelihood from the journalistic activity will qualify.

The amendment will also deny the privilege to journalists who have been designated as terrorists pursuant to law or who are employed by a terrorist organization as designated pursuant to law.

We offer this amendment on a bipartisan basis, and we ask for its approval by the House.

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

Mr. SMITH of Texas. Mr. Speaker, although I am not opposed to the amendment, I ask unanimous consent to control the time in opposition to the amendment.

The SPEAKER pro tempore. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, under the provisions of the Free Flow of Information Act where a reporter is being asked to reveal the identity of a confidential source, the underlying bill here provides several exceptions where a reporter may be compelled to reveal a source. Sources can be revealed under exceptions for the prevention of terrorism, other harm to the Nation's security, to prevent bodily harm, in cases where trade secrets and personal health information are revealed.

As a result of Chairman CONYERS' bipartisan working group, we have conceived of the Boucher-Pence bipartisan manager's amendment, and I rise to support it.

It adds additional exceptions to the bill. Under it, compelled disclosure of a source will be permitted in cases of unauthorized leaks of national security secrets. Also, if a journalist is an eyewitness to a crime or tortious conduct, the journalist cannot claim the privilege of the shield and can be required to turn over information documents.

Also, as Mr. BOUCHER said, the amendment makes two changes regarding the definition of a covered person. Covered persons are those who are able to use the shield, and we have been discussing how we define journalists throughout the history of this debate. In the manager's amendment, we restrict coverage to those people who regularly engage in journalism for substantial financial gain or a substantial part of their livelihood. And this way, the definition will exclude casual bloggers but not all bloggers, criminal offenders or the media wings of terrorist groups who are not practicing journalism. It also adds further exclusions to the list of terrorist organizations which are excluded in order to supplement the language already there to make it 100 percent clear that terrorists cannot claim the privilege of this bill.

I believe the Boucher-Pence manager's amendment, as the entirety of the bill, is a result of bipartisan cooperation. I believe the Boucher-Pence manager's amendment improves the Free Flow of Information Act. I urge my colleagues on both sides of the aisle to support it.

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

I support the manager's amendment offered by the gentleman from Virginia (Mr. BOUCHER). The provisions of the amendment do improve the bill by addressing some of the Justice Department's concerns. Despite this, it still does not cure the bill's fundamental flaws.

The legislation will still make it impossible to enforce certain criminal laws and will impede national security investigation. While I commend the sponsors of the amendment for trying to address the Justice Department's concern, even if the amendment is adopted, the bill should still be opposed. So I urge Members to support the amendment and oppose the underlying bill.

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

Mr. BOUCHER. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished chairman of the House Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I am delighted and I congratulate the ranking member for joining us in supporting the Boucher-Pence manager's amendment. We think that we can move even further. Here is an amendment that alters the standard for piercing the shield where national security is involved. Also, it enables law enforcement to obtain an order compelling disclosure of the identity of a source in the course of a leak investigation.

So I am very happy about this. I think that it portends that there may be other areas of agreement that we will be able to reach. I thank the gentleman for yielding me the time.

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

The SPEAKER pro tempore. Pursuant to House Resolution 742, the previous question is ordered on the bill, as amended, and on the further amendment by the gentleman from Virginia (Mr. BOUCHER).

The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill H.R. 2102 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 5, after line 2, insert the following subsection (and redesignate subsequent subsections accordingly):

(b) AUTHORITY TO CONSIDER NATIONAL SECURITY INTEREST.—For purposes of making a determination under subsection (a)(4), a court may consider the extent of any harm to national security.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. SMITH of Texas. Mr. Speaker, H.R. 2102 presumes that a journalist is entitled to a reporter's privilege unless the government can show a court otherwise. The government can only do this by meeting certain threshold requirements set forth in the bill.

After all those requirements are met, the judge must then apply a balancing test. The judge must find that ''the public interest in compelling disclosure of the information or document involved outweighs the public interest in gathering or disseminating news or information.''

My motion to recommit provides further guidance to the judge as to what criteria should be considered in weighing that decision.

The motion to recommit simply states that the judge may consider the extent of any harm to national security. It does not dictate any result.

The manager's amendment partly addresses this issue by creating an additional exception to the privilege that excludes from the privilege leaks of classified information that harm national security in criminal cases. I agree with that idea as far as it goes.

This motion to recommit, though, goes further. It allows the judge to consider this factor in any case, not just a criminal case. It allows a judge to consider any leak that harms national security, not just a leak in violation of the laws on classified information.

There are many kinds of information that can harm national security. One example is grand jury information. Suppose that the government is conducting a grand jury investigation of a suspected terrorist ring. If a grand juror were to reveal that to a reporter, it might allow the terrorist to escape to strike another day.

Another example is information covered by various common law privileges like the attorney/client privilege. Suppose that an attorney knew his client, a former terrorist, was cooperating with authorities to avoid prosecution. If he revealed this to the press, it could reveal to the terrorist's former compatriots that they needed to change their plans.

Another example is confidential business information that is protected by contractual relationships. Employees of a computer company might know and reveal without authorization that a certain new chip is coming to the market in a matter of months. This might allow a foreign enemy to stop their research on that type of chip and devote their resources to some other project.

The problem is that any of these kinds of information could harm national security. If they do, a judge ought to be able to consider that in deciding what the public interest requires.

In short, I think we are going in the same direction, but the manager's amendment does not go far enough. The motion to recommit protects national security against harmful leaks in all cases, not just criminal cases. When national security is threatened by leaks, we must protect ourselves in all cases, not just criminal cases.

I urge my colleagues to adopt this motion and protect our national security.

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

□ 1700

Mr. CONYERS. Mr. Speaker, I rise in support of the motion to recommit.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. CONYERS. Mr. Speaker, I thank the Speaker and note his surprise, and I want everyone to know that this motion is one that we on this side can concur with. We think it's thoughtful and appropriate and indicates the kind of rapprochement that we are trying to reach on any other matters of difference that might be outstanding.

Allowing a court to take into account national security when considering the balancing test and allowing the court to retain full discretion on whether to consider this information, and it may consider this along with any other information it deems relevant, means that the ranking member's continued commitment to work on this issue is going on even now, and I thank him for his constructive efforts.

Mr. Speaker, I yield to the author of the manager's amendment, Mr. BOUCHER of Virginia.

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Michigan for yielding to me, and I concur in his statement that this motion to recommit is acceptable on our side, and in accepting this motion to recommit, we are clearly acting in furtherance of the bipartisan rapport that underlays the construction of the Free Flow of Information Act and its consideration here in the House today.

The motion to recommit provides that in performing the balancing test under the bill, which weighs whether the public interest in disclosure outweighs the public interest in news gathering and dissemination, the court may consider the extent of any harm to national security.

The extent of any harm to national security is clearly a relevant consideration when determining key questions relating to what is or is not in the public interest, and for that reason, Mr. Speaker, I'm pleased to join with the gentleman from Michigan in urging acceptance of the motion to recommit.

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

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 388, nays 33, not voting 10, as follows:

[Roll No. 972]

YEAS—388

| | | |
|---|---|---|
| Ackerman | Bartlett (MD) | Boehner |
| Aderholt | Barton (TX) | Bonner |
| Akin | Bean | Bono |
| Alexander | Becerra | Boozman |
| Allen | Berkley | Boren |
| Altmire | Berman | Boswell |
| Andrews | Berry | Boucher |
| Arcuri | Biggert | Boustany |
| Baca | Bilbray | Boyd (FL) |
| Bachmann | Bilirakis | Boyda (KS) |
| Bachus | Bishop (GA) | Brady (PA) |
| Baird | Bishop (NY) | Brady (TX) |
| Baker | Bishop (UT) | Braley (IA) |
| Baldwin | Blackburn | Broun (GA) |
| Barrett (SC) | Blumenauer | Brown (SC) |
| Barrow | Blunt | Brown, Corrine |

Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—33

Abercrombie
Castor
Clarke
Clay
Davis (IL)
Dingell
Filner
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Hirono
Holt
Jackson-Lee (TX)
Kucinich
Larsen (WA)
Lee
Lewis (GA)
Meeks (NY)
Miller, George
Moore (WI)
Napolitano
Olver
Paul
Payne
Rangel
Schakowsky
Slaughter
Stark
Velázquez
Wasserman Schultz
Waters

NOT VOTING—10

Carson
Clyburn
Cubin
Jindal
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1727

Ms. MOORE of Wisconsin, Messrs. HOLT, DAVIS of Illinois, HINCHEY, GUTIERREZ, Ms. VELÁZQUEZ, and Mr. MEEKS of New York changed their votes from ''yea'' to ''nay.''

Ms. DEGETTE, Mrs. CAPPS, and Mr. JACKSON of Illinois changed their votes from ''nay'' to ''yea.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. CONYERS. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2102, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Page 5, after line 2, insert the following subsection (and redesignate subsequent subsections accordingly):

(b) AUTHORITY TO CONSIDER NATIONAL SECURITY INTEREST.—For purposes of making a determination under subsection (a)(4), a court may consider the extent of any harm to national security.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 398, noes 21, not voting 12, as follows:

[Roll No. 973]

AYES—398

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)

Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—21

Abercrombie
Akin
Barton (TX)
Brown (SC)
Buyer
Carter
Culberson
Herger
Issa
Johnson, Sam
King (IA)
King (NY)
Lungren, Daniel E.
Mica
Petri
Royce
Sali
Sensenbrenner
Smith (TX)
Thornberry
Weldon (FL)

NOT VOTING—12

Carson
Clyburn
Cubin
Gutierrez
Jindal
Johnson, E. B.
Peterson (PA)
Sherman
Tancredo
Taylor
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there is 1 minute remaining on this vote.

□ 1736

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 106.

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

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Res. 106.

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

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

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

Record votes on postponed questions will be taken tomorrow.

## RECOGNIZING THE 35TH ANNIVERSARY OF THE CLEAN WATER ACT

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 725) recognizing the 35th anniversary of the Clean Water Act, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 725

Whereas clean water is a natural resource of tremendous value and importance to the Nation;

Whereas there is resounding public support for protecting and enhancing the quality of the Nation's rivers, streams, lakes, marine waters, and wetlands;

Whereas maintaining and improving water quality is essential to protect public health, fisheries, wildlife, and watersheds and to ensure abundant opportunities for public recreation and economic development;

Whereas it is a national responsibility to provide clean water for future generations;

Whereas since the enactment of the Clean Water Act in 1972, substantial progress has been made in protecting and enhancing water quality due to a deliberate and national effort to protect the Nation's waters;

Whereas substantial improvements to the Nation's water quality have resulted from a successful partnership among Federal, State, and local governments, the private sector, and the public;

Whereas serious water pollution problems persist throughout the Nation and significant challenges lie ahead in the effort to protect water resources from point and nonpoint sources of pollution and to maintain the Nation's commitment to a ''no net loss'' of wetlands;

Whereas the Nation's decaying water infrastructure and a lack of available funding to maintain and upgrade the Nation's wastewater infrastructure pose a serious threat to the water quality improvements achieved over the past 35 years;

Whereas the Environmental Protection Agency, the Congressional Budget Office, and other stakeholders have identified a funding gap of between $300,000,000,000 and $400,000,000,000 over the next 20 years for the restoration and replacement of wastewater infrastructure;

Whereas further development and innovation of water pollution control programs and advancement of water pollution control research, technology, and education are necessary and desirable; and

Whereas October 18, 2007, is the 35th anniversary of the enactment of the Clean Water Act: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) recognizes the 35th anniversary of the Federal Water Pollution Control Act (commonly known as the Clean Water Act);

(2) recommits itself to restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters in accordance with the goals and objectives of the Clean Water Act;

(3) dedicates itself to working toward a sustainable, long-term solution to address the Nation's decaying water infrastructure; and

(4) encourages the public and all levels of government—

(A) to recognize and celebrate the Nation's accomplishments under the Clean Water Act; and

(B) to renew their commitment to restoring and protecting the Nation's rivers, lakes, streams, marine waters, and wetlands for future generations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution, H. Res. 725.

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

There was no objection.

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

Mr. Speaker, we meet on the 35th anniversary of the Clean Water Act from 1972; a bill that started out in the House, made its way through the Committee on Public Works, as it was known then, through the House, to the Senate Committee on Public Works, and then through a 10-month House-Senate conference, a remarkable meeting of Members of the House and Senate which, in a time very different from the times we experience recently, where Members actually participated, sat across the table from one another, not separated by staff, although I was a member of the staff at the time, not relegating their responsibilities to others, but actually participating vigorously with informed judgment, with strongly held views in shaping what everyone in that conference knew was going to be a new future for the waters of the United States.

That legislation was considered against a backdrop of 14 years of the Federal Water Pollution Control Act, crafted by my predecessor, John Blotnick, who was Chair first of the Subcommittee on Rivers and Harbors and then Chair of the Full Committee on Public Works, to clean up the Nation's waters.

In that year, 1955, and then following, in 1956, John Blotnick wanted to acquaint himself with the new responsibilities of being a chairman of the Subcommittee on Rivers and Harbors, and managing the inland waterways of the United States and the locks and dams and the harbors of this country, of the saltwater coast and the fresh water of the Great Lakes. So he journeyed down the Mississippi, part of the Ohio-Illinois river systems.

He was a biochemist by training, and a teacher of biochemistry, and observed that by the time he got to New Orleans, there was so much trash, discharge, waste, feces and raw phenols bubbling in the Mississippi River by the time they reached New Orleans, he was appalled. And he said the purpose no longer became how can we move goods through the inland waterway system and barges of this Nation, but how can we, what must we do to clean up this resource of fresh water.

On return to Washington that spring, he visited the Tidal Basin, the cherry blossoms in bloom, and he observed all of the debris and all of the foul smell in the Tidal Basin and called it the best dressed cesspool in America, and crafted a three-part program to deal with this problem of cleaning up America's waters.

□ 1745

And he undertook what was then a unique activity: a Dear Colleague letter. It's very common. We see them by the hundreds today. But it was very rare in 1955 and 1956 to do something of that nature, and reserved the Caucus Room of the Cannon House Office Building, which can seat over 600 people, because he thought so many would want to come and participate in this great enterprise of protecting America's waters and restoring our rivers and lakes.

And three people showed up: John Blotnick; Congressman Bob Jones from Alabama, who was elected in 1946, the same year as John Blotnick; and Murray Stein, an attorney in the U.S. Public Health Service whose office was, as John Blotnick described it, in the 7th sub-basement of HEW, the Health, Education, and Welfare building. And there they crafted broad outlines of what became the Federal Water Pollution Control Act.

Research, engaging the best minds in this country to understand what are the limiting factors in our waters that, if removed, would restore good health. Nitrogen, phosphates, toxics, phenols, how do you get them out of the water once they're in? How do you prevent them from getting in? The second point, treatment. Treating our wastes before they get into the receiving waters. And, third, an enforcement program to bring the States together to resolve common problems of enforcing a program of cleaning streams before they get into the receiving waters.

It was signed into law by President Eisenhower in 1956. It had $30 million in Federal funding, 30 percent Federal grants to municipalities to build sewage treatment facilities. It was supported by the garden clubs of America. They were the first ones, the leaders, seeing the need for a national program of clean water.

The next 3 years saw broad acceptance of this legislation, a need for increased funding. So John Blotnick proposed a successor to increase to $50 million Federal funding and 30 percent Federal grants and a stronger enforcement and more money for research. And that bill was vetoed by President Eisenhower with a veto message that read in its last sentence: ''Pollution is a uniquely local blight. Federal involvement will only impede local efforts at cleanup.''

But that was an election year. John F. Kennedy, Democratic candidate, committed to an expanded program of clean water. And he came in and signed a bill that moved through our committee for $100 million in Federal funding with 50 percent Federal grants and an expanded research and development and much stronger enforcement.

And over the succeeding years, the program grew, and so did our understanding of the broader needs and the broader reach of a Federal program to go beyond point sources but to get to the watershed, to go beyond the point of discharge, to reach further out into the country.

At the same time, great suds, mounds of suds, were floating down the Ohio River system and the Illinois River system and the Mississippi. And people were turning on their faucets and finding soap coming out instead of clean water. And then the Cuyahoga River caught on fire in 1968 in the town of the distinguished gentleman from Ohio (Mr. LATOURETTE), and the Nation was galvanized into action. That led to increased funding for the clean water program and a recognition that we need to have a much broader scope program.

So in 1970 the committee began extensive hearings on a much wider reach of the program. And in 1971 I was chief of staff of the Committee on Public Works when we began this much broader scope program.

The result of all these efforts was the Clean Water Act of 1972, whose opening paragraph reads: ''The purpose of this act is to establish and maintain the chemical, physical, and biological integrity of the Nation's waters,'' not just the navigable waters, which had been the signature word of previous legislation but the Nation's waters, going beyond what you can paddle in a canoe, going to the source of pollution.

That massive bill was vetoed by President Richard Nixon. But the veto was overridden by a 10–1 vote in the House and a similar 10–1 vote in the United States Senate and has remained our cornerstone act for maintaining the integrity of the Nation's waters.

It is our legacy to pass on to other generations that all the water there ever was in the world or ever will be is here now, and we have the responsibility to care for it. This Clean Water Act is our guarantee that it will be done.

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

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

Mr. Speaker, I am honored to manage the time on this important resolution for the minority to commemorate the 35th anniversary of the Clean Water Act.

Clean water is critical to the Nation and our standard of living. The Clean Water Act has resulted in significant water quality improvement in the last 35 years. However, we still have work to do before all of our lakes and streams meet State water quality standards.

H. Res. 725 encourages the American people to recognize and celebrate the water quality improvements we have achieved and recommit ourselves to the goals of the Clean Water Act.

No committee in the Congress has done more to work towards the clean water goals that all of us want to achieve than the Transportation and Infrastructure Committee, which was called, as Chairman OBERSTAR has mentioned, the Public Works and Transportation Committee for many years before the new name. And no one man who has ever served in this Congress has done more than has Chairman JAMES OBERSTAR in working to achieve clean water in this country, first as a staff member and then staff director for 11 years for the committee and then for the last 33 years representing his district and, indeed, the entire Nation in working to clean the waters of this Nation.

And we have made great progress over that time. The leading liberal magazine, the New Republic, said in an editorial a short time ago that to listen to some people ''is to learn that the environment is in bad shape today and, with the smallest push, could be in disastrous shape tomorrow . . . Fortunately, this alarm is a false one. All forms of pollution in the United States,'' the New Republic said, ''air, water, and toxic materials have been declining for decades.''

In 1972 only 30 to 40 percent of our waters were estimated to have met water quality standards. Today, monitoring data indicate that 60 to 70 percent of our waters meet these goals and twice as many Americans are served by advanced or secondary wastewater treatment.

Twenty-five years ago, we were losing almost 400,000 acres of wetlands annually; yet the latest data collected by the U.S. Fish and Wildlife Service indicate that we are close to achieving a net gain in wetlands nationwide.

Our Nation's health, quality of life, and economic well-being rely on adequate wastewater treatment. Industries that rely on clean water, like farmers, fishermen, and manufacturers,

contribute over $300 billion a year to our gross domestic product.

To provide clean water, our Nation already has invested over $250 billion in wastewater infrastructure. But this infrastructure is now aging and our population is continuing to grow, increasing the burden on our existing infrastructure. If communities do not repair, replace, and upgrade their infrastructure, we could lose the environmental, health, and economic benefits of this investment. And no matter how much progress has been made in the past, you can always do better. People always need to improve, although we need to do this in a way that doesn't overregulate, but that brings about progress in a commonsense, practical manner and one that doesn't impede progress.

Various organizations have quantified wastewater infrastructure needs. The Congressional Budget Office, EPA, and the Water Infrastructure Network have estimated that it could take between $300 billion and $400 billion to address our Nation's clean water infrastructure needs over the next 20 years to keep our drinking water and waterways clean and safe. This is twice the current level of investment by all levels of government. These needs have been well documented in our committee and subcommittee hearings.

We can reduce the overall cost of wastewater infrastructure with good asset management, innovative technologies, water conservation and reuse, and regional approaches to water pollution problems. But these things alone will not close the large funding gap that now exists between wastewater infrastructure needs and current levels of spending.

Increased investment must still take place. That leads to the question where is the money going to come from. There is no single answer to that question. Municipal wastewater services are a State and local responsibility, but there is clearly a strong Federal interest in keeping our waters clean.

With all due respect to President Eisenhower, who I think was a great President and who, especially, was certainly right in warning about the dangers of the excesses of the military industrial complex, I believe there is a legitimate Federal interest in clean water in this country. The people in Tennessee drink the water and use the wastewater systems of people in other States, and the people of other States fish and swim and drink the water in Tennessee. So there is a legitimate Federal interest, I believe.

But what we need is an effective partnership between all levels, Federal, State, and local. That means all partners need to contribute. If we do not start investing in our wastewater system now, it is going to cost our Nation many billions more in the future if we delay.

In any event, the Federal Government, while its role is important, is not going to be able to solve this problem alone. The Democratic Governor of Montana told us at a committee hearing earlier this year that his State did not want the ''long arm of the Federal Government'' imposing regulations that would threaten the livelihoods of ranchers, farmers, and miners. He asked that the Federal Government be a ''partner and collaborator'' with the States in a joint effort to protect water resources.

Clarity and reasonableness and common sense are needed in the regulatory program. It is unknown exactly what are the maximum limits of Federal authority under the Clean Water Act. Neither Congress nor the courts have defined them explicitly. This uncertainty is a matter for much speculation and probably much future litigation. What we may ultimately need is legislation that clearly and reasonably delineates the Federal role and the State role and the local role in regulating activities affecting the Nation's waters.

While the historical perspective of the Clean Water Act is interesting and informative, we must decide under today's circumstances what is appropriate Federal regulation of the Nation's waters.

We should celebrate the 35th anniversary of the Clean Water Act by providing the tools and resources needed to achieve the goals of that act.

We need to reform the Clean Water Act State Revolving Loan Fund program to make it more efficient, effective, and flexible to improve the management of infrastructure assets, fund those activities that will best improve water quality, address the needs of small and disadvantaged communities, and encourage private financing of treatment works to help bring private resources to bear on the overwhelming needs of the Nation's water infrastructure.

It is also time to fashion new water quality management tools so we can continue the job of achieving clean water. These new tools could include utilizing more in the way of performance-based standards than rigid Federal mandates; harnessing market forces within the public and private sectors to safeguard and improve the environment more effectively; protect individual and private property rights; and adequately considering the costs and benefits of government actions so we can set priorities.

□ 1800

It is appropriate today that we celebrate this anniversary of the Clean Water Act, but we must be prudent as we go forward. We all want the same thing, clean water. I encourage all Members to support this resolution.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds to thank the gentleman from Tennessee for his splendid statement, comprehensive, thoughtful overview of the needs of the Clean Water program, and also for his very generous comments about my service in the Congress.

I will also point out that the gentleman from Tennessee chaired the Water Resources Subcommittee for 6 years and led the committee in vigorous hearings on the issue of clean water, and we are the better for it.

I yield now such time as he may consume to the distinguished gentleman from Oregon (Mr. BLUMENAUER), the author of the resolution recognizing the 35th anniversary, and thank the gentleman for his splendid service to the Congress.

Mr. BLUMENAUER. I deeply appreciate the gentleman's courtesy in permitting me to speak on this, his kind words, and his leadership in expediting this legislation to come to the floor.

I am honored that Chairman OBERSTAR and Congressman DUNCAN are cosponsors of this legislation. And I was privileged to work on the Water Resources Subcommittee for those 6 years that Congressman DUNCAN chaired it, and it was a valuable and productive time. It was an opportunity for me to learn about this critical area.

And the reason we are introducing this resolution today is because of the history that was recounted by my good friend from Minnesota. There is nothing more critical to our survival than water. It is essential to our survival; it sustains human life. Its patterns have dictated the development of species and ecosystems, and more recently, of the bilky environment. I am pleased that we are celebrating this landmark legislation, and not just a celebration, but an opportunity to reflect upon what has worked and why, as my friend from Tennessee indicated, where we might go. We have an opportunity to understand where there are continuing challenges and what else needs to be done.

We must move beyond commemoration. We must make a commitment not to celebrate another milestone with the Clean Water Act without more demonstrable progress here at home and abroad. And I hope this resolution inspires further action that is both quick and ambitious.

Issues confronting us today and over the next 35 years are even more complex than when the Clean Water Act was enacted. There are still problems with pollution, water supply, infrastructure integrity, and the technical jurisdictional issues. The growth and development we've seen across the country compounds that. And global warming gives these issues a new sense of urgency. We just finished a meeting, and I know the Transportation and Infrastructure team met with officials from the Netherlands, who are dealing with immediate challenges with their water resources as a result of climate change, rising water levels and extreme water events.

Changing climate will have an influence on many aspects of our lives, and it will take many of them in the form

of water; floods, sea levels, drought. This will make water supply and quality issues much harder to deal with.

In the Pacific Northwest, for instance, where we rely heavily on hydroelectric power, where the snowpack in the mountains every year determines the amount of our drinking water, we have a sense of urgency as we watch that snowpack diminish.

Just this last month, there have been two additional reports highlighting the work in front of us. A report by the U.S. PIRG found that thousands of facilities across the United States continue to exceed the limits under their Clean Water Act permits; 57 percent violated those permit limits at least once during the year 2005, many for more than once, and many for more than one pollutant.

A report by Food and Water Watch found that the majority of States are facing current and projected wastewater infrastructure needs that are far out of line with their available funding. At the same time, Federal support for State and community wastewater projects has declined.

When my good friend first came to Congress in the early days of this program, 78 percent of the funding was supplied by the Federal Government in 1978. Now, maybe we don't want to return to those glorious days of yesteryear, but last year it was 3 percent of the funding. It undercuts the potential partnership that we have. And all of this at a time when our decaying water infrastructure was recently given a grade of D minus by the American Society of Civil Engineers.

For these reasons, I believe we need a sustainable, reliable, dedicated revenue source that will help communities address these important needs.

Clean water is critical to environmental and public health. But I think it also, as demonstrated by the action here on this floor, has the potential of bringing people together. Mr. OBERSTAR mentioned the history back in contentious times when there was an overwhelming vote to sustain a veto, not the easiest thing to do. As was shown by this bipartisan resolution, I found working with the Water Resources Subcommittee that this brings people together and there is common ground.

This bipartisan resolution is evident of recent polling that shows that more than eight in 10 Americans are very concerned about America's water, that it will not be clean or safe enough for their children or grandchildren. Eighty-nine percent of Americans say that ''Federal investment to guaranteed clean and safe water is a critical component of our Nation's environmental well-being.''

I hope that, even as we move beyond commemoration and towards addressing some of these critical unresolved issues, that we can keep the same spirit of bipartisanship.

I hope our colleagues will do more than just vote for this resolution. I hope we educate ourselves and our constituents about what it represents, what it represents in terms of the status of water quality and infrastructure in our own State and community, offer our own contributions to practical solutions, and, as I said, a dedicated trust fund and financial resources to do the job right.

Mr. OBERSTAR gave us 50 years of history in a very short period of time. I hope this commemoration is a point of departure for the next 50 months under the leadership of the chairman, with the work of Mr. DUNCAN, with a new administration that's coming to town, that we will have, over these next 50 months, a landmark in water quality, and I look forward to working with you all in achieving it.

Mr. DUNCAN. Mr. Speaker, Chairman OBERSTAR was kind enough to mention my 6 years as chairman of the Water Resources Environment Subcommittee. I tried to have an active subcommittee with many hearings because I thought that that work was among the most important that the Congress could deal with, and that's why I'm here tonight, because I don't believe there is any topic, or very few topics, anyway, more important than clean water. And certainly the gentleman from Oregon (Mr. BLUMENAUER) was one of the most active members of that subcommittee.

Another member, though, who has also been very active on these issues is the gentleman from Illinois (Mr. KIRK), and I yield him such time as he may consume.

Mr. KIRK. I thank the gentleman, and I rise in celebration of this, one of the most important environmental laws in the history of our country, the Clean Water Act.

For 35 years, the Act has helped limit the discharge of pollution that poisons our water and our beaches. I think it's not enough just to commemorate groundbreaking legislation. As illness, beach closings, habitat loss, and billions of dollars in lost economic opportunity and environmental damage continue, Congress should move to strengthen the Clean Water Act.

This year sheds particular light on a gaping hole in the Clean Water Act. Just a few months ago, we learned that the State of Indiana ended a decade-long dumping ban in the Great Lakes, allowing British Petroleum to increase by 54 percent its ammonia dumping in Lake Michigan, and adding 35 percent more sludge to the lake each day. It was only due to the vigilance of citizens and environmental organizations and lawmakers around the Lake Michigan shore that we got BP to back down.

Thanks to the thousands of Illinois volunteers, BP has now agreed to maintain its current discharge levels. But shockingly, the permit that was issued by the State of Indiana was completely allowed under the current Clean Water Act. Now, Indiana is once again seeking to renew a discharge permit that failed to protect Lake Michigan.

The draft permit for United States Steel—Gary Works, already the largest polluter of Lake Michigan, will delay for 5 years compliance with Clean Water Act limits on dangerous toxic chemicals such as mercury, free cyanide, zinc, copper and ammonia.

The draft permit sets a very weak standard for mercury, oil and grease, free cyanide and other harmful pollutants. It also would allow United States Steel to follow a 10-year-old storm water pollution prevention plan.

I want to commend the Environmental Protection Agency, especially from my region, for at least delaying the issuance of this Indiana permit because I think this permit fails to protect the people that depend on Lake Michigan for their drinking water.

Current law right now will fail to protect the drinking water for nearly 30 million Americans who rely on the Great Lakes. I believe it's time to commit this Congress to upgrade our Federal protection of the Great Lakes under the Clean Water Act. We should move forward in a bipartisan way to enact a complete future ban on all dumping in the Great Lakes and bring forward a 21st century clean water act that builds on the tradition that we commemorate today.

Mr. OBERSTAR. Mr. Speaker, may I inquire as to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Minnesota has 2 minutes remaining, and the gentleman from Tennessee has 8½ minutes remaining.

Mr. DUNCAN. Mr. Speaker, I will just simply close for our side by saying that I think this is a resolution that all of our Members can support. And it is very appropriate to commemorate this 35th anniversary of, as the gentleman from Illinois just said, one of the most important environmental pieces of legislation that this Nation has ever seen.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time, first to observe that Congresswoman EDDIE BERNICE JOHNSON, Chair of the Water Resources Subcommittee, would have been here to manage this bill were it not for the death of her mother. And we join with her in mourning that loss. I know that she and her mother were very, very close. She spoke so warmly of her mother so often, and we join in prayers for both of them.

We have engaged in spacecraft missions to the Moon, to Mars, to Saturn, to the asteroid belt in quest of water. The very first effort is to look for water on distant planetary objects in our system, for primitive life forms that may exist in that water, and yet we have not looked closely enough at the water here on Earth.

This recognition of the 35th anniversary of the Clean Water Act will give us that opportunity to stop, to reflect upon the journey that we have made

over these three and a half decades, and the journey yet ahead of us to clean up that remaining one-third, to protect that other two-thirds of water, to pass on to the next generation this priceless heritage of fresh water, that we do not have to go wandering in space looking for water that we may have destroyed on Earth so that we may bring it from some extraterrestrial planetary system to replenish our fresh water on Earth. No, let us be custodians of that fresh water that we have. It's only 2 percent of all the water on Earth. Let us resolve and renew our efforts. Let's resolve to maintain the purpose of that Clean Water Act, to protect the waters of the United States.

Mr. EMANUEL. Mr. Speaker, I rise today in support of H. Res. 725, to commemorate the 35th anniversary of the Clean Water Act. This landmark legislation established the basic structure for our national commitment to restoring and maintaining the environmental integrity of our Nation's waters.

When the Cuyahoga River caught fire and Lake Erie was declared "dead", Congress finally took action and passed the Clean Water Act, which is now the cornerstone of surface water quality protection in the United States. The statute employs a variety of regulatory and nonregulatory tools to sharply reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. These tools are employed to achieve the broader goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters.

Even as the population of the United States has increased by close to 50 percent, the Clean Water Act has enabled our waterways to show dramatic improvement in water quality. In 1972, only one-third of the country's waters met water quality goals—today two-thirds do.

And for those of us who live in the Great Lakes region, the success of the Clean Water Act is even more personal and poignant. As a kid, my brothers and I used to have to hold our breath to swim past the dead fish in Lake Michigan before we could pop up and play in the cleaner water. Today, my children are able to enjoy a much cleaner Lake Michigan.

This success deserves our praise, but at the same time, we must recognize that there is still much work to be done. We have the opportunity to recommit ourselves to the goals and objectives of the Clean Water Act by dedicating ourselves to working toward a sustainable, long-term solution to the Nation's decaying water infrastructure. Recent events involving BP and U.S. Steel looking to expand the pollutants they discharge into Lake Michigan heighten concern for those of us who are committed to protecting and restoring the Great Lakes. The Great Lakes provide drinking water and recreation for over 30 million people, and they are the economic engine that drives the Midwest. The Clean Water Act has helped preserve this national treasure, but we have more work to do to restore it and invest in the environmental and economic health of the Great Lakes region.

Mr. Speaker, clean water is not a partisan issue. I am proud to have worked with my colleagues on both sides of the aisle to fight to clean up our Lakes, and I will continue to do so. The Clean Water Act has been a fundamental tool in the protection of our Nation's environment, and I hope my colleagues will join me in commemorating this important legislation and its accomplishments by supporting H. Res. 725.

The SPEAKER pro tempore (Mr. WALZ of Minnesota). The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and agree to the resolution, H. Res. 725.

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

A motion to reconsider was laid on the table.

□ 1815

## RECOGNIZING THE IMPORTANCE OF AMERICA'S WATERWAY WATCH PROGRAM

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 549) recognizing the importance of America's Waterway Watch program, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 549

Whereas the United States has a maritime border that exceeds 95,000 miles;

Whereas the Department of Homeland Security has begun to focus greater attention on potential security threats from small vessels and the importance of increasing maritime domain awareness;

Whereas the Coast Guard currently conducts a maritime homeland security public awareness program called America's Waterway Watch program;

Whereas America's Waterway Watch is a public outreach program to encourage America's 70,000,000 boaters and others who live, work, or engage in recreational activities around America's waterways to maintain a heightened sense of awareness in the maritime domain and report suspicious and unusual activities to the Coast Guard National Response Center and other appropriate law enforcement agencies;

Whereas America's Waterway Watch program educates the public on what suspicious activity is and provides a toll-free telephone number, (877) 24–WATCH, for the public to report such activity to prevent terrorism and other criminal acts;

Whereas the Coast Guard promotes this program by distributing educational materials, boat decals, posters, and reporting forms to recreational boaters, marine dealers, marinas, and other businesses located near waterways;

Whereas America's Waterway Watch program acts as a force multiplier for the Coast Guard and local law enforcement and builds on local and regional security programs;

Whereas the Department of Homeland Security conducted a National Small Vessel Security Summit on June 19 and June 20, 2007, to educate small vessel operators and other stakeholders on current security risks and initiate dialogue on possible solutions to mitigate gaps in United States maritime domain awareness; and

Whereas, during the National Small Vessel Security Summit, participants highlighted America's Waterway Watch program and recognized its importance to increasing maritime domain awareness: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) recognizes the importance of increasing maritime domain awareness;

(2) encourages those who live, work, or engage in recreational activities around America's waterways to maintain a heightened sense of awareness in the maritime domain and report suspicious and unusual activities to appropriate authorities; and

(3) supports the goals of America's Waterway Watch program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 549.

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

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume. House Resolution 549, introduced by Congressman GUS BILIRAKIS, recognizes the contributions made to our Nation's security by the Coast Guard's Waterway Watch program. As chairman of the Subcommittee on Coast Guard and Maritime Transportation, I strongly support the Waterway Watch program, and I support the resolution offered by the gentleman from Florida.

Put simply, America's Waterway Watch program enlists the 70 million Americans who work, play or live around our Nation's waterfronts, rivers, lakes, and coastal regions to become part of our Nation's first line of defense by observing and reporting suspicious activities. Founded by the Coast Guard in 2004, the Waterway Watch is similar to earlier Coast Watch programs instituted during World War II.

At the time, the Coast Watch program was comprised of a group of volunteers who scanned our coasts for U-boats threatening U.S. shipping. Today, America's Waterway Watch calls on volunteers to aid in the war on terrorism on our home front. People are advised to take note of suspicious activities and, if it can be done safely, they are encouraged to take photographs or videotape of the occurrence. Observers are then asked to immediately report incidents they have witnessed by calling 911 or the America's Waterway Watch 24-hour national toll-free telephone number, 1–877–24–WATCH. Reported information is then sent to the National Response Center located at Coast Guard headquarters to be evaluated and dispersed to local Coast Guard responders.

I emphasize that this watch program is meant to be a simple deterrent to potential terrorist activity by asking

those who frequent our waterways, ports, and waterfront areas to report events and people that seem out of place. It is not a surveillance program and is not meant to spread paranoia.

Mr. Speaker, as chairman of the Coast Guard and Maritime Transportation Subcommittee, I also commend the Coast Guard Auxiliary, which is at the forefront of the Waterway Watch program. The auxiliary is the uniformed civilian component of the Coast Guard. It is primarily responsible for implementing programs that serve the recreational boating community. In fact, the auxiliary helps to promote America's Waterway Watch through their well-established recreational boating safety programs.

I also commend the Nationwide Insurance Company, which has supported the Waterway Watch program by giving the Coast Guard Auxiliary Association a $96,000 grant to support the auxiliary's role in the Coast Guard's maritime homeland security missions. The grant funded the purchase of Waterway Watch stickers that boaters can display on their boats. It also funded the printing of brochures, wallet cards, and posters that provide pertinent information on the watch program, including detailing how citizens can become involved in the program and listing the numbers that can be called to report suspicious activities.

The Coast Guard's active duty, Reserve and auxiliary forces have united with the U.S. Immigration and Customs Enforcement Agency, U.S. Customs and Border Protection, and the Federal Bureau of Investigation, and local law enforcement agencies to detect and deter threatening activities at waterfront facilities.

However, there are some 95,000 miles of shoreline, 300,000 square miles of waterways, 6,000 bridges, 360 ports of call, and 12,000 marinas in the United States; and the Coast Guard and other first responders simply cannot watch all of these facilities all the time. America's Waterway Watch program ensures that ordinary citizens can help our Nation's uniformed agencies protect our homeland simply by remaining vigilant in their own communities.

Mr. Speaker, in closing, I again express my support for America's Waterway Watch program, which helps keep citizens involved in watching our Nation's shores and waterways, and recognizes the importance of the service they are providing. I urge my colleagues to adopt H. Res. 549 and again commend Congressman BILIRAKIS for his work on this measure. I also congratulate and thank my colleague, the ranking member of our Coast Guard and Maritime Transportation Subcommittee (Mr. LATOURETTE), for his cooperation in this bipartisan effort.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I want to thank the subcommittee chairman, Mr. CUMMINGS from Maryland, for bringing this important measure to the floor in such a bipartisan way. I enjoy continuing to work with the chairman on a variety of matters that affect the Coast Guard and our Nation's maritime industry.

Mr. Speaker, I rise in support of House Resolution 549, which recognizes the importance of America's Waterway Watch program in enhancing our Nation's maritime security. America's Waterway Watch was established by the Coast Guard to encourage America's 70 million recreational boaters to report suspicious activity in the maritime environment to local law enforcement agencies. The program is a nationwide initiative that is similar to the Neighborhood Watch program that is so effective in many of our neighborhoods back home.

Through America's Waterway Watch program, the Coast Guard, the Coast Guard Reserve, and the Coast Guard Auxiliary are actively educating the public on actions and behavior that constitute suspicious activities. These outreach efforts are being made in cooperation with our Nation's recreational boaters, marine dealers, marinas, and other businesses located near waterways. America's Waterway Watch program acts as an important force multiplier for Coast Guard and local law enforcement and enhances the capabilities of local and regional security programs.

Mr. Speaker, I want to commend the resolution's sponsor, the gentleman from Florida (Mr. BILIRAKIS), and all of the other cosponsors for rightly recognizing this important community program.

Mr. Speaker, I urge all of the Members of the House to support this resolution.

I reserve the balance of my time.

Mr. CUMMINGS. We will reserve, Mr. Speaker.

We have no other speakers.

Mr. LATOURETTE. I thank the chairman.

At this time, it is my pleasure to yield 5 minutes to the gentleman from Florida (Mr. BILIRAKIS), the author of the resolution.

Mr. BILIRAKIS. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of House Resolution 549, a resolution that I have introduced to recognize the importance of increased maritime domain awareness and support the goals of America's Waterway Watch program. It has become clear in the years since 9/11 that all Americans have a shared responsibility for our country's security. That is why I am pleased to highlight the importance of a program that encourages citizens to do their part to strengthen our homeland defenses.

The Department of Homeland Security has begun to focus greater attention on potential security threats from individuals aboard small vessels and the importance of increasing maritime domain awareness. Many of us who represent coastal States already know and understand how vitally important it is to take reasonable and appropriate security precautions to secure our maritime borders from such threats.

The Coast Guard currently conducts a maritime homeland security public awareness program called America's Waterway Watch. This program, which is the maritime equivalent of a Neighborhood Watch program, encourages boaters and others who live, work or engage in recreational activities around America's waterways to maintain a heightened sense of awareness and report suspicious and unusual activities.

This voluntary public outreach program educates America's 70 million boaters about the types of suspicious activities they should be looking for and encourages them to report any such abnormalities to the Coast Guard's National Response Center, which is manned 24 hours a day at 877–24–WATCH. Calls to the center are immediately evaluated and, if necessary, acted upon by local Coast Guard sector assets and other law enforcement authorities.

This program, which the Coast Guard promotes by distributing educational materials and other information to recreational boaters, marine dealers, marinas and other businesses located near waterways, acts as a force multiplier for the Coast Guard and local law enforcement to help increase maritime domain awareness and strengthen maritime security.

There is no question that we need to improve waterway security and bolster our maritime defenses. However, it is critically important that we do so in a reasonable and responsible manner with the input and advice of America's recreational boaters and manufacturers.

I am pleased that the Department of Homeland Security conducted a National Small Vessel Security Summit in June to educate small vessel operators and other stakeholders on current security risks and initiate a dialogue about possible solutions to close whatever gaps exist in our maritime security.

Summit participants highlighted America's Waterway Watch and its contributions to increasing maritime domain awareness and urge greater support for it. I agree that America's Waterway Watch program is a sensible and reasonable step toward bolstering our maritime defenses without imposing costly and confusing new regulations on recreational boaters who play an important economic role in my district. I look forward to a continuing and productive dialogue between them and Federal Homeland Security officials before any rules or mandates are proposed.

Before I finish, I want to thank Transportation and Infrastructure Committee Chairman JAMES OBERSTAR and Chairman CUMMINGS and Mr.

LATOURETTE from Ohio and particularly also my Florida colleague, Ranking Member JOHN MICA, for moving this resolution through their committee and allowing it to come on the floor today. I also want to thank my colleagues from Florida who have shown their bipartisan support for this resolution, which is indicative of how important the issue of marine security is for our State. I would like to thank all of our colleagues who have cosponsored this particular resolution.

Mr. Speaker, I believe it is necessary to emphasize the importance of increasing maritime domain awareness and encourage recreational boaters and others to report suspicious and unusual activities, which is what America's Waterway Watch program does. I urge all of my colleagues to embrace the goals of this program and our shared responsibility for homeland security by supporting House Resolution 549.

Mr. CUMMINGS. Mr. Speaker, I continue to reserve.

Mr. LATOURETTE. Mr. Speaker, I would advise my friend, the distinguished chairman of the subcommittee, that we have no additional speakers, and if he is prepared to yield back, I will yield back the balance of my time.

Mr. CUMMINGS. We are prepared to do so.

Mr. LATOURETTE. I yield back the balance of my time and urge adoption of the resolution.

Mr. CUMMINGS. Mr. Speaker, we urge Members to vote for this very meaningful resolution, and we wholeheartedly support it. I want to thank the sponsor for his thoughtful piece of legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 549.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1830

## SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBER SECURITY AWARENESS MONTH

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 716) expressing the sense of Congress with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 716

Whereas more than 200,000,000 American adults use the Internet in the United States, 70 percent of whom connect through broadband connections, to communicate with family and friends, manage finances and pay bills, access educational opportunities, shop at home, participate in online entertainment and games, and stay informed of news and current events;

Whereas United States small businesses, which represent more than 99 percent of all United States employers and employ more than 50 percent of the private workforce, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance their connection with their supply chain;

Whereas nearly 100 percent of public schools in the United States have Internet access, with a significant percentage of instructional rooms connected to the Internet to enhance children's education by providing access to educational online content and encouraging self-initiative to discover research resources;

Whereas almost 9 in 10 teenagers between the ages of 12 and 17, or approximately 87 percent of all youth, use the Internet;

Whereas the number of children who connect to the Internet at school continues to rise, and teaching children of all ages to become good cyber-citizens through safe, secure, and ethical online behaviors and practices is essential to protect their computer systems and potentially their physical safety;

Whereas the growth and popularity of social networking websites has attracted millions of teenagers, providing access to a range of valuable services, making it all the more important to teach teenaged users how to avoid potential threats like cyber bullies, predators, and identity thieves they may come across while using such services;

Whereas cyber security is a critical part of the Nation's overall homeland security;

Whereas the Nation's critical infrastructures rely on the secure and reliable operation of information networks to support the Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber attacks have been attempted against the Nation and the United States economy, and the Department of Homeland Security's mission includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and information infrastructure holders face an increasing threat of malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and can cause extensive economic harm;

Whereas coordination between the numerous Federal agencies involved in cyber security efforts, including the Department of Homeland Security, the National Institute of Standards and Technology, the National Science Foundation, and others is essential to securing America's critical cyber infrastructure;

Whereas millions of records containing personally-identifiable information have been lost, stolen or breached, threatening the security and financial well-being of United States citizens;

Whereas consumers face significant financial and personal privacy losses due to identity theft and fraud;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of computer security and the need for enhanced computer security in the United States;

Whereas the National Cyber Security Alliance's mission is to increase awareness of cyber security practices and technologies to home users, students, teachers, and small businesses through educational activities, online resources and checklists, and Public Service Announcements; and

Whereas the National Cyber Security Alliance has designated October as National Cyber Security Awareness Month to provide an opportunity to educate United States citizens about computer security: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) intends to work with Federal agencies, national organizations, businesses, and educational institutions to encourage the voluntary development and use implementation of existing and future computer security voluntary consensus standards, practices, and technologies in order to enhance the state of computer security in the United States.

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 716, the resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H. Res. 716, a resolution to applaud the goals and activities of National Cyber Security Awareness Month. The Science and Technology Committee has been a leader in the Congress supporting efforts to promote better security in cyberspace, and I am pleased to be able to help raise awareness of this crucial issue.

Each year, Americans become more and more dependent on technology for their daily lives. More than 200 million people in this country use the Internet for shopping, for education, for socializing, for information gathering, for banking and entertainment. An increasing number of Internet users are children and seniors. The Internet is looking more and more like real life.

Mr. Speaker, unfortunately, with this growth in usage, we have also seen a startling increase in cybercrime. Bank accounts are being hacked, children are being bullied and harassed on social networking sites, and personal information is being stolen from retailers, universities, and even government agency databases.

The United States Computer Emergency Readiness Team, US-CERT, found that security threats to personally identifiable information grew 500 percent between the first quarter of 2006 and the first quarter of fiscal year 2007 to 103,000 reports. Identity theft has topped the list of complaints consumers filed with the FTC for the 7th year in a row, accounting for 36 percent, or nearly 250,000 complaints.

Mr. Speaker, financial crimes are not the only issue; 32 percent of teenagers who use the Internet say they have been victims of cyberbullying. Criminals and terrorists can also use cyberattacks to affect infrastructure, potentially causing physical or economic devastation.

These data breaches and other cybersecurity threats come at a huge cost to consumers and to businesses. GAO reports that 31 companies that responded to a 2006 survey said that data breaches cost an average of $1.4 million per breach. Consumers lose valuable time and energy fixing their credit and recovering lost funds. Clearly, we as a Nation must make a stronger effort at securing cyberspace.

Mr. Speaker, that is why I join with my colleagues in applauding the efforts of the National Cyber Security Alliance, a public-private partnership focused on improving cybersecurity for home users, for small businesses and for educational institutions.

I especially want to thank Chairman LANGEVIN, Mr. MCCAUL, Chairman WU, Dr. GINGREY, Ms. LOFGREN, Mr. LUNGREN, Chairman THOMPSON, Mr. KING, Chairman GORDON, and Mr. HALL for introducing this resolution. Their leadership during National Cyber Security Awareness Month and year round will help protect us from cybersecurity breaches in all forms.

The National Cyber Security Alliance conducts public education campaigns to alert computer users to potential threats and provides guidance on best practices. They organize events for businesses, universities and the public to raise awareness of cybersecurity. This resolution draws attention to this important organization and the critical cause that they champion.

Mr. Speaker, I urge my colleagues to support this resolution commemorating National Cyber Security Awareness Month.

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

Mr. FEENEY. Mr. Speaker, I rise in support of H. Res. 716 and yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Texas for his advocacy on behalf of this resolution. Information technology has become an integral part of our lives. It shapes how we communicate, how we entertain, and how we work with one another. Computers route our phone calls, print our paychecks, constantly tune our Nation's power plants and transmission lines to meet our energy demands. The extent to which our Nation's infrastructure, economy and way of life depend on computers is simply astounding.

Unfortunately, this reliance on information technology has also left us vulnerable to cyberattacks, viruses and worms, as well as identity theft. The National Cyber Security Alliance is a public-private partnership whose mission is to improve the safety of our computer networks at home and at work against those threats.

Mr. Speaker, the NCSA has declared October National Cyber Security Awareness Month and is sponsoring events throughout the country to raise awareness of the significant cybersecurity issues that we face as a Nation. There are straightforward steps we can take as individuals on our personal computers to help protect ourselves.

The NCSA has a Web site to help consumers and small businesses to prevent or respond to cyberattacks at StaySafeOnline.org. It includes tips such as how to create strong passwords, how to protect your children online, and what to do if you think something goes wrong. As part of Cyber Security Awareness Month, we should all visit StaySafeOnline.org and consider how we can better protect ourselves, such as by ensuring antivirus applications are installed and up to date.

Mr. Speaker, I applaud the organizations and agencies involved in the National Cyber Security Awareness Month for their efforts to help us all become more responsible and safer computer users. With that, I thank the gentleman from Texas (Mr. LAMPSON).

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

Mr. LAMPSON. Mr. Speaker, I yield 5 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H. Res. 716, a resolution supporting the goals and ideals of the National Cyber Security Awareness Month. I want to thank my ranking member, Mr. MCCAUL, for his support of this resolution. I commend the other gentleman from Texas for his leadership on this issue as well.

Each year the National Cyber Security Division of the Department of Homeland Security joins with the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, and other partners to support National Cyber Security Awareness Month. The goal of National Cyber Security Awareness Month is to show everyday Internet users that by taking simple steps, they can safeguard themselves from the latest online threats and respond to potential cybercrime incidents.

Mr. Speaker, these safeguards taken by everyday home and office users are a critical component in protecting not only these individuals themselves, but the larger universe of computer and Internet users as well. We all have a role to play. Unfortunately, though, it would be dangerous to believe that simple steps by end users will sufficiently combat the larger threats associated with an increasingly networked society.

As chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I have held a number of hearings this year on our Nation's cybersecurity posture and the various vulnerabilities in our critical information infrastructure. This is an area where I plan to hold increasing hearings and provide intense oversight because cybersecurity vulnerabilities can significantly impact our national and economic security.

Mr. Speaker, we all know that security networks can help prevent problems like identity theft, but secure networks can also protect our nuclear power plants, our electric grids and other critical infrastructure.

Sadly, the issue of cybersecurity has been largely ignored and misunderstood for far too long. This is an area that needs greater attention and far greater oversight, making sure that both government is doing what it is supposed to do, as well as the private sector, to make sure that our computer networks are as secure as they possibly can be. This is truly an issue of national security.

The oversight that the Homeland Security Committee is undertaking will help change that, but much work remains to be done. I want to commend Chairman BENNIE THOMPSON for the attention that he has given this issue as well.

We must continue to bring together greater attention to this issue by dedicating resources to securing cyberspace, such as increased funding for cybersecurity research and development, but we must also demand accountability and prompt action from those officials tasked with developing comprehensive strategies for securing cyberspace.

I am proud to recognize October as National Cyber Security Awareness Month, and I hope that the passage of this resolution will bring greater attention to the importance and urgency of securing cyberspace.

I want to thank Chairman GORDON for his leadership in bringing this measure to the floor. Again, I want to thank my ranking member, Mr. MCCAUL from Texas, for his partnership in highlighting the importance of cybersecurity, and I urge all of my colleagues to join me in supporting this important resolution.

Mr. FEENEY. Mr. Speaker, I am delighted to yield 2 minutes to my friend, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in support of House Resolution 716. While the Internet offers a multitude of benefits, it can also pose threats, such as

identity theft and online scams. It is important to raise awareness of these threats and how they can be avoided.

Cybersecurity is also critical to our national security. A cyberattack against our Nation could cripple our communications, destroy our energy grids and damage our economy. We must take proactive steps today to prevent and respond to future attacks.

I also commend the Air Force for establishing a Cyber Command. Our Nation must be able to defeat any adversary on tomorrow's cyberbattlefield.

I thank my friend from Florida (Mr. FEENEY) for yielding time, and I urge my colleagues to support this resolution.

Mr. LAMPSON. Mr. Speaker, I reserve my time.

Mr. FEENEY. I want to thank my friend from California.

Mr. Speaker, I yield 4 minutes to my friend, the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. I thank the gentleman from Florida.

Mr. Speaker, I want to thank the Members who introduced the bill. I want to thank Chairman LANGEVIN, who I have worked with very closely on this.

Mr. Speaker, I rise today to urge the passage of this resolution, which supports the goals and ideals of National Cyber Security Awareness Month. While I believe it is important to recognize the need for cybersecurity awareness, this is an issue that should not be limited to just one month. Cybersecurity should be on the minds of all of us throughout the entire year.

Computers and the Internet have become an integral part of American business, government and lifestyle. Over 200 million Americans use the Internet on a regular basis. Companies, both large and small, rely on the Internet to manage their business, expand their customer reach and enhance their connection with their supply chain.

Almost 90 percent of all youth use the Internet, and the vast majority of those use the Internet at school. It is important that these children are taught to use the Internet in a safe and secure manner. This will not only protect their own systems from attack, but will provide for their physical safety.

Cybersecurity is also a critical part of our Nation's overall homeland security. The systems that control and monitor our dams, power grids, oil and gas supplies, as well as our transportation systems and other critical manufacturing processes, are connected to the Internet.

Right now, a terrorist organization or a hostile nation-state could disrupt our critical infrastructure systems and do serious damage to our economy without even entering our country. Appropriate cybersecurity practices are essential to overall security.

The dangers associated with online behavior are becoming more and more common. These threats range from spam, viruses and identity theft to complex computer attacks created by organized crime, terrorist organizations and possibly nation-states designed to steal sensitive information through espionage.

Organizations, such as National Cyber Security Alliance, are making it their mission to increase awareness of cybersecurity and technologies to home users, students, teachers and small businesses. These organizations deserve to be recognized for their good work and be supported.

While there is much to do, cybersecurity awareness is growing. The Congress has a role to play in encouraging the use of proper cybersecurity practices and technologies throughout our country. National Cyber Security Awareness Month provides a solid platform from which to improve cybersecurity awareness in our country, and I am pleased that this Congress is supporting its ideals and its goals. We have much more work to do, but being aware of the need for cybersecurity is a necessary first step.

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

Mr. FEENEY. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

Mr. Speaker, I wanted to talk a little bit about my dad. My dad is 89 years old. He has never owned a credit card. He has never even had a digital telephone. He doesn't have a computer. He doesn't have Internet. He is not interested in any of it. And yet, as removed as he might be from computer technology on a day-to-day basis, as it would appear in his personal life, the truth of the matter is, no one is isolated from high tech today.

□ 1845

His veterans payments, his Social Security payments, his bank transfers, his Medicare, all of this comes to him through computer networks. If anybody messes up those computer networks, my 89-year-old dad will not get the services that he needs. That's why this is so important today.

Today there are some 64,000 hacker programs that are available to consumers for free. In addition, there are 12,000 that if you pay $1,000 for them, you get 1 year's support. Support for a hacker program, can you imagine that. And America's computers are absolutely under siege.

I am proud that in 2002 Armstrong Atlantic University in Savannah, Georgia, began its Regional Center for Cybersecurity Education and Training. This was part of the G–8 Summit which was held in Savannah, Georgia, in 2004, and they played a key role in the law enforcement efforts surrounding the G–8.

Since then, Armstrong Atlantic University has taken on partners of Washington Group International and Bridgeborn, and they are offering all kinds of computer security training programs, from simulating and modeling to visualization, covert channels, cybersecurity and security of networks.

Why is this important? Now, Mr. MCCAUL said there are 200 million U.S. citizens connected to the Internet. It is even more than that. The numbers of people with access have increased over 182 percent from 2000 to 2005. In 2006, total nontravel-related spending on the Internet is estimated to be over $100 billion. That is a 24 percent increase over 2005. In 2005 the FBI has estimated that American businesses lost $67 billion because of computer crime, and that number of $67 billion in 2005 has moved to over $105 billion in 2007.

The United States is the location of 40 percent of the known command-and-control servers; and because of that, we are the target of attack after attack. Most of these are executed by botnets, which are a collection of broadband-enabled PCs hijacked during virus and worm attacks and seeded with software that connects back to a server to receive communications from a remote attacker. In other words, the botnets all work together to simultaneously and consistently and constantly attack computer networks, such as the Department of Defense, the Centers for Disease Control, and the Department of Energy.

In fact, in America our governmental computers alone get millions of attacks each and every day. It is something that we all should be very concerned about. The United States was the top country for malicious activity, making up over 31 percent of the worldwide total.

Personal information, for example, on veterans in May 2006 was taken home with a Veterans Administration employee, and 26 million veterans had their own personal information compromised simply because one employee took a laptop home. Now 25 years ago that may have required a truckload to carry that many files home. But just think about it, all he did was take a laptop home. And if the employee's house had not been broken into and the laptop stolen, we still might not have known about it. The Department ended up spending $200,000 a day just to operate a call center to explain to veterans how this might affect their service. Of course, there are class action lawsuits that have followed, and there will be a lot more discussion about that.

In September 2000, a 16-year-old young man in Florida intercepted 3,300 e-mails from one Department of Defense operation. He also stole 13 NASA computers.

In February 2001, Gary McKinnon of London took a poorly secured Windows system of NASA and the Pentagon and 12 other military operations and caused almost $1 million worth of damage by just basically playing around.

We know that in March 2007 Max Ray Butler, a 27-year-old computer expert

working as an FBI informant was indicted on 15 criminal counts for allegedly hacking into the U.S. Department of Defense Air Force and other computer-sensitive systems.

The list goes on and on, even to the extent that you have folks in China and North Korea purposely attacking American systems. I will submit some of these for the RECORD, but the list goes on and on. That is why it is very important for us to support this legislation and have Members talking about it and knowledgeable.

If you think about cybersecurity now, the cost of it is more than what it is for the illegal drug trade in America. This is a huge problem, but it is kind of a quiet problem and this resolution helps raise its visibility.

Mr. FEENEY. Mr. Speaker, I have no further requests for time, I thank the gentleman from Georgia and the gentleman from Texas, and I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, I just want to encourage all of our colleagues to support this legislation. It is critically important, and I want to express my appreciation to all of the sponsors who made such a tremendous effort to bring it here to the floor.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the resolution, H. Res. 716.

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

A motion to reconsider was laid on the table.

## HONORING THE 50TH ANNIVERSARY OF THE DAWN OF THE SPACE AGE

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 225) honoring the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 225

Whereas the dawn of the Space Age took place on October 4, 1957 with the launch of Sputnik 1, an event that was followed soon after by the American launch of Explorer 1;

Whereas the exploration of space evolved from cold war competition into an endeavor that has been marked by significant international cooperation, with results that have benefitted all humanity;

Whereas a new chapter in space exploration was opened when cosmonauts and astronauts first orbited the Earth in the early 1960s, culminating in the historic first steps taken by astronauts Neil Armstrong and Edwin E. Aldrin Jr. on the Moon in 1969;

Whereas robotic explorers have ranged throughout the solar system, with Voyager and Pioneer spacecraft now on the verge of entering interstellar space;

Whereas from space, we have been able to increase significantly our understanding of the universe and its origin;

Whereas observations from space have enabled large scale monitoring of the Earth's weather and climate;

Whereas satellites have become a part of our daily lives, transforming communications, navigation, and positioning;

Whereas the competition that accompanied the dawn of the Space Age reinvigorated the Nation's interest in science and technology, leading to an increased investment both in research and in science, technology, engineering, and mathematics education;

Whereas these investments contributed to the development of a technologically skilled generation of Americans that has led the world in innovation and accomplishment;

Whereas the new global competition for preeminence in science and technology and innovation has led to a call for a renewed commitment to research and to science, technology, engineering, and mathematics education akin to that which followed the dawn of the Space Age; and

Whereas Congress has responded by renewing our national commitment to science, technology, engineering, and mathematics education with the recently enacted America COMPETES Act: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress—

(1) honors the 50th anniversary of the dawn of the Space Age;

(2) recognizes the value of investing in America's space program; and

(3) declares it to be in America's interest to continue to advance knowledge and improve life on Earth through a sustained national commitment to space exploration in all its forms, led by a new generation of well educated scientists, engineers, and explorers.

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and to include extraneous material on H. Con. Res. 225, the resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, the space age arrived with a roar of the Soviet launch of Sputnik, which propelled our Nation, the leader of the free world, into a space race. We recognized we faced a challenge, and we responded. We made smart investments in our people and in knowledge acquisition to enable us to compete technologically.

Specifically, we invested in what we now call STEM education, and we invested in science and engineering research. Those investments brought us preeminence in a new area of endeavor, and they inspired a generation of engineers and scientists.

And just 12 years later, two Americans, Neil Armstrong and Buzz Aldrin, stood on the surface of the Moon. The competition with the Soviet Union on a world stage is what drove us initially, but it was strongly coupled with America's innate yearning to explore and discover.

America was settled by people who already had lives elsewhere, but who wanted something more. They wanted to find out what was over the horizon. They wanted to determine if there was a better way. We are here today, we are the beneficiaries of that restless energy and that hard work.

An array of spacecraft high above works for us. Satellites monitor weather and climate, forest fires, pollution, the growth of cities, and even the shrinking of ice mass. They augment our infrastructure by providing positioning information, and television, radio, telephone and e-mail communications. They help our Nation remain secure. And they serve our restless need to always know more as they go on missions for us throughout the solar system and, soon, even beyond that boundary.

Every day people benefit: farmers, surveyors, pilots and sailors, and even moms using GPS to get the kids to soccer practice. For all of our relatively small investment, we get a lot back. That investment is a start-up payment that calls forth the strength of American entrepreneurship and taps America's restless energy.

Today we must not sit back, content with these benefits that we owe the previous generation. It is not American in nature to do so.

Congress recognizes that our Nation again faces a challenge. This time our adversaries are economic. In the space race we demonstrated the winning strategy and we need to maintain that commitment to a strong national space program. That includes human exploration beyond low Earth orbit, including missions to the Moon and beyond because rising to that challenge will bring out the best of us as a people.

In addition, we must renew America's investment in STEM education, in science and engineering research.

Congress got this under way with the recently enacted America COMPETES Act, and Congress will need to provide sustained support if we are going to maintain American technical superiority and if we are going to again inspire the world with our accomplishments.

I want to thank Chairman GORDON for his leadership in introducing this legislation. I also want to thank Representatives MARK UDALL from Colorado and RALPH HALL from Texas and TOM FEENEY from Florida who have joined me as original cosponsors of this legislation. We want to honor this historic anniversary by offering this concurrent resolution.

I would like to close by quoting a few lines and key phrases, namely: ''Now, therefore, be it resolved by the House

of Representatives, that the Congress honors the 50th anniversary of the dawn of the space age; recognizes the value of investing in America's space program; and declares it to be in America's interest to continue to advance knowledge and improve life on Earth through a sustained national commitment to space exploration in all its forms, led by a new generation of well-educated scientists, engineers and explorers.''

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

Mr. FEENEY. Mr. Speaker, I rise in support of H. Con. Res. 225, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 225 honoring the 50th anniversary of the dawn of the Space Age and the ensuing 50 years of productive and peaceful space activities.

Fifty years ago, only 12 years after the end of World War II, America was enjoying the unprecedented peace and prosperity that characterized the 1950s.

But on October 4, 1957, America was shaken out of its technological complacency. The Soviet Union launched a beeping 180-pound aluminum satellite into orbit. Sputnik's capability was a wake-up call because it represented a threat to America's national security and technological preeminence.

Our early space program was born out of a clash of ideals between civilizations and systems of government, but it reinvigorated our interest in science and technology leading to increased investment in both research and in science, technology, engineering, and mathematics education.

These investments contributed to a technologically skilled generation of Americans that has led the world in innovation and accomplishments.

Our leadership over the last 50 years has encouraged international partnerships that allow us to harness the imaginations and technical talents of many nations for the benefit of all mankind. There is less direct competition and more cooperation.

Today, about 60 percent of NASA's science missions and 100 percent of its human spaceflight activities are done in partnership with other nations. In the growing world economy, developing countries are imitating many of the values and traits that have made America successful, and we are adopting policies that promote education and investment in research and technology.

□ 1900

They clearly understand the link between an educated workforce, technological innovation and economic preeminence. The new global competition for preeminence in science and technological innovation must be met with a renewed American commitment to research and to science, technology, engineering and mathematics education akin to that which followed the dawn of the space age 50 years ago.

Over the next 50 years, it will be more critical, and not less, that we remain world leaders. Our ability to shape our destiny and influence others will depend upon it.

Mr. Speaker, as we mark the 50th anniversary of the dawn of the space age, Congress recognizes the value of investing in America's space program and declares that it is in America's interests to continue to advance knowledge and to improve life on Earth through a sustained national commitment to space exploration in all of its forms, led by a new generation of well-educated scientists, engineers and explorers.

I thank the gentleman from Texas.

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

Mr. LAMPSON. Mr. Speaker, I have no further speakers and I thank the gentleman from Florida. I thank him for his comments, they were excellent, and certainly want to commend all of us who worked on this particular piece of legislation.

You know, in a thousand years, people aren't going to remember whether it was Sputnik or whether it was the United States or Russia or any other country that entered us into this space race that took us into a new age. So I'm very proud to be a part of offering this, and I thank the gentleman for working with me on it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H. Con. Res. 225, which commemorates the 50th anniversary of the dawn of the Space Age. I would like to thank my colleague Mr. GORDON for his excellent leadership in shepherding this important legislation to passage on the House floor.

The year 2008 will mark the 50th anniversary of the dawn of the Space Age and the creation of the National Aeronautics and Space Administration (NASA). I support the resolution because it affords the Congress an opportunity to pay tribute to the extraordinary partnership between NASA and its 10 space and research centers.

Mr. Speaker, NASA has a distinguished history. The United States of America won the race to land a man on the moon and, thanks to the courage, dedication, and brilliance of NASA, America has continued to lead the world in the exploration of the solar system and the universe.

On October 1, 1958, the National Aeronautics and Space Administration began operation. At the time it consisted of only about 8,000 employees and an annual budget of $100 million. Over the next 50 years, NASA has been involved in many defining events which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

Many of us remember how inspired we were when, on May 25, 1961, President John F. Kennedy proclaimed: ''I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish.''

Always at the forefront of technological innovation, NASA has been home to countless ''firsts'' in the field of space exploration, from the 1958 launch of Pioneer 3, the first U.S. satellite to ascend to an altitude of 63,580 miles, to the January 1998 signing of the International Space Station agreement between 15 countries, establishing the framework for cooperation among partners on the design, development, operation, and utilization of the Space Station.

Over the past 50 years, NASA's accomplishments have included:

On 20 February, 1962, John Glenn became the first American to circle the Earth, making three orbits in his *Friendship 7* Mercury spacecraft.

On 6 April, 1965, the United States launched Intelsat I, the first commercial satellite (communications), into geostationary orbit.

On 13 November, 1971, the United States launched Mariner 9, the first mission to orbit another planet (Mars).

On 12 April, 1981, NASA launched the space shuttle *Columbia* on the first flight of the Space Transportation System (STS–I).

On 18 to 24 June, 1983, NASA launched space shuttle *Challenger* (STS–7) carrying three mission specialists, including Sally K. Ride, the first woman astronaut. In another historic mission, 2 months later NASA launched STS–8 carrying the first black American astronaut, Guion S. Bluford.

On 22 July, 1999, the space shuttle *Columbia*'s 26th flight was led by Air Force COL Eileen Collins, the first woman to command a Shuttle mission.

On July 20, 1969, *Apollo 11* astronauts Neil A. Armstrong and Edwin E. Aldrin made the first lunar landing mission while Michael Collins orbited overhead in the Apollo command module. Armstrong set foot on the surface, telling the millions of listeners that it was ''one small step for man—one giant leap for mankind.'' Aldrin soon followed him out and planted an American flag but omitted claiming the land for the U.S., as had routinely been done during European exploration of the Americas. The two Moon-walkers left behind an American flag and a plaque bearing the inscription: ''Here Men From Planet Earth First Set Foot Upon the Moon. Jul. 1969 A.D. We came in Peace for All Mankind.''

On April 24, 1990, the Hubble space telescope was launched into space aboard the STS–31 mission of the space shuttle *Discovery.* The Hubble has revolutionized astronomy while expanding our knowledge of the universe and inspiring millions of scientists, students, and members of the public with its unprecedented deep and clear images of space.

Mr. Speaker, in addition to these historic events, NASA has greatly contributed to our understanding of our universe. In 1968, *Apollo 8* took off atop a Saturn V booster from the Kennedy Space Center for a historic mission to orbit the Moon. As *Apollo 8* traveled outward, the crew focused a portable television camera on Earth and for the first time humanity saw its home from afar, a tiny, lovely, and fragile ''blue marble'' hanging in the blackness of space.

This transmission and viewing of Earth from a distance was an enormously significant accomplishment and united the Nation at a time when American society was in crisis over Vietnam, race relations, urban problems, and a host of other difficulties.

The success of the United States space exploration program in the 20th century augurs well for its continued leadership in the 21st century. This success is largely attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers. One of these important research centers is located in my home city of Houston. The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions, is one of the crown jewels of NASA and a lodestar Houston area. The other nine research and space centers are:

1. The Ames Research Center in California's Silicon Valley provides products, technologies, and services that enable NASA missions and expand human knowledge in areas as diverse as small spacecraft and supercomputers, science missions and payloads, thermal protection systems and information technology.

2. The Dryden Flight Research Center, the leading center for innovative flight research.

3. The Glenn Research Center, which develops power, propulsion, and communication technologies for space flight systems and aeronautics research.

4. The Goddard Space Flight Center, which specializes in research to expand knowledge on the Earth and its environment, the solar system, and the universe through observations from space.

5. The Jet Propulsion Laboratory, the leading center for robotic exploration of the Solar System.

6. The Kennedy Space Center, the gateway to the Universe and world leader in preparing and launching missions around the Earth and beyond.

7. The Langley Research Center, which continues to forge new frontiers in aviation and space research for aerospace, atmospheric sciences, and technology commercialization to improve the way the world lives.

8. The Marshall Space Flight Center, a world leader in developing space transportation and propulsion systems, engineers the future to accelerate exploration and scientific discovery.

9. The Stennis Space Center, which is responsible for rocket propulsion testing and for partnering with industry to develop and implement remote sensing technology.

NASA's stunning achievements over the last 50 years have been won for all mankind at great cost and sacrifice. In the quest to explore the universe, many NASA employees have lost their lives, including the crews of *Apollo 6*, the space shuttle *Challenger*, and the space shuttle *Columbia*.

Mr. Speaker, in the centuries to come, when space travel will be commonplace and America will have successfully led the way for humanity to colonize and utilize the resources of other planets, these first 50 years of NASA's existence will be remembered as the most significant era of human space exploration. It is, therefore, important that we commemorate the great achievements of NASA's first 50 years. I strongly urge my colleagues to join me in supporting this historic legislation.

Mr. UDALL of Colorado. Mr. Speaker, I rise today in strong support of this bipartisan concurrent resolution.

Human existence has marched through a great many generations, yet only in this last half century have humans taken to space.

We have been transformed by the space program. We live our lives differently, with long-range weather forecasts and GPS positioning and international cell phone calls and international banking.

We think of ourselves differently. Our space exploration has uncovered information about the universe that surrounds us. We now can conjecture about the first seconds of the life of the universe. We have learned much about where we are, and about what is happening around us, and about existence itself.

We think of our own planet differently. The sight of this fragile, blue ball, seen from a distance in dark space, stirred us, and provided impetus for the fledgling environmental movement. We realized that we had to sustain "Spaceship Earth."

As the chairman of the Science and Technology Committee's Subcommittee on Space and Aeronautics, I observe the unique role that NASA plays in our technology capabilities.

The aerospace industry is one of America's biggest successes, and one of the strongest contributors to our trade balance. It owes much to NASA's fundamental aeronautics research.

Harder to quantify, but just as important, NASA's incredible achievements in space inspire young people to choose careers in technology fields. NASA recognizes this and has developed fine educational initiatives.

We have many competing societal priorities that must be addressed, but it is vital that we invest in the future, too. Throughout human history, the winner has been the nation that was more technically powerful. Investing in science and technology, with the space program and STEM education, is an investment for a richer and wider future.

If we aren't willing to make the investments to lead technologically, we know that others will take that lead. That isn't the future that I would like to see. Do we want a world in which our smart people are drawn to the work done in other countries, leaving us on the periphery?

There are widespread reports that China and India are building significant R&D capacity by investing in research at universities, and are elevating their industrial policies towards higher end work.

We have been warned. The National Academies' "Rising Above the Gathering Storm" laid it out. The investments that earlier generations made brought us our prosperous and secure lifestyle. Now it is time for us to renew these investments.

I am pleased with the American COMPETES Act that Congress and the White House enacted. It boosts STEM education to prepare the next generation for the technological challenges of the future and it strengthens our country's research and innovation environment to keep America competitive in the global economy.

Today when we look back over the 50 years of the space age, we feel proud. And I am proud to be a cosponsor of this resolution. It tells a success story. Now it is our job to write another success story, by continuing to invest in the fundamentals of a strong technology sector: STEM education, space exploration, and technology research.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 225.

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

A motion to reconsider was laid on the table.

## HONORING THE 60TH ANNIVERSARY OF THE AERONAUTICS RESEARCH ACCOMPLISHMENTS EMBODIED IN "THE BREAKING OF THE SOUND BARRIER"

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 736) honoring the 60th anniversary of the aeronautics research accomplishments embodied in "the breaking of the sound barrier".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 736

Whereas the National Advisory Committee for Aeronautics (NACA), and its successor agency, the National Aeronautics and Space Administration (NASA), developed and sustained the world's preeminent aeronautics research program after NACA's formation in 1915;

Whereas the speed of sound once presented a seemingly impenetrable and dangerous barrier to piloted flight;

Whereas NACA, the U.S. Air Force, and Bell Aircraft undertook a joint project to develop and test the X–1 aircraft and achieve piloted supersonic flight;

Whereas on the morning of October 14, 1947, an X–1 aircraft piloted by Captain Charles "Chuck" Yeager was dropped from a B–29 carrier aircraft and "broke the sound barrier" and achieved supersonic flight for the first time in history;

Whereas this flight provided proof of the feasibility of piloted supersonic flight, and delivered the data required to improve high speed performance and develop technologies for advanced supersonic aircraft; and

Whereas subsequent X-plane aeronautics research projects have built on the historic accomplishments of the X–1 aircraft and achieved advances in a wide range of aeronautics research areas: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) recognizes and honors the contributions of the scientists and engineers of NACA and its partners who pioneered the technologies to enable supersonic flight;

(2) recognizes and honors the bravery of Charles Yeager, and the bravery of the many other test pilots who, sometimes at the cost of their lives, enabled the aeronautics developments that made that first supersonic flight possible; and

(3) recognizes the importance of strong and robust aeronautics research activities to the well being of America.

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 736, the resolution now under consideration.

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

There was no objection.

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

I stand in strong support of this resolution honoring the 60th anniversary of the breaking of the sound barrier, and I want to compliment Mr. ROHRABACHER for introducing it.

Last Sunday marked the 60th anniversary of Captain Charles ''Chuck'' Yeager's historic achievement that led to the first piloted flight at supersonic speeds.

As an airplane approaches the speed of sound, shock waves build up, creating increased drag, loss of lift and loss of control. Airplanes had previously broken up under these conditions, and brave pilots died.

We now know that the passage from subsonic to supersonic speeds is accompanied by some unusual phenomena which lie in the realm of nonlinear mechanical events, events involving some degree of chaos.

America's bright engineers and brave pilots were not deterred. They were drawn to the challenge of bursting through this obstacle to learn what lies on the other side, where no human had ever been.

On October 14, 1947, Captain Yeager, sitting on four rocket engines, blasted through that invisible barrier. Folks on the ground heard the sonic boom, and they knew that he had made it. His successful test flight freed humankind to travel faster and faster by providing data that enabled the mapping of a path to a supersonic future.

This success required all of the ingredients of successful innovation: technical competence, teamwork, a spirit of optimism and adventure that accepts risk taking.

World War II fighter pilot Captain Chuck Yeager was recognized as the man for this job. The X–1 was a joint project of the National Advisory Committee for Aeronautics, NACA, the Air Force, and Bell Aircraft, with the turbo-pump-equipped rocket made by Reaction Motors, Incorporated. It has been described as a bullet with wings on it, just 31 feet long and a 28-foot wingspan.

It's on display less than a mile from here over at the Air and Space Museum, surrounded by many other great achievements of NACA and its successor, NASA, the National Aeronautics and Space Administration.

The X–1 and subsequent aerospace achievements have kept us where the action is and kept us technologically competitive. We want to stay in this game for the next 60 years, and so I will continue to work to keep America technologically competitive in aerospace and in all other areas of innovation.

And with this resolution, I pay my respects to Chuck Yeager and to the many men and women of America's great aerospace tradition. I thus want to voice my support for this resolution, and I urge its adoption.

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

Mr. FEENEY. Mr. Speaker, I want to thank Mr. LAMPSON, and I yield the initial 7 minutes of my time to the prime sponsor of the resolution, my friend from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank Mr. LAMPSON and Mr. FEENEY for their hard work they have been doing here, not just on this legislation but overseeing America's space program. You certainly have my respect and my support, and I'm happy today for their support for this legislation.

This bill takes note and honors America's historic aeronautic accomplishments on the 60th anniversary of one of our great aviation milestones, that of achieving mach 1, better known as breaking the sound barrier.

It also honors those American scientists and technologists who conceived and designed the Bell XS–1, as well as the courage of the hero who flew the plane, General Chuck Yeager of West Virginia.

The leadership of Larry Bell of Bell Aircraft and John Stack of NACA, which is the predecessor of NASA, are also recognized and applauded here today.

The sound barrier was not called a barrier for nothing. As an aircraft approaches the sound barrier, many of the subsonic rules of aerodynamics change radically. Conventional airplanes that had flown close to mach 1 before that, and they had done this mainly when they were diving, were known to have shaken violently and quite often lost control. On that morning of October 14, 1947, the principles of supersonic flight were still not proven. It was unknown whether an airplane could surpass the speed of sound and survive.

The XS–1 was pushing the envelope and it was dangerous. Behind the plane, it was really a rocket, as described, a rocket with wings, which is sort of like the plane I have here. Behind that lay the hard work and dedication of pioneering American scientists and engineers who were to write the book on supersonic design, beginning with the XS–1 project.

The XS–1, a bullet with wings, as they say, was the first high-speed aircraft built purely for aviation research purposes, and the XS–1 project was destined to demonstrate that controlled, sustained flight was possible at supersonic speeds.

In addition, this bill honors Chuck Yeager of West Virginia and all that he represents in America's experimental aeronautics programs. Besides not knowing whether the aircraft would break the sound barrier without breaking apart, no one knew whether the human body could survive the kinds of forces Yeager was about to undergo. He was one of the best and the bravest, and he was, as Tom Wolfe described him, an individual with the right stuff.

Not only did he reach mach 1 on that October morning at Edwards Air Force Base, but he has repeated that on many occasions since, including October 1997 on the 50th anniversary of his flight. His life has been an inspiration to generations of young Americans and, yes, to young people throughout the world.

And so on that October morning, American expertise in aeronautic science and technology, and its human skills and experience in flight, were put to the test and came together to tear down the sound barrier wall and lead the way to a new era of aviation and to the space age beyond.

To continue that tradition and the tradition of these pioneers, I will be introducing an aeronautics and space prize scholarship bill this week. This legislation will create a National Endowment for Space and Aeronautical Technology Development, and it will include a scholarship program, but its primary mission is to provide prizes for those who break technology barriers and enable the further exploration and utilization of space. Certainly, Chuck Yeager would have won one of these prizes.

So I would ask my colleges to join BART GORDON, RALPH HALL, BUD CRAMER and others who are in this in bipartisan support for creating the National Endowment for Space and Aeronautics Technology Development.

I would also ask my colleagues to join me tonight in supporting H. Res. 736, honoring the 60th anniversary of this great milestone in aeronautics and space technology development.

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

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

I'm proud to be a cosponsor of this resolution, along with Mr. LAMPSON, that Mr. ROHRABACHER is the prime sponsor of, and it does a number of important things.

It congratulates the National Advisory Committee for Aeronautics and their test pilots. This was the successor agency to what we now know as NASA. It honors the bravery of Chuck Yeager and all of the many other test pilots that took on such risks, and it basically emphasizes a strong and robust aeronautics research program for America.

As both Mr. LAMPSON and Mr. ROHRABACHER have pointed out, Mr. Yeager's historic flight on October 14, 1947, breaking the sound barrier was a very dangerous and precarious experiment. At that time, pilots routinely risked losing control of their aircraft or, sadly, lost their lives due to extreme forces on the airplane.

But it's not just that great flight that made Chuck Yeager such a great test pilot in America. Chuck Yeager was only 24 when he flew the Bell X–1 on the famous flight above the Muroc

Army Air Field in California. Two days prior to his record-breaking flight, Mr. Yeager broke two ribs after falling off a horse. Fearing that knowledge of this injury would disqualify him from the scheduled flight, he hid his injury from his superiors and, as a result, had to improvise a way to close the latch on his plane.

Having successfully broken the sound barrier, others soon followed in Mr. Yeager's footsteps, flying newly designed aircraft at higher and higher speeds to help scientists and engineers gain critical knowledge about transonic and supersonic flight.

Only 6 years later, Chuck Yeager flew another Bell-designed rocket plane at more than twice the speed of sound.

A veteran of the Second World War, General Yeager flew P–51 Mustangs in the European theater. He ended the war credited with 61 missions and 11.5 shootdowns of enemy aircraft, including five kills in just 1 day. He was himself shot down over France, and with the help of the French Resistance, was able to make his way back to England where he continued flying against the Axis powers.

In the years following his historic flight, General Yeager continued an illustrious career in the Air Force. Among other accomplishments, he was the first commanding officer of the Air Force Aerospace Research Pilot School and a commander of fighter wings and squadrons in Germany and southeast Asia during the Vietnam War. He also continued to work for NASA as a consulting test pilot.

On the 50th anniversary of his supersonic flight in 1997, General Yeager, then 74, piloted an Air Force F–15 Eagle past mach 1.

General Yeager is a native of West Virginia and today resides in California. He's a gifted pilot who spent his career in service to his country, sometimes at extreme risk, defending our shores and advancing our understanding of aeronautics.

Mr. Speaker, I'm proud to be a cosponsor and supporter of H. Res. 736, commemorating the 60th anniversary of General Yeager's first flight exceeding the speed of sound. And with that, I would urge my colleagues to support this resolution.

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

Mr. LAMPSON. Mr. Speaker, I have no more speakers. I'll just say that we commend Chuck Yeager for his bravery and for the work that he did to give us an opportunity to change the world, and we are quite excited about what transpired since that time and looking forward to what's going to happen in the future.

With that, Mr. Speaker, I encourage all of our colleagues to enthusiastically support this resolution.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this resolution.

I am an original cosponsor of H. Res. 736 because it is important to recognize one of the amazing achievements of the Nation's aeronautics R&D enterprise.

I also think it important to honor Captain Yeager and the other brave test pilots who have helped push back the boundaries of flight—with results that have benefited our security, our economic well-being, and our quality of life.

As Chairman of the Space and Aeronautics Subcommittee of the Science and Technology Committee, I am well aware that this amazing achievement was not an isolated event. It is just one thrilling chapter in the great story of American aviation and aerospace.

I am pleased that our predecessors in Congress recognized the importance of aeronautics, and invested in it.

Americans were drawn to the challenges of advancing the state of aeronautics, and they gave much of their discipline and intelligence to overcome seemingly insurmountable technical obstacles.

At times, bravery was required, too, and the breaking of the sound barrier is a good example of that.

Today we honor the 60th anniversary of Captain Chuck Yeager's breaking of the sound barrier, but we also take inspiration from it to renew our commitment to ensuring that America remains preeminent in aeronautics R&D.

I urge my colleagues to support this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the resolution, H. Res. 736.

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

A motion to reconsider was laid on the table.

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## COMMENDING NASA LANGLEY RESEARCH CENTER ON ITS 90TH ANNIVERSARY

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 222) commending NASA Langley Research Center in Virginia on the celebration of its 90th anniversary on October 26 and 27, 2007.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 222

Whereas in 1917, the Nation's first civilian aeronautical research laboratory was established by the National Advisory Committee for Aeronautics in Virginia, and named Langley Memorial Aeronautical Laboratory;

Whereas such laboratory, now called the National Aeronautics and Space Association (NASA) Langley Research Center, is one of the Nation's most prolific and most honored aerospace laboratories with a rich history of pioneering aviation breakthroughs, exploring the universe, and conducting ground breaking climate research;

Whereas NASA Langley Research Center helped give birth to the space age by, among other accomplishments, conceiving and managing Project Mercury, the first United States manned space program, training the original seven astronauts, proving the feasability of the lunar orbiter rendezvous, developing the lunar excursion module concept and research facilities for simulating landing on the Moon, and successfully sending the first Viking landers and orbiters to Mars;

Whereas NASA Langley Research Center is one of the leading aerospace research laboratories in the world and has consistently been a source of technology that has made aerospace a major factor in commerce and national defense;

Whereas NASA Langley Research Center aeronautics research has benefitted the United States military tremendously through the application of new technologies to the Nation's military, commercial, and experimental aircraft;

Whereas NASA Langley Research Center continues to make significant innovative contributions to aviation safety, efficient performance, and revolutionary vehicle designs for flight in all atmospheres, including developing key technologies for the next generation of air transportation systems;

Whereas NASA Langley Research Center has contributed through its research over the past several decades critical technologies to the United States aviation industry, which is a vital sector of the economy that employs over two million Americans and comprises roughly nine percent of the country's gross national product;

Whereas NASA Langley Research Center continues to provide critical research and development that advances the Nation's future in space exploration, scientific discovery, systems analysis, and aeronautics research while generating $2.3 billion in revenue and 21,000 high-tech jobs for the United States economy;

Whereas NASA Langley Research Center is known for unparalleled technology transfer to both aerospace and non-aerospace businesses, and for its commitment to inspiring the next generation of explorers, both of which have enormous benefit to the public and the national economy; and

Whereas NASA Langley Research Center celebrates its 90th anniversary on October 26 and 27, 2007, and continues pioneering the next frontier in aeronautics and space: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress congratulates and commends the men and women of NASA Langley Research Center for their accomplishments and role in inspiring the American people.

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

I rise today in strong support of H. Con. Res. 222 which honors the 90th anniversary of NASA Langley Research Center.

House Concurrent Resolution 222 was introduced by the late Representative Jo Ann Davis. Her four terms in Congress were characterized by hard work and dedication, and I am sorry that she can't be here today to take part in these proceedings.

NASA Langley is a special place. Institutions come and go in our society. You have got to be impressed with an enterprise that has delivered so reliably over the past nine decades. Located not very far from here in coastal Virginia, Langley Memorial Aeronautical Laboratory was the Nation's first government aeronautics laboratory.

If I were to list all of Langley's diverse accomplishments, we would be here until midnight. Langley research teams earned many Collier Trophies over the years, an award bestowed each year for the top contribution to American aviation. Their wind tunnel expertise brought benefits to American aviation era after era. Their first Collier Trophy was one for engine cowling research, which brought immediate large benefit to the aviation industry, resulting in greater speed of travel and enormous cost savings. Later, Langley built the world's first full-scale tunnel. The Harrier Vertical Takeoff and Landfighter; the F–16; American's supersonic transport, SST; the space shuttle; and the lunar landing test vehicle have all been evaluated in this facility, which is still in use.

The science of aviation developed rapidly, with Langley often leading the charge. No ivory tower, Langley has been so effective because of its continual interactions with the aviation community. Our military aircraft, which have turned the tide again and again, did so with capabilities developed at Langley. Their aeronautics test and analysis capabilities brought American aviation and aerospace to world preeminence and maintained that standing.

This is a great success story. Today, the aeronautics and aviation-related industries are responsible for 11 million U.S. jobs and are America's largest source of exports. Americans rely upon the aviation industry's safe and reliable transport of people and products. In our country, aviation and aerospace account for 5.4 percent of the Nation's gross domestic product. Add in aviation-related industries, and it is 9 percent. Investments in core technologies such as aeronautics pay off.

Langley is also responsible for basic aeronautics research in support of the Next Generation Air and Traffic Control System, NextGen, which we are so anxious to have put into effect. Langley leads initiatives in aviation safety and in quiet aircraft technologies.

The aerospace industry has changed rapidly, with Langley often leading the way. Langley staff work closely with Bell Aircraft Corporation and the Air Force in the design of the X–1, the first aircraft to break the sound barrier. Langley has been an important part of each U.S. space program, from Project Mercury through the space shuttle and the space station programs. It was a small group from Langley that determined the lunar orbit rendezvous strategy for sending Apollo to the Moon. Today, as one of NASA's 10 field centers, Langley NASA is an important part of the vision for space exploration.

Langley is helping to develop a replacement for the space shuttle, evaluating conceptual designs and wind tunnels at speeds in excess of 5,000 miles an hour. Langley has partnered with researchers around the world to study Earth from space. The clouds in the Earth's radiant energy system, or CERES, breaks ground in data accuracy. And NASA researchers at Langley are busy studying atmospheres on other planets in support of future exploration activities.

So, Mr. Speaker, with this resolution Congress congratulates and commends the men and women of NASA Langley Research Center for their accomplishments and role in inspiring American people. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I want to thank the gentleman, Mr. LAMPSON, from Texas. I yield the first 4 minutes of our time to the gentlelady from Virginia, Mrs. THELMA DRAKE.

Mrs. DRAKE. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 222, commending NASA Langley Research Center in Hampton, Virginia, on the celebration of their 90th anniversary, and out of respect to my friend and our colleague, Jo Ann Davis, who so ably represented NASA Langley and who introduced this, her last resolution, just 4 days before she passed away.

Established in 1917 by the National Advisory Committee for Aeronautics, NASA Langley Research Center is the oldest of NASA's 10 major field centers and the Nation's first civilian aeronautical research facility.

Research there began with 15 employees. Today, NASA Langley boasts a workforce of over 3,600. And from the very beginning, NASA Langley has been on the cutting edge of research into all aspects of aeronautics, from fixed wing to rotor craft, from propeller engines to jet engines. In fact, whether subsonic, supersonic, or hypersonic, NASA Langley Research Center has always been on the forefront of mankind's consistent refusal to keep both feet on the ground.

NASA Langley is uniquely suited to realize the current administration's bold new vision for space exploration. In 1958, as Project Mercury was commencing, NASA Langley served as the main office for the first U.S. manned space program. In the early 1960s, NASA Langley served as a training center for rendezvous and docking in space, which became known as Project Gemini. And later that decade, as Project Apollo was preparing to land the first man on the Moon, NASA Langley's facility served as the astronaut training ground for lunar orbit and landing.

Under Director Lesa Roe's dedicated leadership, NASA Langley will continue to play a critical role as we prepare to return to the Moon and look beyond to Mars.

NASA Langley is performing an integral part of Project Constellation. They have been given the responsibility to manage the Launch Abort System for the new follow-on for the space shuttle, the Crew Exploration Vehicle, or CEV. In addition, they are greatly assisting in the design and wind tunnel testing of the CEV and Crew Launch Vehicle.

Mr. Speaker, 2 weeks ago we commemorated the 40th anniversary of the launch of Sputnik and the beginning of the space race. It is fitting that today we commemorate NASA Langley Research Center, which has and will continue to play such an integral role in our Nation's constant pursuit of the next frontier. I urge my colleagues to support H. Con. Resolution 222.

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

Mr. FEENEY. Mr. Speaker, I thank the gentleman from Texas, and I would like to rise in support of H. Con. Resolution 222, commending NASA on the occasion of the 90th anniversary of the founding of the Langley Research Center, located in Hampton, Virginia.

This legislation was introduced by our friend and colleague, Representative Jo Ann Davis, just a week before she succumbed to cancer; and it is with mixed emotion that I stand here today to talk about this resolution.

Mrs. Davis was proud to represent the engineers and technicians at NASA Langley Research Center who have made the United States aeronautics research and testing the envy of the world for 90 years.

First established as the Langley Memorial Aeronautical Laboratory in 1917, it was the Nation's first civil aeronautics research laboratory under the charter of the National Advisory Committee for Aeronautics, the precursor to modern-day NASA. It was created at a time when the United States was clearly lagging behind its European counterparts in the development of aircraft capable of controlled powered flight.

Our country's leaders well understood that the future economic and military well-being our country demanded development of advanced aeronautics capability, and Langley's founding was motivated in part by the evolution of aircraft used in the first World War and by our desire to match and exceed these capabilities.

The center is named after one of America's earliest aeronautical pioneers, Samuel Pierpont Langley, who began his research into aeronautical

machines in 1886. Perhaps inauspiciously, Samuel Langley's final crewed test flight ended in failure when his aircraft, launched from the top of a houseboat, immediately plummeted into the Potomac River. Just 9 days later, on December 17, 1903, Orville and Wilbur Wright successfully achieved the first flight on the dunes of Kitty Hawk, North Carolina.

During the ensuing decades, Langley Research Center's research and development activities advanced the science of aeronautics from simple propelled-driven aircraft into the jet age.

Their accomplishments are too numerous to mention here, but it is no exaggeration to state that Langley was the nexus from which fundamental technological breakthroughs in propulsion, aerodynamics, materials, aircraft and wing designs propelled our Nation to become the world's preeminent designer and builder of high-performance military and civil aircraft.

In 1958, responding to the launch of Sputnik, Congress passed legislation creating the National Aeronautics and Space Administration, and with it the Langley Research Center's mission was expanded to lead our Nation's earliest efforts in manned space flight.

Many of the initial planning, design, test, and development activities related to Mercury, Gemini, and Apollo were conducted at Langley. Langley was the first of 10 research centers that now comprise NASA, and a number of highly talented engineers and scientists who began their careers at Langley eventually helped establish the other NASA centers.

Langley's role in space continues to this day, contributing its talents to testing the design of the new Ares One Launch Vehicle and the design testing of the Orion Launch Abort System. The Langley Research Center is home to 3,600 civil service and contractor employees, and it houses several of the world's most advanced wind tunnels and aeronautics laboratories.

Mr. Speaker, Langley's record of achievements in aeronautics and aerospace research is without comparison; and it is a testament to the creativity, dedication, hard work, and technical excellence of the men and women who contributed their talents to the agency's mission.

But as a word of caution, it bears mentioning that U.S. aeronautics research and testing programs are declining, no matter that countries in Europe and elsewhere are investing heavily in aeronautics research. The health of the U.S. aviation industry depends upon aeronautics research and development, especially long-term research that private industry cannot perform itself, in order to compete in the world market. NASA is the only Federal agency that supports research on civilian aircraft. Their researchers are working to make our planes and our skies safer, and Mrs. Davis believed that this is a worthwhile investment of taxpayers' money.

I am pleased to join with my colleagues to commemorate the Langley Research Center on its anniversary, and I urge members to support this resolution.

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

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

Mr. FEENEY. Mr. Speaker, I would like to yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman from Florida for yielding, and I rise today to commend the National Aeronautics and Space Administration Langley Research Center on its 90th anniversary, and, in doing so, express my respect for the resolution's sponsor, Representative Jo Ann Davis.

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Congresswoman Davis worked tirelessly to fight for the constituents of the First District of Virginia. This resolution was the last measure that she introduced in this body before she passed on just 10 days ago on October 6. I see it as only fitting that we pass it in a timely manner to honor this research center and our late colleague.

Since its inception as the Langley Memorial Aeronautical Laboratory in 1917, the focus of research at this facility has significantly changed, yet this research center remains on the forefront of scientific advances. These advances not only benefit the larger scientific community but have also played a crucial role in our national security and daily lives.

The men and women of the Langley Research Center have made countless contributions to the scientific community and our aeronautic and space programs in particular. From its crucial role in advancing flight as early as the First World War to the training for operation of the lunar module of the Apollo program, which subsequently transported the first and only human life to the surface of the Moon, this facility has been responsible for numerous scientific breakthroughs for an astonishing 9 decades.

Aeronautics played a critical role in the First and Second World Wars, providing our military with a strategic advantage that contributed to our victories in these two major global struggles. Subsequent advances in this field and the field of aeronautics provided the United States with the ability to achieve superiority in space exploration. These efforts have been crucial to our national defense and continue to play a major role in combating terrorism.

The Langley Research Center is also responsible for sending the first orbiters and landers to the planet Mars through the Viking program, and is also currently engaged in development of the next generation of spacecraft essential to maintaining our leading role in space exploration.

I urge my colleagues to join me in commending this facility's contributions to the scientific world and the security of our country, and in doing so, honor our late colleague, Congresswoman Jo Ann Davis.

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

Mr. LAMPSON. Mr. Speaker, I think that the NASA Langley is a real jewel for advancement of science and engineering in the United States of America, and I think it's fitting that we recognize this anniversary, their 90th, and at the same time, honor our colleague Jo Ann Davis for the hard work that she did, the great work that she did in the United States House of Representatives.

I encourage my colleagues to support this legislation.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of Concurrent Resolution 222, because I believe NASA's Langley Research Center to be a national treasure. With this resolution we are acknowledging nine decades of outstanding technological achievement.

However, before I continue, I must note with sadness that the driving force behind this resolution, Ms. Jo Ann Davis, is no longer with us. In addition to all of the other important causes and issues for which she was such an articulate spokeswoman, she was an ardent champion of the importance of NASA's aeronautics R&D programs. I shall miss her as we all will, and I am sorry that this is the last time that I will be able to have the opportunity to speak in support of one of her initiatives.

One of the strengths of the Langley Research Center over the past nine decades has been that while Langley researchers are experts in scientific theory, they are able to work with many others throughout the aerospace community. They aren't an isolated research lab, but instead have always worked shoulder-to-shoulder with industry and with dynamic people at other government agencies, including DOD. In short, the researchers at Langley are problem solvers.

Step into the Air and Space museum and with the first glance one grasps how rapidly aeronautics has developed. The X–1, the first manned aircraft to break the sound barrier, was designed by Langley staff. Nearby are biplanes from the First World War. The separation in time is just thirty years, but what a difference!

The folks at Langley played a large role in that transformation, and in further advances in aeronautics and in space exploration, with the latter spanning their work on Mercury, Gemini, the Lunar Orbiter, Apollo, Viking, the Space Shuttle, and Space Station programs. They have been a critical enabler of our modern air transportation system.

Last year, U.S. air passengers exceeded 750 million. To handle even busier skies, the Next Generation Air Traffic Control System (NextGen) is being devised. NASA Langley plays an important role in that effort.

For example, to test advanced concepts of aircraft self-separation, Langley conducted air-traffic-management research in its Air Traffic Operations Lab, in partnership with NASA Ames Research Center, Boeing, MITRE Corp. and United Parcel Service.

As another example, the NASA Aviation Safety Program—a partnership with the Federal Aviation Administration, aircraft manufacturers, airlines, and the Department of Defense that is led by Langley—recently tested a new way to predict thunderstorm turbulence.

We can't overlook the importance of military aviation to American freedom, and the importance of Langley to military aviation.

For example, during World War II, Langley used wind tunnel expertise to design modifications to fighter aircraft to improve their performance. Aerial dogfights were mostly contests between technologies, and a small improvement could make the difference between life and death.

Like the rest of NASA, NASA Langley promotes private sector participation with the Small Business Innovation Research program and the Small Business Technology Transfer program. The creation and transfer of innovation is a key goal at Langley. The Center delivers a steady flow of inventions and patents, across a range of technical areas.

In aeronautics and in space flight, Langley's parade of achievements has inspired generations of Americans, and has helped set the pace of American technological advancement. We need places like NASA Langley, and I hope that as we look back over its 90 years and celebrate its achievements, we are mindful of our future and work to maintain a strong and vital aerospace R&D capability at Langley and throughout our nation.

Mr. LAMPSON. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALZ of Minnesota). The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 222.

The question was taken.

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

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

The yeas and nays were ordered.

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

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3773, RESTORE ACT OF 2007

Mr. WELCH of Vermont (during consideration of H. Con. Res. 222), from the Committee on Rules, submitted a privileged report (Rept. No. 110–385) on the resolution (H. Res. 746) providing for consideration of the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## FREE AT LAST—DEPUTY SHERIFF GILMER HERNANDEZ

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

Mr. POE. Mr. Speaker, Deputy Sheriff Gilmer Hernandez is one of three deputies in Edwards County, Texas. This county is the size of Delaware.

While on duty at night recently in Rocksprings, Texas, an SUV ran a red light. Hernandez pulled the vehicle over. The vehicle sped off and then tried to run down Deputy Hernandez. He shot out the two tires in self-defense. It turned out the vehicle was smuggling nine illegals. One illegal was injured by a ricochet bullet. The Sheriff's Department and the Texas Rangers investigated the shooting and cleared Hernandez. But the Mexican Government demanded prosecution by the U.S. Justice Department, and over a year later the U.S. Attorney's office prosecuted Hernandez for alleged civil rights violations. The nine illegals and the human smuggler were allowed to stay in the United States. Hernandez was convicted and sent to prison. But yesterday he was released from prison and returned home to Rocksprings, Texas as a hero. The community sided with Deputy Hernandez and resents the U.S. Government freeing the human smuggler and the illegals and prosecuting Hernandez for just doing his job. Yet another example of how it seems the U.S. government is on the wrong side of the border war and seems to be the puppet and whims of the Mexican Government.

And that's just the way it is.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## LANCE CORPORAL JEREMY BURRIS, MARINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Liberty, Texas, is one of the oldest towns in Texas. It was founded in 1831 and named Liberty before Texas was an independent nation in 1836. This town has sent many young men off to war.

Today the town of Liberty laid to rest one of its favorite sons. The streets of this small town were lined with American flags. People came outside their homes and businesses to pay honor and tribute to a hometown hero. Some people stood erect with their hands over their hearts or saluting as the funeral procession went by. As the process passed Liberty High School and the middle school, students from both schools lined the streets with flags, tears and signs that said ''Thank You.''

Hundreds of citizens in this community turned out to honor 22-year-old Lance Corporal Jeremy Burris of the United States Marine Corps. Mr. Speaker, this is what people in southeast Texas do when one of their own is killed in combat.

Jeremy was killed on October 8, 2007, while conducting combat operations in al-Anbar Province in Iraq. He was assigned to the 1st Battalion, 4th Regiment, 1st Marine Division, Marine Expeditionary Force from Camp Pendleton, California.

I've talked to Jeremy's proud father, Brent Burris. He said his son was driving a military vehicle when it was accompanied by two other Marines when the vehicle hit an IED, that's an improvised explosive device, hidden in the road.

Lance Corporal Burris survived the initial blast and helped the other two wounded Marines from the vehicle. Then Jeremy returned to the vehicle to retrieve sensitive equipment when a second bomb detonated and Lance Corporal Burris was killed.

Mr. Speaker, it's not uncommon that our enemy sets a second delayed bomb explosion because they know Marines will always return for their wounded or dead or sensitive equipment from their damaged vehicles. This is how these cowards of the desert conduct war against our troops. They do so remotely. They won't come out in the open and fight because they fear the Marines and the Marine reputation.

General Black Jack Pershing, United States Army, and Commander of the United States forces in World War I, said of the Marines, ''The deadliest weapon in the world is a Marine with a rifle.'' He was correct. Marines are a rare breed with dogged determination and put fear in the souls of our enemy.

Burris was a proud Marine. He was an unapologetic person of faith, and he attended the nondenominational church, Cornerstone Church, where he led worship and praise sessions for youth groups.

He loved Texas. His church pastor said today at the funeral, ''No one had better say anything negative about his home State of Texas.'' And on Jeremy's Myspace page he wrote, ''Born and raised in Texas and proud of it.''

Lance Corporal Burris believed totally in his mission in Iraq. He said he was not afraid to die, and he joined the Marines a year and a half ago knowing he would go off to war. He told his youth minister ''he would rather die young while he was able to give 100 percent than grow old and not be able to give that 100 percent.'' Amazing man, this young gun of the United States Marine Corps.

In a letter to Jeremy's father, Sergeant Drabicki, Jeremy's section leader in the Marines in Iraq said this about him: ''Your son is a hero to all of us, especially me. He touched my heart and my soul in ways that I could never forget. Your son was the most loyal, hard-working, dedicated and selfless Marine that I had in my section, and his loss is felt by all of us. He never complained. He never faltered. He never quit, and it was my honor to lead your son in combat.''

Mr. Speaker, I want to say this about the United States Marine Corps. They are the very best at what they do. They always have been. Army Major General Frank Lowe said in the Korean war, ''The safest place in Korea was right behind a platoon of Marines. Lord, how they can fight.''

Marine Lance Corporal Burris was one of those types of fighting men. They go where others fear to tread. They fight where the timid are nowhere to be found.

Mr. Speaker, this is a photograph of Lance Corporal Burris right before he was killed. And so the bugler has played taps for the final time for this lance corporal of the United States Marine Corps. And as his flag-draped coffin was laid to rest today in the small town of Liberty, Texas, red, white and blue balloons filled the air, a 21-gun salute was fired, and white doves flew into the heavens.

Ronald Reagan said this about the United States Marines: ''Some people live an entire lifetime and wonder if they have ever made a difference in the world, but the Marines, they don't have that problem.''

Mr. Speaker, Jeremy Burris was one of those Marines. So semper fi, Lance Corporal Jeremy Burris. Semper fi.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## STALLED CONTRACT NEGOTIATIONS AT KENNEDY SPACE CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise this evening to say that some people in our Nation are taking notice of what is happening at the Kennedy Space Center with the stalled contract negotiations between USA Alliance, which is United Space Alliance, and the International Association of Machinists and Aerospace Workers, among the most talented and trained workers in our Nation.

USA Space Alliance is a company that was formed from Boeing and Lockheed, major defense contractors for our Nation, which also have huge space contracts. Their executives are very well paid, and these are companies essential to our Nation's defense.

But what is happening is that in these negotiations, strangely, the new demands that are being asked by these companies of the workers is that they have, the workers will have no pensions. Can you believe this, that workers who are involved in important NASA programs, particularly as we transition to Aries and Orion programs, that the conditions of work for people at the Kennedy Center will not be the same as they have been since we began the space program?

NASA gets about $16 billion a year. Without question, the United States of America is the world leader in space exploration. And we are a leader because of the bravery of those who are involved in the work, as well as their intelligence and their fine workmanship and workwomanship.

We shouldn't do anything to diminish this asset, this national asset, particularly when the Chinese are breathing down our necks and are able to hit targets in space already.

And yet, what we see happening is that the workers and future workers that will be at NASA's subcontractors will not have pensions?

This is very interesting, particularly because the individual running USA, United Space Alliance, Richard Covey, a very well-known American who's been an astronaut in many prior programs, gets about three retirement checks already, may be getting four.

The first one is a public pension that comes from his work and his patriotism in the Air Force of our country. So he gets that check. He gets a government pension from his work in the NASA program. And he had been a part of Boeing Corporation prior to his movement over to USA, United Space Alliance, and he gets a retirement check from that plus all the stock bonuses.

We have heard this before, that the people at the very top take enormous amounts? And the workers who are doing the actual work of retrieving the space launches, getting them ready are told, well, you won't get any retirement. What kind of attitude does that produce on the job in work that is truly dangerous, where lives are at stake, where America should seek the best and want the best and reward the best?

I was thinking today of the Kennedy Space Center named after President John Kennedy, who did so very much to inspire the Nation to treat all people equally and to better themselves, would have this happening at the Kennedy Space Center.

Defined benefit pension plans are the bedrock of retirement security, and over 40 million workers and retirees rely on them. And they give someone economic security to go to work every day and know that your life matters and that when it comes time for you to leave that position that you will have a retirement where you don't have economic worry. What is happening out at Kennedy now is a direct attack on Americans' retirement security. It sends a clear signal that this administration and its NASA administrator and all the subcontractors that it hires, including USA, support the elimination of secure guaranteed defined benefit pension plans, and for no workers, no pension plans. How's that for a deal? What are we going to do, go back to before 1940 again in this country?

We built a great Nation when America had a system where workers could be confident that their wages would increase with increasing productivity and that their retirement years would be secure. I would just say that the Nation is taking very close notice of an agency that gets a $16 billion budget whose top executives all get their pensions and now who hire subcontractors who are telling the very people who have their hands on the equipment down at the Kennedy Space Center that, sorry, you don't get the same type of consideration by the Government of the United States.

I would ask Mr. Covey and the folks at USA Space Alliance to pay close attention because Congress is paying close attention.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## 2007 COMMEMORATIVE COINS: LITTLE ROCK CENTRAL HIGH SCHOOL DESEGREGATION AND JAMESTOWN 400TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

Mr. SNYDER. Mr. Speaker, public attention 50 years ago, in 1957, was on Little Rock, Arkansas. Everyone in the United States knew of the events that were going on at Little Rock Central High School and in the streets surrounding Little Rock Central High School.

Now this year we celebrate the courage of the Little Rock Nine. Now this year, 2007, we commemorate those events, the desegregation of September 25, 1957, very much aware of the work that we have to do in race relations.

As part of the honoring of these events and the honoring of the courage of the brave Little Rock Nine, this Congress passed a commemorative coin bill. We authorize two commemorative coins each year. The commemorative coin I want to show the Members, it is a beautiful coin. Now, the real coin is not this big. It's a silver dollar. It is a commemorative coin. While it is legal tender, you would not want to use it for legal tender because it costs substantially more than a dollar.

This is the one side. Each star honors one of the Little Rock Nine, the nine stars. And these footprints show young people going to school with no other desire than to get an education. And it says: ''Desegregation in Education, 2007, In God We Trust.''

On the other side of the coin is the Little Rock Central High School itself, one of the most beautiful high schools in the United States, and it is noted there: ''Little Rock Central High School.''

Now, the reason I show this coin to the Members on the floor tonight is this coin is currently available for sale at the U.S. Mint, usmint.gov. And for those of you who need some help, go to usmint.gov and then go to the section that says ''Coins and Medals'' and click on that and click on ''Commemoratives,'' and you can find out how to order this beautiful coin.

Also available at usmint.gov is the other 2007 coin that was brought by the late Representative Jo Ann Davis, a much beloved Member of this body who recently passed away. That coin honors the 400th anniversary of the founding of Jamestown in 1607.

So we have two wonderful commemorative coins: this one honoring the desegregation of Little Rock Central High School by the Little Rock Nine in 1957 and the 400th anniversary of Jamestown.

Now, what many people may not realize is $10 of every sale of each coin goes to support these historic sites, and that is why I am down here tonight, Mr. Speaker, encouraging people to go to usmint.gov and order these coins to tell the legacy, to pass a legacy on, to tell the stories. They make wonderful holiday gifts this year, but they also just make wonderful gifts from people to younger people to remember the legacy and the courage of the Little Rock Nine, usmint.gov.

I also want to acknowledge this evening in Little Rock, Arkansas, the presence of Kevin Klose, the present president of National Public Radio. Right now he is at a reception at the home of Don and Suzanne Hamilton in Little Rock, Arkansas. They are my neighbors across the street. They are great members of the Friends of KLRE/KUAR. Unfortunately, I can't be there. I believe my wife is ill and can't be there. But I wish them well and welcome Kevin Klose to Arkansas.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## TRIBUTE TO VERNON BELLECOURT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

Mr. ELLISON. Mr. Speaker, today I rise to pay tribute to the life of Vernon Bellecourt of Minnesota, a selfless servant who committed his life not just to fight for American Indians but for the rights of all people.

Last night I was at a funeral service for Mr. Bellecourt, and while I regret to report the recent passing of Mr. Bellecourt at age 75, I am grateful for his spirit of equality and inclusiveness which will continue to live on in the Twin Cities of Minnesota and around the world.

Mr. Bellecourt, a member of the Ojibwe Band of the Minnesota Chippewa Tribe, came to St. Paul from Minnesota's White Earth Indian Reservation. As a skilled communicator and a natural leader, Vernon championed the power of community. He practiced what he preached, solidifying his commitment to community by operating several small businesses. And while Vernon was a businessman, his greatest contribution was as a human rights leader around the world and in Minnesota.

Let me read a little bit from the Washington Post obituary that appeared today in the paper:

''Vernon Bellecourt, who fought to restore land and dignity to Native Americans and against the use of Indian nicknames for sports teams as a longtime leader of the American Indian Movement (AIM) died October 13 of complications of pneumonia at a Minneapolis hospital.

''Since leaving behind careers as a hair stylist and real estate agent and joining his brother'' Clyde Bellecourt ''at AIM in the 1970s, Mr. Bellecourt had been in the forefront of the movement to ensure that treaty rights of Native American tribes and the U.S. Government would be fulfilled. He was president of the National Coalition of Racism in Sports and the Media and a principal spokesman for AIM.

''He was involved in numerous demonstrations to bring attention to his causes, including the 1972 occupation of the Bureau of Indian Affairs in Washington and the 1992 Super Bowl rally to protest the name of Washington's football team. He also spoke at colleges and universities around the world about more than 400 treaties that the group believed the U.S. was not honoring.

''Clyde Bellecourt, a founding member of AIM, said yesterday that his brother had been in Venezuela about 4 weeks ago'' to talk about ''providing heating assistance to American tribes.''

Mr. Speaker, let me wrap up and say that Vernon Bellecourt brought an issue to the attention of the American people that most of us walk past very quickly. Most of us would look at Native American sports team mascots and think no big deal. But just imagine, if you would, Mr. Speaker, teams called the Chicago Negroes or the Washington Caucasians. None of us would appreciate that kind of depiction of our ethnicity, and Mr. Bellecourt didn't appreciate it either. And he helped elevate the self-esteem of young Native Americans and also helped us understand our common humanity as we respect each other due to his inspirational work.

I also want to say, Mr. Speaker, that I met Mr. Bellecourt in the early 1980s in Detroit, Michigan, when he was standing up for Native Americans at the Hopi Indian Reservation as they were in a conflict with Peabody Coal Company over land and treaty rights. I got to know him better when I joined him in northern Wisconsin, standing on the docks to stand up for Native American treaty rights. And whether you agree with him or not, Mr. Speaker, he embodied the spirit of an American standing up for what you believe in, speaking out for what is right, speaking up for the people who don't have a voice.

Mr. Speaker, Vernon Bellecourt will be sorely missed and will never be forgotten. In my opinion, he is a great man and he has helped us discover ourselves in a deeper and more meaningful way. May God bless Vernon Bellecourt and sympathy for his family.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## OVERRIDE THE PRESIDENT'S VETO OF THE SCHIP BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

Mr. KAGEN. Mr. Speaker, last evening I introduced you to a young girl that I had the honor of representing in northeastern Wisconsin. This is 3-year-old Kailee Meronek. Kailee and her family live in a trailer home just north of Appleton, and she receives care only because the United States Congress passed a Republican-inspired bill called the SCHIP, the State Children's Health Insurance Program. And through that program, funds were sent to Wisconsin, and we created in Wisconsin a program called BadgerCare. BadgerCare guarantees that nearly 57,000 citizens throughout the State have access to health care. And because they see their doctor in their doctor's office, the costs for their health care go down. They are not seen in the emergency room. They are seen in the doctor's office.

Kailee gets health care because of BadgerCare. But BadgerCare and SCHIP are in limbo. Their futures are in doubt. Why? Because this Congress is considering and will vote on Thursday morning whether or not to override President Bush's veto of this fundamentally important program that provides health care to millions of our children who are most in need across the country. The SCHIP bill, which was vetoed by the President, guarantees that our children, the children of our Nation, have access to health care at the physician's office. It focuses on

those who are among us that need us the most: our Nation's children. It is a private program because private doctors, private insurance plans, and private hospitals deliver the health care. It spends $3.50 per day for a child like Kailee.

But Kailee doesn't live alone. She lives in a family and in a community, and allow me now to introduce you to her mother and her new sister. This is Kailee's mother, Wendy, who is a food server. She's a waitress. And she earns $2.33 per hour and tips. She is working hard to support her family and lives with her husband, Keith. Keith takes care of the children while Wendy is working. And this young girl, Cassidy, is 3 months of age. Cassidy doesn't understand health care. She only knows that she gets hungry and she has her mother to care for her.

This country, our Nation, must decide what kind of a Nation we are and in which direction we are going to turn. In several days we will decide here in Congress whether or not to override a veto, which I believe to be morally unacceptable. We cannot say no to our Nation's children. We must accept the responsibility of caring for those who are most in need.

That is not just my point of view. This bill is supported by everyone who is involved in delivering health care in this country, the American Medical Association, the American Nursing Association, and more. The American College of Allergy, Asthma & Immunology; the American Academy of Family Practice; the Federation of American Hospitals; the American Hospital Association; Catholic Charities; the March of Dimes; Lutheran Services; the U.S. Conference of Catholic Bishops; and more and more.

Everyone understands that we as a Nation must care for our Nation's children first because if our children are healthy, they will be in school and be able to learn and gain the education that they require to compete in this global marketplace. But it all starts right here Thursday morning when this House must vote to override President Bush's veto.

I believe we are at a precipice here in our country. It is getting dark, but it's not dark yet. We have to stand up for those who are among us that need us the most. Please reconsider your votes. Our people, our children need us. Please reconsider your votes.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Virginia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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FISA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, thank you for the recognition.

And I would say that this week ought to be known as ''FISA week.'' The reason I say that is because this week we will make an important vote on determining whether or not we will have the ability to defend our country, both now and in the future.

As we have moved on a bipartisan basis since 9/11 to attempt to meet the challenge of the threat internationally that is sometimes called the ''war on terror,'' sometimes called the ''war of Islamo-fascism,'' sometimes called the ''war on radical jihad,'' no matter what the name, the American people know what it is we are speaking of. We have, in this House, in the Senate and in the executive branch adopted an analysis which allows us to respond in the most effective way, and that analysis is a risk-based analysis. And simply put, broken down into its constituent parts, risk equals threat plus vulnerability plus consequence.

The interesting thing in this equation is that the knowledge base of the bottom two elements, vulnerability and consequence, are within our grasp. Now, what do I mean by that? What I mean by that is vulnerability is our ability to assess how vulnerable our assets are that might be attacked by the enemy surrounding us. We can make educated judgments with respect to those assets, their value, how they could be attacked or destroyed, and how we can protect them against such attack or attempt of destruction.

Similarly, consequence is within our knowledge base. We know, with a successful attack, what the consequence would be. For instance, if the attack were lodged against a dam, a catastrophic event, a collapse of a dam as a result of an attack, we can measure what the consequences would be. How? Well, we know the number of people that would be in the way. We know the number of buildings that would be in the way. We can make a determination as to the overall destructive power of the surging water that would come through a destroyed dam. We can make an educated judgment as to the time by which those assets that would be destroyed, the time it would take to restore such assets, such as highways, byways, such as shopping malls, homes, hospitals, all of those sorts of things. So, within our risk assessment, we are capable, more or less, of determining what our vulnerability is and what the consequences of a successful attack would be.

There is a third element, threat, which is not as much in control of our already existing knowledge. Why? Because threat essentially is the intention of the enemy, the targets of the enemy, the timing of the enemy. That's what, in fact, a threat is. So, since that knowledge base is not within our power, essentially, how do we deal with that? How do we calculate what the threat is? We do so by utilizing intelligence. We gather intelligence. We find information from the other side, if you will, of the battle.

This is not a novel approach. It is recognized in the Constitution and the interpretations of the Constitution by the Supreme Court and other Federal courts from the beginning of this Republic in that it is recognized that the President of the United States was given Commander-in-Chief powers. Why? Because of the failure of the Continental Congress, because of the failure of the first Confederation of States when they found that you could not have multiple commanders in chief. You had to have a single executive, particularly in the area of war, defense of our country, or relationships with foreign governments.

Now, implicit in the ability or the capability of a Commander-in-Chief to exercise military strength on behalf of the Nation to defend itself, that is, to destroy those who would attempt to destroy us, yes, to give the President of the United States the power to exercise lethal action against the enemy, and that means, quite frankly, to wound or kill the enemy, to stop the enemy from destroying us, implicit in that authority is the authority to gather intelligence, the authority to gather foreign intelligence. In other words, one of the ways you find out what the enemy is to do on the battlefield is to find out what he is saying, the conversations that take place on the other side, the plans that they are developing, and the commands that they give to carry out their intended lethal action. That, essentially, is foreign intelligence.

And what we are going to vote on this week is something called the Foreign Intelligence Surveillance Act, FISA. Now, the reason I bring this to the floor and I spell out these words is to remember what the focus of this bill is. It is on foreign intelligence, not domestic intelligence, not the ability to try and stop the mob from acting in the United States, not the ability to stop certain criminals in the United States from committing a crime or to investigate after they've committed the crime in order to prove up the case against them and to give them their just punishment, but rather, foreign intelligence, intelligence which deals with foreign governments, foreign powers, and associated organizations or people.

The FISA Act was passed by the Congress in 1978, intended to establish a statutory procedure authorizing the use of electronic surveillance in the United States against foreign powers or agents of foreign powers. FISA established two new courts. First, the Foreign Intelligence Surveillance Court, which authorizes such electronic surveillance, and secondly, the U.S. Foreign Intelligence Surveillance Court of Review, which has jurisdiction

to review any denial of an order under FISA. These courts are made up of Federal judges from around the country, and they meet in secret session here in Washington, D.C.

I would note that the House Permanent Select Committee on Intelligence report that accompanied FISA in 1978 clearly expressed Congress' intent to exclude from coverage overseas intelligence activities. In other words, they never intended for the FISA court and procedure to somehow have authority over what is truly overseas intelligence activities dealing with foreign intelligence or intelligence of foreign governments or foreign organizations.

The report stated this: ''The Committee has explored the feasibility of broadening this legislation to apply overseas, but has concluded that certain problems and unique characteristics involved in overseas surveillance preclude the simple extension of this bill to overseas intelligence.'' In other words, it was not the focus of the 1978 act, rather, the act focused on domestic surveillance of persons located within the United States. The law was crafted specifically to exclude surveillance operations against targets outside the U.S., including those circumstances where the targets were in communication with Americans, as long as the U.S. side of the communication was not the real target. That's a very important thing to understand.

In the ability to be able to record these messages or in some way pick up these communications, you really have the ability to target one side of the communication. And so what we do is we target a foreign person in a foreign country.

Contrary to what Congress originally intended, due to the changes in technology and resulting interpretation of the FISA Act, warrants have been recently required in order to conduct surveillance against terrorists located overseas in some circumstances. Why? The technology changed in that, in 1978, most local communication was by wire, most international communication was wireless by satellite. We could take it basically out of the air, for want of a better description, and it was overseas. The 1978 act did not contemplate bringing those conversations, those communications within the ambit of FISA.

In the intervening years, we've had a revolution in technology by which most local communication now is by wireless and international communication basically comes by wire. And the fact of the matter is the nodes or the centers or the switching places, whatever you want to call it, not technical terms, happen to be, most of them, in the United States. And so suddenly the interpretation of FISA, now looking at the connection where you would try and somehow be able to capture this conversation that really was of someone overseas and not American, now, because it transited somehow the U.S., an interpretation by the FISA court was that a warrant was now needed.

Now, why would this present a problem for our intelligence community? Admiral McConnell, the former head of the National Security Agency, NSA, under President Clinton and now the current Director of National Intelligence, explained this to our Judiciary Committee. It takes about 200 man-hours to prepare a request for a court order in the FISA court for just one telephone number; 200 man-hours. As he explained to the judiciary in the other body, intelligence community agencies were required to make a showing of probable cause in order to target for surveillance the communications of a foreign intelligence target located overseas; then, they need to explain the probable cause finding in documentation and obtain approval of the FISA court to collect against a foreign terrorist located in a foreign country.

Frequently, although not always, that person's communications were with another foreign person located overseas. In such cases, prior to the Protect America Act, that's the act that we passed before we left in August, which I might add is not going to be allowed to be considered on the floor, at least the Rules Committee told us earlier today they would allow no amendments, the FISA's requirement to obtain a court order based on a showing of probable cause slowed, and in some cases, prevented altogether the government's ability to collect foreign intelligence information out serving any substantial privacy or civil liberties interests.

Again, as the legislative history of the 1978 FISA Act made clear, it was never the intention of the act to cover surveillance of non-U.S. persons overseas so long as the U.S. person located in the United States was not the real target of the surveillance. Yet prior to the enactment of the bill that we passed in August, which has a sunset in February of next year, that's the reason we have to consider it this week, our intelligence community was saddled with the requirement that they devote substantial resources for the preparation of applications required to be submitted to the FISA court.

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As an economist might say, this substantial diversion of resources imposed opportunity costs measured in terms of the intelligence analysis which was not done because of the need to complete paperwork in order to surveil foreign intelligence assets outside the U.S. who were never intended to be covered by the old law. In other words, you had to take the analysts off the job of looking at current communications that might protect us against attacks in the United States or elsewhere by those who want to kill Americans, who have said, by the way, that they would be justified in killing 4 million Americans, 2 million of whom would be women and children. We take them off that pursuit and instead put them on this job of doing the intellectual work that would allow for the paperwork to be presented to the FISA Court.

Furthermore, in response to a question I posed to him, Admiral McConnell affirmed that prior to the Protect America Act, again, the act we passed just before we left in August, the intelligence community attempted to work under the laws interpreted by the court but found that as a result of working under those restrictions, his agency was prohibited from successfully targeting foreign conversations that otherwise would have been targeted for possible terrorist activity. Think of that: those kinds of conversations that we always were able to pick up before, before we ever had a FISA, after we had the 1978 FISA Act, we were not able to pick up anymore.

In fact, he said that prior to the enactment of the Protect America Act this past August, we were not collecting somewhere between one-half and two-thirds of the foreign intelligence information which would have been collected were it not for the recent legal interpretations of FISA requiring the government to obtain FISA warrants for overseas surveillance. To put it in graphic terms, we have put blinders on one of our two eyes as to the ability for us to look at those dots and connect those dots that the 9/11 Commission said we weren't finding and weren't connecting before 9/11.

The consequences of this for our Nation's security are very real. As Admiral McConnell explained to our committee: ''In the debate over the summer and since, I heard from individuals from both inside and outside the government assert that threats to our Nation do not justify this authority. Indeed, I have been accused of exaggerating the threats that face our Nation,'' said Admiral McConnell.

He continued: ''Allow me to attempt to dispel this notion. The threats that we face are real and they are indeed serious. In July of this year, we released a National Intelligence Estimate, commonly referred to as an NIE, on the terrorist threat to the homeland. In short, these assessments conclude the following: the United States will face a persistent and evolving terrorist threat over the next 3 years.'' Why 3 years? That is the total time of the NIE. They are not saying it will only just be 3 years, but in the time frame that they were supposed to assess, this threat will continue.

They say that the main threat comes from Islamic terrorist groups and cells, especially al Qaeda. Al Qaeda continues to coordinate with regional terrorist groups such as al Qaeda in Iraq, across North Africa and other regions.

Al Qaeda will likely continue to focus on prominent political, economic, and infrastructure targets with a goal of producing mass casualties. Mass casualties. That means thousands, if not millions, of Americans if they were successful. Visually dramatic destruction, significant economic aftershock and fear among the

U.S. population. These terrorists are weapons proficient. They are innovative and they are persistent. Al Qaeda will continue to seek to acquire chemical, biological, radiological and nuclear material for attack; and they will use them given the opportunity. This is the threat we face today and one that our intelligence community is challenged to counter. So says Admiral McConnell.

This is the real issue, the 800-pound gorilla in the room, if you will, which remains the central question before us: How do we best protect America and the American people from another cataclysmic event? I do not believe it is good enough for us to say we are preparing to respond to an attack. I believe what we need to do is to prepare to prevent such an attack.

As I have suggested before, when you assess the risk which allows us a proper assessment to be able to determine how we best array our resources against such an attack, we need to have threat, plus vulnerability, plus consequence. And the only way you can assess threat is by having proper intelligence.

As the National Security Estimate makes clear, those who seek to kill us continue in their resolve to, once again, inflict mass casualties upon our Nation. The threat is still there. Although we have been successful in thwarting another attack since 9/11, there are no guarantees in this business. In fact, if you would look at the polls that I've seen most recently, you will find that something like 70 percent of the American people, in fact I believe it is 73 percent of the American people in the latest poll I saw, believe that we, that the U.S. Government, has been effective in forestalling a terrorist attack on our shores. However, 57 percent believe that we are less safe. So you put those two things together, you try and figure out what the American people are saying. I think what we are saying is they believe that many of the things that we have done in government with the support of the American people and the funding of the American people have been successful in forestalling a terrorist attack on American shores, but they know that al Qaeda and their affiliates and associates have not been deterred to the extent that they are still trying to do us harm.

So they see a continuing problem, and they expect us to see the continuing problem and bring us the efforts necessary to protect against a successful attack as seen from the other side.

Independent sources such as Brian Jenkins in the RAND Corporation have stressed that intelligence capability is a key element in our effort to protect our homeland. He states this: ''In the terror attacks since 9/11, we have seen combinations of local conspiracies inspired by, assisted by, and guided by al Qaeda's central leadership. It is essential that while protecting the basic rights of American citizens, we find ways to facilitate the collection and exchange of intelligence across national and bureaucratic borders.''

In this regard, Admiral McConnell came before us last August asking for changes in the 1978 FISA Act. When you think about it, a definition of ''electronic surveillance'' constructed almost 28 years ago certainly could not have kept pace with changes in technology. Ironically, as I said, when FISA was first enacted, almost all international communications were wireless. The cell phone did not even exist. Although the revolution in telecommunications technology has improved the quality of all of our lives, it has taken a quantum leap beyond the law.

When FISA was passed in 1978, almost all local calls were on a wire and almost all international calls were wireless. However, now the situation is upside down. International communications which would have been wireless 29 years ago are now transmitted by wire. While wireless radio and satellite communications were excluded from FISA's coverage in 1978, certain wire or fiber optic transmissions fell under the definition of electronic surveillance. Thus, changes in technology have brought communications within the scope of FISA which Congress never intended to cover in 1978.

Similarly, the rise of a global telecommunications network rendered irrelevant the premium placed on geographic location by the 1978 act. As Admiral McConnell explained to our committee, it is the Judiciary Committee, in the old days location was much easier. Today, with mobile communications, it is much more difficult.

So a target can move around. So the evolution of communications over time has made it much more difficult. So what we were attempting to do is get us back to 1978 so we could do our business and legitimately target foreign targets and keep track of threats and respect the privacy rights of Americans. Because a cell phone, he continued, for example, with a foreign number, GSM system, theoretically could come into the United States and you wouldn't appreciate it had changed. So you would have to now work that problem, and if you did then determine that it was in the United States and you had a legitimate foreign intelligence interest, at that point, you have to get a warrant.

It was with this backdrop that we enacted the Protect America Act this past August. According to Admiral McConnell, this act has provided us with the tools to close our gaps in our foreign intelligence collection. Think of that. That is what the 9/11 Commission asked us to do, close those gaps. He found those gaps that were at least as wide and even wider following the decision by the FISA Court earlier this year. He said, and says, that the bill we passed in August has closed those gaps.

He described five pillars in the important new law. First, it clarified the definition of electronic surveillance under FISA that it would not be interpreted to include surveillance directed at a person reasonably believed to be located outside the U.S. Under the law, it is not required for our intelligence community to obtain a FISA warrant when the subject of the surveillance is a foreign intelligence target located outside the U.S. This important element of the law is entirely consistent with the legislative history of the 1978 act. As I previously mentioned, it was not intended to reach foreign intelligence outside the U.S.

The second pillar of the act we passed in August establishes a role for the FISA Court in determining that the procedures used by the intelligence community are reasonable in terms of their capacity to determine that surveillance target is outside the U.S. The third pillar of the act provides the Attorney General and the Director of National Intelligence with the authority to direct communications providers to provide information, facilities and assistance necessary to obtain other information when targeting foreign intelligence targets outside the U.S.

The corollary of this obligation to provide intelligence information is the fourth pillar which establishes liability protection for private parties who assist the intelligence community when complying with a lawful direction under the law.

Finally, the law continues the requirement that the intelligence community must obtain a court order to conduct electronic surveillance or a physical search when the targeted person is located in the U.S.

Admiral McConnell defined the concept of the gap to be closed to mean foreign intelligence information that we should have been collecting. I am sure that most Americans would agree with the admiral that in a world with weapons of mass destruction there is no room for gaps in our intelligence capacity. Let me repeat: this is the considered judgment of a career officer in the U.S. Navy who headed the National Security Agency under President Clinton for 4 years and who now serves as the Director of National Intelligence. It is his considered judgment that the changes we made in the law in August were necessary.

Although it was scheduled to sunset 180 days after enactment on February 5, the ink was hardly dry before the left-wing blogosphere was going bananas. Now, don't get my wrong. I defend the right of any American to scrutinize and seek a different course concerning our national security policy. However, based on Admiral McConnell's service to his country to Democrat and Republican administrations, I would suggest that those who seek substantive changes in what he has told us to be necessary should face a heavy burden of proof. In fact, in his appearance before the Judiciary Committee while reserving the right to see the fine print, he indicated he himself was open

to discussions concerning changes in the end.

I would also make the observation that it is time for all of us to agree that this is not about President Bush. Whether you hate him or love him or don't have any feelings about him at all, that is not the issue here. We are talking about the security of our Nation, the safety of our people, the men, women, children, grandchildren we encounter in our districts at Little League games, Girl Scout meetings, and our town halls. Those who send us here to represent them are depending on us to protect their lives and the lives of their children. This is the context within which we must consider this ultimate matter of our responsibility.

While the law we passed in August, the Protect America Act, represents a major step forward in protecting the American people, there remain elements of the larger package unveiled by Admiral McConnell and General Hayden which should receive our prompt attention.

First and foremost, it is imperative for this body to extend liability protection to companies who responded to the entreaties of their government since the 9/11 attacks. That is why I am so disappointed when I appeared before the Rules Committee earlier today and we were told, as we walked in, as anybody walked in with an amendment, We will listen to you, but we have already decided it is going to be a closed rule. One of the amendments offered would have given this liability protection. At a time when our country was in peril, these companies responded to the call for help. In an earlier era, maybe in a simpler time, this might have been described as patriotism. But now, instead of kudos, what do they get? They receive a summons and a complaint. They were met by costly litigation because of their willingness to respond to our country in a time of need.

When we brought the issue up in our Judiciary Committee, one of the members on the other side of the aisle said, Well, these companies have millions dollars' worth of lawyers so they can defend themselves. Boy, that is the way we ought to do things. We are going to fight the war on terror with summonses and warrants.

□ 2030

We are going to sue them out of existence. Oh, I'm sorry. We are not suing the terrorists; we are suing the companies who helped us respond to the terrorists. Figure that one out.

Mr. Speaker, I would go so far as to suggest that regardless of what you think of the war in Iraq, regardless of what you may think of the war on terror, this violates all notions of fundamental fairness. It sends the worst possible message, not only to companies, but to the American public itself, that those who would come to the aid of their country are fools, and it is those on such an ideological crusade seeking to protect this Nation through lawsuits that are somehow the true American heroes. Rosy the Riveter of World War II fame has been replaced by lawyers in three-piece suits.

Some of you may be old enough to remember the standard text used in our typing classes. We would practice over and over again. Boy, I recall this, typing out the following sentence: Now is the time for all good men to come to the aid of their country. Of course it would have been better stated that: Now is the time for all good men and women to come to the aid of their country.

This was an ethos which went unchallenged. Believe me, in typing classes it wasn't a Republican idea, it wasn't a Democratic idea, it was an American idea, so noncontroversial, that it was standard text: Now is the time for all good men and women to come to the aid of their country.

Mr. Speaker, we must not send a message to our companies and the American people that if you respond to your government when our fellow citizens are threatened by a cataclysmic attack that the very government which sought your help will not be there for you when the ideologues come after you with lawsuits.

Even if you hate this President so much you can't see him to succeed in anything, at least consider the possibility that there will be a war down the line that you may support. Furthermore, those who drive around with 1/20/09 bumper stickers need to consider the fact that maybe, possibly there could be a new occupant in the White House more to their liking. He or she is going to need all the help that he or she can get.

Mr. Speaker, the war on terror is not going to end with the term of the current President. The new administration is going to need to call on the help of all Americans, including companies like those whose only offense was to respond to the tragedy of 9/11. By what? Serving their government.

Consider the additional downside of using litigation as an ideological weapon. As anyone who picks up the daily newspaper knows, there is always a story concerning the latest lawsuits. The litigation system can produce leaks of the most sensitive information. It is not the dissemination of information to the public which is even our principal concern. Rather, potential leaks of sensitive information to terrorists will better equip them with the ability to maneuver in the plan which they are committed to doing, killing innocent Americans.

Unfortunately, H.R. 3773, to be considered on this floor, the so-called RESTORE Act that we passed out of Judiciary Committee last week and passed out of the Intelligence Committee, and which is scheduled for floor action as early as tomorrow, fails to address this issue. It does nothing, zero, provides no protection for the companies who came to the aid of our Nation after 9/11. As a matter of fact, if you listen to what happened in the Rules Committee, if you heard the debate in the Judiciary Committee, I presume if you heard the debate in the Intelligence Committee, you would not consider these companies to be something valuable in the defense of our Nation. They are suspect. They are questioned. They are, in essence, patsies, if you really look at this.

Mr. Speaker, the Protect America Act does not contain retroactive liability protection; not because we didn't believe in it, but because Admiral McConnell agreed to delay discussion on the agreement in order to reach an agreement on the law we passed in August to enable us to close the critical gaps in our Nation's intelligence-gathering ability prior to the August break. Since by its own terms that law was to expire February 5, this was an issue to be resolved at this time.

Unfortunately, the RESTORE Act resolves it by ignoring it. It is, therefore, essential for this body to take the necessary action to ensure that those who responded to the call for help after 9/11 will not be fed to the litigators.

Mr. Speaker, I would be pleased to yield to my friend from New Mexico (Mrs. WILSON), a member of the Intelligence Committee, a former member of our military forces, and someone who has been probably the most articulate in explaining the need for the changes in the law that we passed in August and for making that permanent as we go forward.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from California. I very much appreciate his hosting this Special Order this evening.

Mr. Speaker, before the August break we fixed a problem. It was a problem that grew worse over the course of this year in that we were increasingly hampered in our ability to prevent another terrorist attack on this country because of the change in telecommunications and a law that was woefully outdated.

It's called the Foreign Intelligence Surveillance Act. It was put in place in 1978 to protect the civil liberties of Americans. Think about it. 1978 was the year that I graduated from high school. The telephone hung on the wall in the kitchen. Cell phones had not been invented. The word ''Internet'' did not even exist. Technology has changed since 1978, and the law had not kept pace.

In 1978, almost all long-haul communications went over the air. Almost all international communications went over the air, and they were explicitly exempted from the provisions of the Foreign Intelligence Surveillance Act. Our intelligence community folks would go ahead and collect those communications if they had foreign intelligence value. They minimized or suppressed any involvement of Americans who were innocent and just happened to be referred to in a conversation or

something. But there were no restrictions on foreign intelligence collection.

Mr. Speaker, unfortunately, technology has now changed, and what used to be over the air is now almost all on a wire. The courts have found that under the old Foreign Intelligence Surveillance Act, before we changed it in August of this year, that if you touched a wire in the United States, even if you were targeting a foreign terrorist talking to another foreign terrorist who had no connection to the United States at all, then you needed a warrant. This began very rapidly to cripple our intelligence capability with respect to terrorism in particular.

The Director for National Intelligence, Admiral McConnell, has testified in open session that without the changes, without keeping the changes, making them permanent, that we put in place in August, we will lose between one-half and two-thirds of our intelligence collection on terrorism. Think about this for a second.

Now we all remember where we were on the morning of September 11, remember who we were with, what we were wearing, what we had for breakfast. Most Americans don't remember where they were when the British Government arrested 16 people who were within 48 hours of walking onto airliners at Heathrow Airport and blowing them up simultaneously over the Atlantic. They don't remember it because it didn't happen.

The American people want us to prevent the next terrorist attack. They don't want to have to remember where they were when a preventable disaster happened. That is what intelligence gives us, and that is why the Protect America Act is so important and why we have to make it permanent.

Sadly, the Democratic majority is going to bring a bill to the House this week which will gut the progress that we made in early August. They say things in this bill that, on its face, initially you think, well, that makes sense. One of them is you would not need a warrant for any foreign-to-foreign communication.

Well, doesn't that solve the problem? Wait a second. If Mr. LUNGREN, my colleague from California, was a foreign terrorist, just for the purposes of discussion, how do I know who he is going to call next? I don't. And if the law says that it is a felony to listen to the conversation of someone who is a foreigner calling into the United States, that means as soon as I collect that conversation, as soon as that terrorist makes a phone call into the United States, I become a felon. As a result, you have to have warrants on everyone.

It doesn't relieve the system of this huge legal bureaucracy. It means they have to get warrants on every foreigner in foreign countries, even if they are only talking to foreigners, because they might some day pick up the phone and call an American. And, oh, by the way, that is the conversation we want to be listening to. If we have a terrorist affiliated with al Qaeda calling into the United States, you bet we should be on that conversation. We should be all over that like white on rice. We shouldn't be waiting to get a warrant from a judge in Washington, D.C.

But it gets worse than that. They also put in this bill some things called blanket warrants.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, reclaiming my time, I have referred to that section, that first section where they say you don't need it if it is foreign-to-foreign as the ''furtive fig leaf'' section of the bill, which appears to give Admiral McConnell what he needs, but because of the actual practicality of it, denies him the opportunity to do it, because essentially that was sort of the state of the law prior to the time we passed the law in August, and he told us it doesn't work.

Mrs. WILSON of New Mexico. If the gentleman would yield further, that is exactly right. There is already a provision in the law and was in 1978 that if it was foreign-to-foreign communication, you didn't need a warrant.

There are some circumstances where you are tapping into a line that is between a command headquarters of the former Soviet Army and one of their missile silos where it is a dedicated line. But modern telecommunications don't operate that way, and the terrorists who are trying to kill us are using modern commercial telecommunications. They are not using dedicated lines between headquarters. They don't even have headquarters.

Mr. DANIEL E. LUNGREN of California. If the gentlewoman would allow me to reclaim my time for a moment, evidently some on the other side of the aisle have listened to a little bit of our complaint here, so in the manager's amendment they have included what they consider to be the saving piece of that first section, which says if the electronic surveillance referred to in paragraph 1 inadvertently collects a communication in which at least one party to the communication is located inside the U.S. or is a United States person, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General.

If that is all they did, that would be fine with me. But they then go on to say this, that require that no contents of any communication to which the United States person is a party shall be disclosed, disseminated or used for any purpose or retained for longer than 7 days, unless you get a court order or unless the Attorney General determines specifically in this case that the information indicates a threat of death or serious bodily harm to any person.

Now, Admiral McConnell has suggested to us that time frame, they say you can't keep it longer than 7 days, may not be practical within the contours of how we actually get that information, number one; and, secondly, you can't use that information. You can't give it to anybody. You can't disclose it to the FBI, even though the information doesn't make the person in the United States a target, the information contained in that conversation is all about Osama bin Laden calling into the United States and something he says that is important for our purposes. That is the extraordinary thing here, because it says no contents of any communication to which the United States person is a party shall be disclosed, disseminated or used.

It is exactly contrary to what Admiral McConnell said, which is the law should be directed at the identity of the individual we are targeting. So in this case, because you now capture a conversation that has taken place with the foreign person in a foreign land into the United States, even though it doesn't give rise to anything that would make a target of that person in the United States, you can't use any of that conversation with respect to the target for which you don't need a warrant, even though that person could be Osama bin Laden or one of his top people.

That is nuts. With all due respect, I use the word ''nuts,'' but I think that is probably proper.

Mrs. WILSON of New Mexico. Let's just think of an example here. Let's say Osama bin Laden or one of his chief lieutenants did call into the United States to a completely innocent person, a completely innocent person under this law which the Democrats are going to try to pass this week, and what he says in that conversation is ''Don't go to the Sears Tower tomorrow. Stay away from the Sears Tower tomorrow.'' Whoever in the intelligence community gets that communication is barred by law from giving it to anyone who can take any action to prevent a terrorist attack on this country.

Mr. DANIEL E. LUNGREN of California. Unless they go to court and get an order, which requires all of the necessary preparation that Admiral McConnell has told us we cannot do.

Mrs. WILSON of New Mexico. You may not even know who the person is being called, other than it is an area code and number in the United States, which means you don't have any probable cause. You have to send the FBI out and find out whose number that is and whether they are reasonably believed to be involved in a crime.

□ 2045

But the threat is immediate. We cannot have our intelligence agencies tied up in legal redtape when they are the first line of defense for this country in the war on terrorism.

I am appalled that we have people in this body who put forward legislation who seem to be more concerned about protecting the civil liberties of terrorists overseas than they are about protecting Americans here at home and preventing the next terrorist attack.

This would be an unprecedented extension of judicial oversight into foreign intelligence operations. We don't even do this in criminal cases, and my colleague is much more experienced in criminal law than I am. But if we are listening to a Mafia kingpin and he happens to call his son's second grade teacher.

Mr. DANIEL E. LUNGREN of California. Or his sainted mother or his brother, the priest.

Mrs. WILSON of New Mexico. Anybody. And we are not prevented from using that information until we get a warrant on the priest or his mother or his son's second grade teacher. The target is the Mafia kingpin.

This legislation will tie our intelligence community in knots in order to protect the civil liberties of terrorists in foreign countries who are trying to kill Americans.

There are some in this body who may believe we shouldn't have intelligence services. I believe it was Hoover who said that gentlemen shouldn't read each other's mail. Well, we are not dealing with gentlemen here. We are dealing with terrorists who are trying to kill Americans and are using commercial communications to talk to each other. We must do everything we can to prevent that terrorist attack, and that means listening to their conversations if we get an opportunity to do so.

Mr. DANIEL E. LUNGREN of California. I would like to pose this question to the gentlelady. The gentlelady has studied this issue for a long time and was one of the first people to raise certain points of considered alarm, trying to bring a sense of urgency to this House to respond to the threat that is out there.

There is another troubling aspect of the bill to be brought to the floor. It has a sunset of December 31, 2009. So that would suggest to anybody looking from the outside that there is an end game or an end date at which the threat no longer exists. Can the gentlelady give us any advice, considered opinion, as to whether or not this threat is long lasting? Or should we limit this law just to the next 2 years?

Mrs. WILSON of New Mexico. I don't think anybody believes that the threat of Islamic terrorism to the United States, or other foreign threats, are somehow going to go away in the next 18 months. That is just not going to happen. What is even worse about this bill, while they set up some system of blanket warrants with respect to some national security matters, they do not allow any so-called blanket warrants for things that are outside of direct threats to the United States, which is unprecedented in foreign intelligence collection.

That means if we are trying to listen to Hugo Chavez in Venezuela, or we are trying to figure out whether the leader of Sudan is about to launch another wave of genocide in Darfur, or we want to listen in to what the Chinese or the North Koreans are talking to each other about with respect to the Six-Party Talks and the potential for weapons of mass destruction on the Korean Peninsula, we are absolutely prohibited from listening to those conversations without a warrant from a court in the United States of America. The courts have never been involved in that way. Never in the history of this country, nor should they be. Foreign intelligence collection of foreigners in foreign countries has never been subject to warrants here in the United States.

Mr. DANIEL E. LUNGREN of California. Today I presented two amendments before the Rules Committee for consideration on this floor. Both were denied. One would have expanded the definition of foreign intelligence individuals or states to include nonstate actors who are involved in proliferation of weapons of mass destruction.

The reason I did that is al Qaeda is not a state. There are free actors out there who would attempt to work with nation states or with organizations such as al Qaeda; and technically under the definition currently in the FISA law, they are not covered so that we couldn't do these sorts of things you talk about, listening in on their conversations without warrants, even though they may be as much a threat as a small nation state somewhere. But yet we don't even have an opportunity to discuss that on the floor of the House because that amendment and every other amendment was denied.

Mrs. WILSON of New Mexico. There is historical precedent for this, one of a Pakistani who ran a criminal enterprise, an international network that was selling nuclear materials and the capability to build nuclear weapons to people and countries around the world. While he was Pakistani by nationality and had helped with the Pakistan Government's weapons program, there was no question that he wasn't acting as an agent of Pakistan, at least I don't think there was. He was running a criminal enterprise for money, and we should be able to listen in and track people like that.

Likewise, I think our foreign intelligence should be able to listen to narco-rings in Burma and be able to detect whether there are cocaine smugglers who are trying to ship drugs into the United States.

These are all foreigners who are doing things that we do not like that are not in our interests and our intelligence capabilities should be used to disrupt those things. This law would shut that down. Shut it down. And Admiral McConnell has been very clear on that.

Mr. DANIEL E. LUNGREN of California. Let us return to the protections of Americans.

In the criminal justice system for years and years and years, somewhere between 30 and 50 years, we have done minimization, which means that if you have a wiretap on a Mafia member, and as I say, he calls his sainted mother or his priest, and the conversation has nothing to do with Mafia activities, that is minimized. That is, it is taken out of the data field and thrown away, essentially. If he says something in that conversation, while not implicating the other person in the conversation that is of benefit to our investigation, that is, he comments he is going to be going to Nashville and that's an important piece of information for us to know, we can use that. If the receiver of the conversation or communication, by what he or she says, indicates activity of an illegal nature such that that person becomes a target, it is at that point we require a warrant for that person.

Similarly, the way the law that we passed in August works is once you have the legal nonwarrant wiretap, or whatever you want to call it, catch of or capture of the communication because the target is a foreigner in a foreign country and you have reason to believe they are involved in some way that is covered under the law, that conversation or communication to someone within the United States is treated in the very same way.

If the conversation has nothing to do with terror, it is minimized. It is thrown out. If the conversation contained some information about the legal target that is of benefit, we can use that information against that target. If in fact the response or the statement made by the person in the United States, the American, is of a nature that gives us cause to believe that person is involved in terror, we then go get a warrant because that person becomes a target. Is that the gentlelady's understanding of how we operate?

Mrs. WILSON of New Mexico. That is exactly how this law works. If the target is an American, you need a warrant. If the target is a foreigner, you don't need a warrant; foreigner in a foreign country.

I think one of the things that is important to remember here, something that has been the greatest accomplishment in the last 6 years in this country has been what has not happened. We have not had another terrorist attack on our soil. And it is not because they haven't tried.

Osama bin Laden and al-Zawahiri have been very clear: they want to kill millions of Americans, and they will do it if they can.

The question is whether we will use the tools at our disposal, entirely constitutional and legal tools, in order to prevent the next terrorist attack, to stop the attack on the USS *Cole*, to prevent the planes from taking off from Heathrow to kill thousands of innocent Americans. Intelligence is the first line of defense in the war on terrorism. It is possible to provide our intelligence community with the tools to keep us safe while protecting the civil liberties of Americans, and that is the perspective that the Democrat majority has lost.

When Admiral McConnell appeared before the Judiciary Committee, he wanted to make clear our understanding of the technology of the capture of conversations. And he put it this way: he said when you are conducting surveillance in the context of electronic surveillance, you can only target one end of the conversation. So you have no control over who that number might call or who they might receive a call from. He then went on to say if you require a warrant in circumstances that we have never required before, as is the implication of the bill to be brought before us, he said if you have to predetermine it is a foreign-to-foreign before you do it, it is impossible. That's the point. You can only target one. If you are going to target, you have to program some equipment to say I am going to look at number 1, 2, 3. So targeting in this sense, you are targeting a phone number that is foreign. So that's the target. The point is you have no control over who that target might call or who might call that target.

Is that consistent with your understanding in the years you have been on the Intelligence Committee and the years you have looked at this issue?

Mrs. WILSON of New Mexico. That is exactly right. The biggest problem is that the terrorists who are trying to attack us, and even foreign governments, are increasingly using commercial communications. So they don't have dedicated lines between a couple of government buildings. In modern communications, those communications will flow wherever it is fastest to get to wherever they are calling to. Sometimes that call will transit the United States, and we shouldn't require a warrant just because the point of access to that conversation happens to be within the United States.

Mr. DANIEL E. LUNGREN of California. I know we only have about 5 minutes left. This is testimony that Admiral McConnell gave before the Judiciary Committee. He was asked this directly by a Member from the other side of the aisle: How many Americans have been wire tapped without a court order?

The direct response by the DNI, none. He went on to say there are no wiretaps against Americans without a court order. None. What we are doing is we target a foreign person in a foreign country. If that foreign person calls in the United States, we have to do something with the call. The process is called minimization. It was the law in 1978. It is the way it is handled.

Is that your understanding?

Mrs. WILSON of New Mexico. That is my understanding, and he has testified to that in the Intelligence Committee as well. That is what gets lost here. People seem to think that somehow this impacts the civil liberties of Americans. No, this bill that the Democrats are bringing to the floor this week will extend civil liberties protections to foreigners trying to kill Americans. It will make it harder for our soldiers and our law enforcement folks and our intelligence community to find out when the next attack is coming in order to prevent it.

I don't understand why they are going in this direction. Sometimes I don't think they really understand what they are doing here. Sometimes I think it is not entirely intentional on the part of some of these folks, that they really do not understand how this works and how badly they are crippling American intelligence if they pass this law.

Mr. DANIEL E. LUNGREN of California. We should recall the words of the United States Supreme Court in the Keith case which is the case that dealt with wiretaps in the United States. They said that while there was no warrant exception in domestic surveillance cases, it was not addressing the question of activities related to foreign powers and their agents. And in that unanimous opinion, the court noted that were the government to fail ''to preserve the security of its people, society itself could become so disordered that all rights and liberties would be endangered.''

Justice White, a John Kennedy appointment to the Court who personified the definition of a moderate, said this in his concurring opinion in the Katz v. U.S. case: ''We should not require the warrant procedure in a magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonable.''

In other words, the court when it dealt with this issue those years ago recognized the difference between a criminal justice system and a system of intelligence and counterterrorism to protect our country from attack by those who would basically destroy everything, including our Constitution and our constitutional foundation.

Mrs. WILSON of New Mexico. If you think about how the challenge has changed since the Cold War, in the Cold War, we had early warning systems. We had Cheyenne Mountain that was watching early warning systems to see if Soviet bombers were heading towards us or missile systems had launched, immediately scrambling airplanes and taking immediate action to protect this country.

□ 2100

And we had intelligence systems set up to be able to detect and give us that early warning. The problem has changed, but the need for early warning is still there.

Now, what we didn't do when we got a detection that bombers were coming towards the United States was call the lawyers in Washington to see if we could launch our airplanes to protect us. The system was set up to be fast and immediately responsive.

What the Democrats are going to do this week is to say if you get a detection, if you believe you have early warning, that the terrorists are coming to destroy Americans or attack Americans, put that on hold while you go get a warrant, talk to judges, take hours to decide whether we can respond. That will not allow us to protect America.

Mr. DANIEL E. LUNGREN of California. The gentlelady is exactly correct, and let me suggest, to get down to basics, that when surveillance is directed overseas, legitimate concerns relating to purely domestic surveillance are not implicated. We should all be concerned about the protections of civil liberties, as the 9/11 Commission put it.

The choice between security and liberty is a false choice as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home.

And I thank the gentlelady for her comments.

Mrs. WILSON of New Mexico. I thank the gentleman for having this hour tonight.

## TRUCKS COMING IN FROM MEXICO

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Kansas (Mrs. BOYDA) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BOYDA of Kansas. Mr. Speaker, tonight I rise to speak on behalf of so many in the 2nd District of Kansas who are as concerned as I am about what's happening with the trucks coming in from Mexico.

I have stood strong and said from the beginning what on Earth are we doing here. We have a rule of law in this country, and some way or another it is once again being completely disregarded, the will of the American people, the rule of law, and I stand before you here tonight to say the people of the 2nd District want me to say something, and that is, enough is enough.

My Safe American Roads Act basically said this pilot program is not going to keep our families safe. It, in fact, will make our highways more dangerous, and asks the President, please, Mr. President, stop this program now.

We had a bill that was voted on this very floor right here, 411–3, virtually unanimously, and yet on Labor Day weekend, just a stunning, a stunning reversal of what the American people had asked our President, on Labor Day weekend it was announced that these trucks coming up from Mexico would be allowed that weekend, and in fact, the first trucks started to roll.

Tonight we want to talk about what's going on and why we are so concerned, and I'm joined here with my friend and colleague Mr. RYAN from Ohio, and I will just turn it over to you for a few minutes.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate that, and I appreciate all your

work on this particular piece of legislation that we have a lot more work to do convincing our friends on the other side of the Capitol to act on this.

But what I find interesting is we're just standing here. You're from Kansas; I'm from Ohio. This is not a border State issue where we're directly across the border from Mexico. This is an issue that affects all of us all across the country. So, whether it's manufacturing in my district or, you know, in someone else's district across the country, this is an issue, as you said, that represents America.

We sign a lot of these trade agreements, and many people don't even know what's in the fine print, and here we find out 15 years later about this little program that's going to go on that really, I think, does several things.

One, it's a real threat to U.S. jobs in the trucking industry. And then as your bill pointed out, why it is, I think, such an important piece of legislation, and Mr. Speaker, this is the Safe American Roads Act of 2007, H.R. 1773, sponsored, pushed, advocated for by the gentlelady from Kansas who's been such a strong advocate on this issue. But basically, what we're trying to do from our vantage point is put some responsibility into this thing, to make sure that there are certain standards that are met.

And I know that was the key impetus for this whole piece of legislation from the beginning is let's have some standards, Mr. Speaker, where if you want to compete in the global economy, we're all playing by the same rules.

Now, all of the sudden we have American truckers who have drug testing and there are certain standards for the trucks and certain training that needs to happen and equipment and on and on and on down the line. Now, all of the sudden they're going to be competing with folks who just don't have to abide by the same rules.

Mrs. BOYDA of Kansas. I know a lot of good people are concerned about their jobs.

Our trucking industry, while I'm sure you've heard the same thing as well, as of January I had to put on some pretty strict environmental controls, and they did it. They went out and spent the money. They maintain their trucks. They keep them up to standard, so that when you and I are out there with our families, we don't have to breathe as much smog and we know that trucks that are out there are, in fact, safe.

Those men and women who have purchased those trucks at great expense are now going, What did I do that for? Why is it that I'm required to meet a standard and yet our companions to the south are not, in fact, required to do that? Something is just definitely awry here, and the American people have stood up and said enough is enough.

Let me make this real clear. This is not a partisan issue, Mr. Speaker. We both happen to represent the heartland, but this is an issue that speaks across not only party lines but across our geographic districts and speaks to people up and down the United States.

What the Safe American Roads Act basically did was say NAFTA provided for a pilot program, but it said there had to be some standards, let's have some standards here, and there had to be a public comment period. Well, we have a grade card here, and I'd like to pull that up for a minute.

Mr. Speaker, here is that grade card. First of all, it said that we had to have a public comment period. Now, traditionally, the minimum comment period is 30 days. Did this get 30 days? No. On June 8, after the Safe American Roads Act was passed, on June 8 there was an announcement that, by the way, all the safety standards had now been met. A simple statement, by the way, they've been met. I compare that to, you know, giving a third-grader 5 hours of homework and 5 minutes later they're running out the door saying, I got it done.

Mr. RYAN of Ohio. Well, that's kind of like the President during Katrina; he flies in. He says, Hey, you're doing a great job, Brownie. Well, maybe you should look and see what he did before you start making the comments. So there's a little bit of a pattern that this administration may have.

Mrs. BOYDA of Kansas. I would absolutely agree with that.

So on June 8, the statement was made, yeah, good job, all the safety standards have been met, and the public comment period is starting. That was June 8. It was over on June 28, 20 calendar days, 10 short of what's considered to be the very minimum. You know, it was just a slap in the face of the American people.

Basically, it said that you had to comply with the rules that are already out there. We have section 350 of the FMCA, the Federal Motor Carrier Safety Act; you can't bring this new pilot program in until you at least meet those requirements. Well, the fact is that they have not met those requirements either. That has to do with bus inspections. This makes a difference. These aren't just petty little infringements. This is real big business here. Bus inspection facilities still have not been met. Hazardous materials transportation, still we have an F here.

How about keeping the promise of inspecting every truck every time? Well, I think as we noted tomorrow, the Secretary of Transportation is having a press conference with the Secretary of Transportation from Mexico. They're going to be having a press event. Oh, did I say ''press event''? I meant they're going to be doing inspections, I'm sorry. They're going to be doing inspections. They're going to inspect one truck from Mexico and one truck from the United States.

Now, I don't know how you feel about that, but I am not convinced that we take a look at one truck and then deem the whole program safe, and I am deeply concerned again that we are heading in a direction that it's going to be harder and harder and harder to pull back on this thing.

We all know once it's out of the door, once the horse is out of the barn, it's harder and harder to pull this back, and they're just going off in a direction, again that's clearly, clearly opposite the will of the American people.

Mr. RYAN of Ohio. And it makes our roads less safe. I mean, that's why you're here. That's why I'm here. We care about jobs. We care about economic development. We care about all these things, as we'll continue to talk about tonight, Mr. Speaker, but the bottom line is this. We have unsafe trucks that will be coming in that are now through the pilot program, will continue to come into our country, lack inspection, lack the safety standards that we're accustomed to in the United States. That puts those kids who are riding in cars in the other lane, or in front or behind or whatever the case may be, in jeopardy. We have certain standards in the United States.

Mrs. BOYDA of Kansas. So when you first started learning about this, I'm sure you thought the same that I did. Certainly, maybe we're just overreacting, maybe there are standards there, and those standards are being met and we shouldn't worry. Then you come to find out that they don't even have drug testing facilities. They don't even have drug testing facilities in which to perform these. The whole recordkeeping, the hours of service is just extremely worrisome. There's no way to even begin to verify that when someone comes across the border, we don't know how many hours of service that they've had already.

So this is not even an attempt to meaningfully enforce these laws, and they will tell you that, in fact, these systems are not put in place, the same standards that we have, we've come to expect in this country, training, recordkeeping, sleep, drug testing.

And certainly if we're going to talk about drugs, I don't know about in your area, but in mine, we are finally getting the meth labs in the rural parts of my district, we're getting those under control, only to have huge meth shipments coming in from where? From Mexico. And this, again, will just exacerbate that situation and make it harder and harder and harder to control the influx of drugs into this country.

This is not a partisan issue. This is not anything that is being done politically.

Mr. RYAN of Ohio. Look at the vote on your bill, 411–3.

Mrs. BOYDA of Kansas. Don't you wonder who the three were?

Mr. RYAN of Ohio. I bet I could guess, but I won't comment on that.

Mrs. BOYDA of Kansas. You just have to wonder who said no, and then it went to the Senate, and the Senate basically said we'll take something and

we'll put it into the supplemental bill. And it also, of course, then passed as well.

And again, we now have a law that's, in fact, in force today as we speak, and it's very difficult in my district to ask people to believe that there's any real meaning when it comes to enforcement of these laws.

And it's one of the real outrages in my district is with immigration, and that's why it all comes together in saying this is yet another law that they're not even trying to enforce it.

Mr. RYAN of Ohio. You brought up the immigration issue, and I think it's important is we have put through the homeland security bill and a variety of other bills, more border patrol on the border, Mr. Speaker. We're trying to continue to try to make sure that people who come into this country come in legally, and that is a major issue.

But because the resources that we are trying to provide are going down to the border to try to prevent illegal immigration, at the same time we do not have the resources to provide the kind of oversight and to make the kind of investments given the history of corruption in many of the industries and in the Mexican Government that lack oversight.

So here we are saying, well, we're going to let you come into our country, but they are not providing the oversight. We don't have the money to provide the oversight with the budget deficits that we're running now. So this is a critical, critical issue.

And like I think most issues of globalization, things happen too quickly, where the infrastructure is not in place in many countries for labor, for health, for the kind of protections that we want.

We like having our truckers in safe trucks. We like knowing they've got the proper amount of sleep. We like knowing the proper environmental advances are going to be made so the air is cleaner. Those are good things. I like clean air and clean water. I don't think I'm really out on a limb on this one.

But what we are saying is, if you want to do business in our country, you have got to come up to our standards. And for too long, we've been dropping ours to meet everybody else's, especially wages, which is a whole other Special Order that we could talk about.

Mrs. BOYDA of Kansas. Another Special Order on food safety and different standards of food. We have standards for food in this country.

□ 2115

But we bring in food that doesn't even meet our own standards. Now, tell me if that makes any sense. Is it safer to eat something that comes in from someplace else? It is just that the hypocrisy here is becoming, I think, very, very clear to the American people, Mr. Speaker. They have had enough. They are speaking up and telling us they want change.

One thing that concerns me, too, and especially with what is going on tomorrow. There is going to be one truck from America and one truck from Mexico that is going to be inspected. Now, my background is in the pharmaceutical industry. I was in the research and development side. When we did studies, you can believe how much time went into that protocol to say is this going to be safe and effective. Those same kinds of standards apply to this very project right here. So if we are going to do this pilot program, certainly there must have been some kind of a protocol put together that says, here is how we are going to study this, and at the end here is how we are going to know if in fact we have the data, we have collected the data to tell us if we are now safe. There hasn't been anything that has been done in that regard, that hasn't been looked at as is this a statistically significant sample? Are we testing it? Is it rigorous?

When we are done with this, really there is one of two things that can happen a year from now when this pilot program is finished. We will have had 500 trucks on the road for a year. And if there is no incident, will we know at that time do we just open up the borders? Now, let me tell you that I would rather that there is not an incident with those 500 trucks, but the fact of looking at 500 trucks, you could keep an eye on each one of those individually for one year, this isn't difficult. At the end of the year, are they going to tell us, if there isn't any problem that it is now safe and we have demonstrated that this has been a pilot program? That is kind of like saying we are going to give a drug to 500 people, and if nobody dies on it, let's put it out to the American people and market it. Now, that is not the way I did business and certainly not the way the pharmaceutical industry would even want to do business, but legally would not be allowed to, but they wouldn't want to do it that way.

Why is it that we are taking a small sample that we know probably is going to be handpicked and watched closely for a year, and then use that to determine what goes on?

Mr. RYAN of Ohio. Without having this system in the infrastructure in place to say that every truck in the future that is going to go on the road, this is just maybe fixing up trucks and picking the right people to make sure you get the right results.

Mrs. BOYDA of Kansas. It is called cherry-picking where I come from.

Mr. RYAN of Ohio. It is called cherry-picking, and you are getting the results. But at the end of the day, you don't have a system in place in the Mexican domestic government, the civilian side, to monitor this to say that every truck that comes through or at least minimize. Now, we have truck accidents in this country. You are probably never going to be able to eliminate all of it. But, at the same time, we have these strict enforcement mechanisms. And we all deal with trucking companies in our district; they have got to go through a lot, logging miles and hours and sleep.

Mrs. BOYDA of Kansas. It is disciplined.

Mr. RYAN of Ohio. And it is a tedious task. People can make a few bucks doing it, I have noticed, but at the same time it is very rigorous. But at the end of the day, we decided as a country we would rather have safer roads. These trucking companies do not want the insurance payments if they would cause an accident, so they are inclined to abide by it. So all we are saying is let's lift everybody up and let's all play by the same rules, and we would be happy to do business with you.

Mrs. BOYDA of Kansas. It seems like it should make sense. In the State of Kansas, I don't know in Ohio but in the State of Kansas we do triples. Do you do triples, triple trailers? We do triple trailers across Kansas. One truck pulls three trailers. And I don't mind saying, as a mom, when you have got kids in the back seat, it is unnerving. Now, I have come to understand that triple trailers in fact are safe and there is data out there to prove that in fact they are safe, but I don't mind saying it is unnerving.

The concept that we would be doing triple trailers, I would assume that if triple trailers are allowed, then Mexican triple trailers are going to be allowed across Kansas. I am telling you, I don't think many people in Kansas are going to sit still very long. So are we saying that our own truckers then should start to dummy down their standards, that they shouldn't be able to do things because these other trucks are coming in and they might not be as safe?

Actually, when my kids were small and they were in that back seat and we were traveling across I–70, we went from Kansas across to St. Louis, Missouri, across I–70, I am sure fathers as well as mothers just have that sense of dread when you are so close to those big trucks. And, unfortunately, there are accidents. I can't imagine driving my grandkids now across I–70, wondering if these trucks are going to be safe.

We had a news conference, Mr. Speaker, about a month, maybe 3 weeks, ago and this woman I thought was incredibly brave. She told the story that was an absolute, it was literally tear jerking. She had just gotten married on her parents' 45th wedding anniversary. They were so very close. And to make a long story short, not long after she was married, her parents were in their car going down the highway in California with her nephew when the drive train fell out of the car. Needless to say, what happened after that was just, you couldn't even describe. And she was so brave. And this truck was from Mexico; and she said not only had they lived through this terrible, and of course wondering what her parents' last moments were like and the terror that resulted from it, but then the legal nightmare.

Mr. Speaker, trying to find the driver and trying to find the company, trying to find anybody who could give them information about, first of all, what had happened, who owned this truck, who was this person. And obviously the truck driver lived; her mom and dad of course did not. Getting any kind of compensation has been a nightmare.

Now, again, we are taking a fairly small, limited sample. And I am sure that we both agree that within this first year we both want this first year to be completely accident free. We should all want that. But what is it going to tell us if it is accident free? What knowledge are we going to have gained 12 months from now if it has been accident free?

This is what concerns me, that they take the entire program, put a great big Good Housekeeping stamp of approval on it and call it good and open it up. And then we are going to see what really happens.

Mr. RYAN of Ohio. And the concern for a lot of us is that this administration does not really have a very good track record of being open and honest with the Congress through a variety of issues. We go all the way across the board from the Iraq war, whether you were for it or against it or wherever you ended up; the actual execution of unbid contracts and lack of oversight and not getting the kinds of answers we need.

Katrina, we have the same kind of deal. The President goes down, Mr. Speaker, and says everything is doing great. Good job, Brownie, we are doing everything we can. Then you find out over the course of several days, several weeks, several years that it wasn't going well at all. There was no infrastructure in place; there was no civil coordination. We had all kinds of problems.

And I think it is so important that the gentlewoman, Mr. Speaker, from Kansas has brought this issue to the Congress and made it a priority, not only for her but for the whole Congress, passing legislation with 410 other Members other than herself, is that we need to make sure that, if we do it, we do it right and we get it done, and we make sure that we have the safety standards in place, the drug testing, the sleep, the caps, the traditional safety standards that we have here, Mr. Speaker.

This is important stuff. And it can't be you say one thing today, and we find out a year later that it is not going as well; everybody passes, we completely implement the program, and we find out a year later. Now we have 5,000 trucks on the road coming from Mexico, and none of them are safe, or 50 percent of them are safe. That is too risky for I think our tastes.

So it is important that we continue to push the other side of the Capitol to pass this piece of legislation, talk to our Senators, talk to the people we work with to get this thing done. This is important for the American people, a priority for you, a priority for me, and a lot of our other colleagues to the tune of 411 of us. We can't agree on anything with 411 people, but we agree on this issue.

Mrs. BOYDA of Kansas. Absolutely. I think that really speaks for it. In July, what, 114 Members in the House also signed an urgent, urgent letter to the President, Mr. Speaker, just calling on him to stop this pilot program until these safety concerns were met.

Is this about jobs? Sure. Is it about safety? Absolutely. And ultimately that is why I had to stand up and say something. This is about safety, and 114 Members of this House right here, absolutely bipartisan, wrote a letter to the President imploring that he stop this program before it gets started.

And so in the House we have passed the Safe American Roads Act; we have signed on to some statements in the supplemental asking for the President, telling the President and/or law to stop this. We have written a letter. I am hoping that our colleagues in the Senate, certainly I am calling on my colleagues from Kansas, to stand up and to really get behind this issue very clearly, very forcefully, and impress in whatever way we can to influence the President of the United States, and to see that we bring this extremely ill conceived project to a halt. The horse has not left the barn, but it is getting ready to. Now, that is what we say in Kansas.

Mr. RYAN of Ohio. It has got the hoof out.

Mrs. BOYDA of Kansas. We have lots of horses in Kansas. The horse has left the barn. It has not left the barn; it is getting ready to. And then we are going to hear that it is going to be impossible to pull back. And this is what we have to do, and it just cannot be allowed to go further.

Some of the independent truckers in my district were so concerned because they knew that this pilot program was being discussed; and yet time after time they were told, no, don't worry about it, this is not going to happen.

And I agree with you, Mr. RYAN, that just the issue of trust has so much to do with this right now. And I think the American people are just deeply offended that the President has said ''trust me'' one more time, and they are just not able to.

This is not about race, it is not about Mexico, it is not about anything other than keeping our families safe when we get out on the road that we could be assured that every safety precaution, every reasonable safety precaution has been met, and that the force of law is behind it and the American people, their tax dollars are going to make sure that this is being enforced, and they can get out on the roads, take the kids to wherever they are going, over the river and through the woods, and know that they are going to be safe.

Mr. RYAN of Ohio. I want to in closing just say that hopefully, and I think this has, that there is a real move afoot in Congress, whether it is with your bill regarding transportation and Mexican trucking, ROSA DELAURO talking about food safety, toy safety coming in from China. There is a lot of movement coming in Congress to say, hey, we have got these standards here. We were one of the first countries to implement them. They were important to us. We like the standard of living that we have here, and we want to keep it moving. That is why I think this is such a key piece of legislation.

So I am happy to support you and continue to talk about this and keep pushing.

Mrs. BOYDA of Kansas. I thank you very much. I think we both asked the American people to stand up and to make their voices heard. Everyone plays a part in our democracy. That is the beauty of our democracy.

So, Mr. Speaker, I implore the good people of America to stand up and very clearly and forthrightly, respectfully of course, very respectfully, say that they cannot support this, nor can they support people who are unwilling to stand up and take a stand on this.

With that, I thank my colleague from Ohio for joining me this evening, and I certainly am hoping that very, very soon we will have good news and this program will be put to rest.

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□ 2130

## SCHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I'm not certain my voice is going to hold out for a full hour, but I will do my best.

I come to the floor tonight to talk, as I do every week, about health care, the state of health care in America. We have an unusual week ahead of us here in the House of Representatives. Many people know that we have been debating the reauthorization of the State Children's Health Insurance Program for several months now.

The bill that was passed on the floor of the House at the end of September was vetoed by the President and that bill, I'm assuming, will be coming back to the floor of the House this week to test the possibility of an override on the President's veto.

Mr. Speaker, I support the reauthorization of the State Children's Health Insurance Program, as does, I suspect, almost everyone in this body. But, Mr. Speaker, the bill that we received the end of September was not a good bill to accomplish the purposes that we're looking to accomplish.

Mr. Speaker, we need to focus on the poor children in this country and only expand the program after we're doing a good job taking care of the poor children and the near poor in this country. And I don't think we have yet met that test, and that's why I supported the

President when he vetoed the legislation; and I hoped that that would be an impetus for both sides to come back together in this House and work on that bill and get a product for the American people, a viable product to reauthorize the State Children's Health Insurance Program for the American people. Unfortunately, that has not, that expectation has not been met.

Now, Mr. Speaker, the State Children's Health Insurance Program was introduced 10 years ago. You know, when we all stood up in this Chamber last January and raised our right hands and swore our oath to defend the Constitution, every man and woman among us in this body knew that September 30th of this year the State Children's Health Insurance Program was going to expire, was going to go away. It had a shelf life, and September 30th of 2007 was that date.

I was very disappointed that we had only the most general hearings about insurance coverage in our Committee on Energy and Commerce. We never had a legislative hearing on the bill that we voted on at the end of July, the first part of August. We never had a subcommittee markup during the summer on the bill that we voted on the beginning of August. We had a bill that was delivered to us about 24 hours before it was rammed through the full committee on our Energy and Commerce Committee and then brought to the floor of this House.

I had four amendments that I took to the Rules Committee. None were made in order. The bill was passed primarily on a party line vote, and it's called bipartisan. I guess that's what passes for bipartisanship in this town right now.

But, Mr. Speaker, let me reemphasize, I support the reauthorization of the State Children's Health Insurance Program. In 1997, I wasn't here in this House. But a Republican House of Representatives, recognizing there was a gap between children whose parents made too much money to qualify for Medicaid and yet not enough money to be able to afford their own insurance coverage, there was a gap in the coverage for health insurance for children, and the Congress, in 1997, wisely, I think, stepped up and provided the leadership and provided the legislation that gave us a program that I think, arguably, has functioned very well for the past 10 years.

But part of the wisdom, part of the reason of having a program be reauthorized after a set period of time is, let's step back and look at the program. Is it doing a good job? Is it functioning as intended? Are there things we could do better? Are there improvements that can be made? Are there areas where it could be streamlined? I think the answer to every one of those questions in regard to the State Children's Health Insurance Program was yes. And it's a tragedy, it's unfortunate that we never got a chance to even talk about any of those improvements. Instead, we got a very draconian process and a bill pushed through the House that was absolutely unacceptable to the President and, as a consequence, he vetoed it. And as a consequence, after 2 weeks of some of the most severe political hammering that has ever been seen in this country, we're now going to have a vote this Thursday on whether or not to override the President's veto.

Mr. Speaker, in 1997 the committee on which I currently serve, the Committee on Energy and Commerce, crafted this original legislation. It was done with the best of intentions. There were children whose parents earned too much money for Medicaid. They earned over 150 percent of poverty. That's about a level of $35,000 for a family of four. But they didn't make enough money to pay for their own health insurance. Two hundred percent of poverty is a level of about $41,000 a year for a family of four. So the children who fell into that gap couldn't be covered under Medicaid, and their parents didn't quite make enough money to cover them on their employer-derived insurance.

Now, about 50 percent of the children in that category did have employer-derived insurance, but the other 50 percent were the ones who needed help, and that's where the help was targeted.

The program, as it was initially authorized, was a $40 billion program over 10 years' time. Every State had 3 years to spend its State allotment.

Now, that's important in my home State of Texas because our legislature meets every 2 years. Anything less than a 3-year time period in which to spend the allotted money means that any changes that are made in the program won't have time to go into effect, and Texas would be at risk of losing some of those dollars under the bill passed by the House and vetoed by the President.

Now, I said it before and I'll say it again. I think almost every person in this body wants to have this program reauthorized and wants to make certain that children have health care coverage. Let's ignore the question of cost for a moment. But I don't think we can ignore some of the other issues that surround this concept.

What if we expand the program in a way that erodes, it takes away the component of commercial insurance that's available to families with children. Is that ultimately a good thing or a bad thing? Will the future look better or worse if we erode that private coverage?

Now, raising taxes to pay for the program, if we have to do it, but Mr. Speaker, the funding mechanisms that are before us on this authorization actually disappear in 5 years. Under the current PAYGO rules of the House, the program has to be fully funded, so it's all front loaded. And guess what happens? Four or 5 years into the program, it falls off a cliff, and someone's going to have to deal with that cliff, someone who perhaps is currently serving in this body or someone who will be serving in this body, they will have to face those funding shortfalls in years to come.

We all know that there are difficulties that face the Congress in the years ahead as far as paying for entitlement programs, so any time we expand an entitlement program, we have to be very careful, very careful that we have thought through the issue of funding support for the future, or else that very famous line of passing the cost on to our children and grandchildren, in fact, becomes a self-fulfilling prophecy.

Mr. Speaker, some of the problems I see with the bill that was passed by this House at the end of September: The 2-year time interval to spend money by the States is, for a State with a 2-year legislative process, that's going to be mighty difficult.

This program will be spending more money than the previous authorization of SCHIP. The current funding is to be $60 billion over 5 years. Remember, the original SCHIP bill back in 1997 was $40 billion over 10 years. This bill will spend $60 billion over 5 years.

There is no hard limit. Although you will hear people talk about the upper limit being 300 percent of poverty, because of income set-asides and disregards that are available to the States, there are no hard upper limits.

But, Mr. Speaker, is that what the American people want? When we hear that this issue polls very well for Democrats and very poorly for Republicans, well, let's look into that just a little bit. A poll out just this week from USA Today shows a majority, over 50 percent of the people in this country, agree that poor children should be covered first. It's a fairly simple concept. And guess what? The American people get it. That's what they want to see us do, cover poor children first.

Now, if we follow a process that allows those State disregards, those income disregards and set-asides and have a system of open-ended Federal funding for the States that go over budget, imagine what is going to happen when people in this body are faced with reauthorizing this program in 5 years' time.

Now, one of the real pernicious aspects of this is that it shifts children who are participating in private insurance to a government program.

Mr. Speaker, let's take a look at this next graph. We see, if we look at children whose families earn in the 100 to 200 percent of the Federal poverty limit, about half of those children have private health insurance. So it's this group of children that the SCHIP program initially set out to cover.

Now, if we expand the eligibility limits between 200 and 300 percent of the Federal poverty limits, three out of four kids are already covered by private health insurance. If we go up to 300 percent of the Federal poverty limit, nine out of 10 are already covered. And if we go up to 400 percent of poverty, 95 percent of those children already have insurance. And yet some

States, two eastern States, have exceptions in the Democratic-passed bill which would allow children to be covered whose families earn up to 400 percent of poverty.

Well, Mr. Speaker, I submit that the universe of children in that group is pretty small that doesn't have health insurance. And to be sure, we should find them and help them. But do we want to move children who are already covered by viable commercial insurance, do we want to move them to a government program?

What are we trying to do here? Grow the government or build stronger families? I'll vote for the families every time.

Now, carve-outs for States, primarily States in the northeast, essentially requires other States to subsidize their programs. How's that going to happen?

Well, a State like Texas that right now has 3 years to spend its State allotment is going to be cut back to 2 years. Our legislature met this last year in 2007. It won't meet again till 2009. So if their State allotment requires a higher level of spending or money is left on the table, guess what? The money's left on the table. But it's not really left on the table for very long. Where's it going to go? It's going to go to one of those States that is now allowed to cover children up to 400 percent of the Federal poverty limit. Well, I don't think anyone in Texas, if they really understood what was happening here, would be in favor at all of the bill that passed this House the end of September, and they would be very grateful that the President provided a backstop with a Presidential veto and said, Get back to the House and get back to work on that.

Mr. Speaker, one of the real problems with the SCHIP bill, and one of the, when we talk about things that we could do to improve the SCHIP bill, one of the ways we've gotten away from those original intentions when this bill was passed back in 1997 is that we have allowed adults to be covered under the SCHIP program. In fact, there are four States right now that cover more adults than they do children. In fact, one State, 87 percent of the participants in the SCHIP program are not children. Well, that seems to fly in the face of what was a good and sound public policy at its inception.

Now, to be sure, those waivers have been granted by the previous administration and by this administration. Well, they've got to stop. And certainly, the language in the current SCHIP bill that was voted on the floor of the House made moves in that direction, but nowhere near fast enough.

Every dollar we spend on an adult in this program is money that we can't spend on a child. And you know what? It only costs about 60 percent of the dollars to insure a child versus an adult. Children are relatively cheap to insure because they're healthy. If we take those dollars and displace them to the coverage of adults, we push proportionately more children off of the program. And I don't think that's what anyone had in mind. So ending the coverage of adults under the SCHIP program is certainly something we've got to pay strict attention to, and simply phasing it out in 5 years' time, in my mind, is probably not moving aggressively enough in that area.

□ 2145

Putting the children back in SCHIP ought to be one of our first principles, one of our first priorities in the reauthorization of this bill.

Now, another pernicious aspect of the House-passed bill in September, and it's not a big deal, probably didn't get any headlines anywhere in this country, but eliminating some of the demonstration projects that were carefully crafted to try to look at other options for people who fall between the Medicaid and not quite being wealthy enough to provide their own health insurance, to allow States to have the flexibility to set up a health opportunity account, to allow a family to perhaps build and develop a medical IRA so that they can transition from a State-based insurance program to a private-based insurance program in the future.

Now, I saw a lot of patients in my medical practice who were covered under Medicaid. I had an obstetrics practice; and because of Texas State law, obstetrics is one of the things that is almost automatically covered under Medicaid. We saw a fair amount of Medicaid patients. But, Mr. Speaker, over time those families wanted to gravitate to a private insurance coverage because it was better coverage and they had more choice of whom they could see. They weren't so restricted in their choice of providers. Allowing them to begin to build the equity that will allow them to do that, well, I think that's a fundamental desire of a lot of young families who start out on one of the State or Federal assistance programs.

Now, one of the really difficult issues for me back home with this bill, even though it is advertised differently, is that this bill will make it easier for people who are in our country without the benefit of citizenship or a Social Security number, it will make it easier for them to qualify in the State Children's Health Insurance Program. The citizenship verification requirement that is currently in the SCHIP authorization is eroded under the bill passed by the House. Now, they tell you that, no, we protect, it's only American citizens; but the reality is the CBO, Congressional Budget Office, that studies these things will tell you that the erosion of the verification process will, in fact, allow many more people in to have coverage that are in the country without the benefit of going through the legal process to be in this country.

And the number is significant. The Congressional Budget Office estimates that over 10 years' time, that will account for about $3.5 billion of new spending to cover people who are in the country without benefit of Social Security numbers.

Shouldn't we be focusing on those children between 150 percent of poverty and 200 percent of poverty that we are not finding now: Shouldn't we be focusing on those instead before we begin to focus on people who are in the country without the benefit of citizenship? I think so. I know the constituents in my district back in Texas think so.

We need to do a good job for the people who are here legally or are natural citizens of this country before we start reaching out to cover other populations. We can't cover those other populations at the expense of the people that we are required to take care of.

Well, Mr. Speaker, I have a lot of concerns about the bill that passed the floor of this House, and I am grateful now that we are going to get another opportunity to visit that with a vote. The cost is high, but I don't think we should be focusing on cost. I think fundamental issues like freedom and I think fundamental issues of erosion of private coverage of insurance are more important than this argument.

Now, wouldn't it be great if we gave families the help they needed to keep their kids on their employer-derived insurance? A family of four earning a little over $40,000 a year, if the mom and dad or the primary wage earner is covered under employer-derived insurance but they look at the cost of pulling the kids onto the policy, and it is just too much for us, we can't swing that, what if we took the approach that we are going to buy down the cost of that coverage for their children for them so that their children would have the coverage? Wouldn't that be better than just placing the children onto a State-run program? Wouldn't it be better if everyone in the family was covered under the same provider book? When it came time to go to the doctor or necessary to go to the doctor, you have just got to look in one book. You don't have to have a book for Mom and Dad, who are covered under the employer's policy, and a book for the kids, who are covered under the government policy. One policy that covers an entire family makes a lot of sense.

Now, the current SCHIP bill, the one from 1997, does allow for the concept of premium support, but it is restricted in the total number of dollars that can be spent in that regard; and, quite frankly, there are so many obstructions and so many regulations that people get wrapped around the axle and they just never get through the process of getting that done. It's just easier to go down to fill out some paperwork and get on the full SCHIP program. Let's not worry with premium support. We can streamline that. We can make it easier.

Now, to be fair, there were some attempts in the bill passed on the floor of the House last September, some attempts to streamline that process, but

we could go a lot farther. We actually ought to encourage that because, again, it builds healthy families and that is what we ought to be about, building healthy families, not building a bigger government or building a government with a bigger appetite. Let's build healthy families and give them the power to make the decisions.

The other issue that we hear talked about a lot is, well, we are going to be covering many more kids with this program. But if we actually break the numbers down, the numbers are all over the map. You will hear quotes or read quotes from people who will talk about numbers that are literally all over the place. If you watched the Sunday shows, I don't think the same two numbers came out of the same person's mouth more than once. But if we break it down by the Congressional Budget Office and look at the population that will be covered that has previously not been covered, the number most consistently quoted is an additional 1.2 million children enrolled in the SCHIP program. But that includes about half of them who already have private health insurance coverage.

So the actual number diminishes by about half, that 600,000 children will be the increase, the uptick in the number of children who are covered under the bill that we passed on the floor of the House at the end of September. It costs a lot of money to do that. And it's not that I mind spending the money on something as worthwhile as children; but, really, shouldn't we be ensuring that we are getting value for the dollar, and is that really the best way to go about doing it, putting half of them on private health insurance in order to cover the other 600,000 children? I don't know that that is the wisest and best use of our time. I don't know that that is the wisest and best use of our dollars.

We should strive to deliver value for the taxpayer in everything we do, whether it be national defense, whether it be transportation funding, whether it be legislation supporting research and development, or whether it be legislation supporting the State Children's Health Insurance Program. But, Mr. Speaker, I really think it would be better if we gave more families more power and gave them the option of buying down the cost of that private health insurance so that we could keep them in a program where both parents and the children are covered under the same policy. If we could make the improvements in the premium support provisions of the bill, we might actually give a family the ability to cover their kids under their employee health plan and keep them all together under one umbrella coverage.

But this bill chooses to take those kids, about 600,000 who already have insurance, and push them into the SCHIP program.

Mr. Speaker, instead of federalizing health care, instead of expanding the power and reach of the Federal Government, why don't we give families a lift and let the families make the best decisions? I think they will make the best decisions regarding their health and their families' health. But more and more families will be dropping private health insurance if this bill as passed by the House is allowed to stand.

Mr. Speaker, again, we hear a lot of stuff about how this veto fight polls very well for Democrats and this is an election issue that has been handed to them and they wouldn't think of compromising because, after all, by golly, they are on the right side of this fight.

But look at this, Mr. Speaker: Are Americans concerned that families would drop private coverage if they had the option to have a Federal program available to them? You bet they are. Fifty-five percent are concerned or very concerned about just this eventuality.

Mr. Speaker, it's a shame when politics trumps sound public policy; but, unfortunately, we seem to be very much involved in a time where that's the coin of the realm and that's one of the things we are going to have to expect and work through.

When you look at the State Children's Health Insurance Program passed in 1997, what was the situation? You had a Republican majority in Congress and you had a Democratic President, and they were able to work that out between them and come up with a plan that is fairly sensible and has worked well for 10 years' time. Well, now we have got a Democratic House and a Republican President. Is there any reason why this shouldn't work when the reverse worked 10 years ago? I am at a loss to explain that. I am at a loss to understand why it wouldn't work now.

Mr. Speaker, I am a physician by trade. As a consequence, I frequently get to talk to doctors who come up to Congress to talk to us about the health policy decisions that we make and those that we should make and some of them we have made that have had unintended consequences. So I spend a lot of my time talking to physicians who come to Washington who are concerned about things. And a lot of doctors have been through town the past couple of weeks concerned about SCHIP and trying to learn more about it, trying to find out what all the fighting is about, why can't Congress agree on things.

And I was talking to a group of probably 70 doctors at the end of last week, and I asked if anyone in the audience practiced pediatrics. And a gentleman raised his hand. And I said, Are you aware of the fight going on in Congress right now with the reauthorization of SCHIP? And he said, Yes, I've been following it some.

And I asked him, When you are at home in your private practice of pediatrics and an SCHIP patient comes in, for the reimbursement for the services you render for that patient, does the government treat you the same as a private insurance company does? Is your reimbursements rate identical for those two patients?

He said, Oh, no. It's about a third less on SCHIP.

So, sir, what would be the effect if we took your patients who are on private health insurance and moved more of them to SCHIP? Would that have a positive or negative financial impact on your practice?

He said, It would be very negative, obviously.

And I said, Would you have any difficulty? Would you be able to make up that difference?

And he didn't have an answer for me. He was obviously doing some figuring in his head.

But, Mr. Speaker, that points up one of the other problems here. When we expand the reach and grasp of the Federal Government in health care, what happens? When it comes time to shave a few dollars off the program to find dollars for something else or find dollars to expand the program, one of the first places we go, witness the Medicare program. What is the number one complaint we hear from providers all over the country about the Medicare program? It is not that their patients can now get prescription drugs. It is that every year they face a 5 to 10 percent reduction in reimbursement rates for providers because of the way the Medicare program is scheduled and structured.

Can we honestly take a step back and say it would be a good thing to do that to the pediatricians of this country? We are having enough trouble right now with the health care workforce. Do we think we are going to improve that if we expand the size and grasp of the Federal Government and, as a consequence, ratchet down reimbursement rates for pediatricians? Do we expect to find more pediatricians in our community or less? I think you know the answer to that.

Now, Mr. Speaker, there is one other aspect to this, and I am always advised by people who advise me about communications and, in talking with regular people, that no one wants to hear about process in Washington. But, after all, we are about process here in this House, and I think it is worthwhile to at least mention once again some of the process problems that have given us this impasse on the State Children's Health Insurance Program. Remember, in this body I could probably name one or two people that wouldn't have voted for a sense of the Congress that said we want to reauthorize SCHIP this year. If we all gathered here in January and said before the fiscal year is over, do you want to reauthorize SCHIP or not, I don't know if there would have been a single negative vote had that been taken on the floor of the House in January.

So how do we get here where we are? I would submit to you it has been the activities of House leadership, the way this bill was brought to the floor. No

legislative hearings, no subcommittee markup. A full committee markup that was a joke and then pushed to the House floor, and, oh, by the way, if you have got amendments, don't bother to stay up late for the Rules Committee because we are not going to entertain them.

□ 2200

And that bill was so fatally flawed it died a tortured death during the month of August and then resurrected. The Senate had a bill. The House bill was so flawed, there was no way they could go to conference between the two of them, so we did kind of a conference but kind of not a conference, where we just kind of sprung from the Earth out of whole cloth a new House bill that was remarkably similar to the Senate bill, but it wasn't a conference report. It was brought to the floor of the House like a conference report, that is, once again, no hearings, no subcommittee markup, no full committee markup, no possibility of amending or improving the bill, even though it's a brand new bill. It had never been through the committee process. It was the Senate bill that just kind of got massaged a little bit, given a House number, and here we go, it's a conference report. But it's not, and no one believed that it was. But we treated it like one, we brought it to the floor of the House, it was voted up or down, no possibility for amendment. The vote passed, but not with enough numbers to override the Presidential veto. And that's what we will face at the end of this week.

The Democratic leadership asked for an additional 2 weeks to make their case to the American people. Well, they've had their 2 weeks; they've made their case to the American people. And as people look at this bill, they say, I don't know if we want to encourage people to drop their private coverage to go on a Federal program, and that's because the American people are a lot smarter than a lot of us about these things.

Mr. Speaker, I would give to you as an example of how things can be done correctly, we reauthorized the Food and Drug Administration earlier this year. That also came through my committee. We had hearings, we had a subcommittee markup, we had a full committee markup. The original legislation that I saw early in June was so awful I didn't even want to be associated with it as it came through the process. But we worked on it. We worked on it in the subcommittee, we worked on it in the full committee, we amended it. Staff had meetings between times. We coaxed it along. And at the end of the day, we had a bill that I think 400 of us could support when it came to the floor of the House. And then it went over to the Senate, similar activity. And then a conference report came back to the House, it went to the President and was signed. The biggest change and restructuring of the Food and Drug Administration in 40 years.

We heard the other side talking about it just a little while ago. We need to give the FDA the tools it needs to be able to function in the 21st century world. And guess what? In my committee we did that, and we did it the right way. We did it by working through the process. Yes, the Democrats were still in charge. Yes, they could have defeated every one of my amendments on a party line vote. But you know what? They didn't. Or if it was defeated, the chairman said, Well, we're going to look at that in the conference process, I promise you. And as a consequence, we got a bill that should be the model for the way legislation passes through this House of Representatives. And instead, when just a few months later it came time to reauthorize the State Children's Health Insurance Program, we got a tragedy of a bill.

Now, even just today we marked up a bill in full committee, after a subcommittee markup last week, on mental health parity. I didn't agree with a lot of things in the bill, but I had a chance to have my say. I got the chance to put my ideas out there and have them voted on by the committee. I knew I wasn't going to win on the votes, but I knew I had to present my argument. People watched that on C–SPAN. People will see that in the committee record. Over time, if I'm right, then I will win the argument of ideas. But if we never have the opportunity to debate it in committee, how is anyone going to know? How is anyone going to know? Sure we're going to lose the vote because we don't have the numbers over here, but if we never get a chance to debate the ideas, how are the American people going to decide when they look at this critically and say, I don't think that's a good idea. Well, we should give the American people that chance; the fact that we're not is just flat wrong.

We'll have our chance to vote on the bill this Thursday. I'm not a prognosticator. I don't know how it will turn out. I think it is the correct thing to do to support the President's veto and bring this bill back to the House. And I hope people of goodwill can get together and work on it, but, Mr. Speaker, I've got to tell you, although I'm generally optimistic about things, I'm worried. I'm worried that we've decided we have a political bludgeon that is just too important to use to hold on to power. And that's a tough thing for me to say, but all of the articles I read in the throw-away journals out here lead me to believe that.

Now, Mr. Speaker, think back on 1996, when welfare reform was passed by this House. Again, you had a Republican House of Representatives, a Republican Senate. It passed welfare reform, then President Clinton vetoed it. It goes too far. You're going to put people out on the streets. It's a bad bill. So they came back, they passed it again. They didn't include any Democrats in the process, they just passed it again. And President Clinton looked at it and said, It's a bad bill. I'm going to veto it. So the third time both sides did get together and changed some things, albeit fairly modestly, but ended up with a bill that had, at the end of the day, both Republican and Democratic input, and the President was able to sign the bill.

I hope we have a repeat of that story in 2007 with the State Children's Health Insurance Program because the program is that important it requires involvement from both sides. It's a travesty to eliminate any single Member from the process because each one of us is charged with representing about 650,000 people back in our home districts. Is it right to simply silence those 650,000 voices, say no, you don't get a say in this because we're the majority party, we're in charge and what we say goes? The American people don't want to see that. I think they will have ample opportunity to judge both sides by their actions and by their words this Thursday, and most importantly, follow what occurs after that. Because if, indeed, the two sides can sit down together and work out realistically what may be some very modest differences between the bills, if that can happen, Mr. Speaker, we score a win for the American people. If that can't happen, if the allure of the perfect political bludgeon is too great and that bludgeon is seized and raised above the head and walked out of this Chamber with it to simply bash the opposition political party for another 12 years before the next legislation, well, I think the American people will be the big losers there.

Mr. Speaker, this is an important bill, it's an important subject. The reauthorization of the State Children's Health Insurance Program is supported almost unanimously in this body. So how did we get to a point where we have a bill that everyone wants to see reauthorized and no one wants to sit down and work on it? That's not a good work product for us to turn in for the American people.

Now, Mr. Speaker, after the bill passed, the Democrats passed the bill at the end of September, most people don't know what happened in this Chamber 2 days later. Remember, the bill was going to expire the 30th of September. Did it? Did it go away? Is there a State Children's Health Insurance Program right now? Yes, there is. We passed a reauthorization very quietly with a continuing resolution 2 days later, September 29th, here on the floor of this House, and that legislation is law and lasts until November 16th, when our target adjournment date is. I hope we get our work done by November 16th or 17th. I'm not overly optimistic that we will, but I hope we do. I know if I were a Governor of a State and looking at what dependability do I have for these funds coming in to help me take care of the poor children in my State, I wouldn't want to see that meted out in small little two- or three-

month segments. That's too hard. That's too hard to make decisions. That's too hard to govern with that kind of apportionment.

So, if we are not able to come to a decision before the 16th of November, I would argue for a much longer term of reauthorization under a continuing resolution. And although the numbers would stay the same, as they were in the bill that was passed in 1997, the dependability of having those founds I think is something most State Governors would want. I hope that State Governors will weigh in on this issue with Members of both political parties and impress upon them the importance of providing the stability of that source of funding as we go forward in this process.

Mr. Speaker, again, remember, the population of children that was originally the object of focus in the original State Children's Health Insurance bill were those children, that population of children that was between 150 percent and 200 percent of the Federal poverty limit. Ask yourself the question, where we are today, have we covered the majority, 90 or 95 percent of the children in that bracket? And the answer to that question is no. Let's do the hard work of finding those children, identifying them, and getting them into the program. Let's do that hard work before we go after easier applicants in higher income brackets.

The whole intent of the program was to provide the coverage for those who needed it the most; and Mr. Speaker, they still need it. Their needs have not changed. Even though our focus has changed to successively higher income groups, those children in the 150 to 200 percent of poverty, too much money to be covered under Medicaid, not enough money to buy private health insurance for about half of them, there are children in that bracket who remain uncovered to this day.

Let's put our outreach efforts on those children. Let's put our focus on those children and bring those children into a condition of coverage before we begin to vastly expand the program. And I think that's the message that has been delivered by the ranking member of my Committee on Energy and Commerce, Ranking Member BARTON, the ranking member of my subcommittee, Ranking Member DEAL. That's been the message. That's been the focus that they have consistently articulated on the floor of this House, and they're exactly correct. If we don't want to do the hard work, the American people will see through that. And if we just simply want to bring other children into the program, children who already have coverage from some other location, to expand the program, just simply expand the program for expansion's sake, to expand the reach and grasp of the Federal Government, are we doing right by those children that are just too tough for us to find? No, I don't think so.

I think, although it's hard work, it's good work. I think the States have the means, the mechanism and the capability of finding those children. And that's what we ought to be about in this body, encouraging them to find those children and bring them into the program. Then, and only then, can we talk about expansion beyond that limit. And if, indeed, we can show that across the country we have identified those children, we have brought them into the program, and then we want to talk about expansion and there's the money there to do it, I'm all for it. But until we identify those children, until we have made certain that we have covered the children that we were supposed to cover in the first place, we really don't have any business trying to expand the program.

I would argue for an upper limit being placed at 250 percent of poverty. I think that is a reasonable upper limit. If we cover 95 percent of the children below 200 percent of poverty and then we expand that to children up to 250 percent of poverty and we do a good job of identifying those children, I think the SCHIP program is functioning as intended and providing the coverage it needs to provide.

And Mr. Speaker, let me just go back to the previous slide for a moment. If we identify those children, and perhaps expand to cover some children who are in up to the 250 percent of poverty, fill in the gaps, look what's happened. We're covering almost all the children in the United States of America, and that's something of which every Member in this House can be proud, Republican and Democrat alike. And wouldn't it be great if we worked together to accomplish that instead of going after the cheap political hit and trying to advance our own power.

Mr. Speaker, you have been very generous with your time tonight. In summation, I would just say once again, I favor the reauthorization of the State Children's Health Insurance Program. I want to see that program reauthorized. I want to see it done sensibly. I don't want to see us grow the reach and grasp of the Federal Government unreasonably. I want us to keep families involved in their own health care. And Mr. Speaker, I think we can do it. It is hard work. It is going to have to require some compromise on both sides, but after we sustain the President's veto on Thursday, I look forward to getting involved in the process and getting that work done because it's the right thing to do for America and it's the right thing to do for our kids.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WILSON of Ohio (at the request of Mr. HOYER) for today and October 17 on account of medical reasons.

Ms. WOOLSEY (at the request of Mr. HOYER) for today.

Mr. REYES (at the request of Mr. HOYER) for October 15 on account of travel and weather problems.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SNYDER) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, October 23.

Mr. JONES of North Carolina, for 5 minutes, October 23.

Mr. DAVIS of Kentucky, for 5 minutes, October 17.

## ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1495. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

## ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 17, 2007, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3727. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No. FAA-2005-21748; Directorate Identifier 2005-NM-071-AD; Amendment 39-15044; AD 2007-10-03] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3728. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines; Correction [Docket No. FAA-2006-25584; Directorate Identifier 2000-NE-62-AD; Amendment 39-14733; AD 2006-17-12] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3729. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Artouste

III B and III B1 Turboshaft Engines [Docket No. FAA-2006-26128; Directorate Identifier 2006-NE-34-AD; Amendment 39-14875; AD 2007-01-64] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3730. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No. FAA-2006-25643; Directorate Identifier 2006-NM-135-AD; Amendment 39-14869; AD 2006-26-11] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sicma Aero Seat, Passenger Seat Assemblies [Docket No. FAA-200624036; Directorate Identifier 2006-NE-04-AD; Amendment 39-14947; AD 2007-04-15] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3732. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira Aeronautica S.A. (EMBRAER) Model ERJ 170-100 LR, -100STD, -100 SE, -100 SU, -200 LR, -200 STD, and -200 SU Airplanes and Model ERJ 190 Airplanes [Docket No. FAA-2006-26462; Directorate Identifier 2006-NM-221-AD; Amendment 39-14952; AD 2007-04-20] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation Ltd. Model 750XL Airlanes [Docket No. FAA-2006-26285; Directorate Identifier 2006-CE-69-AD; Amendment 39-14932; AD 2007-04-01] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3734. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26233; Directorate Identifier 2006-CE-63-AD; Amendment 39-14979; AD 2007-05-18] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3735. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CT7-5, -7, and -9 Series Turboprop Engines [Docket No. FAA-2005-20944; Directorate Identifier 2003-NE-64-AD; Amendment 39-15018; AD 2007-08-01] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3736. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-601, A300 B4-603, A300-B4-605R, A300 C4-605R Variant F, A310-204, and A310-304 Airplanes Equipped With General Electric CF6-80C2 Engines [Docket No. FAA-2007-27012; Directorate Identifier 2006-NM-188-AD; Amendment 39-15017; AD 2007-07-15] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3737. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McCauley Propeller Systems Models 3A32C406/82NDB-X and D3A32C409/8NDB-X Propellers [Docket No. FAA-2005-22898; Directorate Identifier 2005-NE-10-AD; Amendment 39-15021; AD 2007-08-04] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3738. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; LATINOAMERICANA DE AVIACION (LAVIA) S.A. (Type Certificate Data Sheets No. 2A8 and No. 2A10 Previously Held by the New Piper Aircraft, Inc.) Models PA-25, PA-25-235, and PA-25-260 Airplanes [Docket No. FAA-2007-27109; Directorate Identifier 2007 CE-005-AD; Amendment 39-15024; AD 2007-08-07] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3739. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Models HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream 3201 Airplanes [Docket No. FAA-2007-27070; Directorate Identifier 2007-CE-003-AD; Amendment 39-15023; AD 2007-08-06] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3740. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No. FAA-2007-27013; Directorate Identifier 2006-NM-236-AD; Amendment 39-15022; AD 2007-08-05] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3741. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines [Docket No. FAA-2007-27824; Directorate Identifier 2003-NE-12-AD; Amendment 39-15026; AD 2006-11-05R1] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3742. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arriel 2B Turboshaft Engines [Docket No. FAA-2005-21624; Directorate Identifier 2005-NE-17-AD; Amendment 39-15028; AD 2005-13-25R1] (RIN; 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3743. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No. FAA-2007-27898; Directorate Identifier 2007-NM-078-AD; Amendment 39-15029; AD 2007-07-05 R1] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3744. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters Inc. (MDHI) Model MD600N Helicopters [Docket No. FAA-2007-27343; Directorate Identifier 2007-SW-05-AD; Amendment 39-15030; AD 2007-05-51] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3745. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, and 182R Airplanes [Docket No. FAA-2007-27786; Directorate Identifier 2007-CE-031-AD; Amendment 39-15031; AD 2007-09-01] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3746. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 SHERPA, SD3-SHERPA, SD3-30, and SD3-60 Airplanes [Docket No. FAA-2007-27866; Directorate Identifier 2007-NM-055-AD; Amendment 39-15027; AD 2007-08-09] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3747. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. FAA-2007-27980; Directorate Identifier 2007-NM-066-AD; Amendment 39-15033; AD 2007-09-03] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 1955. A bill to prevent homegrown terrorism, and for other purposes; with an amendment (Rept. 110–384, Pt. 1). Ordered to be printed.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 746. Resolution providing for consideration of the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes (Rept. 110–385). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on the Judiciary discharged from further consideration. H.R. 1955 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KANJORSKI (for himself, Mr. FRANK of Massachusetts, Mr. WILSON of Ohio, and Mr. HODES):

H.R. 3837. A bill to require escrows for certain mortgage loans, to improve mortgage servicing, to promote sustainable homeownership opportunities, to enhance appraisal quality and standards, to better appraisal oversight, to mitigate appraiser pressure, and for other purposes; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts:

H.R. 3838. A bill to temporarily increase the 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, affordable loans, and for other purposes; to the Committee on Financial Services.

By Mr. CALVERT:

H.R. 3839. A bill to provide for the conveyance of a small parcel of Natural Resources Conservation Service property in Riverside, California, and for other purposes; to the Committee on Agriculture.

By Mr. SAXTON (for himself and Mr. GILCHREST):

H.R. 3840. A bill to prohibit commercial fishing of Atlantic menhaden for reduction purposes in inland, State, and Federal waters along the Atlantic coast of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. GILCHREST:

H.R. 3841. A bill to prohibit the commercial harvesting of Atlantic menhaden for reduction purposes in the coastal waters and the exclusive economic zone; to the Committee on Natural Resources.

By Ms. SOLIS (for herself, Mr. HINOJOSA, Mr. HONDA, and Mr. MCGOVERN):

H.R. 3842. A bill to establish dual-language education programs in low-income communities; to the Committee on Education and Labor.

By Mr. REYNOLDS:

H.R. 3843. A bill to amend the Internal Revenue Code of 1986 to provide a special allocation under the new markets tax credit in connection with trade adjustment assistance; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Ms. WATSON, Mr. FORTENBERRY, Mr. WOLF, Mr. TANCREDO, Mr. FRANK of Massachusetts, Mr. FRANKS of Arizona, and Mr. SOUDER):

H.R. 3844. A bill to establish the United States Commission to Monitor Slavery and its Eradication in Sudan; to the Committee on Foreign Affairs.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. BARTON of Texas, Mr. ALLEN, Mr. ARCURI, Ms. BEAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. EDWARDS, Mr. ELLSWORTH, Mr. EMANUEL, Ms. DEGETTE, Ms. GIFFORDS, Ms. JACKSON-LEE of Texas, Mr. ISRAEL, Mr. KLEIN of Florida, Mr. MATHESON, Mr. MCNERNEY, Mr. MOORE of Kansas, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mr. OBERSTAR, Mr. ORTIZ, Mr. POMEROY, Mr. RUPPERSBERGER, Mr. SCHIFF, Mr. SHAYS, Mr. SHULER, Mr. SPACE, Ms. SUTTON, and Mrs. TAUSCHER):

H.R. 3845. A bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators; to the Committee on the Judiciary.

By Mr. SCOTT of Virginia (for himself, Ms. NORTON, Mr. DAVIS of Illinois, Mr. KENNEDY, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, and Ms. SHEA-PORTER):

H.R. 3846. A bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. LINDER, Mr. GINGREY, Mr. MARSHALL, Mr. SCOTT of Georgia, Mr. BARROW, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, and Mr. BROUN of Georgia):

H.R. 3847. A bill to amend the Endangered Species Act of 1973 to provide for the suspension of each provision of the Act during periods of drought with respect to Federal and State agencies that manage Federal river basins that are located in each region affected by the drought; to the Committee on Natural Resources.

By Mr. COHEN (for himself, Mr. CONYERS, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3848. A bill to provide for a reporting requirement regarding communications between the Department of Justice and the White House relating to civil and criminal investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. BISHOP of Utah:

H.R. 3849. A bill to provide for the conveyance of parcels of land to Mantua, Box Elder County, Utah; to the Committee on Natural Resources.

By Mr. CARNEY (for himself and Mr. CHABOT):

H.R. 3850. A bill to improve the collection and use of data related to crimes of child exploitation, and for other purposes; to the Committee on Education and Labor.

By Mr. CARTER:

H.R. 3851. A bill to amend various laws imposing criminal penalties to double the maximum penalty for illegal aliens who commit those crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself, Mr. CLAY, Mr. AKIN, Mr. KIND, Mr. WAMP, Mrs. EMERSON, Mr. BAKER, Mr. HULSHOF, Mrs. SCHMIDT, and Mr. WHITFIELD):

H.R. 3852. A bill to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line; to the Committee on Transportation and Infrastructure.

By Mr. ELLISON:

H.R. 3853. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for a National Resource Center for Positive Youth Development and School Success; to the Committee on Education and Labor.

By Mr. KANJORSKI (for himself, Mr. MORAN of Virginia, Mr. GONZALEZ, and Mrs. MALONEY of New York):

H.R. 3854. A bill to assure quality construction and prevent certain abusive contracting practices by requiring each bidder for a Federal construction contract to identify the subcontractors that the contractor intends to use to perform the contract, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MEEK of Florida:

H.R. 3855. A bill to amend title 10, United States Code, to prohibit the disposal by the Department of Defense of surplus military items designated as Identification Friend or Foe items, to amend title 18, United States Code, to make it a misdemeanor to possess or traffics in Identification Friend or Foe items, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PATRICK MURPHY of Pennsylvania:

H.R. 3856. A bill to amend the Servicemembers Civil Relief Act to guarantee the right of deployed members of the Armed Forces who are elected members of State and local legislatures to vote on matters pending before such legislatures; to the Committee on Veterans' Affairs.

By Mr. NEUGEBAUER:

H.R. 3857. A bill to establish requirements for the consideration of supplemental appropriation bills; to the Committee on Rules.

By Mr. SALAZAR:

H.R. 3858. A bill to improve the further development of water resources in Colorado and New Mexico, and for other purposes; to the Committee on Natural Resources.

By Mr. SALAZAR:

H.R. 3859. A bill to support further research by State departments of wildlife and agriculture, colleges and universities, and related research entities regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support additional State efforts to control the disease, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 3860. A bill to amend the Immigration and Nationality Act to require the use of DNA testing for purposes of confirming a biological relationship, and for other purposes; to the Committee on the Judiciary.

By Mr. VAN HOLLEN (for himself, Mr. SAM JOHNSON of Texas, Mr. NEAL of Massachusetts, and Mr. RAMSTAD):

H.R. 3861. A bill to amend the Internal Revenue Code of 1986 to increase the AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes; to the Committee on Ways and Means.

By Mr. WYNN (for himself and Mr. BUTTERFIELD):

H.R. 3862. A bill to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups; to the Committee on Energy and Commerce.

By Mr. POE (for himself, Mr. FEENEY, Mr. COBLE, Mrs. BLACKBURN, Mr. CARTER, Mr. WAMP, Mr. CULBERSON, Mr. ROHRABACHER, Mrs. DRAKE, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. PASCRELL, Mr. DUNCAN, Mr. BRADY of Texas, Mr. MCCAUL of Texas, Mr. BURGESS, Mr. HAYES, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. HUNTER, Mr. DAVID DAVIS of Tennessee, Mr. GINGREY, Mr. KUHL of New York, Mr. WHITFIELD, Mr. HODES, and Mr. BLUNT):

H.J. Res. 58. A joint resolution expressing support for designation of the month of October 2007 as ''Country Music Month'' and to honor country music for its long history of supporting America's armed forces and its tremendous impact on national patriotism; to the Committee on Education and Labor.

By Mr. KIRK (for himself, Mr. ROTHMAN, Mr. ANDREWS, Mr. ISRAEL, Mr. CHABOT, Mr. BURTON of Indiana, Mr. RENZI, Mr. DOYLE, Mr. LINDER, Mr. COHEN, Mr. PORTER, Mr. MCKEON, Mrs. SCHMIDT, Mr. SHAYS, Mr. MCCOTTER, Mr. BONNER, Mr. SHUSTER, Mr. ROYCE, Mr. FERGUSON, Mr. PITTS, Ms. FOXX, Mrs. BLACKBURN, and Mrs. MUSGRAVE):

H. Con. Res. 235. Concurrent resolution regarding ending World Bank disbursements to Iran until the International Atomic Energy Agency certifies the compliance of the Islamic Republic of Iran with Resolutions 1696 and 1747 of the United Nations Security Council and the terms of the Nuclear Non-Proliferation Treaty; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Ms. ROS-LEHTINEN, Mr. PRICE of North Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GALLEGLY, Mrs. NAPOLITANO, Mr. RADANOVICH, Mr. SCHIFF, Mr. BURTON of Indiana, and Mr. BLUNT):

H. Con. Res. 236. Concurrent resolution recognizing the close relationship between the United States and the Republic of San Marino; to the Committee on Foreign Affairs.

By Mr. STEARNS (for himself and Mr. LEWIS of Georgia):

H. Con. Res. 237. Concurrent resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. WILSON of South Carolina (for himself and Mr. MCDERMOTT):

H. Res. 747. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on Foreign Affairs.

By Mr. ADERHOLT (for himself and Mr. BARTON of Texas):

H. Res. 748. A resolution providing for consideration of the bill (H.R. 3584) to amend title XXI of the Social Security Act to extend funding for 18 months for the State Children's Health Insurance Program (SCHIP), and for other purposes; to the Committee on Rules.

By Mr. ANDREWS:

H. Res. 749. A resolution expressing support for designation of a National Animal Rescue Day to create awareness, educate, increase animal adoption, and increase financial support for animal rescues throughout the United States; to the Committee on Oversight and Government Reform.

By Mr. LAMPSON (for himself, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. POE, Mr. CULBERSON, Mr. BRADY of Texas, Mr. REYES, Mr. ORTIZ, and Mr. RODRIGUEZ):

H. Res. 750. A resolution recognizing the noble service of the 147th Fighter Wing on their 90th anniversary; to the Committee on Armed Services.

By Mr. REYES (for himself, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. HOLT, Mr. GINGREY, Mr. HONDA, Mr. WELCH of Vermont, Mr. UDALL of Colorado, Mr. DAVID DAVIS of Tennessee, Mr. OLVER, Mr. WOLF, and Ms. ZOE LOFGREN of California):

H. Res. 751. A resolution supporting the goals and ideals of National Chemistry Week; to the Committee on Science and Technology.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. GILCHREST and Ms. RICHARDSON.
H.R. 136: Mr. CALVERT.
H.R. 138: Mr. CALVERT.
H.R. 139: Mrs. MCMORRIS RODGERS.
H.R. 140: Mr. YOUNG of Alaska.
H.R. 270: Ms. ROS-LEHTINEN.
H.R. 303: Mr. ORTIZ.
H.R. 338: Mr. MORAN of Virginia.
H.R. 510: Mr. LAMBORN.
H.R. 513: Mr. HASTINGS of Florida, Mr. STEARNS, Ms. ZOE LOFGREN of California, and Mr. SPACE.
H.R. 542: Ms. HIRONO.
H.R. 618: Mr. WICKER.
H.R. 643: Mr. ETHERIDGE and Mr. HULSHOF.
H.R. 654: Mr. SMITH of Washington.
H.R. 718: Ms. FOXX.
H.R. 724: Mr. PICKERING.
H.R. 725: Mr. SENSENBRENNER.
H.R. 743: Mrs. BIGGERT.
H.R. 758: Mr. SESTAK.
H.R. 891: Mr. HALL of New York.
H.R. 1043: Mr. GRIJALVA.
H.R. 1091: Mr. MILLER of Florida and Mr. SMITH of New Jersey.
H.R. 1110: Mr. YOUNG of Alaska and Mr. BROUN of Georgia.
H.R. 1174: Mr. JINDAL and Mr. ROTHMAN.
H.R. 1177: Mr. SALAZAR.
H.R. 1222: Mr. KLINE of Minnesota.
H.R. 1223: Mr. KLINE of Minnesota.
H.R. 1237: Mr. BILIRAKIS, Mr. FOSSELLA, Mr. MARKEY, and Mr. LEWIS of Georgia.
H.R. 1275: Ms. NORTON.
H.R. 1283: Ms. ROS-LEHTINEN.
H.R. 1286: Mr. GILCHREST, Mr. SARBANES, and Mr. HALL of New York.
H.R. 1330: Mr. STUPAK.
H.R. 1390: Mr. GARRETT of New Jersey.
H.R. 1415: Mr. KUCINICH.
H.R. 1422: Mr. GERLACH, Mr. LYNCH, and Mr. ANDREWS.
H.R. 1459: Ms. JACKSON-LEE of Texas, Mrs. BOYDA of Kansas, and Mr. WESTMORELAND.
H.R. 1537: Mr. NEAL of Massachusetts.
H.R. 1553: Mr. GALLEGLY and Mr. JOHNSON of Georgia.
H.R. 1560: Mr. GUTIERREZ.
H.R. 1586: Mr. GOODLATTE, Mr. MCCOTTER, and Mr. GOHMERT.
H.R. 1609: Mr. TIM MURPHY of Pennsylvania, Mr. JONES of North Carolina, Mr. GARRETT of New Jersey, and Mr. COSTA.
H.R. 1643: Mr. ALTMIRE.
H.R. 1647: Mr. SNYDER, Mr. FERGUSON, Mr. KLEIN of Florida, Mr. CUMMINGS, and Mr. MICHAUD.
H.R. 1738: Mr. AL GREEN of Texas and Mr. CLEAVER.
H.R. 1742: Mr. CROWLEY, Mr. VAN HOLLEN, and Mr. ALTMIRE.
H.R. 1747: Mr. MILLER of North Carolina and Mr. SHERMAN.
H.R. 1845: Mr. DENT, Mr. KUHL of New York, Mr. POE, Mr. WESTMORELAND, and Mr. LARSEN of Washington.
H.R. 1927: Mr. HONDA, Mr. GONZALEZ and Mr. KILDEE.
H.R. 1937: Mr. CARDOZA.
H.R. 1959: Mr. ALEXANDER.
H.R. 1971: Mr. GUTIERREZ.
H.R. 2005: Mr. LARSEN of Washington.
H.R. 2045: Mr. MILLER of North Carolina.
H.R. 2090: Mr. SHULER.
H.R. 2164: Ms. HERSETH SANDLIN.
H.R. 2210: Mr. LINCOLN DIAZ-BALART of Florida, Ms. WATERS, Ms. WOOLSEY, Mr. HONDA, Ms. SLAUGHTER, Ms. SOLIS, Mr. MEEK of New York, Mr. HASTINGS of Florida, Mr. TIERNEY, Mr. ALTMIRE, Ms. SCHWARTZ, Ms. KILPATRICK, Mr. CLYBURN, Mr. GORDON, Mr. HOLT, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Mr. LOEBSACK, Mr. LEWIS of Georgia, Ms. WATSON, Ms. LEE, Ms. CLARKE, Ms. RICHARDSON, Mr. WATT, Ms. CORRINE BROWN of Florida, Mr. DOGGETT, Ms. MOORE of Wisconsin, and Mr. CHANDLER.
H.R. 2215: Mr. HINCHEY.
H.R. 2255: Mr. MCNERNEY.
H.R. 2262: Mr. KILDEE, Mr. KIND, and Ms. SOLIS.
H.R. 2265: Mr. RANGEL.
H.R. 2266: Ms. SLAUGHTER.
H.R. 2287: Mr. JACKSON of Illinois and Mr. FATTAH.
H.R. 2318: Mr. PAUL.
H.R. 2353: Mr. UPTON.
H.R. 2370: Mr. NEUGEBAUER and Mr. PICKERING.
H.R. 2373: Mr. SCOTT of Georgia.
H.R. 2452: Mr. ARCURI.
H.R. 2511: Mr. UDALL of New Mexico.
H.R. 2517: Mr. KELLER, Mr. KUHL of New York, and Mrs. MCMORRIS RODGERS.
H.R. 2522: Mr. WALSH of New York, Mr. SESTAK, Mr. KIRK, and Mr. BURTON of Indiana.
H.R. 2609: Mr. FORTENBERRY.
H.R. 2633: Mr. BLUMENAUER.
H.R. 2744: Mr. MANZULLO, Mr. SARBANES, Mr. WATT, Mr. ALTMIRE, Mr. LATOURETTE, and Mr. LOBIONDO.
H.R. 2762: Mr. TAYLOR, Mr. NEAL of Massachusetts, Mrs. MILLER of Michigan, Mr. MICHAUD, Mr. THOMPSON of Mississippi, Mr. WALDEN of Oregon, Mrs. BOYDA of Kansas, Mr. ADERHOLT, Mr. SPRATT, Mr. COHEN, Mr. DAVIS of Alabama, Mr. TOM DAVIS of Virginia, Mr. FOSSELLA, Mr. CAPUANO, Mr. UDALL of New Mexico, Mr. SPACE, Mr. GENE GREEN of Texas, and Mr. WICKER.
H.R. 2788: Mr. WAMP.
H.R. 2796: Mr. PUTNAM.
H.R. 2827: Mr. BERRY.
H.R. 2833: Mr. CONYERS.
H.R. 2846: Mr. JACKSON of Illinois and Mr. FATTAH.
H.R. 2851: Mr. ALLEN, Mr. RANGEL, Mr. EHLERS, Mr. MCHUGH, and Mr. ETHERIDGE.
H.R. 2878: Mr. GUTIERREZ, Mrs. MALONEY of New York, and Ms. SLAUGHTER.
H.R. 2897: Mr. MANZULLO.
H.R. 2910: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2930: Mr. WEXLER.
H.R. 2933: Mr. KINGSTON, Mr. BERRY, and Mr. LAHOOD.
H.R. 2951: Ms. HIRONO and Ms. MOORE of Wisconsin.
H.R. 2955: Mr. SCOTT of Georgia.
H.R. 3010: Mr. CAPUANO, Mr. AL GREEN of Texas, Ms. SOLIS, Ms. BALDWIN, Mr. DEFAZIO, Mr. PAYNE, Mr. FILNER, Mr. DOGGETT, Mr. MCGOVERN, Mr. PALLONE, Mr. FATTAH, and Mr. NADLER.
H.R. 3014: Mr. EMANUEL, Mr. FARR, Mr. LANTOS, and Mr. KUCINICH.
H.R. 3016: Mr. BRADY of Texas.
H.R. 3041: Mr. EMANUEL.
H.R. 3042: Mr. UDALL of Colorado and Mr. BERMAN.
H.R. 3045: Ms. BERKLEY, Mr. HONDA, Mr. WELCH of Vermont, Mr. WEINER, Mr. INSLEE, Mr. KENNEDY, Mr. MCDERMOTT, Mr. OLVER, Mr. ISRAEL, Ms. HOOLEY, Mrs. MALONEY of New York, Mr. LYNCH, Mr. MCGOVERN, Ms. SLAUGHTER, Mr. GRIJALVA, and Ms. NORTON.
H.R. 3053: Mr. POE, Mr. ISSA, Mr. WELLER, Mr. PENCE, Mr. CALVERT, Mr. PITTS, Mr. ADERHOLT, Mr. CANTOR, Mr. GOODE, Mr.

HELLER, Mr. LOBIONDO, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. ROYCE, Mr. SESSIONS, Mr. SIMPSON, Mr. WAMP, and Mr. DAVID DAVIS of Tennessee.

H.R. 3055: Mr. ALTMIRE.

H.R. 3140: Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. SALI, Ms. NORTON, Mr. SOUDER, and Mr. BACHUS.

H.R. 3144: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 3153: Mr. POE.

H.R. 3204: Mr. TIERNEY.

H.R. 3224: Mr. ALTMIRE and Mr. CARNAHAN.

H.R. 3274: Mr. BAIRD.

H.R. 3298: Mr. DONNELLY and Mr. MCNERNEY.

H.R. 3326: Mr. UDALL of Colorado.

H.R. 3334: Mr. KINGSTON and Mr. TOM DAVIS of Virginia.

H.R. 3337: Mr. SERRANO.

H.R. 3339: Mr. BAIRD and Mr. ALTMIRE.

H.R. 3359: Mrs. MYRICK and Mr. JONES of North Carolina.

H.R. 3372: Mr. BAIRD.

H.R. 3381: Ms. SUTTON.

H.R. 3429: Mr. ALTMIRE.

H.R. 3414: Mr. MILLER of Florida.

H.R. 3457: Mr. DAVIS of Alabama, Ms. KILPATRICK, and Mr. MEEK of Florida.

H.R. 3508: Mr. LAMBORN and Mr. HERGER.

H.R. 3533: Mr. SCOTT of Georgia.

H.R. 3546: Mr. HALL of New York, Mr. BISHOP of Georgia, Mr. GRIJALVA, Mr. SOUDER, and Mr. CRAMER.

H.R. 3548: Mr. JOHNSON of Georgia and Mr. WELCH of Vermont.

H.R. 3578: Ms. LORETTA SANCHEZ of California, Mr. SPACE, and Ms. BEAN.

H.R. 3628: Mr. MILLER of Florida.

H.R. 3637: Mr. BUTTERFIELD.

H.R. 3650: Mr. GERLACH, Mr. WOLF, Mr. RENZI, Mr. CONAWAY, Mr. PUTNAM, and Mr. TIBERI.

H.R. 3660: Mr. MCCOTTER.

H.R. 3689: Mr. KIND.

H.R. 3691: Ms. HIRONO and Mr. GONZALEZ.

H.R. 3700: Mr. HINCHEY.

H.R. 3724: Mr. BURTON of Indiana.

H.R. 3725: Mr. GARRETT of New Jersey.

H.R. 3726: Mr. EMANUEL.

H.R. 3737: Mr. RAHALL.

H.R. 3738: Mr. TIBERI and Mr. PLATTS.

H.R. 3741: Mr. BRALEY of Iowa.

H.R. 3748: Ms. SUTTON.

H.R. 3769: Mr. MORAN of Virginia, Mr. LINDER, Mr. DOOLITTLE, Mr. WU, and Mr. MARSHALL.

H.R. 3779: Mr. SULLIVAN, Mr. KLINE of Minnesota, Mr. DONNELLY, Mr. PITTS, Ms. FALLIN, Mr. SOUDER, and Mr. SMITH of Nebraska.

H.R. 3797: Mr. DELAHUNT and Mr. DINGELL.

H.R. 3811: Mr. MCHUGH.

H.R. 3812: Mr. WEXLER.

H.R. 3818: Mr. BURGESS, Mr. GINGREY, Mr. MCCARTHY of California, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. WESTMORELAND, Mr. SENSENBRENNER, and Mr. KINGSTON.

H.J. Res. 54: Mr. HOLDEN, Mr. COSTELLO, and Mr. UDALL of Colorado.

H. Con. Res. 40: Mr. TIM MURPHY of Pennsylvania.

H. Con. Res. 176: Ms. BORDALLO.

H. Con. Res. 198: Mr. DEFAZIO, Ms. CLARKE, Mr. WYNN, Mr. MCDERMOTT, Mr. LOEBSACK, and Mr. CLEAVER.

H. Con. Res. 205: Mr. GRIJALVA.

H. Con. Res. 224: Ms. JACKSON-LEE of Texas, Mr. CALVERT, Mr. SHAYS, and Mr. TERRY.

H. Con. Res. 225: Ms. GIFFORDS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FORTUÑO, Mr. SHAYS, Mr. GALLEGLY, Ms. BORDALLO, and Mr. SENSENBRENNER.

H. Con. Res. 230: Mr. OBERSTAR, Mr. DREIER, Mr. YOUNG of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. BACHMANN, Mr. WOLF, Mrs. BLACKBURN, Ms. CARSON, Mr. PAYNE, Mr. UPTON, and Mrs. WILSON of New Mexico.

H. Con. Res. 234: Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, and Mr. PITTS.

H. Res. 143: Mr. TIERNEY.

H. Res. 185: Mr. MCNULTY.

H. Res. 237: Mr. KAGEN.

H. Res. 333: Ms. WATSON.

H. Res. 338: Mr. MORAN of Virginia.

H. Res. 542: Mr. PETERSON of Pennsylvania, Mr. BISHOP of Georgia, Mr. BURTON of Indiana, Mr. NEUGEBAUER, Mr. MAHONEY of Florida, Mr. LAHOOD, and Mr. CALVERT.

H. Res. 573: Mr. KUCINICH and Mr. CARNAHAN.

H. Res. 618: Mrs. CHRISTENSEN, Mr. ELLISON, Mr. MEEK of Florida, Mr. AL GREEN of Texas, Mr. FALEOMAVAEGA, and Mr. JOHNSON of Georgia.

H. Res. 620: Mr. MARIO DIAZ-BALART of Florida and Mr. FOSSELLA.

H. Res. 680: Mr. YOUNG of Alaska, Mr. MARIO DIAZ-BALART of Florida, and Mr. KNOLLENBERG.

H. Res. 696: Mr. BILBRAY and Mr. HINOJOSA.

H. Res. 708: Mr. WEXLER.

H. Res. 713: Mr. MEEKS of New York and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 725: Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. LINDER, Mrs. CAPPS, Mr. DAVIS of Illinois, Ms. MATSUI, and Ms. LEE.

H. Res. 726: Ms. SLAUGHTER, Mr. CARNAHAN, Mr. ELLISON, Mr. HOYER, Mr. LEVIN, Mr. LAHOOD, and Mr. ETHERIDGE.

H. Res. 733: Mr. PORTER and Mr. MEEK of Florida.

H. Res. 734: Mr. WATT.

H. Res. 735: Mr. WEXLER, Mr. ENGEL, Mr. SHERMAN, Mr. FALEOMAVAEGA, Mr. HINOJOSA, Mr. PAYNE, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. MATSUI, Mr. MILLER of North Carolina, Mr. SCOTT of Virginia, and Mr. MORAN of Virginia.

H. Res. 740: Mr. GEORGE MILLER of California, Ms. BORDALLO, Mr. PAYNE, Mr. MCGOVERN, Mr. AL GREEN of Texas, and Mr. PITTS.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. JOHNSON of Georgia, Mr. LAMBORN, Mr. MITCHELL, and Mr. HOLDEN.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, TUESDAY, OCTOBER 16, 2007 No. 156

# Senate

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

PRAYER

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

Let us pray.

Heavenly Father, for Your marvelous grace that enables us to live victoriously, we thank You. Thank You for strength during life's monotony and emergencies. Help us to express our gratitude by promoting Your work in our world.

Lord, guide our lawmakers with Your higher wisdom. Empower them to walk the path that surrenders to Your will. Replace their fear with faith, their confusion with clarity, and their error with truth. Let love prevail over hate, justice triumph over greed, and harmony defeat discord. Make them willing to listen both to You and to each other. O God, give them tough faith for troubled times.

We pray in Your sacred Name. Amen.

## PLEDGE OF ALLEGIANCE

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

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 16, 2007.*

*To the Senate:*

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

ROBERT C. BYRD,
*President pro tempore.*

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

## RESERVATION OF LEADER TIME

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

## RECOGNITION OF THE MAJORITY LEADER

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

Mr. REID. Thank you very much, Mr. President.

## SCHEDULE

Mr. REID. Mr. President, we are going to be in a period of morning business for an hour. The time will be equally divided and controlled. The Republicans have the first half. We have the second half. Following morning business, Senators MIKULSKI and SHELBY, as managers of the bill, will resume consideration of H.R. 3093, the Departments of Commerce, Justice, and Science Appropriations Act.

Last night, I indicated we would work and complete this bill, either tonight or in the morning—and by ''in the morning,'' I mean after midnight. We are going to work until we complete this bill, if, in fact, it is ever going to be completed. I am not filing cloture on the legislation. We have a finite number of amendments, and we are going to work through these amendments.

As I indicated last night, we have had good cooperation from the minority on our appropriations bills, and I hope that continues. I am confident it will. But if anyone who is mischievous thinks they will stop us from voting tonight, we will have votes. I do not need to be voting on these matters of this bill. If people think they can stop us from voting, we will have votes. Even if we have to instruct the Sergeant at Arms or do whatever is necessary, we are going to have votes tonight, unless this bill moves forward more quickly than some have said.

We need to complete this legislation. We have things that are so very important. The President yesterday said he wants appropriations bills. We cannot do the appropriations bills unless we have cooperation from Democrats and Republicans. Right now, we have 29 amendments that are here that Republicans want to deal with. There are eight Democratic amendments. We want to get this bill done. We need to do Labor-HHS, and, hopefully, by that time we can have something ready to send to the President—any one of the six bills we would have passed. I think it is important we get this process done. The President said he wants to veto a bill. We will send him one he wants to veto if, in fact, that is what he wants to do. Hopefully, that may not be the case. But if it is, that is where we have to start with him. So there are going to be votes. There probably will be votes before our 12:30 mandated recess time.

There are other items we need to work on. For example, one reason we need to finish this bill and the Labor-HHS bill is the manager of the farm bill is HARKIN from Iowa, and we have to have him free so he can do the markup of the farm bill next week—a very important piece of legislation. In the Democratic caucus—I do not know of the Republican caucus—more than half of the Democrats are vitally interested in the farm bill because it affects their States. We have to do a farm bill. We have not done one in 5 years. I think it would be negligent on our part to leave here without doing a farm bill.

There are many important issues. There are people who want to change

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



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the standard farm bill we have done in years past. This is what legislating is all about. It is extremely important we work toward completing this legislation. So that is why we have the press we are having now.

I would also say, after we finish this week, we only have 4 weeks left until Thanksgiving, and then we have 2 weeks we will be out for Thanksgiving, and then, if we come back, we are going to have only 3 weeks before Christmas. We have a lot to do. I will not go through the list of what we are obligated to do, but it is a lot of stuff. I hope everyone would understand that and be thoughtful and considerate of others.

We may have to work some late nights. We may have to work some weekends. We have been very fortunate this whole year. We talked about working weekends a lot, and we have not had to do it except on a couple of occasions. The reason we have not had to do it more is because of the press of the weekend coming upon us we get our work done. That may be the case this week. I hope so. But if not, everyone should understand, if they have obligations at home, they better have some alternatives or consider missing some votes.

## MORNING BUSINESS

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

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 20 minutes within our allotment of morning business.

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

## FEDERAL GOVERNMENT SPENDING

Mr. CORNYN. Mr. President, I have, as the saying goes, some good news and some bad news. The good news is the budget deficit has dropped in the last year from 1.9 percent of the gross domestic product of this Nation down to 1.2 percent—a historic low level for the budget deficit. But as Members of the Senate know, the budget deficit is just a year-to-year statement of what the financial obligations are of the Federal Government. The figure that is the bad news is the debt; that is, the bills, if you will, owed by the American people to finance the cost of Government. The bad news is on September 27—a short time ago—this Congress voted to increase the debt ceiling for the United States of America from $8.965 trillion to $9.82 trillion.

Now a ''trillion'' is more money than any of us can possibly imagine, but let me break it down to what it means for every man, woman, and child in America. It means today, every man, woman, and child in America owes $30,000 of the Federal debt—the cost of the Federal Government doing business.

So instead of passing on to our children and grandchildren the kind of prosperity and opportunity to start on a level playing field and to reach their God-given potential to achieve their dreams, we are burdening our children and grandchildren today, if we do not do anything about it, with a minimum of $30,000 of debt.

The fact of the matter is, it is actually worse than that. As to Social Security, we understand from the Social Security trust fund, they will be running red ink by the year 2017, unless we do something about that. In other words, as to the Social Security taxes that are deducted from your paycheck and mine and everybody's in America to help pay our share of Social Security, the money that has to be paid out will exceed the amount of money coming in as a result of those Social Security taxes by 2017, if we do not do anything about it.

In addition, Medicare is even in worse shape. By 2013, the amount of money coming in to pay for Medicare for seniors will be exceeded by the outflow of funds. So instead of being in the black and being able to sustain itself, both Social Security and Medicare are on the road to insolvency and worse.

Just when you think the story, the financial picture, could not be any worse, there comes the revelation that actually Congress is spending the current surplus for Social Security, for Medicare, for Civil Service Retirement, and the Transportation trust fund, spending money that is a surplus now and issuing debt to be paid by our children and grandchildren—in other words, funding out of the Civil Service Retirement Fund, Medicare, Social Security, and the Transportation trust fund, taking money out of that to pay the current bills of the Federal Government.

This is a dire financial circumstance that only the Federal Government could ignore. No family, no business, no one in America could run their finances this way and get by with it, except for the Federal Government because the Federal Government can continue to issue debt to borrow from surpluses in one fund to pay for bills in another. Frankly, this is a train wreck we are beginning to see in slow motion taking place right before our eyes and will be played out over the next few years, unless we act in a more fiscally responsible way right now.

The President has vetoed the State Children's Health Insurance Program, and I want to talk about that in a minute. Thursday, I believe the House will vote on whether to override that veto and there has been a lot of misconceptions about that and I wish to clarify that with my remarks.

But I want to suggest to you that before Congress votes to expand current programs, even successful programs, beyond their original scope, such as the SCHIP program, which has been enormously successful, targeted at low-income kids whose families earn too much to qualify for Medicaid but not enough to buy private health insurance—before we expand that, not by 40 percent, which I support, but by 140 percent, to cover adults in 14 States, and with a combination of waivers that can be issued by the executive branch of Government to potentially cover people up to 400 percent of the poverty level, displacing private health insurance and taking individuals who currently have health insurance and replacing it with Government—read ''taxpayer''—subsidized free health care for people, families making up to $82,000 a year—before Congress should attempt to expand programs in this sort of irresponsible manner, in my view, we ought to take a look at the programs that have been rated by the Federal Government in terms of their effectiveness and look at opportunities for cost savings there.

I think the American people do not resent paying their fair share of taxes for efficient Government and for a consensus role in what Government should be doing as opposed to the private sector. What they have a right to resent is the fact the Federal Government wastes their money and grows Government at the expense of the private sector in ways that crowd out the private sector.

I would like to suggest to my colleagues they look at a Web site called Expectmore.org. This is a Government Web site that, through the Office of Management and Budget, rates various Federal programs and agencies. What they have concluded—the Office of Management and Budget—is that out of 1,016 programs they have evaluated, 22 percent—almost a quarter of them—have been rated as ineffective or, perhaps even worse, we cannot tell whether they are working as intended—22 percent.

Only 18 percent have been rated as effective; 31 percent, moderately effective; and 29 percent, adequate. This is a miserable scorecard for the Federal Government in terms of the taxpayers' dollars actually delivering the kind of services we should expect Government to deliver, efficient use and respectful use of the taxpayers' dollars.

Before we talk about growing any program—even the SCHIP program—by 140 percent to cover adults and people in the upper middle class with free taxpayer-subsidized health insurance, should we not try to eliminate some of these ineffective programs that have been inconclusive in terms of the evaluation?

As it turns out, I have introduced legislation, along with some of my colleagues, designed to do this, building

on the successful sunset commission programs in Texas and elsewhere, which periodically—say every 10 years or so—take an agency and evaluate it and make the agency justify its continued existence, start with a zero-base budget and justify each and every dollar they use in order to perform that function, in order to make sure it actually is effective.

In my State of Texas, the sunset commission has been responsible for eliminating a number of different programs and saving taxpayers a lot of money. We can do the same thing for the Federal Government in Washington if Congress would merely have the will.

Another idea, another proposal I have made, along with some colleagues, is modeled off of the enormously successful Base Realignment and Closing Commission, the BRAC Commission. This, as my colleagues know, is a way for Congress to make sure we eliminate unneeded and unnecessary military installations. When trying to do it on an individualized basis, is very hard because there is always a constituency for maintaining a military base someplace, even if it is not needed by the military. But the BRAC situation is an independent commission that collects recommendations for all of the unneeded bases and presents it to Congress for an up-or-down vote. No cherry picking, no putting some in and taking some out. We have to vote on all of them up or down. That BRAC Commission has been enormously successful in eliminating unnecessary, unneeded, and costly military installations. We need to do the same for the Federal Government. Before we spend any more of the Federal taxpayer dollars, I think we need to show the taxpayers we are being good stewards of the money they faithfully pay to the Federal Government for their tax obligation.

In addition to not taking care of this growing crisis I have described, Congress continues not to keep its fiscal house in order. It is common knowledge that we have not passed a single appropriations bill for the current fiscal year, and we are operating on a continuing resolution that Congress passed because we have not been able to take care of the simple matter of paying the bills—again, something no family or business could get away with. But the Federal Government is guilty of fiscal mismanagement, once again, by failing to pass a single appropriations bill and sending it to the President.

What this is leading up to, as we all know—and this is no secret—is likely pulling together all of the various appropriations bills, all 12 of them, or some combination of them, into an omnibus appropriation, which somebody told me the other day is Latin for ''watch your wallet.'' We are going to have a huge game of chicken between the President of the United States, who wields the veto pen, and the Congress over how much excessive spending Congress is going to be able to pass against the President's stated intention to veto excessive spending.

Again, this is not for the benefit of the American people; it is, rather, for partisan political benefit—a big game of chicken and potential Government shutdown because Congress isn't taking care of its business and its fiscal house is in a state of disarray. The American people are enormously skeptical, and they have every right to be given what I have described a moment ago. What they want us to do is quit the partisan game playing and trying to score points, and simply work things out in the best interests of the American people, being respectful of their tax dollars and not wasting 1 penny more than we must.

This is especially true in the SCHIP program, the State Children's Health Insurance Program, which I described. It is currently, again, on a continuing resolution. It is currently in effect and not in any danger whatsoever of coming to an end. There is bipartisan support for the continuation of this successful program, if it is intended and does affect children of low incomes, up to 200 percent of poverty. There is not a political consensus; indeed, there are those who object—and I am one—to a radical expansion of this program to cover adults in 14 States and to go up to, along with the Presidential waiver, 400 percent of the poverty level for a family of four making $82,000 a year. At that level, for every two people added, one of them will get Government-subsidized health care by dropping their private health insurance—an unhealthy development, to say the least.

Here again, Congress is up to its old tricks. It relies on an unsustainable funding stream, a regressive tax that hits low-income Americans the hardest, and a budget gimmick that will demand that either Americans' taxes be raised by 2012 to continue the program or children will be dropped from the program.

I have a prediction to make. There is, as Ronald Reagan said, no such thing as a ''temporary'' Government program from the Federal Government. I believe he said that a temporary Government program in Washington is the closest thing we have to eternal life here on Earth. I think he has been proven right.

What I would hope that the leadership—Majority Leader REID and Speaker PELOSI—would do is sit down with Republicans and with the President and try to work out our differences. As I said, everybody supports continuation of this program. I am willing to predict, without equivocation, that this program will continue; it will continue to help poor children—and it should—on a bipartisan basis. We should not have a game of chicken where, as Leader REID said and Speaker PELOSI said—Senate Majority Leader REID said this:

> If the President says let's sit down and talk about it, it is something that is not going to happen.

He said that in Congress Daily on September 28, 2007. Later, he said on that same day:

> We have compromised all we are going to compromise.

What we see here is more political theater and partisan point scoring, as opposed to working together to try to find ways to resolve this impasse. We can do it. It is strictly a matter of political will and, frankly, I think it is what the American people want us to do. They are sick and tired of Congress being dysfunctional when it comes to meeting the very clear needs of the American people. I have described some of them. But at least we can try to work out this SCHIP impasse in a way that is fiscally responsible and meets the intended goals of this important Children's Health Insurance Program.

Today, a Gallup poll reported, for what it is worth, in USA Today that 52 percent agreed with President Bush that most benefits should go to children and families earning less than 200 percent of the Federal poverty level, about $41,000 for a family of four. Only 40 percent in the Gallup poll reported today in the USA Today said benefits should go to families earning up to $62,000. As I said, there is a provision for a waiver that can go up even higher if, for example, President Clinton is in the White House after the next election.

The Gallup poll says 55 percent of those polled are very or somewhat concerned that the program would create an incentive for families to drop their private health insurance.

At a time when the American people are taxed at huge levels, you can see that this chart says ''living essentials squeezed by Federal taxes.'' The American wage earner has to work 120 days a year to pay all their State, local, and Federal taxes, while they work 62 days a year to pay housing, 52 days a year for health care, 30 days for their food, and 30 days for their transportation. But, again, it is 120 days to pay Uncle Sam and State and local taxes.

Should we not be taking care of our finances in a way that does not pass a huge IOU down to our children and grandchildren that we will never repay? Should we not quit robbing from the surpluses of Social Security and Medicare today rather than using that money to finance other programs? Should we not be eliminating ineffective programs or those programs that have been rated as inconclusive in terms of whether they are actually effective? Should we not take a more restrained approach to the growth of Government programs, including programs that have worked, such as SCHIP?

Instead of a 140-percent increase and transforming it into something that bears very little similarity to what Congress originally intended when they

started this program, should we not take a more restrained and careful approach?

Rather than drawing lines in the sand and threatening the termination of benefits of their health care to poor kids, shouldn't the majority leader, the Speaker of the House, the President of the United States, and the folks on the Republican side of the aisle sit down and try to work it out?

As I said, everybody in Congress supports this program, virtually without exception. The only difference is between those who believe this is an irresponsible, radical expansion of the program beyond recognition, and one that others have offered—including me—is a reauthorization of the program designed to meet its original target, and that is poor and low-income kids.

I hope the leadership will listen and make a sincere attempt to try to meet in the middle on this. The children of this country will benefit, and I think the American people will be enormously relieved.

I yield the floor.

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

Mr. DEMINT. Mr. President, I thank the Senator from Texas for leading the national dialog on health care. I think Americans expect us to address this issue and not just fight about it, as the Senator from Texas has said.

This national discussion is bringing us to some agreement, at least. I think all of us have decided in Congress—or at least most of us—that every American should have access to a health insurance policy they can afford and own and keep. Where we disagree is how we get to that point. I think the disagreement in this body goes to how we do that. Do we do it more like Canada did, where we say, OK, everybody needs to have insurance, so let's let the Government take it over; let's have Government-run health care?

Some are saying the Canadian system works fine, until you talk to doctors and patients from Canada and find out that every year the waiting lines get longer, every year the program gets more expensive, and every year the health care is of less quality. So now the people in Canada who have the means come to the United States to get health care.

The reason we have had such good health care in the United States for most of our history is that it has been done by private doctors working with patients, hospitals that are independent of Government; our free enterprise system has worked to a great degree.

Government programs, such as Medicare and the program we are talking about today, such as the children's health plan, have helped those in need to buy health insurance and have access to health care. But for the most part, Americans have resisted Government-run health care.

We do know in the early nineties there was an attempt to move totally to Government health care. When that failed, we were able to see that the advocates of Government-run health care believed the best way to get to Government health care was to do it one step at a time with the children first because it is very hard to vote against expanding health care for children.

Certainly, all children should have health care. They should have health insurance. But the fact is, every American should have health insurance, and it is not good enough just to expand a Government program from covering poor kids to covering middle-class kids.

We do not need to mistake the fact that this is moving us toward Government health care. If my Democratic colleagues get their way on this children's health bill, over 70 percent of the children in this country are going to have Government health care. What happens to them once they become adults we have not discussed. We need to help every American own a health insurance policy.

What Republicans want to do is continue this children's health plan, to add additional funding to cover inflation and additional children. We have some good proposals. One of them, by Senator MARTINEZ, would continue the program as it is but also offer tax credits to children and families who are 200 and 300 percent of poverty so they can buy their own insurance, believing that the best thing we can do for families in this country is to help them have insurance they can afford, own, and keep.

There are other Republican proposals that we will be talking about that include tax credits for every family who buys their own insurance. It would also allow employers to give money to individuals to help buy their insurance. We do not do that now. Employers are not allowed to contribute to an individual's health plan.

We also have proposals that would allow individuals to shop for health insurance all over the country. A lot of folks don't know that we don't allow that now. You can only shop in your own State.

There is a proposal that would allow people who put tax-free money in a health savings account to use that money to buy their own health insurance plan. It is pretty amazing that as a Congress, we will not allow people to use their own health savings account to pay for health insurance premiums. And there are proposals to allow small businesses to come together to buy health insurance that is less expensive than when they buy it individually.

There is a lot we can do as a Congress that does not cost taxpayers any money but would make it easier for individuals to have health insurance they can afford, own, and keep.

I hope this debate will continue to open this issue in a way that Americans can really understand. The goal is that everyone has affordable health insurance, good health insurance. The goal is not to turn more and more of our health care and health insurance over to the Government because we know that won't work, we know it is not efficient, and we know the children we are trying to help are eventually going to have to pay the debt we put on their heads by paying for something we cannot afford.

The fact is, we can get better health insurance, better health care for less money, if we do it with private health insurance just by helping individuals buy health insurance they can afford, own, and keep.

We started the national discussion on health care. I hope as we look at this debate, specifically children's health care, that we will see it as part of a larger issue and decide today that it is not good enough just to get a few more children insured.

Every American needs a health insurance policy, and we can do it, first of all, by taking down the barriers that Congress has put in front of individuals when they are trying to buy their own insurance, but we can also look at those in need. Whether it is tax credits or tax deductions, we can help every American have a health insurance policy they can afford, that they can keep from job to job and throughout their life. We can have better health care, and it is better for our future.

I thank you, Mr. President, for the opportunity to speak. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

## EXTENSION OF MORNING BUSINESS

Mr. ISAKSON. Mr. President, I ask unanimous consent that the time for morning business be extended by 5 minutes for each side.

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

Mr. ISAKSON. Mr. President, I ask unanimous consent to be recognized for 5 minutes, and that following my presentation, Senator CHAMBLISS from Georgia have the remaining 5 minutes.

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

## WATER MANAGEMENT

Mr. ISAKSON. Mr. President, we pass lots of laws in the Congress of the United States, and from time to time there is a byproduct of the passage of some of those laws. It is called the law of unintended consequences. Such is the case with the Endangered Species Act.

In my State of Georgia, we are in a level 4, 100-year drought. As many as 7 million citizens in my State are looking at the possibility of there being no drinking water in less than 120 days. Our State has imposed restrictions of every kind. Landscapers are out of business, car washes are threatened, and there is no outdoor watering.

My home county of Cobb, in the last 14 days, has reduced, through conservation, water consumption by 20 percent.

I personally commend commission chairman Sam Owens and the entire North Georgia Water Planning District for everything they are doing. But in the absence of rain, there is nothing we can do.

Why does this affect the Endangered Species Act? Very simply because a court case was filed a few years ago under the Endangered Species Act asking for the management of the Chattahoochee River basin to be controlled so as to protect sturgeon. The judge in that case finally ruled as much and developed the judge's own interim operating plan for the Chattahoochee River. That plan means the Corps of Engineers makes releases to keep the flow in the Chattahoochee River where the sturgeon exist at a level sufficient to sustain the sturgeon. The problem is the level is insufficient to sustain human life in North Georgia if it continues.

This morning, just a few minutes ago, on behalf of myself and Senator CHAMBLISS, I introduced an amendment to the Endangered Species Act to deal with this law of unintended consequences. It very simply says the following: The head of the Army Corps of Engineers or the Governor of a State, within which a region lies where there is a drought that threatens the health, safety, and welfare of the people in that region, may suspend the course and effect of the Endangered Species Act until that endangerment has passed.

It is a simple request. We are at a place in time in our country and in a region, my home region, the State I represent, where the health, safety, and welfare of my people are threatened. They are threatened by an act this Congress passed that had no intention to threaten them. If we have the power to do that, we also have the power to make the exception to see to it that their drinking water is safe and their livelihood is safe and at hand.

This is a critical, critical emergency. It is time sensitive. I urge each Member of the Senate to follow this simple amendment and this simple proposal and think about what they might do if it was their State, if it was their people. It is time we gave the Army Corps the latitude and the Governors of the States the authority to protect our people.

I stood in this Chamber 3 years ago and raised my right hand and agreed to defend the Constitution of the United States and protect the domestic tranquility from enemies foreign and domestic. Today I stand recognizing there is a domestic enemy, and that enemy is the Endangered Species Act which controls the Chattahoochee River and limits access to drinking water and safe water for the people of north Georgia. I urge Members of the Senate to join myself and Senator CHAMBLISS in this critical and important amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I join my colleague, Senator ISAKSON from Georgia, in support of this legislation. Georgia is in a critical time in the history of our State. Atlanta, GA, is a great place to live, a great place to work, a great place to visit, but we are in a crisis. The water supply system for metropolitan Atlanta depends on two basins, Lake Altoona and Lake Lanier. Lake Altoona and Lake Lanier are fed by nature, by rainfall that every year, thus far in the history of those basins, has filled those basins since they were built decades ago.

Unfortunately, during the month of August, we received very little moisture. But at the time we were receiving very little moisture, we had more 100-degree day temperatures than we have ever had in the history of Atlanta. A combination of natural forces has put us in this situation of crisis, but there is also an unnatural source that has helped produce this crisis, and the legislation that Senator ISAKSON has proposed, along with my cosponsorship, seeks to address this critical problem and seeks to help find a solution to this problem for the short term.

Georgia's lakes are low and continue to decline as the Army Corps of Engineers releases water to protect a handful of sturgeons and mussels in the Appalachicola Bay in the State of Florida. Understandably, folks who have had mandatory water restrictions for months in our State, who are watching these lakes slowly decrease, are wondering where the common sense in Washington has gone. They are calling my office and asking: How can our Government care more about mussels and sturgeons than human beings? Obviously, that is not the case. But water continues to be released, and estimates are that Lake Lanier, Atlanta's main source of water, will be empty—and I repeat, will be empty—by January 2008 if the Corps does not stop releasing so much water or if we do not get rainfall. That is less than 3 months away.

It is clear that we are in a crisis. We need to do something to ensure we are not cutting off the drinking supply to 7 million people in the metropolitan Atlanta area. This legislation does something very simple and practical to address this crisis in the short term. It says, if the Secretary of the Army, in consultation with the Governor of a State, determines that a drought is in effect in a region in which there is a Federal river basin that is managed by the Corps of Engineers, and the drought threatens the health, safety, and welfare of the human population in that region, the Secretary of the Army can temporarily suspend provisions of the Endangered Species Act until such time as the drought is over and the health, safety, and welfare of humans is no longer at risk.

We have larger issues to address in the long term. Updating the water control manuals by which the Corps of Engineers operates the river basins in Georgia and getting the Governors of our neighboring States together to apportion the water among the States for the long term are critical issues that have to be addressed.

As resources get scarce, these things become more difficult to accomplish. Unfortunately, the people of Georgia cannot wait. They need immediate relief, and swift passage of this legislation will certainly help.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that the majority has time now under morning business.

The ACTING PRESIDENT pro tempore. Thirty-five minutes.

Mr. DURBIN. I ask for 10 minutes of that time, and I ask to be notified when I have completed 4 minutes.

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

## HEALTH INSURANCE

Mr. DURBIN. Mr. President, I wish to discuss two issues this morning that I believe are important not only to Members of the Senate but everybody across America.

You cannot go home and visit your home State and talk to real families and real businessmen and real workers without coming back feeling that the No. 1 issue on their minds, after the war in Iraq, is health care. Time and again people tell us stories from their own lives, troubling, challenging stories about trying to find the best health care and pay for it. They are concerned about the cost of health insurance. The cost of health insurance goes up every single year and covers less each year. That is the real family squeeze in America.

It isn't just from families we hear these stories. We will learn the same thing with businesses. Howard Schultz is a fellow I respect very much. He is a pretty prosperous man in America. A lot of us buy his products with frequency. Howard Schultz of Brooklyn, NY, now living in Seattle, is the owner of Starbucks. When he started a little company selling coffee, I don't know if he had any idea that someday he would have 14,000 stores across America. But he knew if he started a company, there was one thing he was going to do. He was going to guarantee everybody who worked in a Starbucks store had health insurance because he had a personal experience after his father lost health insurance after being laid off from a job, and he decided as a business leader that he would take care of that issue.

So if you pay an extra 50 cents to a buck for that double, double skim latte, you are subsidizing the health insurance of the person making the coffee for you. I think it is a pretty good deal. It is a deal I am willing to make regularly and do most mornings.

Howard Schultz said to me and Members of the Senate: I cannot keep up with the cost of health insurance. The

cost keeps going up. I can't raise the cost of a cup of coffee to keep up with this. You have do something.

He told us this 2 years ago. I saw him recently. Same challenge, same issue—his business is trying to do the moral, conscientious thing to cover its employees, even part-time employees, and is having a tough time.

Large corporations, like General Motors, finally struck a deal with United Auto Workers, and the biggest problem, the biggest challenge in their negotiation is what to do with the health insurance of employees and retirees.

So when you hear this over and over again, you think to yourself: Well, what is Congress going to do? And the answer is: Virtually nothing. There is no leadership in Washington. And it has to start in the White House when it comes to health care reform, with one exception—an important exception.

Ten years ago, we said: With 40 million uninsured Americans—15 million being kids—it is time we provide health insurance for those uninsured children in America. It was a Republican Congress, but Democrats supported it. That bipartisan bill passed; it was signed by the President and went into effect.

In a span of 10 years, we moved from covering zero children to 6.6 million children, who were given help through their families to buy health insurance from private insurance companies. Mr. President, 6.6 million out of 15 million were covered—a bipartisan proposal that worked.

Now that law is about to expire. It is called the Children's Health Insurance Program. So we decided we needed to not only keep this program going, but we needed to expand it from 6.6 million kids to 10 million—or 10.5 million kids. Let's keep moving until every kid in America, every child has health insurance. Well, we put together another bipartisan proposal, brought together some very conservative Republican Senators, such as CHUCK GRASSLEY of Iowa, ORRIN HATCH of Utah, and many others, and said: Let's work out something in a cooperative way that extends this program responsibly. And we did it. We ended up with an increase in the Federal tobacco tax and the revenues dedicated to covering more children with health insurance. I like that because more expensive tobacco products means fewer kids will buy them. I like to keep tobacco out of the hands of kids until they become adults and can make a responsible decision about a product that can lead to addiction and disease and death. So I like the tradeoff here from a public health viewpoint.

We passed that bill extending the Children's Health Insurance Program—over 10 million to be covered—with 69 votes in the Senate. That is pretty good here. We have these death-defying struggles and end up passing amendments by one or two votes, but we passed this by a big margin and then sent it over to the House, and they passed it. It was then sent to the President of the United States, where he had his chance to extend children's health insurance, and he vetoed the bill. He said no. He said it is socialized medicine, too much government involved in it.

Well, I disagree with the President. First, this is insurance from private health insurance companies; it is not Government insurance. Secondly, this isn't socialism. What we are talking about is helping working families. The poorest families in America and their children are already taken care of. We have Medicaid in every State in the Union. The poorest kids have that. They have that Government health insurance protection. And the kids of families where mom and dad get benefits are already covered. It is the kids who fall in between, the kids of mothers and fathers who go to work every day and have no health insurance, those are the kids we are trying to help. So this isn't about poor people; this is about middle-income working families who don't have health insurance at work.

What if you had to go out tomorrow and buy a health insurance plan for your family. Assume your employer doesn't offer any benefits. What are you going to pay? Well, if you happen to have a pretty healthy family and you don't want a lot of coverage and you have a big deductible and a big copay, you may get by for $600 a month. But if there is a complication there—a sick child, your wife has had some problems, you have had some problems—you know what happens to those premiums. Pretty soon, they are $800 a month, $1,000 a month, and people who are making regular, middle-class incomes in America cannot afford them. That is the reality. So when someone in the White House says we shouldn't be helping families making $60,000 a year to pay these health insurance premiums, I think they are really out of touch with reality.

This morning, two of my colleagues, Senator CORNYN of Texas and Senator DEMINT of South Carolina, came to the floor to talk about health care. Good. We need more conversation. But we also need their support. They didn't support the passage of the Children's Health Insurance Program. I wish they had. We really need to make this a broader, bigger, bipartisan issue.

In just 2 days, the House of Representatives will try to override the President's veto. I don't know if they will make it. They need 15 Republican Congressmen to switch over to override the President's veto to extend the Children's Health Insurance Program. Maybe they can't do it. If they fail, it means, at the end of the day, this program will cover fewer children in America. Is that our goal? I think our goal should be the other way. We need to reach a point where everybody in America has the peace of mind of health insurance.

I am lucky. As a Member of the Senate and a Congressman, I get to enroll, as other colleagues do, in the Federal Employees Health Benefits Program. This is a great deal. For 8 million Federal employees and their families, we get to choose open enrollment every year—in my case, for my wife and myself, from nine different private health insurance plans offered in my home State of Illinois. Nine choices. It is like shopping for a car, my friends: if I don't like last year's model, I am trading in for a new model. I can go to a new company. Now, this is something most Americans would dream of, to have that kind of opportunity. It is available to me as a Federal employee.

Shouldn't every American have that peace of mind? Shouldn't we all understand that if you go to work every day, and you love your family, that you ought to be able to provide them the protection of health insurance? For 47 million Americans, the answer is no, they do not have it. For 9 million kids out of that 47 million across America, they have no health insurance.

A child without health insurance is a child without a regular doctor, a child without regular checkups, a child who may not get the immunizations they need. That is what kids face when they do not have a medical home, or a health insurance policy. I need not tell you what happens when a medical disaster strikes a family like that. It becomes overwhelming. It can bankrupt a family that thinks it is in a pretty comfortable situation.

So I urge my colleagues in the Senate and in the House, on both sides of the aisle, to get together. There has to be some common ground here. I thought children's health insurance was a great place to start. I hope the House will override President Bush's veto. I think the President is out of touch with working families in America and the reality of the challenge they face with health insurance. So I hope that we can override his veto, that we can extend this program and cover many children today who don't have protection.

## NOMINATION OF STEVEN BRADBURY

Mr. DURBIN. Mr. President, tomorrow the Senate Judiciary Committee will hold hearings on the nomination of Judge Michael Mukasey to be Attorney General. I look forward to those hearings and hope to ask some questions about his plans—if he, in fact, is confirmed as our next Attorney General—to repair some of the damage that has been done at the Justice Department. I am concerned that progress really isn't going to be possible without some significant changes there. In particular, I think we need new leadership at the Justice Department's Office of Legal Counsel.

Today, I am joined by Senators TED KENNEDY and RUSS FEINGOLD in sending a letter to President Bush calling on him to withdraw the nomination of

Steven Bradbury to be head of the Office of Legal Counsel and to submit another nominee.

The OLC—the Office of Legal Counsel—is a small office. Most people don't even know it exists. But it really has a lot of power, especially in this administration. Their legal opinions are binding on the executive branch of Government.

In August of 2002, OLC issued the infamous torture memo. This memo narrowly defined torture as limited only to abuse that causes pain equivalent to organ failure or death. It also concluded the President has the right as Commander in Chief to ignore the torture statute—the law of the land—which makes torture a crime. This memo was the official Bush administration policy for over 2 years. This was a memo produced by the Office of Legal Counsel.

Jay Bybee, who was then head of that office, signed the torture memo. Unfortunately, Mr. Bybee was confirmed to a lifetime appointment as judge on the Ninth Circuit Court of Appeals before Congress and the American people learned about this infamous torture memo.

Jack Goldsmith succeeded Jay Bybee as head of the Office of Legal Counsel. We only recently learned about the critical role Mr. Goldsmith played. As head of the office, he revoked the misguided Office of Legal Counsel opinions regarding warrantless surveillance.

Deputy Attorney General Jim Comey has emerged as an almost heroic figure time and again as we have learned of his role in the Justice Department under Attorneys General Ashcroft and Gonzales. Mr. Comey supported Mr. Goldsmith's actions. This led to the infamous showdown at the bedside of Attorney General John Ashcroft where White House Chief of Staff Andrew Card and former Attorney General Alberto Gonzales, then White House Counsel, tried to strong-arm Mr. Ashcroft into overruling Mr. Goldsmith.

In June 2004, Mr. Goldsmith revoked the Bybee torture memo. Shortly afterward, he left the Justice Department.

In 2005, President Bush nominated Steven Bradbury to succeed him. He has been the de facto head of the Office of Legal Counsel for over 2 years.

During the confirmation process, Mr. Bradbury has refused to answer questions from Judiciary Committee members regarding torture.

In November 2005, I initially objected to Mr. Bradbury's nomination, and I said:

> Mr. Bradbury is currently the acting head of the Office of Legal Counsel. In this capacity, he approves Justice Department legal opinions. Since the Justice Department refuses to provide us with OLC opinions on interrogation techniques, we do not know enough where Mr. Bradbury stands on the issue of torture. What we do know is troubling. Mr. Bradbury refuses to repudiate un-American and inhumane tactics, such as waterboarding, mock execution, and physically beating detainees.

There are also seriously unresolved questions about Mr. Bradbury's role in the NSA warrantless surveillance programs. Last year, the Justice Department's Office of Professional Responsibility opened an investigation into the conduct of the Justice Department attorneys who authorized the NSA program. In an unprecedented move, President Bush personally denied security clearances to the Justice Department investigators, effectively blocking the investigation. Documents provided to the Senate Judiciary Committee suggest that this internal investigation was looking into whether OLC engaged in misconduct while Mr. Bradbury was acting head of OLC.

In August 2006, Senator KENNEDY, Senator FEINGOLD, and I sent a letter to President Bush calling for him to allow an internal investigation relative to this issue. We have not received a response.

Recent reports regarding Mr. Bradbury's involvement in approving the legality of abusive interrogation techniques provide further evidence of his unsuitability. According to an October 4 article in The New York Times, Mr. Bradbury signed two OLC legal opinions approving the legality of abusive interrogation techniques.

Mr. Bradbury reportedly authored an opinion on so-called ''combined effects,'' which authorized the CIA to use multiple abusive interrogation techniques in combination. According to The Times, then-Attorney General Alberto Gonzales approved this opinion over the objections of then-Deputy Attorney General Comey, who said the Justice Department would be ''ashamed'' if the memo became public.

The Times also reports that Mr. Bradbury authored and Alberto Gonzales approved an OLC opinion concluding that abusive interrogation techniques such as waterboarding do not constitute cruel, inhuman or degrading treatment. This opinion was apparently designed to circumvent the McCain Torture Amendment, then being considered by Congress, which clarified that such treatment is absolutely prohibited.

Mr. President, in the interest of turning the floor over to my colleague from North Dakota, I will not read this entire statement, but I do wish to tell you that I believe the cumulative evidence against Mr. Bradbury raises serious questions as to whether he should even continue in this interim capacity as head of the Justice Department's Office of Legal Counsel.

We are not asking the President to nominate some Democrat for the position. We don't expect that. But we ask him to nominate someone with professional integrity who can restore the morale of this Department and the luster which should be part of this important office. Jack Goldsmith describes himself as a conservative Republican, but he stood up to a White House when it came to issues of torture and warrantless surveillance.

I urge the President to withdraw Steven Bradbury's nomination and submit another nominee for Assistant Attorney General for the Office of Legal Counsel.

Mr. President, I yield the floor.

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

Mr. DORGAN. How much time remains in morning business?

The ACTING PRESIDENT pro tempore. Twenty minutes.

## THE OIL CRISIS

Mr. DORGAN. Mr. President, the front page of a recent New York Times article and front page of a Wall Street Journal issue said: ''Ethanol's Boom Stalling As Glut Depresses Price.'' Wall Street Journal article says: ''Ethanol Boom Is Running Out of Gas.'' Last night on ''NBC Nightly News,'' featured a piece about the closing of ethanol plants and the problem with the production of ethanol as a substitute for oil.

Mr. President, I want to talk a moment about that because we are unbelievably dependent on foreign oil. If anybody thinks they should nap through this or sleep through this vulnerability, they are dead wrong because 60 percent of the oil we need in this country and use every day we get from outside of our country. We stick little straws in this planet of ours and suck oil out. We suck out about 84 million barrels of oil every single day. We use one-fourth of that in this country every day, or about 21 to 22 million barrels of oil. So of all the oil we suck out of this planet every day, we use one fourth of it just in this little space called the United States of America.

The problem with using one fourth of it is that 60 percent of that oil which we use comes from other countries, much of it from troubled parts of the world, such as Saudi Arabia, Kuwait, Iraq, and Venezuela. Well, if tomorrow, God forbid, somehow the import of oil into this country were interrupted, we would be flat on our back economically.

We get up in the morning and just take it all for granted. We get up, we get out of bed and rub our eyes, then flick a switch, and the lights go on. We get in the car, turn the key, and the engine starts. We take it all for granted. But what happens at some point if we shut off the petroleum, shut off the electricity, and see what life is like, see what our economy is like?

So we decided to do something about that. If we are unbelievably dependent on and vulnerable when it comes to foreign oil, what do we do? We begin to produce energy in our farm fields.

We produce biofuels. That is not a new thing. It has been around over a century. I was at a biodiesel plant the other day. It was a grand opening. I pointed out there that the first known use of vegetable oil as fuel for a diesel engine was a demonstration at the World's Fair in the year 1900. Rudolf

Diesel later experimented with fuel made from peanut oil or biodiesel for engines he was developing. So this is not new.

All of a sudden our country has decided we should produce biofuels—ethanol, for example—and we have begun to do that. Oil companies don't like it very much. The OPEC countries don't like it very much. The last thing they want to see is for us to begin to produce not only the fossil fuels in our country, including oil and natural gas, but also biofuels and the renewable energy that can grow in our farm fields. We can take a kernel of corn, and from that kernel of corn with various processes produce fuel that will substitute for fuel oil we now get from troubled parts of the world. That makes a lot of sense to me.

We use about 140 billion gallons or 145 billion gallons of fuel a year. If every single gallon of fuel were blended with ethanol, our total market for ethanol would be about 14.5 billion gallons. The President says let's go to 35 billion gallons. I agree with that. So do most of my colleagues. The Senate has already voted on a bill to produce 36 billion gallons. But how are we going to use 36 billion gallons if we are only blending ethanol at 10 percent? We have to have the E85 pumps. They are producing flex-fuel vehicles in Detroit now, and they have said they are going to get to 50 percent of all the vehicles they produce being flex-fuel vehicles so we can run a fuel that is 85 percent ethanol. E85 they call it.

You might have a flex-fuel vehicle right now—in my State there are about 16,000 to 18,000 flex-fuel vehicles—and there are 23 places in the entire State where you can pull up to a pump and get E85.

In California there are over 270,000 flex-fuel vehicles, and there is one reported gasoline pump in the entire State of California that pumps E85. Think of that, one pump.

Let me describe what some of the obstacles are. I have long been concerned if we are going to produce ethanol—and we should and we must—we have to not only produce it, we have to market it. We have to produce it, then we have to run it through the carburetors and fuel injectors of vehicles. If we don't have the market, that whole industry collapses.

Let me give some examples of why we don't have more E85 pumps. No. 1, we have some folks in here who want to produce ethanol and support all that, but they don't support any kind of mandate that would require that we have an infrastructure out there to actually use the ethanol. We are now starting to see the results of that. Let me describe that with an article in the Wall Street Journal: ''Fill Up With Ethanol? One Obstacle Is Big Oil.'' April 2, this year:

> Oil companies employ a variety of tactics that help keep the E85 fuel out of the stations that bear the company name. For instance, franchisees are sometimes required to purchase all the fuel they will sell from the oil company. Since oil companies generally don't sell E85

That is, 85 percent ethanol that you would use in a flex fuel vehicle—

> the station can't either.

Let me describe some of the ways the major brand retailers are trying to prevent the widespread marketing of ethanol. ExxonMobil and BP require their franchise stations—and this is directly from the Wall Street Journal article—require their franchise stations to buy fuel exclusively from them. Neither company offers E85. So the station owners must apply for an exception if they wish to sell E85, or 85 percent ethanol.

> A ConocoPhillips memo to franchisees says the company doesn't allow E85 sales on the primary island, under the covered canopy where gasoline is sold. Stations must find another spot. As a result, it isn't quite as simple for a driver to decide on the spur of the moment to fill up with E85.

ConocoPhillips says you can't market E85 with the same bank of pumps on the same island.

> Chevron says it requires Chevron-Texaco branded stations to keep E85 off their primary signs listing fuel prices. To show the fuel's price, and alert approaching drivers that E85 is for sale, the stations have to erect a separate sign.

BP will not allow its franchisees to offer payment by credit card for E85.

Does anybody see a pattern? These companies sell oil and gas. I want them to do well. But I hope they want our country to do well at the same time. Our country will do well by becoming less dependent on the Kuwaitis and Saudis, the Venezuelans. And we do that by expanding our supply of renewable energy.

Guess what. These companies say we are not interested in that. That is not our product. So, by the way, we have 170,000 gasoline stations in our country, about 170,000 gas stations on every corner of this country, virtually, and 1,200 of them have E85 pumps. There are 170,000 places you can pull up to buy gasoline, and 1,200 of them have E85.

If you drive a flex-fuel vehicle and you can run it on 85 percent ethanol—that is the way they sell the vehicle, you can run on either gasoline or 85 percent ethanol—and you want to choose one of 170,000 gas stations in this country, 168,800 or so are not going to have E85.

Assistant Secretary Andrew Karsner, who is the Assistant Secretary of the Office of Energy Efficiency and Renewable Energy at the Department of Energy, said at a hearing I chaired earlier this year that last year we installed around 450 E85 pumps across the entire country. As I calculate it, if we continue to install 450 E85 pumps a year, that means in about 100 years we will have almost 50,000 pumps, or in less than one-third of the stations where they are selling gas.

My point is simple. I see these stories in the Wall Street Journal and the New York Times. I know, based on what is reported, what the major oil companies are doing. It is not just setting ethanol up for failure, it is setting this country up for failure. We cannot move from 60 percent dependence on foreign oil to 69 percent dependence on foreign oil, and that is where the experts say we are headed.

If we don't find a way to be less dependent on foreign oil, this country is in trouble. How do we become less dependent? We expand our opportunities for renewable energy, including ethanol. But if we do that, and when we do that, we are set up for failure if the 170,000 gas stations across this country have decided: You can't advertise E85. You have to erect a separate sign. You can't sell E85 at our franchise, we will not allow it. You can't pump it at the main island where you pump other gasoline, we will not allow it. With that sort of thing, it sets this country up for failure, in my judgment.

What should we do about it? The Energy bill we moved through the Senate recently was an Energy bill that provides some grant programs—not nearly enough—some grant programs to help some service stations install biofuels pumps. We are going to need to pump E85 percent ethanol. We are going to need to have blend pumps that blend 30 percent, 40 percent, and 50 percent blends of ethanol and gasoline. We have to do all these things if this country is determined to move in a direction that makes us less dependent on foreign oil.

But our country, it seems to me, is willing to sit back, and Congress is willing to sit back and say: Whatever happens.

We have to make things happen. An infrastructure bill that says if we are going to produce biofuels—and we are, and if we are going to aspire to get 36 billion gallons of biofuels—and we should, then you have to have a plan by which you market that. If you produce it and don't market it, the market for that particular energy collapses, and it will set us back decades.

What should we do? We should, in my judgment, as we move this Energy bill, have an infrastructure provision in the Energy bill that is strong, assertive, bold, and moves in the right direction and sets up a circumstance where either this happens by the market system or you have mandates.

I know nobody likes mandates. But if we are going to be less dependent on foreign oil, we have to find a way to make this happen and make this work. I believe we have an opportunity to do something good for this country. We can just sit back and exhibit a posture somewhere between day dreaming and thumb sucking and just act as if we are thumbing our suspenders, smoking our cigars, and saying: Ain't it a good life? We are 60 percent on foreign oil. Ain't it a shame ethanol don't work somehow? I know you can't find it down at the local service station because they will not let them market it down there. Ain't it a shame?

It is not going to be a good life if we find someday we don't have this energy

coming in, with 60 percent coming from offshore, and it is not going to be just a shame, it is going to be a catastrophe for this country if we don't put in place the infrastructure to expand our opportunities to produce renewable energy in this country and therefore make us less dependent on sources of foreign oil.

We are going to use our fossil fuels. I support the production of domestic oil and natural gas. I support the continued use of our coal. I increased the President's request by 30 percent for the fossil fuels account, in the appropriations bill that is written in the Energy and Water Development Appropriations Subcommittee that I chair. The President talks a lot about this stuff, but he doesn't commit himself to it. I increased by 30 percent his fossil fuels account. Why? Because coal is our most abundant resource. We are going to have to use it. The question is not whether, it is when we use it, and how. We ought to invest in the research and technology to allow us to use coal in zero emissions plants. I believe we can do that. We can't do this with the baby steps coming from this President. He wants to just baby-step along; a little money here, a little money there. If we are going to make a commitment to use our fossil fuels, we have to make that commitment. But even as we do that, much more needs to be done to deal with the renewable side. We can't at the same time try to advance the interests of fossil fuels in a way that does not contribute to climate change and then say we are going to ignore the renewable side. We have to do both. We have to use the research and the capability of technology to unlock our opportunity to continue to use fossil fuels, but then we have to commit ourselves—our country has to commit itself to renewable energy and to the ethanol and biofuels industry.

The reason I wanted to make this point is, I saw last evening on ''NBC News'' a big feature story about this subject. I saw it in the New York Times. I saw it in the Wall Street Journal.

You ought not be surprised. I mean, bowl me over? The major gasoline companies do not want to sell E85 because they believe it competes with them? The fact is, what competes with them is the solution to making us less dependent on foreign sources of oil.

It is unbelievable to me that we have this little planet of ours. We circle the Sun, we have 6.4 billion neighborhoods, and half of them have never made a telephone call, half live on less than $2 a day, and we end up on this little spot called the United States. Our lifestyle is pretty unbelievable. What we have built is special. But we are prodigious consumers of energy, and now we have worked ourselves into a position where we use so much energy in the form of oil from outside of our country, and so much of it comes from very troubled areas of the world, that if we do not in a sober way understand our responsibility to address that, shame on us; and our future will not be very bright.

This is not just some other issue. This is a big issue. The standard of living in this country rests on the issue of our being able to provide the energy. The quality of life in this country rests on our ability to get the energy and produce the energy and acquire the energy, even as we protect the airshed with respect to climate change. All of that is important.

Mr. President, I think this is an important issue. I am going to work with my colleagues. Hopefully, we can get an Energy bill, and when we get this Energy bill we will get this resolved in the right way.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. There remains 3½ minutes.

## CHINA

Mr. DORGAN. I don't have enough time, but I want to show my colleagues something I find absolutely fascinating. Let me suggest on a different subject I will consume the 3.5 minutes.

This is the Nail House. This house is in the middle of a whole dug-out excavation area. This is in China. The Chinese Government, the developers, decided we are going to go in, and we are clearing this whole place out. One family said: No, you can't do that to me. It is not legal. It is not fair. We are not going to move. So they came in and excavated around the entire house. Here is the little house in China.

I tell you that because we just released, last week, the Congress Executive Commission on China Annual Report. It is the 2007 annual report. I am a cochairman, SANDY LEVIN, Congressman SANDY LEVIN, is the chairman. I am the cochairman of the Congressional Executive Commission on China. This describes a whole series of things on China, those who are in prison today in China as a result of advocating for human rights and other related issues.

I will tell this story about the Nail House. They call it the Nail House because it is stuck right up out of the excavation. The story did not have such a happy ending for the Nail House. The Chinese, eventually—they must have thought this was funny, the Chinese authorities, by digging around this fellow's house—but they eventually came in and tore the whole thing down and this property was lost. It is pretty hard to take on the Chinese Government.

But one of the things in this report we talk about is what is happening with technology in China, and the ability, outside of the purview of the Communist Government, to control everything; the ability of people to communicate.

Now, the Chinese have thousands of thought police trying to figure out who is visiting the Internet and trying to prevent them from visiting certain sites on the Internet. But there is a trend that is going on in China that is very interesting. Internet use rose from 620,000 in the last 10 years, 620,000, to 160 million Internet users.

Mobile phone ownership went from 3 million to 500 million in the last 12 years, 500 million. China has an estimated 20 million blogs, where people are talking among bloggers' personalized Web pages. In the entire year of 2003, about 4 years ago, the Chinese people sent 137 billion text messages.

Now, I tell you all of that because I think it is going to change things in China. Part of this China Executive Commission is trying to understand what is happening in China. What does that mean for our future? But there are some striking examples of citizen activism these days which are very interesting. This is one, the ''nail house,'' this family, that did not end so well.

But the local officials ignored the mass complaints. But what happened was this picture was on all of the blogs in China, it stirred up a hornet's nest of people willing to demonstrate in the streets on behalf of this family.

But there is one other issue, chemical factory protests in the southeast corner of Xiamen. The local government planned to build a hazardous chemical plant near the center of town. They publicized the information on Web sites and blogs, and citizens responded by overwhelming the local Chinese officials with a million text messages. Later they used blogs and text messages. They organized massive protests and marches that attracted thousands, and finally the local officials suspended the building of a chemical factory in the middle of Xiamen.

Mr. President, I ask unanimous consent for 2 additional minutes.

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

Mr. DORGAN. Another use of the Internet in China was on a slave labor scandal. In May and June of this year, citizen activists broke open a scandal that rocked China. Thousands of brick kilns were using kidnaped slave labor. They were men, boys, mentally ill, forced to work under heavy guard, often with no pay and very little food.

Parents looking for their missing sons organized on the Internet in China, and they were pleading for Government assistance. They were forced to cover the story in the Chinese press because there was such a mass uprising here. Finally, the Chinese Prime Minister ordered an investigation. Five hundred workers were freed. One hundred sixty people who ran the kilns were arrested. Very few party officials were seriously punished.

But the point is, things are changing. The technology is changing in China. The Burmese monks protest, the activism continues right up to today. While the Chinese Government is attempting to shut down this open and free communications with the thought police, they have got thousands of people trying to regulate Internet use, the fact is, it is not working, and technology and communications are having a profound impact and I believe will continue to have a significant impact in

the future. But I would say to my colleagues, we have some very skilled people who have worked with Congressman LEVIN and myself on the Congressional Executive Commission on China, the Annual Report, 2007.

We have the most complete list of those who are being held prisoner in China, particularly as a result of human rights issues. This booklet, if you have a chance to read it, is a great description put together by some very skilled people on exactly what is happening in China.

There is some progress, and there are areas that are of great concern. We continue to monitor and work on these issues.

I yield the floor, and 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.

Ms. MIKULSKI. 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.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3093, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Inouye amendment No. 3214, to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies.

Bingaman-Smith amendment No. 3208, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

Vitter amendment No. 3277, to prohibit funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Thune amendment No. 3317, to provide, in a fiscally responsible manner, additional funding for U.S. attorneys to prosecute violent crimes in Indian country.

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

Ms. MIKULSKI. Mr. President, to bring our colleagues up to date, we are resuming consideration of the appropriations on Commerce, Justice, and Science. Working on a very collegial and bipartisan basis, our staffs, the Mikulski staff and the Shelby staff, have worked through the evening working to clear amendments. We believe we are making very good progress.

Where we are now is the Senator from South Carolina will be offering some amendments, and we will probably be having a debate before the noon hour, and at that time we would like to have our colleagues visit with us on how they intend to deal with the amendments they have filed.

I wish to share with my colleagues on both sides of the aisle, it is intent of the Democratic leader, Senator REID that we will finish this bill tonight. Senator REID has instructed me as the manager of this bill to complete action, even if it means staying well into the evening.

We do not have to do that because we have just a core group of amendments. If the Democrats would talk to me during the first vote, and the Republicans would talk to Senator SHELBY, we can move to dispose of them, either to withdraw them, clear them or we ask our colleagues to offer them.

I wished to thank the Senator from South Carolina for being here so promptly. I wish to thank Senator SHELBY and his staff for their work.

I yield the floor.

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

AMENDMENT NO. 3286

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3286.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3286.

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

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

The amendment (No. 3286) is as follows:

(Purpose: To provide that none of the funds made available under the Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a member of Congress, and for other purposes)

On page 97, between lines 6 and 7, insert the following:

SEC. 528. None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

Mr. DEMINT. Mr. President, I actually have two amendments this morning. I will speak briefly on both of them.

I believe both sides have agreed these are good ideas, and I believe one will be accepted, and the other we are going to have a vote at 12, as I understand it.

But the first amendment relates to earmarking and the wasteful earmarks we have talked about often on the Senate floor. Much has been done to make earmarks more transparent, to have more earmarks disclosed.

I think as we do that, we are probably getting a better focus as a Federal Government of how we should be spending our money. But old habits die very hard. It has been very difficult for a number of Members of the House and the Senate to give up this practice of being able to send money wherever they want back in their own State or anywhere in the country.

As we have made it harder to do earmarks in the open, we have found that a number of Members of Congress or their staffs have been calling agencies to request that earmarks be done without Congress's approval at all. This type of ''phone marking'' has created a new loophole.

This amendment we are offering would disallow any use of funds for that type of earmarking. If I can read the amendment it is very simple. Again, I believe both sides agree on it.

It says:

None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

That is all there is to this amendment, is to disallow this whole idea of picking up the phone and deciding where taxpayer money should go. I understand the other side is prepared to accept or have a voice vote on this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to acknowledge the spirit of reform of the Senator from South Carolina. We too support the spirit of reform on these matters. I support this amendment. I do believe we can accept it.

Mr. President, I ask unanimous consent that the amendment be agreed to.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3286) was agreed to.

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

AMENDMENT NO. 3289

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the

pending amendment and call up amendment No. 3289.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3289.

Mr. DEMINT. Mr. President, I ask unanimous consent that further 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 prevent Federal employees from purchasing unnecessary first class or premium class airline tickets at taxpayers' expense, and for other purposes)

On page 97, between lines 9 and 10, insert the following:

SEC. 528. None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent with sections 301–10.123 and 301–10.124 of title 41 of the Code of Federal Regulations.

Mr. DEMINT. Mr. President, this is another simple amendment designed to get more accountability in Federal agencies. The Government Accountability Office recently published a report that has been in the media all over the country, pointing out that millions of taxpayer dollars are being wasted as employees of the Federal Government are flying all over the world in premium business class or first class, when the rules of these agencies specifically say that should not be done.

My amendment does not change any rules of the Federal agencies; it says the rules have to be complied with or the money that is in this bill cannot be used.

I will read this amendment as well:

None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent [with the number of sections that are listed] of the Code of Federal Regulations.

Again, we are not changing any regulation. We are demanding that the Federal agencies comply with their own rules and save the taxpayers hundreds of millions of dollars a year.

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 yeas and nays are ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at noon today the Senate proceed to vote in relation to the DeMint amendment No. 3289 and that no amendment be in order to the amendment prior to the vote and that the time until then be equally divided between Senator DEMINT, Senator SHELBY, and myself, Senator MIKULSKI.

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

Mr. DEMINT. Mr. President, I neglected to add a cosponsor of this amendment. Senator MCCASKILL would like to be our lead cosponsor on this amendment. I appreciate her support as well as the chairman's.

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

Mr. DEMINT. Mr. President, I yield back the remainder of my time.

Ms. MIKULSKI. Mr. President, I want my colleagues to know I rise in support of the DeMint amendment. I think it is a very commonsense amendment. I believe that when we are regulating how Government employees travel, I do believe they follow the rules. I do not believe they travel in a lavish lifestyle.

I wish to acknowledge the fact of two things: One, our colleague from South Carolina has a GAO report that indicates reform is needed; reform and clarity are needed on what our Government employees, traveling on official business, can do.

We have heard all kinds of stories about some going on business class, some going on first class, some where it is even short trips, and so on. We acknowledge, of course, as always, the validity of the GAO report. What I also want to say is this subcommittee, chaired by myself and my ranking member, Senator SHELBY, is on the side of reform. Our three themes this year were security for our country, innovation to keep us competitive, and, at the same time, accountability. We have done a major set of reviews on things such as cost overruns in the NOAA satellite program. We have also taken on things where we offered an amendment together dealing with discipline in the funding of conferences. We stopped the lavish conferences, the so-called $4 Swedish meatball amendment.

We believe the DeMint amendment is also in that same spirit of reform Senator SHELBY and I brought to this subcommittee and we now bring with our bill to the floor. We are deep down reformers. We want to make sure we accomplish the mission of the agencies for which we are the guardians of the purse. But at the same time, we want to make sure taxpayers are getting value for their dollar. Where there is excess, poor judgment, or poor management, we are going to hold agencies to the fire. We are going to hold agencies accountable. Therefore, when this vote is taken, I urge, in the spirit of reform, the spirit of accountability, that we join, once again, on a bipartisan basis and pass this amendment. We so appreciate the work of the GAO, a wonderful independent watchdog that Congress can turn to where it is not the Senator from South Carolina's opinion or the opinion of the Senator from Maryland about what is going on or the need for reform, but we work on clearheaded analysis, intellectual rigor, let the facts speak for themselves.

When you look at this GAO report, the facts do point to the fact that we do need reform in this area. I am a supporter, but I also want to acknowledge, though we need reform, I want to clearly state that most civil servants follow the rules when they book their tickets on Government travel. It ensures that these employees follow current regulations that will limit the purchase of first-class tickets.

In the spirit of accountability, reform, and responsibility for the taxpayers, again, I thank Senator SHELBY for his work. We have made a lot of progress on the spirit of reform.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Alabama.

Mr. SHELBY. Mr. President, I commend the Senator from South Carolina, Mr. DEMINT, for his amendment dealing with travel and spending. If we can save millions of dollars by people not flying first class, and so forth, and abusing the system, we ought to do it. The spirit of this amendment is good and I hope we can all vote on that at 12 noon, when we have agreed to do so. I commend him for offering the amendment. It will be good law for us to follow.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside and that I may call up a couple of amendments and talk for 3 or 4 minutes on them.

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

AMENDMENTS NOS. 3294 AND 3295, EN BLOC

Mr. ENSIGN. Mr. President, I call up en bloc amendments Nos. 3294 and 3295.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes amendments en bloc numbered 3294 and 3295.

Mr. ENSIGN. I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3294

(Purpose: To increase funding for the United States Marshals Service to ensure full funding for the Adam Walsh Child Protection and Safety Act of 2006 and offset the increase by reducing funding for the Advanced Technology Program)

On page 33, line 26, strike the period and insert ": *Provided further*, That an additional $7,845,000 shall be available to carry out the Adam Walsh Child Protection and Safety Act of 2006 offset by a reduction in the amount available for the Advanced Technology Program under the heading 'INDUSTRIAL TECHNOLOGY SERVICES' in title I of $7,845,000.".

AMENDMENT NO. 3295

(Purpose: To increase funding for the State Criminal Alien Assistance Program and offset the increase by reducing funding Nasa funding)

On page 53, line 11, strike the semicolon and insert ": *Provided*, That an additional $150,000,000 shall be available for such program offset by a reduction in the amount

under the heading 'NATIONAL AERONAUTICS AND SPACE ADMINISTRATION' 'SCIENCE, AERONAUTICS AND EXPLORATION' in title III of $150,000,000;''.

Mr. ENSIGN. Mr. President, amendment No. 3295 is to increase by $150 million the State Criminal Alien Assistance Program and offset it with a $150 million decrease in the NASA budget currently in the bill. The NASA budget was increased $150 million over the President's request in the underlying bill and then an emergency spending of an additional billion dollars which was, by the way, already from over a billion dollars more than in the bill last year. We are taking $150 million of that and putting it toward this program that is underfunded every year. It is to assist the States in prosecuting and arresting people who are here illegally who have committed crimes.

This is an important piece of legislation. We don't have enough money for correctional officer salary costs for incarcerating undocumented criminal aliens, and this amount of money, especially for the border States of the Southwest, is very important.

It might be drug programs people who are here illegally are running. I was watching a program the other day that was talking about cheese heroin, something that can addict our children with one dose. Kids have died. I think there are 30 or 40 of them who have died in Texas literally with one dose. Most of that is coming from our southern border. We need to provide local law enforcement the resources to deal with aliens who are coming to this country who are dealing with the drug program. This is an important problem that we need to add extra funding to. We still have a problem with illegal immigration in securing our borders, but without a comprehensive immigration bill, we at least need to add money so we can help the States prosecute and incarcerate people who are here illegally, undocumented criminal aliens who are here illegally who are wreaking havoc on communities around the United States. I believe this is an important amendment. It is critical that we help our States, counties, local parishes, tribal, and municipal governments battle illegal immigration and keep law-breaking illegal aliens off our streets.

The second amendment is an amendment that will fully fund the Adam Walsh program. We all know what the Adam Walsh Child Protection Safety Act has done. This will fund it up to the President's request. It is $7.8 million for the U.S. Marshals Service to fully implement the Adam Walsh Child Protection Safety Act. We are taking the money from the ATP program. I believe it is absolutely critical that we fully fund the Adam Walsh Child Protection Safety Act. As a father of three children, the Adam Walsh Child Protection Act is critical to keeping the children safe. It is a small amount of money, but it will bring the program up to what the President has requested. It is an important program. The advanced technology program has been something of questionable efficacy. We should take some of that money and fully fund the Adam Walsh Child Safety Act of 2006.

Having briefly spoken, I can speak on it more later. I know there is other business to attend to, but I think these are both very important amendments. I hope my colleagues will support them.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I will respond to the Senator from Nevada, both on process as well as content. I believe, with the concurrence of Senator SHELBY, that there is one of the amendments we might be able to take, and then the other, of course, would be a vote in which we would move to table the amendment after lunch. But if I could respond to the Senator from Nevada in terms of content, where he wishes to increase funding for the Marshals Service for the full funding of the Adam Walsh Protection and Safety Act, we acknowledge the validity of the concerns of the Senator from Nevada in this regard. The Senator and I have been involved in a group where we are trying to put our values into action. The Senator might recall my own background is that of a social worker. I was a child abuse worker. I find that there is nothing more despicable than a child predator. I believe it is so dastardly, so despicable, so repugnant that every time I think about the work Adam Walsh did, the work that comes out of our excellent bill with our funding, we know we always want to do more when our children are stalked in neighborhoods or playgrounds. We know they are being stalked on the Internet. Without going into putting even more vile things out there in conversation, the Senator from Nevada is well aware of some of the most awful things that are going on on the Internet. We want to acknowledge the validity of what he wants to do.

I know the Senator from Alabama wishes to speak on it, but we believe we could take this amendment. I know the Senator will want to speak about it.

Mr. ENSIGN. Will the Senator from Maryland yield briefly?

Ms. MIKULSKI. Absolutely.

Mr. ENSIGN. I appreciate her comments. The only reason I would object to a voice vote is because I have seen too many voice votes in this place and then things get dropped in conference. I would hope we could have a recorded vote. I know they take up a little more time, but I believe it is important to establish on the record that the Senate actually does support the amendment.

Ms. MIKULSKI. Mr. President, our majority staff who helps us organize the traffic of this is now going to be writing this up. Let's see how we can accommodate the Senator from Nevada. We will be able to ask for a UC before we go into the caucus. But the minority Republican staff is here. Senator SHELBY will certainly protect the interests of the Senator from Nevada.

If I may comment on the State Criminal Alien Assistance Program, we will debate that amendment later when we are heading to a vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3277

Mr. DURBIN. Mr. President, I rise in opposition to the Vitter amendment No. 3277, which may be considered later this afternoon on this pending Commerce, Justice, and Science appropriations bill.

This amendment would prohibit fiscal year 2008 COPS funds from being used in contravention of a provision in Federal law that relates to information sharing about a person's immigration status.

The Senator from Louisiana has said this amendment is targeted at ''sanctuary cities.'' He is referring to the policies that have been put in place by many cities, counties, and police departments in at least 23 States and the District of Columbia that limit enforcement of immigration laws by State or local authorities.

These cities, counties, and police departments have decided that it is a matter of public health and safety not to inquire about immigration status when people report crimes or have been the victims of domestic abuse or go to a clinic to obtain vaccinations for their children.

These State and local confidentiality policies do not stop the Federal Government from enforcing immigration laws—a traditional function of the Federal Government, not State and local governments. Rather, they reflect a decision made by State and local authorities that they do not want to have their police departments spend their time and resources enforcing a traditionally Federal responsibility relative to immigration law. Those laws are the Federal Government's responsibility to enforce.

In many cities, including several in my home State of Illinois, city and law enforcement officials have decided, reasonably, they want to focus their attention and their police resources on stopping violent crime.

Yesterday, I was in a section of Chicago known as Logan Square. There is a wonderful organization known as Christopher House that was opening a family resource center, a neighborhood center in the tradition of the settlement houses that were started in the Chicago area by Jane Addams almost a century ago. This Logan Square area is an up-and-coming part of the city of Chicago. It is a beautiful neighborhood,

but it is a neighborhood that has been riddled with violence for over a decade. Literally, children are being gunned down in the street. I attended a memorial service a few weeks ago there for a young African-American girl. She was killed on a playground while playing with her friends by a drive-by shooting by gang bangers. The alderman in that 35th ward, Rey Colon, who is quite a leader in the community himself, attended the service with me. As we walked into the church, he pointed to a section on the sidewalk and said: Just a few years ago a member of my family was killed on that spot.

Violence is endemic, unfortunately, in America, and we see it in cities, great cities such as Chicago and others. Mayor Daley is making an extraordinary effort to deal with this. I am joining him in that effort. It is hard for me to imagine the Senator from Louisiana wants to cut off the COPS Program funds for the city of Chicago. That is what he suggested.

What will the COPS Program do for the city of Chicago? It will put more police on the beat. There will be more police officers out there in the neighborhoods to keep them safe. The COPS money can be used to buy bulletproof vests so when a policeman is shot, he might survive. The money is also being used for forensic analysis, DNA testing, trying to find ways that ex-offenders can be brought back in a peaceful way to the cities and towns from where they started. It is used for task forces to go after sexual predators.

The amendment of the Senator from Louisiana would cut off these funds for the city of Chicago. Why? Why in the world would the Senator from Louisiana—a State I have bent over backwards to help since Hurricane Katrina—want to cut off Federal funds to the city of Chicago, funds to make the streets safer? Why would he want to cut off Federal funds to any city in America to make the streets safer?

He wants to argue about immigration laws. Well, that is a valid debate. We had it for 3 weeks here in the Senate, and we will have to return to it because we ended up doing nothing. But in his effort today to bring this immigration issue out to the floor of the Senate, the Senator from Louisiana is threatening the Federal funds that many cities in my home State of Illinois are using to fight violent crime. Why? That makes no sense at all. Will he feel better if there are more killings on the street? Of course not. None of us would. I think he would feel better if there were more cops on the street.

But his amendment seeks to cut off COPS funding for the city of Chicago and other towns in Illinois, and that is not right. I urge my colleagues, when they consider the Vitter amendment, to consider how you would respond to the mayors of these towns when they ask you: How in the world did you disqualify my city from receiving money for bulletproof vests for my policemen? How can you, Senator or Congressman, explain to their families why that fallen policeman's life was taken because no bulletproof vest could be provided from Federal funds?

I do not understand the logic behind this. I would say that many of these cities are working hard to fight crime. They are working with many people. The former president of the International Association of Chiefs of Police, Joseph Estey, said in relation to a proposal similar to the one offered by Senator VITTER:

> Many leaders in the law enforcement community have serious concerns about the chilling effect any measure of this nature would have on legal and illegal aliens reporting criminal activity or assisting police in criminal investigations. This lack of cooperation could diminish the ability of law enforcement agencies to police effectively their communities and protect the public they serve.

It is particularly troubling that the Vitter amendment seeks to link COPS funding to the overturning of city confidentiality policies. This bill, the one Senator MIKULSKI and Senator SHELBY have brought before us, currently provides for $660 million in COPS funding. That is a dramatic increase over the administration's request. The money, of course, is for new police officers, bulletproof vests, combating methamphetamine, law enforcement technology enhancements, arresting and prosecuting child predators—the Vitter amendment would cut off Federal funds for efforts to arrest and prosecute child predators—and a lot of other important programs.

This COPS money is focused on helping State and local law enforcement stop violent crime, stop crimes against children, stop sexual predators. Similarly, cities and police departments have put policies in place regarding the confidentiality of immigration status so they can focus on stopping violent crime, and so law enforcement officials can obtain information about crimes from victims and witnesses in communities where they might not otherwise be able to obtain it.

The goal of reducing violent crime is not served by telling police departments they can either have one crime reduction tool—the COPS money—or another—these confidentiality policies.

Do we want to deprive police forces in 23 States additional manpower, men and women on the beat, keeping schools and neighborhoods safe, and deny these same police men and women bulletproof vests through the COPS Program, because local officials have determined when it comes to the enforcement of Federal immigration laws, the Federal Government should assume that enforcement? That is what it comes down to.

We do have a serious immigration problem in this country. I voted—most Members, maybe all Members have voted—for some $7 billion more in enforcement at the border between the United States and Mexico. We have to stop the illegal flow into this country. I think we have put our money where our intentions are. That is a fact.

Earlier this year, we considered comprehensive immigration reform that would also have greatly improved the enforcement of our immigration laws. I supported this effort. It was controversial. We did not have enough votes. The Senator who has brought this amendment to the floor, which would cut off COPS funding, opposed any effort for a comprehensive immigration reform. Instead, he wants to force on State and local governments a responsibility we have not met at the Federal level, and he wants to threaten them with cutting off COPS funds that are critically important for them. I do not think that works.

Violent crime is a serious problem in my State and across the Nation. Violent crime rates have gone up the last 2 years. We need to give our communities the tools to address this problem.

I hope the Vitter amendment will be defeated. Let's make sure we do not make the safety of people living in 23 States a political pawn in this debate over immigration. I urge my colleagues to oppose the Vitter amendment.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3289

Mr. SHELBY. Mr. President, we are nearing the hour of 12 o'clock, when we have agreed there will be a rollcall vote on the DeMint amendment.

I rise today in support of the amendment offered by Senator DEMINT from South Carolina and ask unanimous consent that I be added as a cosponsor.

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

Mr. SHELBY. The GAO, the General Accounting Office, found that over 120 million in tax dollars were wasted by Federal agencies dealing with travel—first-class travel—when economy travel or something less than first class could do. That is unacceptable to all of us here.

I commend my colleague from South Carolina, Senator DEMINT, for bringing this to the Senate's attention, and I encourage all of my colleagues to vote ''aye'' on this amendment in a few minutes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

All time has expired. The question is on agreeing to the DeMint amendment No. 3289.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut

(Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted ''yea.''

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

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

[Rollcall Vote No. 365 Leg.]

YEAS—90

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

NOT VOTING—10

| | | |
|---|---|---|
| Bayh | Dole | Obama |
| Biden | Inouye | Warner |
| Clinton | Kennedy | |
| Dodd | Murkowski | |

The amendment (No. 3289) was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 3:15 p.m. today, there be 2 minutes of debate prior to a vote in relation to the Ensign amendment No. 3294, and that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that upon disposition of that amendment, the Senate resume amendment No. 3295, another Ensign amendment, with 2 minutes of debate prior to a vote in relation to that amendment; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that no amendments be in order to either amendment in this agreement prior to the vote; and that the debate time be equally divided and controlled between Senator MIKULSKI and Senator SHELBY or their designees.

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

Ms. MIKULSKI. Mr. President, we also believe we will be having a vote at more or less the same time on the Thune amendment, as it relates to the Legal Services Corporation. We are waiting for final word from Senator HARKIN on that. But when we return from the respective caucus lunches, we expect there to be a debate on the Thune amendment, the Senator from Iowa, Mr. HARKIN, will be speaking, and about that time we expect to have another UC.

There will be votes throughout the afternoon. We urge our colleagues at our respective party lunches to speak to both Senator SHELBY and myself as a way of disposing of those amendments that have been filed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for 5 minutes to pay tribute to a Louisianian who passed away this past week.

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

(The remarks of Ms. LANDRIEU are printed in today's RECORD under ''Morning Business.'')

Ms. LANDRIEU. Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Louisiana for her poignant comments.

Mr. President, we have another UC that has not quite ripened as yet, so I will suggest we recess for the party luncheons.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:38 p.m, the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

## DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that now, at 2:15, Senator MURRAY of Washington State be recognized for up to 7 minutes; that following those remarks there be 30 minutes of debate with respect to the Thune amendment, No. 3317, with the time equally divided and controlled between Senators THUNE and HARKIN or their designees, that no amendment be in order to the amendment prior to the vote, and that the vote in relation to this amendment occur upon the disposition of the Ensign amendment No. 3295, with 2 minutes of debate prior to the vote; and that after the first vote in the sequence the vote time be limited to 10 minutes each.

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

AMENDMENT NO. 3214 WITHDRAWN

Ms. MIKULSKI. Mr. President, I further ask unanimous consent that amendment No. 3214 be withdrawn.

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

Ms. MIKULSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, there are few bills that we deal with in Washington, DC, that are more critical to the safety and well-being of our communities than the bill we are considering on the floor today. This legislation is going to help fund Federal law enforcement and justice programs that are absolutely essential if we are going to keep our neighborhoods safe, keep our justice system strong, and make sure our communities are healthy. At a time when our budgets are very tight and our needs are very great, I believe this bill invests in the right priorities. I thank Senator MIKULSKI and Senator SHELBY for their leadership and their very hard work to put this bill together.

But as all of us in this Chamber know, despite their hard work and leadership at their subcommittee to make a sound investment in the health of our communities, the President has said he will veto this bill. According to the administration, the additional funding in this bill is ''irresponsible and excessive.''

That is very hard to fathom when this administration is asking for over $190 billion in emergency appropriations to fight the wars in Iraq and Afghanistan for 1 year. While this President easily is spending our money overseas, local communities in my home State and around the country are going without the money they need for very critical programs.

The increases this legislation calls for are a fraction of what this President spends on the wars in a year. The money in this bill will go to revitalize programs that have been overlooked by this administration. My home State, for example, is experiencing a dangerous shortage of FBI agents who do essential work to ensure that we prevent another terrorist attack at home and who perform critical law enforcement duties. That shortage is one example of how this President mixed up the Nation's priorities. But this bill does make a small step toward fixing some of those years of problems.

In my home State, the lack of FBI agents for critical law enforcement needs has been a serious concern for some time, but the urgency of this situation was driven home recently in a series of articles by the Seattle Post-

Intelligencer. The paper's first article noted that since 9/11:

the White House and the Justice Department have failed to replace at least 2,400 agents, transferred from law enforcement to counterterrorism, leaving far fewer agents on the trail of identity thieves, con-artists, hate mongers and other criminals.

The article I referred to found that Washington State has a mere 2.1 FBI agents for every 100,000 residents. That is nearly half the national average.

This past week, I met with police chiefs and sheriffs from across my State, and they agreed this shift has had a real impact on State and local law enforcement. One police chief told me the FBI had virtually disappeared from white collar crime investigations. A sheriff told me the local law enforcement now investigates and prosecutes over 90 percent of all bank robberies, even though this has traditionally been a FBI responsibility.

Another police chief told me the FBI does not have the law enforcement resources to adequately staff antigang task forces, even as the gang presence and gang-related crime increases in our communities.

All of these sheriffs and police chiefs had nothing but praise for the essential work that FBI agents perform in their communities. But even as the FBI focuses on counterterrorism, they ask that it not abandon law enforcement. The Seattle FBI field office has remained understaffed even for counterterrorism agents. That is especially troubling because Washington State's industry-leading companies, international seaports, and important military facilities make it a prime target for a terrorist attack. Three years from now, thousands of people are going to travel through my home State to attend the 2010 Vancouver Winter Olympics. We have to be prepared for the worst. Currently, Washington State ranks 35th in per capita FBI agents. Clearly, that makes no sense.

I thank Senator MIKULSKI and Senator SHELBY for working with me on this issue; specifically an amendment that would end this disconnect and ensure we are placing our FBI agents where they can best protect our communities. It will also get the FBI to tell us how it intends to distribute its resources.

That amendment is the first step toward ensuring that the FBI's priorities are in sync with our country's security needs and its own stated priorities. I commend Senator MIKULSKI for her recognition of that need. Her work to include additional funding for the FBI in this bill is a very good first step. The next step is to increase funding to hire, train, and place new FBI agents throughout the country that will help to ease the burden the FBI has had to bear since 9/11 changed its mission.

But I think we all know more funding is needed. Unfortunately, if this President believes that increasing our FBI budget is irresponsible and excessive and plans to veto this bill, we will not be able to make the necessary investments today that will make our country more secure tomorrow.

While Federal agents are critically important to maintaining the security of our country, we all know that State and local law enforcement are the real guardians for our communities. In this post-9/11 world, we have asked them to place counterterrorism at the top of their priorities.

But criminals have not stopped abusing children or robbing stores or dealing drugs. The local police have been told they need to do more with less, but we have reached a point today where we simply cannot ask them to do more without help.

A recent FBI crime report showed that after a decade of declines, violent crime is now rising for the second straight year. We have to make sure it doesn't rise again. This bill restores funding for our State and local law enforcement to nearly $2.7 billion and fills a major gap, after the President cut its budget in half. This will also provide $1.4 billion for State and local law enforcement grants, including $550 million for COPS grants, and over $100 million for Byrne grants. These funds are critically important and they support antidrug and antigang task forces around the country.

They fund communications equipment that helps our police and our emergency response teams talk to each other, something we all know is desperately needed in all our communities.

They fund critical programs to deal with the spread of methamphetamine, and police chiefs and sheriffs have consistently told me these grants were absolutely essential to their ability to protect our communities. Unfortunately, as I said, we have heard the President say he is going to veto this legislation. This bill addresses critical priorities across our country and I urge all my colleagues to support the bill and send the President a message from our constituents at home that he is taking our country's safety and economic well-being in the wrong direction and that we need to change focus and give our communities what they need to be safe and sound and secure.

This bill also addresses vital commercial and economic interests across the Nation.

In my home State, that means helping to ensure a healthy, sustainable salmon population. In Washington State, healthy salmon mean a healthy economy. That's why I am thankful that this bill includes $90 million in funding for the Pacific Coastal Salmon Recovery Fund. This money will help support our State's coordinated effort to restore salmon runs and preserve a way of life in the Pacific Northwest.

When I talk with leaders in my home State about the need to restore our salmon populations, they call it critical.

When I go home and discuss with law enforcement officials, experts and the media, about the need to increase the number of FBI agents, they say it is an urgent problem.

When I talk to local police and sheriffs about the need for COPS and Byrne grants, they say these grants are crucial to the security and safety of our communities.

Yet when I return to Washington, DC, I am told by this President that the money that is so desperately needed at home is ''irresponsible and excessive.''

It could not be clearer that this Administration is out of step with the priorities of the people of State and the people of this country.

We have presented the President a measured, responsible bill to bolster our security and build our economy, and I understand he has decided to reject it.

I urge all my colleagues to support this bill and send the President a message from our constituents at home: That he is taking our country's safety and economic well-being in the wrong direction, and that we need to change focus and give our communities what they need to be safe, and sound, and secure.

AMENDMENT NO. 3317

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate on amendment No. 3317, offered by the Senator from South Dakota, Mr. THUNE, equally divided and controlled by the Senator from South Dakota and the Senator from Iowa, Senator HARKIN.

Who seeks time? The Senator from Iowa.

Mr. HARKIN. Mr. President, I am hear to speak in opposition to the amendment offered by the Senator from South Dakota. The amendment he offered would reduce the vital legal assistance to our most vulnerable citizens, low-income Americans who need help with their most critical legal needs.

First of all, I wish to say I am a strong supporter of the bill before us. The President proposed drastic cuts in funding for State and local law enforcement, but the bill provides a total of $2.6 billion for State and local law enforcement which is about $1.5 billion above the President's request. The President's budget also proposed to reduce the number of Federal law enforcement agents working to combat violent crime, but this bill rejects that cut, as well as lifting the hiring freeze on DEA agents.

I wish to point out something else. The bill further provides $1.7 billion for U.S. attorneys, $92 million more than last year, and it directly addresses Native American needs. The bill provides $35 million for tribal law enforcement efforts. The bill further provides $1 million in research on violence against Native American women.

I know Senators MIKULSKI and SHELBY did their best to provide additional resources, especially given the severe budget constraints we face, but the answer to the problems that Native

Americans have with domestic violence and violent crime is not to deprive them and other poor citizens of our country of basic legal services. That is what the Thune amendment does. Senator THUNE is putting more money into the U.S. attorneys to combat violent crime, but he is taking it out of Legal Services. That tradeoff is wrong and I encourage my colleagues to reject the Thune amendment and support the level of funding provided in the bill.

Let me take a minute to explain why the increase in funding for Legal Services is so important. In 1996, Legal Services took a drastic cut in funding by the Congress. It went from $415 million to $278 million. It was almost cut in half. We have been trying to get the funding back up since that time. I point out if at that time, from 1995 to now, we had kept pace with inflation, Legal Services would currently be funded at about $566 million. This bill gets it up to $390 million, so we are not even back up to where we were in 1995. As I said, the Thune amendment cuts $20 million out of the increase provided in this bill and gives it to U.S. attorneys. But I also pointed out, the U.S. attorneys already got a $92 million increase in the bill, for $1.7 billion in total funding.

Of course, it is not just Native Americans but a wide range of low-income Americans including, in recent years, victims of Hurricane Katrina and even victims of 9/11, who utilize legal services. We have all read in recent months about the vast increase in the number of people losing their homes because of foreclosures and the scandal in the subprime lending market. Many of these people are low income, and they are going to need help from Legal Services because they will not be able to afford an attorney.

Again, make no mistake, even under this bill as it is, Legal Services is not able to serve the legal needs of all low-income Americans. For example, 50 percent of eligible applicants requesting legal assistance from the Legal Services Corporation grantees are turned away because of lack of funding. Keep in mind that, in order to be eligible for Legal Services, you have to be at or below 125 percent of poverty level. That is an income of $25,000 a year for a family of four. That means right now we are turning away half of the families earning less than $25,000 a year who need legal help. In some parts of the country, it is even higher. In Wisconsin, 80 percent of poor households who face legal problems do so without an attorney.

In California, 66 percent; in Nebraska, 86 percent; in Utah, 87 percent; in New Mexico, 80 percent. On and on. Those are the percentage of low-income people in those States who face a legal problem yet do not get any help.

With so many people going unserved, every cent is crucial. The adoption of the Thune amendment would only result in furthering the justice gap in this country and in many cases hurt the very people the Senator from South Dakota wishes to help, Native Americans.

The clients of Legal Services Corporation funded programs are the most vulnerable among us, and many of them are Native Americans. Since 2001, 2.8 percent of all of the appropriations going to Legal Services has gone to meet the legal needs of disadvantaged Native Americans in this country. That means that under this bill about $10.4 million would go to Native American legal services. That includes South Dakota. In many of these States like South Dakota, a majority of legal services goes to serve Native American populations. In fact, in 2006, fully 67 percent of the clients served by civil legal services in South Dakota were Native Americans—67 percent. By taking money from Legal Services, you are hurting the very people who need legal help, including many of our Native Americans.

Mr. DORGAN. Mr. President, I wonder if the Senator would yield for a question.

Mr. HARKIN. Mr. President, I would be happy to yield.

Mr. DORGAN. Mr. President, I listened to the Senator's presentation. I have indicated to my colleague from South Dakota that I share his instinct and we need better law enforcement on Indian reservations. I do not think there is any question about it.

I appreciate the fact that Senator MIKULSKI and Senator SHELBY added back funds that had been eliminated in the President's budget. But we have a long way to go and we have talked about that here. The instinct is right to try to provide more funding so we are able to deal with those issues.

I held a hearing last week. A report shows that 34 percent of Indian women will be raped or sexually assaulted in their lifetime. That is unbelievable. We have serious law enforcement problems.

But I must vote against this amendment for the following reason: I cannot support an amendment, even though it adds money we need, that we will pay for by eliminating—by reducing funding for legal services, precisely because, as the Senator from Iowa says, legal services are the access to the legal system for low-income folks. It is the only opportunity they have, in many cases, for them to access the legal system.

That budget has been cut, and cut repeatedly. Now we are trying to add some back. To cut it now would be the wrong thing.

I appreciate the Senator yielding to me. I am very interested, I know the Senator from Iowa is very interested, in working with Senator THUNE and others, Senators SHELBY and MIKULSKI. I have talked to them to try to find ways to add back to these accounts in the future. We must do that. It has been partially restored in some of these areas by Senators MIKULSKI and SHELBY.

I thank the Senator from Iowa for allowing me to weigh in. I say I certainly support his presentation. I support the instinct of the Senator from South Dakota in wanting to try to improve this area of funding. But we cannot do it by taking away from such important funding as Legal Services.

Mr. HARKIN. I also appreciate the efforts of the Senator from South Dakota. Again, if you are asking whether I have any problems with where the Senator from South Dakota wants to provide additional funding, no, I do not. I have problems with where we are taking it from. That is my basic problem, because all of the data and all of the testimony tells us that Legal Services are helping the very people we are talking about, especially women who are victims of domestic violence.

Because, a lot of times, Legal Services attorneys are handling family law matters. But before they get to the prosecutorial level, for example, there are things that can be worked out. Individuals have a lawyer—for example, domestic violence restraining orders, separation agreements, or child custody arrangements, those types of things, which are civil matters. U.S. attorneys do not handle that. That is what Legal Services does.

The incidence of violence toward Native American women is tragic. As the Senator from South Dakota pointed out in his presentation earlier, he said Native American women are seven times more likely to be victims of domestic violence than other women. That is what the Senator from North Dakota also just told us.

But, again, it is precisely these citizens whom Legal Services Corporation-funded programs assist. Three out of four clients of Legal Services are women—three out of four.

Legal aid programs identify domestic violence as one of the top priorities in their caseloads. Recent studies have shown that the only public service that reduces domestic abuse in the long term is women's access to legal aid, the very assistance this amendment would drastically curtail. So legal services does make a big difference.

As I said, it is not just Native Americans I am talking about. Legal Services is still helping victims of 9/11, flood victims, Katrina victims. Now we have a whole new group of people accessing Legal Services. I am almost embarrassed to say this. There is another group we now see accessing Legal Services in a big way. Do you know who they are? Our soldiers and their families. Our soldiers and their families, because some of these enlistees who are privates and below do not get enough money. They may have problems, separations. They have been gone a long time. There are family problems. They do not have enough money to hire an attorney. Their spouses might not. So they are accessing Legal Services. This amendment would say: No, we are going to cut back on that. So, again, I think it is important for us to keep this in mind.

I know the Senator from South Dakota had mentioned the recent management problems at Legal Services headquarters. Believe me, no one was more upset than this Senator when the reports came out a year ago, first with the IG investigation and then GAO report. I say that because I started my life after law school as a Legal Services attorney. That is what I did. I know that every cent in the field counts. So if they are wasting money up here in Washington with chauffeured limousines and fancy hotels and all of that kind of stuff, it makes my blood boil, because I know what the Legal Services attorneys in the field are living with, and they are pinching pennies. They are not paid a lot.

That is why I was glad, in the education bill that passed earlier, we included Legal Services lawyers as those who would have their loans repaid if they stayed and became Legal Services attorneys.

Again, I share with the Senator from South Dakota and others my total abhorrence of what was going on in the hierarchy. I will say this: The GAO recommended a number of things for Legal Services to do to address these problems that are now being implemented, in terms of the board structure and other important oversight protections. Why it was not done before, I do not know. There is no excuse for it. There is absolutely no excuse for it. But I can say that the board is now implementing the suggestions and the recommendations of the GAO. I made it very clear as a long-time supporter of the Legal Services Corporation, I made it very clear to management that they needed to act immediately to address the GAO recommendations. I know both Senator SHELBY and Senator MIKULSKI have said the same thing to LSC. So LSC management knows that people here are watching. I know they are acting to address it. Their board of directors has publicly accepted all of GAO's recommendations. They have begun their implementation.

Mr. President, I ask unanimous consent to have printed in the RECORD the Legal Services Corporation's response to GAO which outlines the steps they are taking to ensure better management at headquarters.

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

COMMENTS FROM THE LEGAL SERVICES CORPORATION

JULY 31, 2007.

JEANETTE M. FRANZEL,
*Director, Financial Management and Assurance, Government Accountability Office, Washington, DC.*

DEAR MS. FRANZEL: Thank you for the opportunity to provide written comments on the Government Accountability Office (GAO) draft report entitled Legal Services Corporation—Governance and Accountability Practices Need To Be Modernized and Strengthened. This is Management's response to your draft report. The Board of Directors is responding separately.

We are pleased with your findings that LSC ''has stronger federal accountability requirements than many nonprofit corporations'' and that LSC Board members ''demonstrated active involvement through their strong board meeting attendance and participation in LSC oversight.'' We intend to build on this strong base of accountability and oversight as we respond to the recommendations for executive action which you have made. We fully accept three of your recommendations and we are committed to further action in the spirit of the fourth recommendation.

Regarding the appropriate financial reporting standard for LSC, we are reviewing the Government Accounting Standards Board standards, and we expect to complete our evaluation by the end of October 2007.

Regarding a Continuity of Operations Plan program, LSC has adopted elements of a program, as noted in your draft report, and we expect to complete our comprehensive program during 2008.

Regarding a code of conduct, we have established a staff task force to develop proposals for an LSC compliance program, which will include a comprehensive code of conduct. Our goal is to have recommendations to the Board of Directors by the January 2008 Board meeting.

Regarding a risk management program, we are committed to improving the risk management program at LSC. We note that LSC has managed its risks well over the past 33 years. We will review and implement those additional program elements that are desirable and appropriate for an organization of our size.

We recommend that several clarifications be made to your draft report narrative to insure its overall accuracy. In discussing the accountability of LSC for the management of its federal appropriations, the draft report does not address the existence of congressional oversight. LSC has both authorizing and appropriations committees in the House and the Senate, and LSC is subject to regular oversight from these committees. LSC has been the subject of appropriations and oversight hearings five times in the past three years. LSC staff meet regularly with both Members and congressional staff to discuss ongoing operations.

In discussing LSC's whistleblower protections, the draft report does not acknowledge that LSC has a whistleblower protection statement in its Employee Handbook. This protection for those who complain to the Office of Inspector General (OIG) has been in place at LSC for almost 20 years.

The draft report references potential conflicts of interest with respect to LSC's Acting Special Counsels. All of the relevant information relating to the Acting Special Counsels was provided to the OIG. The OIG made no findings of any conflict of interest with respect to the Acting Special Counsels, and no report of any potential conflicts of interest exists. LSC has been and remains diligent in its ethical obligation to avoid any conflicts of interest. Since the draft report itself makes no finding by GAO of potential conflicts of interest, the placement of this reference in the ''What GAO Found'' section (see Highlights page) is particularly troublesome.

Finally, while we recognize that your recommendations of matters for congressional consideration are not made to LSC, we feel compelled to observe that LSC's existing statutory framework is appropriate and has served very well the purposes which Congress intended, as described in the appendices to the draft report which explain the rationale for establishing LSC as a non-profit corporation. Should there be a desire to apply some additional management requirements to LSC, that can be accomplished without modifying the nonprofit corporation framework which Congress enacted. To change the framework of LSC to that of a government corporation or federal agency would subject the mission of providing civil legal assistance to poor people to the kind of political pressure and operational controls which Congress wisely sought to avoid in 1974.

Thank you for the opportunity to comment upon the draft report. This has been a helpful and constructive process for us. We welcome your recommendations for executive action.

Sincerely,

HELAINE M. BARNETT,
*President.*

Mr. HARKIN. Regardless of what we may think about the management of Legal Services, and what the board was or was not doing, asleep at the switch, it is important to note that this amendment would not impact management. Only $13 million of the $390 million appropriated in the bill goes for management and administration. That account has not received a single penny increase in the funding, thanks to Senator SHELBY and thanks to Senator MIKULSKI. I know this because I worked with them and I championed the increase included in the bill, but to ensure that the money went where it was needed, to the programs in the field and not to management here in Washington.

Senator THUNE's amendment, in taking this money out of Legal Services, may talk about the management, but none of the increase we put in here goes to management. It all goes to the field operations. Those are the people who need it the most.

Again, I echo what my friend from North Dakota said. I think the thrust of what Senator THUNE is trying to do is laudable. Obviously we do have a problem with domestic violence and abuse of Native American women. Obviously this needs to be prosecuted. I would say before that step, though, we need to make sure we have legal services available to them, so that we cut down on the incidence of domestic abuse and domestic violence. For that reason I would oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, amendment No. 3317 I submitted last night. I spoke to it at that point, but I wish to again make some comments with regard to the amendment and the need that exists in the Indian country for this additional funding.

I appreciate the passion of my friend from Iowa for Legal Services Corporation and support of that organization. But I would simply say that once again, these appropriations bills are forcing us to make decisions about what our priorities need to be.

This debate is about choosing priorities. I also say to my friend from Iowa that we are not talking about cutting Legal Services Corporation over the level they were at last year. They were at $348 million in fiscal year 2007. My amendment would still allow a $22 million increase over last year's level. It

would fund them at $370 million instead of the $390 million that is included in the base bill. So you are still talking about a 6.3-percent increase in funding for the Legal Services Corporation, so they can continue to do the work they need to do to fulfill their obligations to the American public and the American taxpayers. But what this simply does is say we have a very desperate need in Indian country, and this $20 million could go to very good use in helping us combat violent crime on our reservations.

I guess the question we come down to in these debates on appropriations—and particularly with regard to this amendment—is: Should we provide more badly needed funding to fight violent crime in Indian country or should we put additional funds into an organization that has engaged, according to the GAO and the inspector general, in wasteful spending of taxpayer dollars by providing what would be a substantial increase above the President's recommendation of $311 million and, as I said before, an increase of $42 million over the $348 million that Legal Services Corporation received in last year's appropriations bill?

This bill, the underlying base bill, provides $390 million to Legal Services Corporation. It is a program that has not been reauthorized since 1980. That is a 12-percent increase over the amount appropriated for the Legal Services Corporation in fiscal year 2007, and a 20-percent increase over the recommendations that were made earlier this year in the administration's budget. That substantial increase comes at a time when the Legal Services Corporation has faced very serious questions about its management and expenditure of taxpayer dollars.

The GAO and the Office of Inspector General within the Legal Services Corporation clearly lay out the management and waste that has been going on in the LSC. As I said, my amendment is a modest decrease in the amount of spending that is reflected in the underlying bill. Instead of a $40 million increase, the Legal Services Corporation would still receive a substantial increase of $20 million under my amendment.

Again, I would say that if you look at the GAO report, it is not some dated thing. This is August of 2007. The GAO in their report, entitled ''Legal Services Corporation: Governance and Accountability Practices Need to be Modernized and Strengthened,'' noted a dozen officers and employees of the Legal Services Corporation have received compensation in excess of the statutory compensation limitation. According to the GAO and outside legal counsel, they issued an opinion last May concluding that LSC had not complied with the statutory limitation on the rate of compensation. The GAO agreed with that conclusion, and went on to state that: Without a properly designed and implemented end process for overseeing compensation, LSC remains at risk of not complying with related laws and regulations and engaging in imprudent management practices.

Now, as my friend from Iowa has noted, they are responding, as rightly they should, to address those things. But I think the question is, do you want to reward, with a 12-percent increase, a significant increase over fiscal year 2007, that kind of behavior?

We have an opportunity here again to set priorities. In my view, we have a very serious priority that needs to be dealt with on our Indian reservations in this country, which has been pointed out in any number of different stories and articles.

I have lots of personal examples I can offer from people who actually live on reservations who work in the education system. I have a letter from a superintendent from a reservation school who says: We have one school resource officer in our school system who is certified as a law enforcement officer. However, on this particular reservation, we have a total of seven BIA policemen to patrol 2.2 million acres of reservation. The response time by the BIA police department can be hours for our residents on the reservation or typically result in no response at all.

If you look at the way these cases are prosecuted on the reservation, I have another letter from a constituent who lives out there who says:

> In some of these situations the people committing the criminal activities have been caught. They have been sent to jail, released and [are] back on the street committing more crimes, sometimes within 24 hours of the last crime.

This principal in his letter talked about what is becoming a very deep endemic problem on reservations; that is, the increased presence of organized gangs, violence, and drugs.

There are lots of anecdotal examples I could share of the need for additional law enforcement presence. I cosponsored, along with Senator DORGAN, an amendment earlier on this bill that would increase the number of law enforcement personnel who would be on the reservations to address what is the issue of actually apprehending people when they commit crimes. What my amendment does is couples with that the other aspect, and that is making sure that when people are apprehended for committing these types of crimes, they go on to get prosecuted.

What is amazing is, if you look at the rate of prosecution on Indian reservations and how it compares with prosecutions elsewhere—there was an article recently in the Wall Street Journal that said that based on Justice Department data, only 30 percent of tribal land crimes referred to U.S. attorneys were prosecuted. That compares with 56 percent for all other cases. It goes on to say that one of the reasons those cases don't get prosecuted in Indian country is because Federal prosecutors have long distances involved, a lack of resources, and the cost of hauling witnesses and defendants to Federal court. As a consequence, a lot of cases are not being dealt with.

The U.S. attorney who deals with this in a very admirable way in my State of South Dakota suffers from a lack of resources to do the work that is necessary to make sure that crimes that are committed on the reservation are dealt with, and dealt with in an expeditious way.

If you look at the data—this is Justice Department data from 1992 to 2001—the average rate of violent crime among American Indians was 2½ times the national rate. In fact, according to one report in the Indian Country Today newspaper, Native American women are seven times more likely to be the victim of domestic violence than are other women, and more than 60 percent of Indian women will be victims of violent assault during their lifetime.

Senator DORGAN was on the Senate floor yesterday discussing this issue. He noted that one-third of Indian women will be raped or sexually assaulted during their lifetime. This is unacceptable. This has to stop.

What we are simply saying with this amendment is, here is a way to address the issue. Again, we need more law enforcement personnel on the reservations, which this bill will attempt to address, as will an amendment that was offered earlier by Senator DORGAN. I cosponsored an amendment offered by Senator BINGAMAN, the meth hot spots legislation, that would allow the cops made available under that legislation to be used by Indian reservations. But it is important that we get at the issue of making sure our U.S. attorneys are in a position to be able to prosecute when violent crimes are committed in Indian country. These statistics are stunning, when you look at the number of Native American women who are subject to these types of violent crimes—in many cases, sexual assault—that go unprosecuted because of a lack of resources to the Justice Department so U.S. attorneys can bring those cases in court.

I again come back to the basic premise of the amendment. It does increase funding for the Legal Services Corporation, the underlying bill does. The base bill increases it to $390 million from the $348 million level in fiscal year 2007. The administration budget actually recommended $311 million. So $311 to $390 million is about a 20-percent increase. That was over the administration's budget. It is about 12 percent in the base bill over the fiscal year 2007 level from $348 million to $390 million. What my amendment does is pares back the size of that increase by $20 million. So it will now go from $348 million in fiscal year 2007 to $370 million in fiscal year 2008. That is a better than 6-percent increase. So we are not taking away anything from Legal Services Corporation or their ability to do their job. We are simply saying a part of that substantial increase, coming at a time when the Legal Services Corporation is under tremendous scrutiny

and criticism from the Government/Accountabiilty Office, as well as from their own inspector general, it makes sense, in my view, to take those resources, those $20 million out of that particular account, apply that to giving the U.S. attorneys the resources they need to combat violent crime on our Indian reservations.

There isn't anything that works if you don't have a secure, safe environment. Public safety is the most important responsibility we have. Our Indian reservations today are suffering from a tremendous lack of enforcement of laws, a failure on the part of our Government to respond to providing security. I have talked with school superintendents and principals whose children cannot learn when they don't have a safe learning environment. That is what we are dealing with today because of a lack of law enforcement personnel and a lack of capability on behalf of the U.S. attorneys to prosecute crimes committed in Indian country so that those who perpetrate those crimes are not released and back out on the street to commit further crimes.

It is a straightforward amendment: $20 million out of the Legal Services Corporation increase, a substantial increase still over what they received last year, and take that $20 million and apply it to a very desperate need that we have on our reservations to make sure we are doing our best to provide public safety so our young children in Indian country have the ability to learn, to get educated, to conduct their lives, and to create an opportunity where the economy in Indian country can grow and prosper as well. You can't do that absent public safety and security.

I reserve the remainder of my time.

The PRESIDING OFFICER. Up to 3 minutes has been reserved. Who seeks recognition?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to respond. Again, I want to read from the bill so it is clear in everyone's mind that none of the money the Senator from South Dakota is taking out of Legal Services will come from administration. The bill itself says, page 81: $372 million is for basic field programs, $13.8 million for management and administration—exactly what they had last year.

Again, we are not rewarding LSC management for being bad actors, nor are we rewarding the board for the poor oversight they provided. We are keeping the management and administration account to the same level it was funded at last year. So the money Senator THUNE is proposing to cut will come from field operations.

Secondly, there is a glass half full/half empty story about the increase in this bill for Legal Services. Over 11 years ago, this Congress cut Legal Services in half. Since that time, the number of people in poverty has grown. We have more poor people. Yet we still are not even at the level we were in 1995 for Legal Services. Imagine that. If we had kept pace with inflation from 1995 to now, Legal Services would be funded at the level of about $566 million. This bill only gets it back to $390 million. So we are not even where we were in 1995.

Lastly, while I understand what the Senator from South Dakota is saying about violent crime in Indian country and on reservations, we are cognizant of that, but why take the money away from the very services helping our Native Americans. As I said, 67 percent of Legal Services money spent in South Dakota goes to Native Americans. I would submit that a lot of that goes to help prevent the kind of domestic violence that results in prosecutorial action later on. Think of it like preventive medicine. Better to have Legal Services there, access for poor Indians who want to come in who may have domestic problems, landlord-tenant problems, child custody problems, whatever, that may lead to some kind of domestic violence. Better to let them have access to Legal Services and take care of it that way before it blows up into a violent situation.

I, again, hope Senators will reject the amendment of the Senator from South Dakota.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from South Dakota.

Mr. THUNE. Mr. President, in response to my colleague from Iowa, this amendment doesn't take anything away from Legal Services Corporation. They received $348 million in fiscal year 2007. This base bill proposes to increase that by $42 million, or about 12 percent, to $390 million in 2008. This isn't taking away anything they currently have. In fact, under my amendment the Legal Services Corporation gets a 6.3-percent increase over fiscal year 2007. There is nothing being taken away from anybody. There is nothing they have today that is going to be taken away. They will see a 6.3-percent increase. What this does is shift money to what, in my view, is a higher priority, and that is the need we have in Indian country for making sure that we are doing a better job of prosecuting cases and enforcing the law. We have a serious problem.

This is from the Justice Department: American Indians annually experience 7 sexual assaults per 1,000 residents compared with 3 per 1,000 among African Americans and 2 per 1,000 among whites. The statistics are in front of us. We cannot afford to allow these conditions to continue to exist at a time when we have a lot of young people coming up on Indian reservations who need access to good education, need an opportunity to achieve their dreams. You just can't do that absent public safety. What we have today in Indian country is a very serious situation. For everybody who comes into my office, this is the issue that continues to recur that they share with me. We have to address it. I believe we have a responsibility to do that.

This amendment does it in a responsible way, not by cutting anything for an organization from where it is today, but it simply reduces the increase that the Legal Services Corporation would get, from a 12-percent increase over last year's level to a 6.3-percent increase over last year's level, which seems a fair way of going about this.

I urge my colleagues to support the amendment and to do something about law enforcement and the crime problem that exists today on America's Indian reservations. In so doing, we will improve the quality of life for our citizens who live on America's reservations and hopefully provide a safer future for their children.

With that, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I know the hour between 3 and 3:15 has not been designated for debate, but as the manager of the bill and also as a professionally trained social worker, I want to speak against the Thune amendment.

What we want to acknowledge is the validity of the concerns to fund help for the Indian tribes. But let's go to the facts. Fact No. 1, the President's budget request eliminated dedicated funding for tribes. This very President, this very administration has eliminated dedicated funding for tribes. This committee, on a bipartisan basis, rejected that. It is true, we do need to help get those resources into Indian country. We do not doubt the validity of that. In response, we said no to the President eliminating dedicated funding, and yes to $83 million. This subcommittee will put in $83 million for tribal programs to fight crime, protect victims, and to help troubled tribal youth; $35 million for tribal law enforcement, for training, hiring, for equipment, for court improvement projects; $28 million for additional tribe assistance; $10 million for youth intervention programs; $6 million for domestic violence programs. We have said no to the President eliminating this, and yes to the $83 million. Even the way OMB counts, that is real money. The second thing is we should not pit one group of needy Americans against the needs of other Americans.

Let's go to Legal Services. This agency was created in 1974, and it has been fighting for its existence ever since. But little by little over the years we made incremental improvements in its funding. However, in 1996 came a horrendous and Draconian cut. Legal Services endured a 50-percent cut in their funding. In 1980, the funding was $300 million. Remember what we are talking about now. In 2007 funds, we are talking about $390 million. If we had kept funding at the 1980 levels, just

with inflation, Legal Services would be funded at $757 million.

So guess what. Senator MIKULSKI, the Democrats take charge. We take a look at Legal Services and we say: We are concerned. We are concerned that for over 1 million people Legal Services helps, 1 million need to be turned away. Fifty percent of the people who come for legal services have to be turned away because of a lack of lawyers, paralegals, and other support staff.

Let me say this: As a social worker—and, I might add, I am a dues-paying National Association of Social Workers member. I was a foster care worker. I was a child abuse worker. I was an antipoverty program worker. I am still that kind of social worker, only now I fight it on the floor of the Senate rather than in the neighborhoods of Baltimore.

As social workers, two of our best friends were our Legal Services lawyers and our school nurses. We could turn to them to have a team to help get families on the right track. We would turn to those Legal Services lawyers so that if a spouse was in a domestic violence situation, we could get the law enforcement help to them. We could get them through a divorce proceeding to get them on the right track, to give them a second chance, to get them moving.

Often they were victims of predatory lending or other schemes and other scams. It was the Legal Services lawyers to whom we would turn to get that taken care of. Sometimes unscrupulous landlords would have them in lead-saturated houses. We could turn to our Legal Services lawyers and our public health nurses and we were able to turn lives around. Thank God for the Legal Services lawyers.

Now, the Senator from South Dakota says this will not hurt anybody. You are not going after a corporation. We are eliminating lawyers and paralegals and the social support staff to help 1 million people. Darn right you are having an impact. You are not going after something called a corporation; you are going after our increases there.

Now, we did not fund administrative costs. We did not kind of bloat up a bureaucracy. Our money is specifically focused on lawyers, paralegals, and the social support staff for a difference. So when we say let's take it from Legal Services to help the tribes, well, 70 percent of the Legal Services population in South Dakota is Native American.

So I would hope we are not pitting one group of needy Americans against another group of needy Americans. We hope you reject the Thune amendment, support the Mikulski-Shelby bipartisan bill that puts $83 million in to help with tribal assistance. We are looking at how to deal with additional resources on the meth issues.

Let's put Legal Services back on track. Let's help those lawyers. Let's help those paralegals. Let's help that social support staff work with people, families, and child services to turn lives around. One of the best ways to really help fight crime is in those early interventions we can do with families. So really, I ask you, with all the professional experience I ever had in these areas, let's stick with Legal Services.

Madam President, I ask unanimous consent that the vote sequence now commence at 3:30 p.m. today under the same conditions and limitations as previously ordered and that the time until then be equally divided between the managers or their designees.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The Senator from Ohio.

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3295

Ms. MIKULSKI. Madam President, in about 15 minutes we will be voting on a series of amendments, and I wish to comment now on one of them, the Ensign amendment No. 3295.

I want my colleagues to know I oppose the Ensign amendment No. 3295. What the Senator from Nevada is proposing is to reduce the NASA funding in this bill by $150 million and to put it into something called the State Criminal Alien Assistance Program.

Again, we are pitting good ideas against each other. That is why you have to really rely upon the chairman and ranking member, who kind of strike a balance with this bill.

In the CJS bill, we did want to fund the State Criminal Alien Assistance Program. We know how important it is because it reimbursed the States for detaining illegal immigrants. This is a priority for this subcommittee, and we provided $400 million to do that. We are very aware that State budgets are stretched thin, that they should not bear the cost of paying the bill for detaining illegal immigrants. We do not want to create another unfunded Federal mandate there. So working with my colleague on the other side of the aisle, we made sure there was $400 million in it. Now, we acknowledge that the Senator from Nevada would like to increase it. We would like to increase it as well. But already the President is threatening a veto because we restored the funding for the COPS Program.

Now, the cut to NASA is not a benign cut. It would be a devastating blow to NASA. It would be a major setback to the exploration programs and a devastating blow to the science programs. It would harm our effort to do very important things, one of which is a key priority for funding the next-generation shuttle.

The shuttle, as we now know it, will retire in 2010. It is getting older, it has fewer flights that it can continue, and we need to be returning to space with a new vehicle. It is the No. 1 priority, on a bipartisan basis, for Senators KAY BAILEY HUTCHISON, RICHARD SHELBY, BILL NELSON, and BARBARA MIKULSKI, who kind have been the space Senators here. Also, it is the No. 1 priority for the administration, and it is the No. 1 priority for the director of NASA that we need not delay in getting ready for that vehicle that returns us to space.

From 2010, for another 3 to 5 years, we will have no access in space. We are going to rely on the kindness of allies to go back. We cannot lose time or ground. Our national security and our national honor depend upon it. Also, this would have a tremendous impact on the state of science, which goes to major efforts in terms of better understanding our planet Earth, where we do suspect intelligent life, and also the impact of climate changes. It is wonderful that we win the Nobel Prize on climate change—and we support our former colleague, Vice President Gore—but we have to keep winning those. Remember, the Nobel Prize not only went to Gore but to the scientists studying this. Regardless how you feel about the climate crisis, I think we need sound science and sensible solutions. So please, while we are looking at how are we going to pay the bills for the detention of illegal aliens in State facilities, don't penalize NASA. That would be an incredible setback to national security, to national honor, to national innovation, and a key administration priority.

So I hope that when the Ensign amendment No. 3295 comes up for a vote, my colleagues will join me in tabling this amendment.

I cannot say enough about the cooperation of Senator SHELBY and his staff and about finding a balance in this bill, because we had so many competing needs, and in each one we tried to strike the balance. We had the will, but we didn't quite have the wallet to do what we needed to do. But we certainly have made significant progress and went well beyond downpayments in meeting our responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I rise in opposition to amendment No. 3295 offered by the Senator from Nevada.

This amendment seeks to take $150 million from NASA and will give it to the State Criminal Alien Assistance Program—a program that is already $400 million dollars over the budget request of zero.

At first glance, a reduction of $150 million from NASA's $17 billion budget would seem minimal.

However, let's look at the facts. After debating this bill, it is clear that NASA is a priority for the Senate.

We debated and added an additional $1 billion to NASA in order to partially compensate for the funding shortfall NASA has endured since the Columbia disaster. This funding will only cover one-third of the $2.7 billion needed to keep NASA on track.

To cut funding will endanger NASA missions that will inform us about the world we live in, and cripple our ability to be competitive in space.

We are in a space race. While we are the current leader in space, there are many countries that want to take our place and are aggressively moving forward to do so.

The administration has articulated, and Congress has endorsed, a vision for exploration. The return of our astronauts to the Moon is a Priority and we have provided the funding to accomplish that goal.

Now this funding is in jeopardy.

And what are we jeopardizing our future for? The State Criminal Alien Assistance Program—a program that was not requested by the administration, and currently is funded in this bill at $400 million.

We are being asked to add $150 million to a program that barely touches many of our States. Since 2000, five States have received 77 percent of the $2.8 billion in funding for this program.

Let me say that again—77 percent, or $2.2 of the $2.8 billion, for this program since 2000 has gone to only five States.

This can hardly be called a national program, although I'm sure it is an important program.

Yet, our Nation's space program benefits the lives of every American. The work that NASA does, from encouraging students into science and engineering careers, to innovative technology advances, improve our quality of life. The forward and innovative thinking at NASA helps to ensure our Nation has the ability to compete, and lead, in the global economy.

We are committed to keeping our leadership role in space.

In order to do so, we must make the right investments in space at the right times. That time is now.

I encourage my colleagues to oppose the Ensign amendment.

Madam 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.

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

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

There are 2 minutes remaining under the previous order.

Ms. MIKULSKI. Madam President, I reserve 30 seconds for myself.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I wish to oppose this amendment. What we have, thanks to the two Senators who are leading this bill, is emergency funding for NASA to replace the funds that NASA had to expend as a result of the destruction of the Space Shuttle Columbia. These are funds that normally would be provided, as they were over two decades ago in the destruction of the Space Shuttle Challenger, out of emergency funds. Instead, this time, NASA has had to take it out of its hide, out of its own operating funds. Therefore, all the plans of what NASA is doing to complete the International Space Station, as well as prepare for the new vehicles, Orion and Ares, in the stack called Constellation, in a program to take us into human orbit again and eventually to the Moon, as well as all the scientific research that is going on, it is all coming out of these funds instead of out of emergency funds.

The two Senators have offered the leadership to make NASA whole. This little agency which is being starved of funds, they have restored these emergency funds. And now here comes Senator ENSIGN wanting to penalize NASA again.

I understand my time is up, and I yield the floor.

AMENDMENT NO. 3294

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate, equally divided and controlled, prior to a vote in relation to amendment No. 3294, offered by the Senator from Nevada, Mr. ENSIGN.

Ms. MIKULSKI. Madam President, on Ensign amendment No. 3294, I support this amendment and urge my colleagues to do so as well. We have arrived at a bipartisan solution. It is Ensign amendment No. 3295 that the Senators from Florida and Alabama and I oppose.

So on Ensign amendment No. 3294, I urge support of this amendment and urge we go to a vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back. The question is on agreeing to Ensign amendment No. 3294. 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), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE), the Senator from Georgia (Mr. ISAKSON), and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 366 Leg.]

YEAS—91

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

NOT VOTING—9

| | | |
|---|---|---|
| Biden | Dole | Kennedy |
| Clinton | Inouye | Obama |
| Dodd | Isakson | Warner |

The amendment (No. 3294) was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I think it is important we hear from the Senator from Nevada on this next amendment, which is an important one.

AMENDMENT NO. 3295

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided and controlled prior to a vote in relation to amendment No. 3295 offered by the Senator from Nevada, Mr. ENSIGN.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, very briefly, this is an amendment that would take $150 million out of the NASA budget. We know NASA has been increased by $1 billion over last year's budget, and we also increased this past week $1 billion in emergency funding. It is $150 million, not including the billion dollars in emergency funding over the President's request. We seek to help something that is always underfunded, and that is to help especially the southwestern States and their local law enforcement to combat criminals who are illegal aliens. There is a huge problem. They do not have the resources. So we took $150 million out of

the NASA budget to put it toward programs to help combat not only illegal immigration but especially those who are here illegally and who are committing crimes. That is simply what this amendment does.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield 30 seconds to the Senator from Texas, Mrs. HUTCHISON.

Mrs. HUTCHISON. Mr. President and colleagues, I hope very much we will not adopt this amendment. We are already looking at a 5-year gap between 2010 when the shuttle goes out of existence and 2015 when the crew-returned vehicle comes online. That is a security risk for the United States. If we adopt this amendment, we are going to lengthen the time that America cannot put anyone in space. Russia can, China will probably be able to, India may be able to, but not America. That is a security risk I am not ready to take, and I hope my colleagues will defeat this amendment.

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

Ms. MIKULSKI. Mr. President, I too oppose the Ensign amendment. We have met our responsibility to the State Criminal Alien Program. We have put $400 million in it. I believe the amendment is unnecessary.

I oppose it, and I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant 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 Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 68, nays 25, as follows:

[Rollcall Vote No. 367 Leg.]

YEAS—68

| | | |
|---|---|---|
| Akaka | Brown | Cochran |
| Alexander | Bunning | Collins |
| Bayh | Byrd | Conrad |
| Bennett | Cantwell | Corker |
| Bingaman | Cardin | Cornyn |
| Bond | Carper | Craig |
| Boxer | Casey | Crapo |
| Dodd | Levin | Rockefeller |
| Dorgan | Lieberman | Salazar |
| Durbin | Lincoln | Sanders |
| Feinstein | Lott | Schumer |
| Gregg | Lugar | Sessions |
| Hagel | Martinez | Shelby |
| Harkin | McCaskill | Smith |
| Hatch | Menendez | Snowe |
| Hutchison | Mikulski | Specter |
| Inhofe | Murkowski | Stabenow |
| Johnson | Murray | Stevens |
| Kerry | Nelson (FL) | Sununu |
| Kohl | Nelson (NE) | Vitter |
| Landrieu | Pryor | Voinovich |
| Lautenberg | Reed | Whitehouse |
| Leahy | Reid | |

NAYS—25

| | | |
|---|---|---|
| Allard | Dole | McCain |
| Barrasso | Domenici | McConnell |
| Baucus | Ensign | Roberts |
| Brownback | Enzi | Tester |
| Burr | Feingold | Thune |
| Chambliss | Graham | Webb |
| Coburn | Grassley | Wyden |
| Coleman | Klobuchar | |
| DeMint | Kyl | |

NOT VOTING—7

| | | |
|---|---|---|
| Biden | Isakson | Warner |
| Clinton | Kennedy | |
| Inouye | Obama | |

The motion was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. KYL. Mr. President, on rollcall Vote No. 367 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.

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

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

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I have two very brief unanimous consent requests.

On rollcall 367, 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.

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

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

AMENDMENT NO. 3317

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided and controlled prior to a vote in relation to amendment No. 3317, offered by the Senator from South Dakota, Mr. THUNE.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, last year the Legal Services Corporation was funded at $348 million. This year the administration's budget proposed a funding level of $311 million. The base bill under consideration today funds the Legal Services Corporation at $390 million, which would be a 12-percent increase over the appropriated level in fiscal year 2007. What my amendment does is simply takes $20 million out of that increase. It still increases the Legal Services Corporation by 6.3 percent over fiscal year 2007 but takes $20 million of that proposed increase for the Legal Services Corporation and applies it to fighting violent crime on America's Indian reservations by increasing funding for our U.S. attorneys so they can prosecute crimes committed on Indian reservations.

Around the country, 56 percent of crimes that are brought to U.S. Attorney's Offices end up being prosecuted. On Indian reservations that number is 30 percent. People on Indian reservations should not have to live in fear. Public safety is something for which we have responsibility. It is important we do something to address that. This amendment will move money toward fighting crime on Indian reservations to make it safer for people who live there.

Ms. MIKULSKI. Mr. President, on behalf of Senator HARKIN and myself, we vigorously oppose this amendment. We too acknowledge that we should help people who are victims of crime on Indian reservations. But the administration eliminated all funds to do that.

The bipartisan agreement puts $83 million in for tribal programs to fight crime, protect victims, and help troubled tribal youth. What this amendment does is take money out of the first meaningful increase that Legal Services has had. This does not take money from something called a corporation, it takes it out of the lawyers, the paralegals, and the support staff who provide legal services to the poor in this country. In South Dakota, 70 percent of those are Native Americans.

Senator HARKIN and I oppose this moment.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 62, nays 31, as follows:

[Rollcall Vote No. 368 Leg.]

YEAS—62

| | | |
|---|---|---|
| Akaka | Durbin | Mikulski |
| Bayh | Feingold | Murray |
| Bingaman | Feinstein | Nelson (FL) |
| Bond | Gregg | Nelson (NE) |
| Boxer | Hagel | Pryor |
| Brown | Harkin | Reed |
| Bunning | Hutchison | Reid |
| Byrd | Johnson | Rockefeller |
| Cantwell | Kerry | Salazar |
| Cardin | Klobuchar | Sanders |
| Carper | Kohl | Schumer |
| Casey | Landrieu | Shelby |
| Cochran | Lautenberg | Smith |
| Coleman | Leahy | Snowe |
| Collins | Levin | Specter |
| Conrad | Lieberman | Stabenow |
| Corker | Lincoln | Sununu |
| Cornyn | Lugar | Webb |
| Dodd | Martinez | Whitehouse |
| Domenici | McCaskill | Wyden |
| Dorgan | Menendez | |

NAYS—31

| | | |
|---|---|---|
| Alexander | DeMint | McConnell |
| Allard | Dole | Murkowski |
| Barrasso | Ensign | Roberts |
| Baucus | Enzi | Sessions |
| Bennett | Graham | Stevens |
| Brownback | Grassley | Tester |
| Burr | Hatch | Thune |
| Chambliss | Inhofe | Vitter |
| Coburn | Kyl | Voinovich |
| Craig | Lott | |
| Crapo | McCain | |

NOT VOTING—7

| | | |
|---|---|---|
| Biden | Isakson | Warner |
| Clinton | Kennedy | |
| Inouye | Obama | |

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

## CHANGE OF VOTE

Mr. COLEMAN. Mr. President, on rollcall No. 368, I voted ''nay.'' It was my intention to vote ''yea.'' Therefore, I ask unanimous consent that I be allowed to change my vote, since it will not affect the outcome.

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

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

Ms. MIKULSKI. I ask unanimous consent that at 6 p.m. today, the Senate proceed to vote in relation to the Vitter amendment, No. 3277, with no amendment in order to the amendment prior to the vote, and that the time from 5:30 to 6 be equally divided and controlled between Senators MIKULSKI and VITTER or their designees.

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

The Senator from Vermont.

AMENDMENT NO. 3249

Mr. LEAHY. I ask unanimous consent to set aside the pending amendment and call up amendment No. 3249.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 3249.

The amendment is as follows:

(Purpose: To appropriate an additional $30,000,000 for the Boys and Girls Clubs of America and to provide a full offset for such amount)

On page 52, line 5, strike ''$1,400,000,000'' and insert ''$1,430,000,000''.

On page 52, line 15, strike ''$60,000,000'' and insert ''$90,000,000''.

On page 70, after line 10, insert the following:

SEC. __. Of the unobligated balances made available for the Department of Justice in prior fiscal years, $30,000,000 are rescinded.

*Provided*, That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

AMENDMENT NO. 3249, AS MODIFIED

Mr. LEAHY. I send to the desk a modification and ask unanimous consent that the amendment be so modified.

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

The amendment, as modified, is as follows:

On page 52, line 5, strike ''$1,400,000,000'' and insert ''$1,415,000,000''.

On page 52, line 15, strike ''$60,000,000'' and insert'' $75,000,000''.

On page 70, after line 10, insert the following:

SEC____. Of the unobligated balances made available for the Department of Justice in prior fiscal years, $15,000,000 are rescinded.

*Provided*, That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

Mr. LEAHY. Mr. President, I offer a modified amendment that will provide an additional $15 million for the Boys and Girls Clubs of America so the Clubs can continue to help our Nation's children become productive, law abiding teenagers and contributing adults.

We have a responsibility to make sure that our children are safe and secure. I know firsthand how well Boys and Girls Clubs work and what top-notch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys and Girls Clubs because we rarely encountered children from these kinds of programs in criminal activity. In fact, after I became a U.S. Senator, a police chief was such a big fan of the work of the Boys and Girls Clubs, that he asked me to help fund a club in his district rather than helping him secure funding for a couple more police officers.

In Vermont, Boys and Girls Clubs have succeeded in preventing crime and supporting our children. The first Club was established in Burlington 63 years ago. Now we have 6 clubs in Vermont and 25 other locations throughout the State managed by the Boys and Girls Clubs of America. These clubs serve well over 10,000 kids statewide. In a small State such as mine, that is a significant number.

I had a terrific visit last month at the Boys and Girls Club of Burlington, VT, and was approached by parents, educators, law enforcement officers and others who told me: Keep doing this. It gives our children a chance to grow up free of drugs, gangs and crime. That is my ultimate proof. If these folks are asking for more clubs and more support, then we ought to do it.

As a senior member of the Senate Appropriations Committee, I have pushed for more Federal funding for Boys and Girls Clubs. Since 1998, Congress has increased federal support for Boys and Girls Clubs from $20 million to $85 million. Due in large part to this increase in funding, there now exist more than 4,000 Boys and Girls Clubs in all 50 States serving almost 5 million young people.

In 2004, Senator HATCH and I worked together to shepherd into law a reauthorization of Justice Department grants at $80 million for fiscal year 2006, $85 million for fiscal year 2007, $90 million for fiscal year 2008, $95 million for fiscal year 2009 and $100 million for fiscal year 2010 to Boys and Girls Clubs to help establish 1,500 additional Boys and Girls Clubs across the Nation.

Because of these successes, I was both surprised and deeply disappointed to see that the President requested no funding in his budget for Boys and Girls Clubs for fiscal year 2008 in an effort to consolidate and cut grant funding in the Department of Justice. That request will leave thousands of children and their clubs behind. We cannot allow such a thing to happen. We seem to find an unlimited amount of money to send to Iraq, where half the time we cannot even find out what happened to the money after it went there. I would like to spend a little bit of that money in the United States to help protect our children. We owe it to them. This will do it.

If we had a Boys and Girls Club in every community, prosecutors would have a lot less work to do because of the values that are instilled in children from the Boys and Girls Clubs. They deliver results and represent the best of what communities can do to improve the lives of their young people.

Across the Nation, Boys and Girls Clubs are proven and growing successes in preventing crime and supporting our children. Our amendment will restore funding for the Boys and Girls Clubs of America to reach $75 million. It also provides an offset by rescinding $15 million in unobligated balances from the Department of Justice in prior fiscal years. It would have no effect on budget authority.

This is not a Democratic or Republican idea; it is just an idea that makes sense. It is also an idea that works. We all know instinctively that our Nation's strength and ultimate success lies with our children.

I urge the Senate to adopt the Leahy amendment to provide an additional $15 million for the 2008 fiscal year for the Boys and Girls Clubs of America. Our greatest responsibility is to help children inhabit this century the best

way possible and we can help do that by supporting the Boys and Girls Clubs of America.

Mr. HATCH. Mr. President, I rise in support of the Leahy-Hatch amendment which will increase funding for the Boys and Girls Club of America, BGCA. The Boys and Girls Club of America consists of more than 4,000 neighborhood facilities that provide services for more than 4.8 million young Americans each year. Many of the developmental programs that are offered increase and emphasize the education, leadership, and character of participating children. The amendment offered today will narrow the gap between the authorized and appropriated funds for the Boys and Girls Clubs of America.

It is easy to see how important the Boys and Girls Clubs are to shaping the lives of at-risk youth. By creating an environment where America's children can learn and grow, Boys and Girls Clubs helps produce better students, better citizens, and stronger families. Boys and Girls Clubs are a vital part of communities across the Nation, and by continuing to help fund this organization, the more than 4 million youths served by BGCA will continue to have a place where they can find friendship, mentorship, and support.

Congressional support for BGCA has resulted in support for 13 new club start-ups in Utah. Successes like this are being repeated in every other State across the country. At-risk children in public housing and public schools, on military bases and on Native American lands have come to know the Boys and Girls Clubs of America as a place where they can be themselves and escape the streets.

The tremendous success stories of the BGCA program are abundant. These successes can be increased with the passage of this amendment. I fully endorse the amendment, and urge my colleagues to support its passage.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Vermont for working with the subcommittee. I know from firsthand experience how important Boys and Girls Clubs are in keeping our kids safe in neighborhoods and also doing the very important work that keeps them on the straight and narrow. Both the Senator from Alabama, my ranking member, and I would like to do more for Boys and Girls Clubs. We are more than willing to accept the amendment of the Senator from Vermont. It has been cleared on both sides of the aisle. I, therefore, urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 3249), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. I ask unanimous consent that the pending amendment be temporarily set aside in order that I may offer an amendment.

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

AMENDMENT NO. 3313

Mrs. DOLE. Mr. President, I call up amendment No. 3313 pending at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mrs. DOLE] proposes an amendment numbered 3313.

Mrs. DOLE. 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 set aside $75,000,000 of the funds appropriated under the heading State and Local Law Enforcement Assistance for activities that support State and local law enforcement agencies in their efforts to assist the Federal Government's enforcement of immigration laws)

On page 53, line 11, insert '', and of which not less than $75,000,000 shall be used by United States Immigration and Customs Enforcement for activities that support State and local law enforcement agencies in their efforts to assist the Federal Government's enforcement of immigration laws'' before the semicolon at the end.

Mrs. DOLE. Mr. President, I have just returned from North Carolina where this morning I attended a presentation by Immigration and Customs Enforcement to the North Carolina Sheriffs Association. I heard today, as I have many times before, that ICE resources for enforcing our immigration laws are woefully underfunded. They tell me they are stretched much too thin, and they are asking for our help. As seen firsthand in parts of North Carolina, the programs carried out by ICE work, particularly where there are partnerships with local law enforcement. In North Carolina today we were announcing an exciting partnership between our 100 county sheriffs and ICE where tools will be made available to local law enforcement so they can help identify, apprehend, and remove illegal aliens who have self-identified themselves by committing crimes. But these programs that are so critical to enforcing our laws must have funding.

This is the Senate's opportunity to act to make certain that these valuable programs are funded and our law enforcement professionals have the tools they need. My amendment would target $75 million in funds appropriated by the State Criminal Alien Assistance Program to benefit local law enforcement agencies as they assist ICE in enforcing Federal immigration laws. When it comes to tackling this complex issue of immigration, an important first step must be addressing the criminal element and ensuring that people can feel safe in their homes and communities. We have all heard about families shattered when an illegal alien driving under the influence of drugs or alcohol or engaged in gang-related activity kills a law-abiding citizen. Many tragedies can be prevented if we give our local law enforcement officials the tools and resources to identify and process illegal criminal aliens. Providing greater funding for ICE programs will demonstrate our commitment to helping local law enforcement officials secure the resources they need, and it is the right thing to do for all our communities.

I urge my colleagues to support this commonsense amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, ordinarily I would wholeheartedly and enthusiastically agree with the Senator from North Carolina, but here I have to respectfully disagree, not with her intent but where she is getting the money. I rise to oppose this amendment because it would take $75 million from State and local law enforcement that has already been troubled and under siege and give it to the Department of Homeland Security, an agency that has its own appropriations.

I acknowledge the work of North Carolina, what they are doing, the fact that they have a unique partnership that has been done. We acknowledge that, and we acknowledge that other law enforcement would also benefit. But she is talking about $75 million. The Department of Homeland Security received billions. The place for the Senator to have made this fight was when Homeland Security was on the floor, and she should have offered that as an amendment on Homeland Security and gotten it through an offset or gotten it in Homeland Security or gotten it by raising the Budget Act under a point of order.

Let me tell you where we are. When we received the President's budget in February, I was horrified, as was my colleague. The COPS Program was eliminated. That is the program that actually puts money into the Federal checkbook to put cops on the street to fight violent crime. But it was eliminated.

Under President Bill Clinton, who created the program—of course, Congress creates the programs, but working in partnership with the President when we did have the White House, we put on the streets of America 118,000 cops through that program, and we reduced violent crime by 10 percent. But in this President's budget it was eliminated.

Then we saw another program called Byrne grants—not B-U-R-N, as if when

you are injured in a fire, but B-Y-R-N-E, named after Edward Byrne, a police officer killed in the line of duty—it was President Bush's dad who created that program, again, with money going to local law enforcement to fight local problems, including sheriffs' departments.

Now, the Senator from North Carolina is going to gut State and local law enforcement by taking $75 million out of it. We cannot do this. Violent crime in America is on the rise—murder, burglaries, rape, other things so despicable I do not want to speak about it on the Senate floor.

When the Senator talks about her sheriffs, I have sheriffs too. But I am going to be one of the posse that helps them shoot straight. That means they need their resources that will come from State and local law enforcement grants we are going to provide for them to either add more police officers, have technology upgrades to maximize their efficiency and help them get real convictions, and have the kinds of things that will help them get the bulletproof vests they need, the other more advanced equipment that our rural communities—as the Presiding Officer from Colorado knows—do not have.

So what we did in the Mikulski-Shelby bill is restore $1.5 billion so we could have cops on the beat, so we could have money to fund local law enforcement for technological upgrades, for the equipment they need such as bulletproof vests to protect themselves while they are busy helping us.

We have to make sure they have those resources. I do not deny what the Senator is talking about, but I will say what she is trying to do right now would gut the local law enforcement program. She would have a Draconian impact on our ability to put cops on the beat and to also give them the equipment to protect themselves, the technology that is needed to extend their effectiveness and make sure the thin blue line does not get thinner.

So I think this $75 million request is inappropriate. It is inappropriate not because of what she wants to accomplish, but it is inappropriate because she is taking money out of a Justice account and putting it in a Homeland Security account, when we had a Homeland Security bill and the Senator could have added it there. That was the place to make this fight.

Now, we are afraid that no matter how well intentioned this amendment is—and I know it is very well intentioned and has a lot of intellectual rigor behind it—it is not appropriate to take money out of State and local law enforcement and give it to Homeland Security, when they have their own whole subcommittee, and that was the place to make that fight.

It is not about which committee. This is not about committees. But I am telling you, the Senator from Alabama and I have worked hard—really worked hard—to make sure we are helping our local law enforcement—our very first line of defense—with the resources they need with more officers and better equipment.

Mr. President, I ask unanimous consent that the vote in relation to the Dole amendment occur at 5 p.m., with no amendment in order to the amendment prior to the vote and that the time until then be equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Carolina.

Mrs. DOLE. Mr. President, I simply wish to make the point that what I have suggested is ICE works at common purpose with SCAAP for money on the frontlines, where it is desperately needed by our law enforcement officials. This is State and local law enforcement. So I think they are working at common purpose. I wished to add that comment.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I say to the Senator from North Carolina, I am sorry, I was handling a procedural issue. Could you repeat what you said?

Mrs. DOLE. Mr. President, I said what I have said earlier works at common purpose with SCAAP—the ICE funding—for money on the frontlines, where it is desperately needed by our law enforcement personnel. This is State and local law enforcement.

Ms. MIKULSKI. But, Mr. President, I would say to the Senator from North Carolina, whom I worked with when she was at the Department of Labor as well as the Department of Transportation, along with other issues in our community—her support for the concern of battered women, homeless women is so well known—this is not SCAAP. This is not the program that helps pay State funds for the detention of detained illegal immigrants. This is taking real dollars in the Federal checkbook out of which local law enforcement can apply for the COPS and for the Byrne grants.

So I have to continue my opposition.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I think the intention of the Senator from North Carolina is good. I know she is concerned about border enforcement and everything that goes with it dealing with immigration. But that is the province of Homeland Security. We have an appropriations bill dealing with homeland security. I happen to serve, among others, on that committee too. But this bill deals with the Justice Department and related agencies.

I do not think we should be taking money out of this bill to give to Homeland Security for some program or taking money out of Homeland Security to give to Justice. We have allocations, as the Presiding Officer sitting here knows.

I think the Senator means well, but I think this is the wrong vehicle for what she is trying to do, and I oppose her amendment.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I oppose the Dole amendment No. 3313. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The 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), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 50, nays 42, as follows:

[Rollcall Vote No. 369 Leg.]

YEAS—50

| | | |
|---|---|---|
| Akaka | Hagel | Murray |
| Bingaman | Harkin | Nelson (FL) |
| Boxer | Johnson | Nelson (NE) |
| Brown | Kerry | Pryor |
| Byrd | Klobuchar | Reed |
| Cantwell | Kohl | Reid |
| Cardin | Kyl | Rockefeller |
| Carper | Landrieu | Salazar |
| Casey | Lautenberg | Sanders |
| Collins | Leahy | Schumer |
| Conrad | Levin | Shelby |
| Dorgan | Lieberman | Smith |
| Durbin | Lincoln | Specter |
| Ensign | Lugar | Stabenow |
| Feingold | McCaskill | Whitehouse |
| Feinstein | Menendez | Wyden |
| Gregg | Mikulski | |

NAYS—42

| | | |
|---|---|---|
| Alexander | Cochran | Hatch |
| Allard | Coleman | Hutchison |
| Barrasso | Corker | Inhofe |
| Baucus | Cornyn | Lott |
| Bayh | Craig | Martinez |
| Bennett | Crapo | McCain |
| Bond | DeMint | McConnell |
| Brownback | Dole | Murkowski |
| Bunning | Domenici | Roberts |
| Burr | Enzi | Sessions |
| Chambliss | Graham | Snowe |
| Coburn | Grassley | Stevens |

| | | |
|---|---|---|
| Sununu | Thune | Voinovich |
| Tester | Vitter | Webb |

NOT VOTING—8

| | | |
|---|---|---|
| Biden | Inouye | Obama |
| Clinton | Isakson | Warner |
| Dodd | Kennedy | |

The motion was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3277

The PRESIDING OFFICER. The pending question is now the Vitter amendment No. 3277. The time between 5:30 p.m. and 6 p.m. will be equally divided.

Ms. MIKULSKI. Madam President, as I look about, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3277

Mr. VITTER. Madam President, I rise to strongly urge all of my colleagues on both sides of the aisle to join in support of Vitter amendment No. 3277. We will be voting on that amendment shortly.

This is a commonsense, straightforward amendment, reasonable in nature, which is supported by the vast majority of the American people. It is supported because it makes good common sense. It says very simply that everyone at all levels of government should be part of the solution and should cooperate fully with Federal immigration enforcement officials and should not refuse to cooperate, refuse to give information to those officials trying to do a very difficult job, and in those cases where local jurisdictions do not properly cooperate with Federal officials, as is currently mandated by Federal law, then those local jurisdictions will not get COPS funds. It is pure and simple. This is present law. So we tell local and State jurisdictions: Please follow present Federal law. And if you don't, don't expect to get money from the Federal Government, particularly in the area of COPS funding.

Again, I think it is very important to make clear that we are not changing present Federal law with this amendment; we are simply trying to enforce it.

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act, and section 642(a) of that legislation, now over 10 years old, is very clear:

> Federal, State, or local government entity or official may not prohibit, or in any way restrict any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

It couldn't be clearer, and it couldn't be simpler. That is present Federal law and has been for over 10 years—cooperate and share information. You cannot prohibit that basic, straightforward, reasonable sharing of information. Our Federal authorities have a very difficult job to do, and they can never get it done without reasonable minimal help from other law enforcement officials around the country.

The problem is there are these so-called sanctuary cities or sanctuary jurisdictions that have made it perfectly clear they are going to ignore that Federal law. They are going to break that Federal law. They are not going to cooperate in any way with the enforcement of our immigration laws. They are going to be part of an active movement to flaunt them, to not enforce those laws, and to frustrate the enforcement of those laws.

Not surprisingly, this is perhaps clearest coming out of San Francisco. There the mayor said very clearly—and this was just this past April in response to the Federal authorities' raid on an Oakland business, where they arrested 13 foreign nationals who entered the country illegally—the San Francisco mayor said:

> I will not allow any of my department heads or anyone associated with this city to cooperate in any way, shape, or form with these raids. We are a sanctuary city, make no mistake about it.

One of his counterparts in the area, the mayor of Richmond, CA, just outside of San Francisco, actually went a little further, if you can believe that, if you can believe it is possible to go further. This past February, he said:

> I really don't believe that any of our residents should be living in a climate of fear and terror like this. People have no real criminal behavior at all and have been unjustly placed under arrest.

That was in response to a raid by Federal officials.

So the San Francisco mayor said: We are not going to have anything to do with it, we are going to do everything we can to frustrate the Federal law. The Richmond mayor went beyond that and said: We don't think Federal immigration officials should be doing their job.

I think that is wrong.

This has reached a ridiculous level, Madam President. It is no surprise to the American people that we are not enforcing our laws when they hear local jurisdictions acting like this, flaunting the law, ignoring clear Federal law that has been on the books for over 10 years. If we have any chance to rein in illegal immigration and enforce the rule of law, Federal officials need reasonable help. That is what it will take to enforce our immigration laws. And in enforcing our immigration laws, we will make this country safer.

I clearly, strongly disagree with these arguments that somehow this is going to lessen public safety. This will increase public safety as we enforce our laws. Surely, surely some horrible and tragic incidents from the past several months should make this clear.

For instance, in Virginia Beach, 17-year-old Allison Kunhardt and 16-year-old Tessa Tranchant were killed when their car was struck by a drunk driver who happened to be an illegal alien. Now, that is tragic enough, but that illegal alien had multiple prior convictions for drunk driving. He had gone through the local criminal justice system multiple times, and guess what—not once had that been reported to immigration officials. If it had, and if immigration officials had properly acted, that person would have been off the street, unable to kill through his vehicle.

Similarly, in Newark, NJ, some college students were horribly and tragically shot execution style by Jose Carranza. Carranza was out on bail awaiting trial on two separate felonies. He was also in this country illegally. So not only was he out on bail under questionable circumstances, but if immigration officials had been notified and if they had acted properly, he could have been under arrest and/or out of the country. Instead, three completely innocent college students were executed and are dead today.

This does have everything to do with the rule of law. It has everything to do with public safety. It has everything to do with getting hold of our safety and immigration laws and everyone working cooperatively in the right spirit, in the right vein, and following the present Federal law to do just that.

I would also note that an identical amendment to this was passed quite easily—by voice vote, as a matter of fact—in the House of Representatives.

Let's act on common sense, let's be reasonable, and let's enforce Federal law that has been on the books for over 10 years now. Let's adopt this amendment.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I yield to the Senator from New Jersey, an outspoken opponent of this amendment, such time as he may consume, reserving for myself the last 5 minutes of my time for my own closing argument.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. I thank the distinguished Senator from Maryland for yielding me time. Can I get a sense of how much time that is?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. MENENDEZ. I thank the Chair.

Madam President, as I listened to our colleague describe his amendment, one might say: Why shouldn't I support this amendment? The problem is, the very issues he described, including the one in my own home State of New Jersey, would not be resolved by his

amendment. That is a breakdown of the system that had nothing to do with communities making a decision not to go ahead and assist and inform, when they actually have someone who has committed a crime, of, in fact, the status of that individual.

What this amendment will do—what this amendment will do—is it will undercut the ability of communities to actually prosecute the crime—to prosecute the crime. Why? Because a crime is committed against an individual, and if that individual happens to be a victim who is undocumented in this country, that community wants—and communities across the country want—the victim to come forth and say: Hey, I had this crime committed against me. I had this robbery committed against me. I was assaulted. I was raped. We want the victim to come forward and talk about the crime and testify against the perpetrator because society, the community, is best served by having the criminal—the criminal—put away in jail. If you don't have people coming forth to testify about the crimes committed against them—you might have had a sexual predator, you might have had someone who was involved in a whole host of things—the bottom line is, if you don't have the person who was the victim coming forth, you don't get to the person committing the crime, and that person is allowed to stay out there committing more crimes.

What if you are a witness to a crime. As a witness to the crime—you saw it, you are an eyewitness—you can help the police, you can help the prosecutor, you can help the sheriff put that person away. But, no, you are not going to come forth because, in fact, your status in this country isn't clear, and ultimately why should you come forth and put yourself in jeopardy?

Communities across the landscape of the country have said: We want to get to the criminal element. We want that witness to come forth. We want them to come and testify. What the Vitter amendment does is it cuts the legs out from under law enforcement, who say they prefer to get the perpetrator of the crime and that is much more important than ultimately going to the question as to whether that person has a legal status in this country. That is why a large number of people whom we trust every day, who put their lives on the line for us in terms of protecting us as citizens, have said they oppose the Vitter amendment, including the National Sheriffs Association, the International Association of Chiefs of Police, Major City Police Chiefs Association, Major County Sheriffs Association, and those who, as the chief executive officers of their municipalities, are actually responsible for making sure that their citizens are protected, the U.S. Conference of Mayors—they have all come out in opposition to this amendment because they understand it goes to the very heart of being able to keep their communities safe.

This amendment would deny funding to over 70 law enforcement jurisdictions in Alaska, Arizona, California, Colorado, Connecticut, the District of Columbia, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Texas, Washington, and Wisconsin; jurisdictions that have made it their decision to have laws and policies and practices that put the enforcement against the crime, that puts the perpetrator away in jail, as their primary goal.

There are plenty of things that can be done to pursue people who are undocumented in this country if that is the right policy. But denying municipalities the funding, the Federal moneys for police officers, because they want to get the perpetrator versus get the undocumented immigrant is, in my mind, the wrong policy. That is why all these major law enforcement entities, the people on whom we depend, consistently are in opposition.

Last, it seems to me when the Secretary of the Department of Homeland Security, in testimony over in the House, said nothing that these communities do stops ICE, which is ultimately responsible for prosecuting individuals, for detaining them and deporting them—that nothing by any of these jurisdictions is stopping them from being able to do that—as is being suggested, that that is why this amendment is necessary—I think it makes a very compelling argument.

Let's make sure the victims of crime come forth. Let's make sure the witnesses of crimes come forth. Let's listen to the law enforcement entities that say they oppose the Vitter amendment. Let's make sure we have the community policing opportunities that take place to reduce crime, which has risen 2 years in a row in the country, and ultimately let's listen to the Secretary of Homeland Security who says nothing these jurisdictions have done has stopped them from being able to have ICE pursue their duty to proceed against an individual who is undocumented in this country.

I would rather get the perpetrators, those who are committing a rape, who are committing a robbery, who are sexual predators, who are doing those things—who are breaking the law. The rule of law is very important and there are a lot of elements to that. We want to make sure the rule of law is preserved by ensuring those who can help us put criminals away have the wherewithal to do so and are not ultimately afraid to come forth. That helps all the citizens in the community and that is why I believe we should defeat the Vitter amendment.

I yield the floor.

Mr. VITTER. I yield 3 minutes to the distinguished ranking member of the subcommittee.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I rise in support of the Vitter amendment No. 3277, pending before the Senate. I commend Senator VITTER from Louisiana for offering this important amendment.

The Vitter amendment would seek to eliminate Federal COPS funds to local municipalities with what are commonly referred to as sanctuary policies, whereby law enforcement officials are barred from asking suspects about their immigration status or reporting them to Immigration and Customs Enforcement.

Generally, sanctuary policies instruct city employees not to notify the Federal Government of the presence of illegal aliens living in their communities. The policies end the distinction between legal and illegal immigration so illegal aliens often benefit from city services too. The amendment offered by the distinguished Senator from Louisiana, Senator VITTER, would ensure existing law is enforced uniformly across the country by withholding COPS Federal funds for cities that choose to violate the 1996 Illegal Immigration Reform and Immigrant Responsibility Act.

A similar amendment was added to the House CJS appropriations bill recently. In August, a poll conducted by Rasmussen reported a proportion of likely voters in favor of cutting Federal funding for sanctuary cities at 58 percent for, with only 29 percent opposed. It was an overwhelming vote.

Sanctuary policies, official or otherwise, result in safe havens for illegal aliens and potential terrorists. Sanctuary policies allow criminal aliens to avoid deportation because they prevent local police from reporting aliens to the ICE, the Immigration and Customs Enforcement. Cities that blatantly ignore Federal law and put their cities at increased risk of harm by illegal aliens should not be awarded taxpayer dollars.

I thank my colleague from Louisiana for offering this amendment and urge my colleagues to support the Vitter amendment.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, how much time does our side have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Ms. MIKULSKI. I yield 3 minutes to the Senator from Delaware, who is a leading expert on this matter.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, I thank the Chair for the nice comment. I will be necessarily brief here.

By depriving major cities around the country of COPS funds, the Vitter amendment undercuts the efforts of law enforcement and contributes to the growing crime rate in three ways.

First, it takes much needed funds away from State and local law enforcement agencies that are now struggling to protect their communities against a rising tide of crime. The FBI's Uniform Crime Report statistics indicate that

for a second year in a row, crime is increasing. In the first 6 months of 2006, murders rose by 1.8 percent and violent crime by 1.9 percent. In 2005, the Police Executive Research Forum found that many of the same cities to which the Vitter amendment would deny COPS funding have recently experienced double-digit increases in murder and violent crime, and the COPS Program has proven to be effective in fighting crime. As a recent Brookings Institute study shows, for every $1.4 billion spent on COPS, society saves between $6 and 12 billion. That is their report.

In 2005, the General Accounting Office report found between 1993 and 2001 the COPS Program contributed to a steady decrease in the crime rates.

This amendment is going to have a very chilling effect on victims and witnesses in the immigrant community, who would otherwise report crimes.

Finally, the amendment would reverse successful Federal crime policies that recognize that State and local law enforcement know what is best in their community to drive down the crime rate. It would disregard the judgment of 70 law enforcement jurisdictions that found immigration status confidentiality policies are an effective part of community-oriented policing in their States, counties, and cities.

To vote for the Vitter amendment, to stay with the Vitter amendment, is to vote, I believe, against effective law enforcement. A vote for the amendment is a vote against safer communities, and I believe a vote for this amendment would perpetuate the rise in crime rates all across the country.

I understand there is a tabling motion that is going to take place. I may be mistaken. But vote against the Vitter amendment or vote to table it.

I thank Senator MIKULSKI for the incredible job she has been doing on this, and for the additional funding for the COPS bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I wish to use 2 minutes of my remaining time and reserve the rest.

We are talking about present Federal law over 10 years old. Are we going to enforce it or are we going to flout it? Let's not kid ourselves. We have all these arguments about law enforcement. I think everyone paying attention to this debate realizes it comes down to whether you think it is a problem, a big deal, for folks to be here in this country illegally. The other side of the argument doesn't even like to use the term being in the country illegally. They talk about ''status issues'' and all of this other politically correct language for the fact that folks are in the country illegally, having broken the law to get here, and consistently are breaking the law to stay here.

That is what the disagreement is about. That is what the debate is about. It is obvious, when you look at the fervor, the political fervor with which so many of these sanctuary cities proclaim their sanctuary status. It is a cause celebre because they basically do not think it is a problem for these folks to come to the country illegally and stay illegally.

As I said, look at this quote from the mayor of Richmond, CA. He is criticizing the Federal authorities, the immigration authorities, for doing their job enforcing Federal law.

The American people are watching. They know the fundamental question is: Are we going to get serious with the problem? Are we going to get serious with enforcement? I suggest this amendment is an excellent way to start.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, how much time does the Senator from Louisiana have?

The PRESIDING OFFICER. One minute one second.

Ms. MIKULSKI. And how much time do I have?

The PRESIDING OFFICER. Four minutes.

Ms. MIKULSKI. I will use 3 minutes now and reserve the remainder of 1 minute.

I thank all of my colleagues who have spoken on this bill. I thank the assistant majority leader, Mr. DURBIN, for helping me work this. The reason I am thanking him is this is a very important amendment. This isn't some throw-away amendment on how we can say we are being tough on illegal immigrants.

First, every single Senator here opposes illegal immigration. We oppose illegal immigration. This is why we voted for strong measures when border enforcement came up. This is why we advocated comprehensive immigration reform. We are opposed to illegal immigration. But we are where we are.

Let's talk about why municipalities have said ''no'' to enforcing immigration laws. Many municipalities, cities, towns, say they cannot afford to be the Federal cop on the beat. They know that enforcing immigration law takes a tremendous amount of training and takes a tremendous amount of money, and they simply cannot put their resources into that.

The second is they have the right to decide how they best want to fight crime. Many municipalities have chosen not to ask their local law enforcement to enforce immigration laws exactly because they want to fight crime. What they would say is, if we go in and we are INS officers or ICE officers by proxy, we will never find a witness, and victims in many instances will not come forward.

If you are a young girl and you have been gang-raped by MS–13, do you think you are going to come forward if you think that when you do, instead of getting the protection of the United States of America and getting justice done, you are going to be doubly brutalized and asked your immigration status, and you are the one who is punished?

Do you think the witnesses to these brutal crimes that sometimes occur in communities—not Latino against Latino, but if someone were working in an office building and saw a burglary, would they say: Heck, I am not going to report that, even though I am an eyewitness, because they are going to ask my immigration status? Or if you are walking down the street, and you might be a day laborer, and you see someone mugged, you aren't able to go report it.

My time has expired, but I think we need to defeat the Vitter amendment. At the appropriate time I will make the appropriate tabling motion.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, in closing, let me address one specific point the distinguished Senator from Maryland raised. I think she is giving the wrong impression to suggest that the Vitter amendment, or anything else in Federal law, places some affirmative duty on local or State law enforcement to all of a sudden take up the responsibility of Federal immigration officials. They have no duty to start enforcing Federal law and use up their budget and their time affirmatively enforcing Federal immigration law.

But what we are saying, and what present Federal law says, is these jurisdictions cannot establish a set policy that absolutely prohibits that sort of communication and information sharing with Federal authorities. That is exactly what these sanctuary cities, sanctuary jurisdictions, have done. It is a left political cause celebre to proclaim yourself a sanctuary city and actually work to frustrate Federal law.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. MIKULSKI. Madam President, I oppose the amendment. I disagree with the interpretation of the Senator's amendment. I want local law enforcement to get every nickel they are entitled to from the Federal Government. Again, I oppose the Vitter amendment. I move to table the Vitter amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—52

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

NAYS—42

| | | |
|---|---|---|
| Alexander | Craig | Landrieu |
| Allard | Crapo | Lott |
| Barrasso | DeMint | Martinez |
| Bennett | Dole | McCain |
| Bond | Domenici | McConnell |
| Brownback | Ensign | Murkowski |
| Bunning | Enzi | Roberts |
| Burr | Graham | Sessions |
| Chambliss | Grassley | Shelby |
| Coburn | Gregg | Smith |
| Cochran | Hatch | Sununu |
| Coleman | Hutchison | Thune |
| Corker | Inhofe | Vitter |
| Cornyn | Kyl | Voinovich |

NOT VOTING—6

| | | |
|---|---|---|
| Clinton | Isakson | Obama |
| Inouye | Kennedy | Warner |

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The Senator from Maryland.

AMENDMENTS NOS. 3279; 3283; 3290, AS MODIFIED; 3278; 3312, AS MODIFIED; 3314; 3276; 3304, AS MODIFIED; 3228, AS MODIFIED; 3208, AS MODIFIED; 3249, AS FURTHER MODIFIED; 3311; 3209; AND 3227, PREVIOUSLY AGREED TO, AS MODIFIED

Ms. MIKULSKI. Mr. President, Senator SHELBY and I have a number of amendments at the desk. We ask unanimous consent that the amendments be considered and agreed to en bloc, the motion to reconsider be laid on the table, and that any statements relating to these amendments be printed in the RECORD, with all the above occurring en bloc. I would note that all the amendments have been agreed to on both sides of the aisle, and we urge their adoption.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 3279

(Purpose: To increase appropriations for personnel, equipment, and other resources to be used for the analysis of DNA samples, and for other purposes)

On page 70, between lines 10 and 11, insert the following:

**SEC. 217. FEDERAL BUREAU OF INVESTIGATION ANALYSIS OF DNA SAMPLES.**

(a) IN GENERAL.—The amount appropriated under the heading ''SALARIES AND EXPENSES '' under the heading ''FEDERAL BUREAU OF INVESTIGATION'' under this title is increased by $23,000,000, which shall be used for personnel, equipment, build-out/acquisition of space, and other resources to be used for the analysis of DNA samples.

(b) REDUCTIONS.—Notwithstanding any other provision of this Act, the amount appropriated for the Advanced Technology Program under the heading ''INDUSTRIAL TECHNOLOGY SERVICES '' under the heading ''NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'' under title I of this Act is reduced by $23,000,000.

AMENDMENT NO. 3283

(Purpose: To use $10,000,000 from the Department of Justice Working Capital Fund for the expansion of Operation Streamline, the zero tolerance prosecution policy currently in place in the Del Rio and Yuma border sectors)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. The Attorney General shall make available $10,000,000 from the Department of Justice Working Capital Fund to incrementally expand Operation Streamline across the entire southwest border of the United States, beginning with the border sector that had the highest rate of illegal entries during the most recent 12-month period.

AMENDMENT NO. 3290, AS MODIFIED

On page 70, between lines 10 and 11, insert the following:

**SEC. 217. ADDITIONAL PROSECUTORS FOR OFFENSES RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.**

(a) IN GENERAL.—The amount appropriated under the heading ''SALARIES AND EXPENSES'' under the heading ''UNITED STATES ATTORNEYS'' under this title is increased by $30,000,000, which shall be used for salaries and expenses for hiring 200 additional assistant United States attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248; 120 Stat. 649) concerning the prosecution of offenses relating to the sexual exploitation of children.

(b) REDUCTIONS.—Notwithstanding any other provision of this Act, the amount appropriated under the heading ''PROCUREMENT, ACQUISITION AND CONSTRUCTION'' under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' under title I of this Act is reduced by $30,000,000.

AMENDMENT NO. 3278

(Purpose: To correct a technical error in Public Law 110–53 relating to emergency communications modernization)

At the appropriate place, insert the following:

SEC. ———. Section 2301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (47 U.S.C. 901 note) is amended by striking ''the 'Improving Emergency Communications Act of 2007'.'' and inserting ''the '911 Modernization Act'.''.

AMENDMENT NO. 3312, AS MODIFIED

At the appropriate place, insert the following:

''(a) IN GENERAL.—The Secretary of Commerce may—

''(1) develop, maintain, and make public a list of vessels and vessel owners engaged in illegal, unreported, or unregulated fishing, including vessels or vessel owners identified by an international fishery management organization, whether or not the United States is a party to the agreement establishing such organization; and

''(2) take appropriate action against listed vessels and vessel owners, including action against fish, fish parts, or fish products from such vessels, in accordance with applicable United States law and consistent with applicable international law, including principles, rights, and obligations established in applicable international fishery management and trade agreements.

''(b) RESTRICTIONS ON PORT ACCESS OR USE.—Action taken by the Secretary under subsection (a)(2) that include measures to restrict use of or access to ports or port services shall apply to all ports of the United States and its territories.

''(c) REGULATIONS.—The Secretary may promulgate regulations to implement this section.''.

AMENDMENT NO. 3314

(Purpose: To make funds available for regional coastal disaster assistance, transition, and recovery programs)

On page 16, line 11, strike the period at the end and insert '': *Provided further*, That of the funds provided, not less than $15,000,000 shall be available to carry out activities under section 315 of the Magnuson-Stevens Fishery Conservation and Management Act (8 U.S.C. 1864).''.

AMENDMENT NO. 3276

(Purpose: To amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes)

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

AMENDMENT NO. 3304, AS MODIFIED

On page 16, line 11, strike the period at the end and insert '': *Provided further*, That of the funds provided under this heading, for the Office of Response and Restoration funds may be used from the Damage Assessment Restoration Revolving Fund for sampling and analysis related to the disposal of obsolete vessels owned or operated by the Federal Government in Suisun Bay, California.''.

AMENDMENT NO. 3228, AS MODIFIED

On page 16, line 11, strike the period at the end and insert '': *Provided further*, That of the funds provided under this heading, up to $275,000 may be available for the purchase and distribution of bycatch reduction devices to shrimpers in areas of the Gulf Coast impacted by Hurricane Rita or Hurricane Katrina during 2005.''.

AMENDMENT NO. 3208, AS MODIFIED

At the appropriate place, insert the following:

**SEC. ___. NATIVE AMERICAN METHAMPHETAMINE ENFORCEMENT AND TREATMENT ACT OF 2007.**

(a) SHORT TITLE.—This section may be cited as the ''Native American Methamphetamine Enforcement and Treatment Act of 2007''.

(b) NATIVE AMERICAN PARTICIPATION IN METHAMPHETAMINE GRANTS.—

(1) IN GENERAL.—Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting '', territories, and Indian tribes (as defined in section 2704)'' after ''to assist States''; and

(ii) in subparagraph (B), by striking ''and local'' and inserting '', territorial, Tribal, and local'';

(B) in paragraph (2), by inserting '', territories, and Indian tribes'' after ''make grants to States'';

(C) in paragraph (3)(C), by inserting '', Tribal,'' after ''support State''; and

(D) by adding at the end the following:

''(4) EFFECT OF SUBSECTION.—Nothing in this subsection, or in the award or denial of any grant pursuant to this subsection—

''(A) allows grants authorized under paragraph (3)(A) to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

''(B) has any effect other than to authorize, award, or deny a grant of funds to a State, territory, or Indian tribe for the purpose described in this subsection.''.

(2) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(a)) is amended by inserting '', territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))'' after ''make grants to States''.

(3) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.—Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–3) is amended—

(A) in subsection (a)(2), by inserting '', territorial, or Tribal'' after ''State'';

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting '', territorial, or Tribal'' after ''State''; and

(II) by striking ''and/or'' and inserting ''or'';

(ii) in paragraph (2)—

(I) by inserting '', territory, Indian tribe,'' after ''agency of the State''; and

(II) by inserting '', territory, Indian tribe,'' after ''criminal laws of that State''; and

(iii) by adding at the end the following:

''(C) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d).''; and

(C) in subsection (c)—

(i) in paragraph (3), by striking ''Indian Tribes'' and inserting ''Indian tribes''; and

(ii) in paragraph (4)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking ''State's''; and

(bb) by striking ''and/or'' and inserting ''or'';

(II) in subparagraph (A), by striking ''State'';

(III) in subparagraph (C), by inserting '', Indian tribes,'' after ''involved counties''; and

(IV) in subparagraph (D), by inserting '', Tribal'' after ''Federal, State''.

AMENDMENT NO. 3249, AS FURTHER MODIFIED

(Purpose: To appropriate an additional $15,000,000 for the Boys and Girls Clubs of America and to provide a full offset for such amount)

On page 52, line 5, strike ''$1,400,000,000'' and insert $1,430,000,000.

On page 52, line 15, strike ''$60,000,000'' and insert ''$75,000,000.

On page 70, after line 10, insert the following:

SEC.____. Of the unobligated balances made available for the Department of Justice in prior fiscal years, $15,000,000 are rescinded.

*Provided,* That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

AMENDMENT NO. 3311

(Purpose: To extend the numerical limitation exception for H–2B nonimmigrants)

At the appropriate place, insert the following:

**SEC. ___. SMALL AND SEASONAL BUSINESSES.**

(a) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended by striking ''an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.'' and inserting ''an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective during the 1-year period beginning October 1, 2007.

AMENDMENT NO. 3209

(Purpose: To make certain forestry workers eligible for legal assistance)

On page 97, between lines 9 and 10, insert the following:

SEC. 528. Section 504(a)(11)(E) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–55) is amended by inserting before ''an alien'' the following: ''a nonimmigrant worker admitted to, or permitted to remain in, the United States under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) for forestry labor or''.

AMENDMENT NO. 3227, AS MODIFIED

On page 52, line 5, strike ''$1,400,000,000'' and insert ''$1,415,000,000''.

On page 53, strike lines 18 and 19 and insert the following:

(5) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act: *Provided,* That of the unobligated balances available to the Department of Justice (except for amounts made available for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act), $15,000,000 are rescinded: *Provided*, That within 30 days after the enactment of this Act the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3279

Mr. KYL. Mr. President, this amendment provides $23 million in funding to the FBI for purposes of clearing its backlog of untested DNA evidence. This backlog consists of DNA evidence from untested rape kits, other untested crime-scene evidence, and samples collected from criminal offenders. The amounts provided by this amendment are the minimum amount that the FBI would need in order to be able to clear its current backlog of untested DNA evidence.

Two recent articles in USA Today highlight the nature of this problem and why it matters. The first news story—published just last month—indicates that FBI's backlog of untested DNA evidence has grown to over 200,000 samples. As USA Today notes, past experience testing DNA samples indicates that testing the current backlog would probably solve over 3,000 rapes, murders, and other serious crimes.

Allow me to repeat that statistic: according to USA Today, testing the current backlog of DNA evidence is expected to solve over 3,000 cold cases—violent crimes and other serious offenses for which no perpetrator currently has been identified. Obviously, solving these crimes would bring relief to thousands of crime victims and their families. By identifying these criminal offenders and leading to their prosecution and incarceration, testing the DNA backlog would undoubtedly prevent many future offenses as well. But first we have to appropriate the funds to test that backlog.

Another recent article in USA Today describes the costs imposed by not promptly testing DNA evidence. This article begins as follows:

Under Maryland law, Raymont Hopewell should have had his DNA taken after he was sentenced for selling $20 worth of cocaine in April 2004.

But the state police, who lacked sufficient technicians, never got around to it. So no one knew that Hopewell's DNA matched a pair of unsolved rape/murders on the national DNA database. He served a few months in a halfway house and went on to commit three more murders, one rape and four assaults before being caught in September 2005. Then, a DNA test was performed.

Hopewell, now 36, pleaded guilty to all five murders, including three that a DNA match could have prevented. He was sentenced to four consecutive life terms last year.

That is the cost of not promptly testing DNA evidence. The failure to test evidence in just this one case allowed the commission of three murders and one rape that clearly could have been prevented. The USA Today story goes on to note that:

cases in which such missed DNA matches led to further crimes have begun to ''pop up increasingly'' as test backlogs grow, [according to Lisa Hurst, a DNA expert].

Cases similar to the Maryland case have been reported in California, Ohio, Illinois and elsewhere in the past four years. ''You have to believe there are a whole lot more than what gets reported,'' Hurst says. ''This is not something that people want to talk about. It's much worse than just an embarrassment.''

If we want the current Federal DNA backlog to be tested, we must provide FBI with this money. There are not a lot of things that the Federal Government can do that will directly prevent violent crimes, but this is one of them. I am pleased that the Senate will adopt my amendment and allow the FBI to promptly test its current evidence backlog, before another preventable rape or murder is committed.

I ask unanimous consent to have the following articles appearing in USA Today printed in the RECORD.

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

[From USA Today, Oct. 13, 2007]

DNA BACKLOG PILES UP FOR FBI

(By Richard Willing)

WASHINGTON.—The FBI has fallen behind in processing DNA from nearly 200,000 convicted criminals—85% of all samples it has

collected since 2001—Justice Department records show.

The backlog, which expands monthly, means most of the biological samples the bureau collects have not been stored in the national DNA database and used to solve crimes. DNA from 34,000 convicts has been added to the database since 2001, resulting in 600 matches to unsolved crimes, according to statistics furnished by the Justice Department to the Senate Judiciary Committee. At the same rate, the unloaded samples could help solve an additional 3,200 crimes.

The backlog expanded by about 80,000 samples in 2006, when a law took effect requiring that all federal convicts, rather than just violent felons, submit DNA samples. A new law requiring DNA to be taken from about 500,000 federal arrestees and detainees could swell the backlog. Rules for implementing that law are due early next year, according to Office of Management and Budget documents.

Justice provided the backlog data to the committee in July in response to questions posed to Attorney General Alberto Gonzales during an April appearance before the panel.

Using different figures, FBI lab spokeswoman Ann Todd said in an e-mail that about 156,000 DNA samples, about 78% of those collected, have not been put in the database. She declined to comment on the discrepancy with the numbers from the Justice Department, the FBI's parent organization. The lab processes about 5,500 samples a month, Todd said. The laboratory receives about 8,000 samples a month, meaning the backlog continues to grow.

''It's embarrassing because it's the FBI, which is supposed to be this powerful organization, but it's not surprising,'' said Lawrence Kobilinsky, biology professor and DNA specialist at John Jay College in New York City. ''Across the nation, backlogs are an ongoing problem, a tragedy, really, but one that it looks like is going to be with us for awhile.''

Since 1998, the FBI has maintained a system that matches genetic profiles from criminals and, in some states, criminal suspects with DNA drawn from unsolved crimes. All 50 states and the FBI lab in Quantico, Va., maintain their own databases, which are linked by computer software maintained by the FBI.

Through May, the national DNA database held 4.8 million criminal samples and DNA from about 178,000 unsolved crimes, according to an FBI website. It had scored matches that assisted 50,343 investigations.

The FBI's exacting testing standards caused the DNA ''bottleneck,'' Deputy Assistant Attorney General Richard Hertling said in a letter to the committee. The FBI lab is studying an automated system that could cut test times significantly, he said.

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[From USA Today, Oct. 13, 2007]

DNA LAG LEAVES POTENTIAL FOR CRIME

(By Richard Willing)

WASHINGTON.—Under Maryland law, Raymont Hopewell should have had his DNA taken after he was sentenced for selling $20 worth of cocaine in April 2004.

But the state police, who lacked sufficient technicians, never got around to it. So no one knew that Hopewell's DNA matched a pair of unsolved rape/murders on the national DNA database. He served a few months in a halfway house and went on to commit three more murders, one rape and four assaults before being caught in September 2005. Then, a DNA test was performed.

Hopewell, now 36, pleaded guilty to all five murders, including three that a DNA match could have prevented. He was sentenced to four consecutive life terms last year.

Since 1998, the state and federal governments have used a computer database to match genetic samples from convicted or suspected criminals to DNA taken at the scene of unsolved crimes.

The Combined DNA Index System (CODIS), which is overseen by the FBI, has become a staple of television crime shows and has produced some dramatic results. It has made matches that caught criminals or otherwise aided in nearly 50,500 cases since the system's inception. The DNA profiles of about 4 million criminals have been added to the system since 2001.

Along with the success stories, however, comes a growing list of DNA samples collected but not analyzed. Lisa Hurst, who edits the DNAResource.com website, said cases in which such missed DNA matches led to further crimes have begun to ''pop up increasingly'' as test backlogs grow.

Cases similar to the Maryland case have been reported in California, Ohio, Illinois and elsewhere in the past four years. ''You have to believe there are a whole lot more than what gets reported,'' Hurst says. ''This is not something that people want to talk about. It's much worse than just an embarrassment.''

At first, most states and the federal government took DNA samples only from people convicted of the most serious felonies, such as rape and murder. As DNA has proved its usefulness, legislators have sought to extend its reach to people convicted of lesser offenses and even to arrestees.

Forty-five states and the federal government require DNA samples from all felons, and 11 states take it from some arrestees. Next year, the federal government is scheduled to begin taking DNA samples from as many as 500,000 new federal arrestees and detainees such as immigration violators.

DNA testing requirements began to strap overworked crime labs. In 2003, the Justice Department estimated that nationwide, 200,000 to 300,000 samples had been taken and awaited analysis, while as many as 1 million more awaited testing. By this July, the FBI's backlog by itself totaled nearly 200,000, according to Justice Department records.

Congress has tried to bridge the gap, allocating over $560 million since 1999 to allow states to outsource some DNA testing, to hire staff and to improve lab capacity.

Barry Fisher, director of the Los Angeles County Sheriffs Department crime lab, says the federal payments have had ''some success'' but have had trouble keeping up with ever-increasing demands.

In California this year, for instance, a combination of federal and state grants reduced a 160,000 backlog by more than half, according to state Department of Justice research. But a state law that takes effect in 2009 will add DNA samples from felony arrestees and others, probably adding 400,000 samples per year to the backlog.

It's critical for the FBI to cut its backlog before the federal government starts taking DNA from immigration violators and other federal detainees next year, said Rep. Dave Reichert, R-Wash., a major supporter of federal funds for DNA testing.

That program could add more than 1 million samples annually to the FBI's workload, according to a paper an FBI technician presented at a science conference in February.

''We can get them more money and more people, but the bottom line is, (the FBI) has got to get those DNA samples up there,'' says Reichert, a former King County sheriff. ''It's the only way the DNA does everything it's capable of.''

President Bush's DNA initiative, a five-year plan designed to improve the use of DNA in the criminal justice system, has accounted for about 75% of the federal DNA spending. Funding expires after this year, and no follow-up legislation has been proposed.

Increased use of technology and private sector management techniques helped the Forensic Science Service (FSS), the United Kingdom's national lab, eliminate a 500,000-sample backlog in 2004, says Richard Pinchin, the service's director of U.S. operations.

AMENDMENT NO. 3304

Mrs. BOXER. I am greatly concerned about the environmental impacts of the federally owned obsolete vessels in Suisun Bay, CA, on the marine environment. We need to ensure that these vessels are properly cleaned and disposed of, and minimize the impacts of these ships by addressing any remaining contamination.

I am grateful that Chairman MIKULSKI and the CJS Subcommittee have agreed to accept my amendment to provide funding out of NOAA's operations, research, and facilities program to conduct sampling and analysis of heavy metals and other contaminants to better understand the degree of toxic contamination, and to develop appropriate remediation recommendations that use the best available science and environmental practices.

Ms. MIKULSKI. I am glad that the subcommittee will include $1.5 million in NOAA funding in the report to address the environmental needs at Suisun Bay and I pledge to carry that funding through conference.

JUVENILE ACCOUNTABILITY

Mr. CASEY. I want to thank Chairman MIKULSKI for her leadership on the Appropriations Subcommittee on Commerce, Justice and Science and for engaging in this discussion on how we can best combat violent crime around the country. The chairman's expertise and experience in these matters is second to none and I am grateful for her leadership.

Ms. MIKULSKI. I thank the Senator for his leadership in this area and look forward to working with him on securing funding that is necessary to fight violent crime across the country. I know from our conversations of your concern for your home State of Pennsylvania and your particular concern about the recent rise in violent crime in Philadelphia.

Mr. CASEY. As the Senator knows, I have authored an amendment to the Commerce, Justice and Science appropriations bill that would increase funding for the Juvenile Accountability Block Grant Program by $30 million. On behalf of Senator BIDEN and Chairman MIKULSKI, I have also offered an amendment that would increase funding for the Community Oriented Policing Services Program by $110 million. I am also a strong supporter of the Byrne justice assistance grant program, and I appreciate Chairman MIKULSKI's efforts to significantly increase funding for this program. If we truly want to decrease violent crime, research and evidence-based practices show that we must simultaneously invest in law enforcement programs and

prevention and intervention services for young people. My support for these amendments, for the Byrne/JAG program, and for the underlying bill, reflect my strong commitment to this two-prong approach to reducing crime. Would the chairman permit me a moment to discuss the merits of the juvenile accountability block grant program?

Ms. MIKULSKI. Certainly.

Mr. CASEY. As the chairman knows, the juvenile accountability block grant program, or JABG as it is more commonly known, is a bipartisan program that was originally created in 1998 for the purpose of strengthening and creating greater accountability within the juvenile justice system. Funds are available for many program purposes, including building, expanding, and operating temporary or permanent juvenile correction or detention facilities, training of correctional personnel, developing and administering accountability-based sanctions for juvenile offenders, hiring additional juvenile judges, prosecutors, probation officers, and court-appointed defenders, and funding pretrial services for juveniles.

The program has been reauthorized twice since 1998, and additional program areas purposes now allow States to implement graduated sanctions programs that include counseling, restitution, community service, and supervised probation, to establish or expand substance abuse programs, and to promote mental health screening and treatment. Program funds can also be used to establish and maintain restorative justice programs, which focus on creative sentencing and meaningful accountability measures for juvenile offenders. JABG can also be used to fund programs focused upon gang prevention, antibullying initiatives, and reentry programs that help juvenile offenders reintegrate back into the community and help lower recidivism rates among this population.

Ms. MIKULSKI. I have always been a strong supporter of the juvenile accountability block grant program and its goals. I wholeheartedly agree that we must link law enforcement with effective prevention and intervention strategies aimed at at-risk youth. JABG does this and assists the juvenile justice system and community-based programs to promote accountability among youthful offenders. The value of this program is that it helps youth understand the impact of their actions and holds them accountable. This approach has been shown to be instrumental in helping young people turn away from delinquency and work toward becoming productive adults.

Mr. CASEY. I agree with the chairman that holding young offenders accountable for the consequences of their actions is one of the most effective ways to reduce juvenile crimes. We cannot ''arrest our way'' out of this problem. This truth has been emphasized over and over by the law enforcement community. While incarceration is necessary for some offenders, there are other more effective—and less costly—interventions that can be used with many young offenders. That is why the JABG Program has been so effective and is so necessary.

Ms. MIKULSKI. I agree with the Senator.

Mr. CASEY. And so, in addition to support for increased funding for the Byrne/JAG and COPS programs, my goal is to increase funding for JABG. Unfortunately, funding for the JABG Program has decreased dramatically since its inception. Originally authorized at $350 million, it was funded at $250 million from fiscal year 1998 to fiscal year 2002, then dropped to $190 million in fiscal year 2003, and then to $60 million in fiscal year 2004. Since that time, funding has hovered between $50 and $60 million. President Bush sought to eliminate funding for this valuable program altogether in this year's budget proposal and in previous budget recommendations. Elimination of funding for this critical resource would seriously hamper efforts to deal effectively with juvenile delinquency. JABG would no longer be available to communities for the ongoing implementation of important accountability programming and service alternatives to youth and families involved in the juvenile justice system, including community-based alternatives to detention and intervention activities, and school-based violence prevention programming. I recognize the subcommittee's commitment to this program, and appreciate the chairman's role in restoring funding for JABG.

Ms. MIKULSKI. The reduction in funding for this program has been an unfortunate result of overall budget cuts in recent years. We have worked hard to maintain funding and restore cuts that impact State and local law enforcement. It is our duty first and foremost to protect the American public. I share your support for the JABG Program and would support your amendment if it were possible to find funding for an additional $30 million. I regret to say that is not the case.

Mr. CASEY. I thank the chairman for her support of this valuable program and appreciate her tireless work over the years to get our States and communities the funding they need to fight crime. Her commitment to this issue is truly inspiring. While I regret that my amendment to increase funding for the JABG Program cannot move forward, I understand the realities facing the subcommittee.

Ms. MIKULSKI. I appreciate the Senator's remarks and I look forward to working with him whenever the opportunity arises to strengthen our capacity to fight crime through increased funding for both law enforcement and prevention and intervention strategies for youthful offenders.

Mr. CASEY. I thank the chairman and appreciate her support for the Byrne/JAG Program, the JABG Program and the COPS Program. In particular, I appreciate her support for the amendment offered by Senator BIDEN, myself and others to increase the COPS Program by $110 million. That is a great victory for State and local law enforcement. I assure the chairman and my constituents that I will continue the fight against crime throughout my Senate career.

AMENDMENT NO. 3314

Mr. SUNUNU. Mr. President, I rise today on behalf of an amendment to address the problem on fisheries failures in New England.

In November 2006, the New England Fishery Management Council imposed new regulations on groundfishing, known as Framework 42. Under these strict new rules, the number of days allowed to fish was effectively cut in half. These hardworking fishermen don't catch twice as many fish, and they don't get paid twice as much, but they are only allowed to work half as much. This is not to suggest efforts to rebuild the fisheries are not necessary or important, they are. But we must also address the impact of the regulations we impose.

As a result of Framework 42, the States of Massachusetts, Maine, and New Hampshire are seeking the declaration of a commercial fisheries failure. The Magnuson-Stevens Act, which we worked so hard to reauthorize last year, allows the Secretary of Commerce to assist coastal communities hit by both natural disasters and regulatory burdens. Unfortunately, no funding has been provided in the past and there is no funding in the CJS bill for this purpose.

This amendment, cosponsored by Senators GREGG, SNOWE, and COLLINS, would provide $15 million for fisheries disaster assistance. It does not dictate how or where this money would be spent. It does not interfere with the Secretary's ability to determine when fisheries failures are declared. It does ensure that fishermen and fishing communities that may be eligible for assistance under the Magnuson-Stevens Act have resources available.

We sometimes romanticize life on a New England fishing boat. But in truth, it is a difficult and dangerous way to earn a living. The New England groundfishing industry has accepted strict limits as part of our effort to rebuild a fish population that has helped feed us for 500 years. When they shouldered this regulatory burden, Congress said that there would be help. This amendment provides the financial resources to meet this obligation.

NASA WORKFORCE

Mr. CARDIN. Mr. President, I would like to engage the chair of the Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee, my distinguished colleague from Maryland, in a colloquy concerning current Federal investments in space research programs that provide hands-on training experience for university students in the space science and engineering disciplines.

The senior Senator from Maryland has a long history of successfully championing Federal investment in the National Aeronautics & Space Administration, NASA. That history of Federal investment has kept the United States at the forefront in exploring space and expanding our knowledge of the complex world in which we live today. This investment in NASA has also made NASA an important partner of our Nation's colleges and universities in providing unparalleled educational experiences in the critical areas of science, technology, and engineering. Scientific research is critical to innovation, yet federally funded science programs have not kept pace with our need to train future generations of scientists and engineers, thereby diminishing the research and training opportunities offered to university students across the country. In the last 40 years, U.S. suborbital experimental launches have decreased 80 percent—from 270 per year to 50 planned launches in 2007. Decreases in suborbital launches have resulted in a corresponding drop in the hands-on training opportunities our universities provide to undergraduate, masters, and doctoral students in hard sciences. These training opportunities are essential for recruiting and maintaining a highly trained workforce and for protecting our national preeminence in science, engineering, and exploration.

The National Research Council released a report in June on ''Building a Better NASA Workforce and Meeting the Workforce Needs for the National Vision for Space Exploration.'' The report recommended that NASA focus more of its education budget on workforce-related programs such as the Graduate Student Researchers Program and other co-op programs. We know that some of NASA's programs involving sounding rockets, weather balloons, and small satellite launches are outstanding examples of worthy Federal investment that not only produces usable scientific data but provides outstanding hands-on learning opportunities for the next generations of scientists and engineers. Our investment in these programs has not kept pace with demand, and that is a problem we may want to address in future years as we consider the NASA budget. But before we make a decision about the right level of future Federal funding for these programs, I think it would be helpful for NASA, as one of our premier research institutions, to provide a report on its current investment in suborbital experimental launches and what will be needed in the future.

I ask my colleague from Maryland, in her role as chairman of the Commerce-Justice-Science Appropriations Subcommittee, whether she would agree that it would be useful for NASA to study this issue and report back to the Congress on it in time for our consideration of the fiscal year 2009 CJS appropriations bill.

Ms. MIKULSKI. I agree that such a study would be useful and I thank my colleague for bringing this important matter to our attention.

Mr. LAUTENBERG. Mr. President, let me begin by thanking Senators MIKULSKI and SHELBY for their leadership in drafting the Commerce-Justice-Science appropriations bill.

This bill empowers our police and law enforcement professionals with tools and resources to keep our children safe. Today, our police need these tools more than ever.

The FBI just released its violent crime data for 2006. After years of going down, violent crime went up in each of the past 2 years. Murders went up from 2005 to 2006, and nearly 15,000 people were murdered in 2006. Those statistics are people—people whose lives were changed or ended by a horrible act of violence. But instead of reacting to those stories with vigilance, this administration has reacted by cutting the very programs that keep our streets safe from crime and violence.

This bill fights back. It restores funding for the programs the administration wrongly cut and lets families feel more secure in their homes. For example, this bill provides $550 million for the COPS Program, and I was proud to cosponsor an amendment to add $110 million for hiring police officers. In New Jersey alone, the COPS Program has added 500 new cops on the beat. It is because of programs such as COPS that I am proud to support this bill. It is preposterous that President Bush is threatening to veto it.

I must note, however, that there is one provision in this bill that is dangerous. Instead of making us safer, it puts our communities and the people trying to protect them at greater risk. That provision is the ''Tiahrt amendment,'' which has been a staple in appropriations bills over the last few years. Instead of helping our police, the Tiahrt Amendment makes their job harder.

The Tiahrt amendment limits the information the Bureau of Alcohol, Tobacco, Firearms and Explosives, or ATF, can tell our police about guns used in crimes.

The Tiahrt amendment does not protect responsible gun owners; it protects criminals, gang members, and gun traffickers.

Before the Tiahrt amendment, ATF data showed 60 percent of crime guns came from 1 percent of gun dealers. It is only common sense that police should be able to target corrupt gun dealers, but the Tiahrt amendment makes it difficult for the police to identify those dealers.

Limiting access to ATF gun trace information means that police have to wait until after a crime has been committed to get information about dangerous weapons, instead of being able to get that information to prevent crimes. That makes no sense.

It is bad enough that the Tiahrt amendment restricts the information our police can get, but the language in the Senate bill is even worse than in previous years and in the current House bill. The Senate version of the Tiahrt amendment requires local cops to certify to the ATF why they want the information—and it threatens them with up to 5 years in jail. It is simply outrageous to threaten our cops with jail time in order to protect the people committing gun crimes. Even the Department of Justice admitted in 2006 that threatening our police with criminal penalties could create a ''chilling effect'' on law enforcement. The Senate language also further restricts the sharing of information between law enforcement agencies when they do obtain information from ATF. With violent crime on the rise, we should be encouraging law enforcement to work together, not prohibiting collaboration.

Simply put, the Tiahrt amendment hurts our law enforcement efforts. That is why more than 10 national law enforcement organizations, 240 mayors, and State and local leaders from across the country have joined together to oppose the Tiahrt amendment. And that is why Senator MIKULSKI showed leadership and left this language out of the bill to begin with. Regrettably, the Tiahrt Amendment was added back during the committee markup.

The job of fighting crime is hard enough already. We don't need to make it any harder.

I will continue my fight against the Tiahrt amendment until the Tiahrt amendment is no more.

Mr. BYRD. Mr. President, nearly 5 months ago, the Congress sent the President the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act 2007.

Despite the President's signing the measure into law on May 25, 2007, I have learned with great disappointment that the Office of Management and Budget has yet to release more than $104 million included in this legislation by the Congress for the purpose of assisting the FBI in combating terrorism.

These were funds that the FBI had asked the OMB to include in the supplemental in order to deal with various aspects of homeland security such as carrying out the FBI's new responsibility for rendering safe a chemical, biological, radiological, or nuclear incident in the United States. The funds were also requested by the FBI to make advances in areas such as DNA and other identification technologies, which offer opportunities to positively identify individuals and prevent terrorists, criminals, and other ineligible individuals from entering the United States, thus better securing our borders.

I call upon the Director of the Office of Management and Budget to release these funds for the purposes identified by the FBI. This is a dangerous way to waste time. Nearly 5 months have already been wasted. These funds should

be put to use for the purposes for which they were appropriated in order to better secure the homeland and combat terrorism.

Mr. CARDIN. Mr. President, I rise today in strong support of H.R. 3093, the fiscal year 2008 Commerce-Justice-Science appropriations bill. I congratulate the senior Senator from Maryland, Ms. MIKULSKI, and the ranking member, Mr. SHELBY, for their fine work in producing a bill that supports law enforcement, scientific research and technology, and enhances U.S. competitiveness. I would like to take a moment to note just a few of the bill's important provisions.

This body recently passed the DOD appropriations bill supporting our troops overseas. The CJS bill supports our day-to-day warriors here at home. That is, our law enforcement officers. It funds the FBI, the DEA, and the ATF; Federal law enforcement agencies charged with protecting our citizens from internal terrorist threats, international drug cartels, and the rising threat of violent crime. Further, the bill provides for important victims' assistance programs for those whose lives are forever altered by violent crime.

The CJS bill focuses on what is right with America by providing the resources needed to compete in the global economy. In my home state of Maryland, we are very fortunate to have The National Institute of Standards and Technology, or NIST. NIST assists industry in developing technology, modernizing manufacturing processes, ensuring product reliability, and facilitating rapid commercialization of products based on new scientific discoveries. Advances in avionic navigation systems and modern-day mammograms and semiconductors are indicators of the value of NIST. This bill provides $186 million above the administration's request for this significant agency that is crucial to U.S. competitiveness.

Maryland is also fortunate to be home to several National Oceanic and Atmospheric Administration facilities. NOAA provides scientific, technical, and management expertise to promote safe and efficient marine and air navigation; assess the health of coastal and marine resources; monitor and predict the coastal, ocean, and global environments, including weather forecasting; and protect and manage the Nation's coastal resources. NOAA's significance is strongly felt in Maryland which, with the Chesapeake Bay, boasts 4,000 miles of coastal land. I am proud that this bill strongly supports NOAA through the provision of $4.21 billion.

I join my colleagues to note the importance of NASA. NASA programs serve a number of functions, such as planetary exploration, pioneering aeronautic technologies, and space operations. This includes maintaining the space shuttle and supporting the International Space Station. Previous cuts, combined with the Columbia tragedy have strained NASA's resources. We must provide the necessary funding in order for America to remain a leader in space exploration, aeronautics, and planetary science. I applaud the committee for identifying this truth and supporting NASA.

I would like to further thank the committee for supporting several key programs in Maryland, including:

Chesapeake Bay Programs—The health condition of America's largest estuary is critical. Programs that assess, manage, and monitor bay ecosystems are imperative to preserving this vast natural resource. I thank my colleagues for recognizing the significance of focusing on the Chesapeake Bay. Funded bay programs will not only research viable restoration solutions but also focus on educating the public as to the importance of preserving the bay. These education efforts include the successful Chesapeake Bay Watershed Education and Training Program, or B–WET, that enhances environmental literacy in K–12 students. In addition, there are Chesapeake Interpretive Buoys that act as markers for the newly established Captain John Smith Chesapeake National Historical Trail, providing interpretive information for both trail users and educators while also providing essential science information about bay health.

Maryland Eastern Shore Broadband Coverage—The bill provides funding for the continued construction of a broadband link between the Wallops Island Flight Facility and the Patuxent River Naval Station. This telecommunication enhancement will help pave the way for high-tech business and employment opportunities on Maryland's eastern shore.

Maryland Radio Interoperability Project—The State of Maryland has committed to developing a radio interoperability Project that will link State and local law enforcement agencies. Cooperation and shared information between agencies will develop a more effective, efficient law enforcement system for the protection of our citizens.

Baltimore Felony Diversion Program—The city of Baltimore has developed a pilot project designed to divert drug addicted offenders to long-term substance abuse treatment, aftercare, and monitoring as an alternative to detention and method of reducing recidivism.

This bill is good for Maryland and good for America. I am honored to support it.

Ms. COLLINS. Mr. President, I rise to speak in strong support of the $10 million in the Senate fiscal year 2008 Commerce, Justice, Science Appropriations Act for the landmark Penobscot River Restoration Project, the most significant river restoration project ever in the eastern United States. I was pleased to work with my colleague from Maine to secure funding for this important environmental restoration project. This funding will provide significant federal cost-share toward the purchase of three hydropower dams on the Penobscot River that are slated for removal. When the project is complete, nearly 1,000 miles of habitat for endangered Atlantic salmon and other fish species will be restored.

Atlantic salmon populations have declined drastically in the last 200 years, from an estimated half million adult salmon returning to U.S. rivers each year in the early 1800s to as few as 1,000 in 2001. The National Academy of Sciences completed a report in 2004 on Atlantic salmon in Maine which identified several specific threats to the recovery of Maine's salmon populations. Top among them was the obstructed passage and habitat degradation caused by dams. The National Academy of Sciences recommended that dam removal projects are precisely what is needed to best enhance Atlantic salmon populations.

The Penobscot River Restoration Project represents such a comprehensive effort and is one of the largest, most creative river restoration projects in our Nation's history. In fact, Interior Secretary Kempthorne highlighted the project as a successful example of cooperative conservation during his September 20, 2006, visit to Brewer, ME.

The 5-year, $50 million project would restore the natural flow of Maine's largest watershed. This project is a partnership of the State of Maine, local communities, the National Oceanic and Atmospheric Administration, the U.S. Department of Interior, the National Park Service, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the Bureau of Indian Affairs, the Penobscot Indian Nation, the Atlantic Salmon Federation, PPL Corporation, the Natural Resources Council of Maine, and other environmental groups.

In addition to enhancing Atlantic salmon recovery efforts, it will also have far-ranging benefits for the entire Gulf of Maine, protecting endangered species, migratory birds, and a diversity of riverine and estuarine wetlands. Finally, the project will help revive the social, cultural, and economic traditions of New England's second largest river.

The merits of this project are demonstrated by the fact that it has attracted both federal and private support. The federal government has already contributed $5.5 million to this important project, and a private fundraising campaign recently reached its goal of raising $10 million.

I congratulate the Penobscot River Restoration Trust for its outstanding efforts to secure funding for this critical project. Their dedication and commitment, sustained over years of effort, have helped bring the project closer to completion.

The Penobscot River Restoration Project is a critical environmental restoration project. Including the $10 million in the final FY 2008 Commerce,

Justice, Science Appropriations bill is crucial to ensure the success of the project. I urge swift passage of the bill.

Mr. President, I yield the floor.

Mr. DURBIN. I rise today to support the funding bill for the Departments of Commerce and Justice, Science and Related Agencies and commend Senators MIKULSKI and SHELBY for their hard work on this legislation.

This bill provides important funding that will strengthen the American economy, promote scientific advancement, and protect our national security. It reflects our priorities by funding State and local law enforcement agencies across the country. Since September 11, 2001, these agencies have been on the front lines of Nation's efforts to fight crime as well as to safeguard our communities against terror.

Our law enforcement officials have accepted these responsibilities willingly and have performed admirably. But for several years, they have been burdened by their expanded role. These agencies have asked the administration and Congress for help—but instead of providing them with the funding they need, the Bush administration and the Republican Congress sought instead to cut their budgets. To those who patrol our streets, these repeated budget cuts made no sense, and they made no sense to those of us in the Democratic minority in Congress.

Thankfully, there's a new group of sheriffs on Capitol Hill. This Democratic Congress is committed to providing law enforcement with the tools they need to help keep our communities safe.

This bill delivers on our commitment. It provides nearly $2.7 billion in State and local law enforcement assistance—$1.5 billion above the President's request.

The American people learned a decade ago that federal funding for State and local law enforcement helps reduce violent crime. During the Clinton administration, we provided meaningful funding for tough and effective anticrime programs. The Community Oriented Policing Services Program put more than 115,000 additional cops on the street and in our schools. Byrne grants helped fund state and local law enforcement agencies, criminal justice systems, and antidrug task forces.

This investment in State and local law enforcement paid off. Violent crime nationwide fell by nearly 26 percent between 1994 and 2000. And study after study showed the link between lower crime rates and Federal assistance for law enforcement. In Illinois, nearly $40 million in COPS grants have funded 5,540 additional police officers and sheriffs. Nearly 700 local and State law enforcement agencies in my home State have directly benefited from this funding.

In northern Illinois, the village of Johnsburg has a population of about 7,000. Experts recommend 1 police officer per 400 to 500 people. Johnsburg, however, has only 10 officers—an average of 1 per 700 residents. The lack of officers in Johnsburg means that often they have only one car patrolling the streets. This is no way to ensure the safety of small town residents. Small towns like Johnsburg desperately need the funding provided by COPS grants in order to put cops on the beat and keep crime off of their streets.

COPS grants also play a crucial role in the war against drugs. I am sorry to say that Illinois has a serious problem with methamphetamine abuse. In Williamson County, Sheriff Tom Cundiff is using COPS funding to train some 150 individuals in dismantling meth labs. This is no inexpensive undertaking—the breathing apparatus needed for each person alone costs $3,000. Sheriff Cundiff tells me that COPS funding has allowed him to train eight times the number of officers than he could have trained without our help.

This funding is also vital for the safety of our schools. Nearly $22 million has been awarded to add 181 school resources officers to improve safety for students and teachers in public schools throughout Illinois. Why is this money so important? In Breese, IL, town of 4,000, the population doubles every day as the children of Clinton County arrive in Breese to attend school. This influx strains the resources of the police department and its six officers. With a grant of just $56,000, the Breese police department will be able to install cameras and other security equipment in their schools. These cameras will feed images to computers in police cruisers so officers can patrol the village while still keeping track of what's happening at school.

Since the late 1990s, the Bush administration and the Republican-led Congress have cut funding for State and local law enforcement, year after year, budget after budget. Not surprisingly at the same time the administration was slashing funds for state and local law enforcement, violent crime rates started going up.

According to the FBI's crime reports, violent crime rates increased 2.3 percent in 2005 after years of decreases, and then rose again by 1.9 percent in 2006. This represents tens of thousands of additional violent crimes each year. This alarming increase in violent crime rates should have been a call to action. But it wasn't.

Instead, the administration's's 2008 budget request tried to cut more than half of all State and local law enforcement funding. It cut the COPS program down to a mere $32 million, virtually eliminated the Byrne/JAG program, and eliminated the juvenile accountability block grant program.

Can the administration honestly say that we should be spending billions of dollars a month to police the streets of Iraq but that we can't afford to pay for proven crime prevention programs here at home? Earlier this year, Russ Laine, the chief of police in Algonquin, IL, testified before the Senate Judiciary Committee at a hearing about rising crime.

Chief Laine also serves as the vice-president of the International Association of Chiefs of Police, and he speaks on behalf of chiefs throughout the Nation. He talked about the growing crime problem in Algonquin, a tiny town that had just suffered its first drive-by shooting and has seen clashes between violent gangs. He also talked about the strain that law enforcement agencies have felt in trying to fight crime while also detecting, investigating and preventing terrorist acts.

In his testimony, Chief Laine said the following:

> We willingly accept the new responsibilities in combating terrorism, but our ability to continue with traditional policing is our best weapon against terrorism. . . . Law enforcement are doing all that we can to protect our communities from increasing crime rates and the specter of terrorism, but we cannot do it alone. We need the full support and assistance of the federal government.

Chief Laine, help is on the way.

The fiscal year 2007 continuing resolution passed by this Congress earlier this year provided $2.6 billion in State and local law enforcement assistance programs. It included funding increases for the COPS and Byrne/JAG programs. The bill we consider today further increases state and local law enforcement funding. It provides $550 million for COPS and $1.4 billion for State and local law enforcement grants.

This bill also increases funds the crime and terror prevention efforts of Federal law enforcement agencies. The FBI, DEA, ATF and the U.S. Marshals are all funded in this bill, and all at levels exceeding the President's request.

Let's pass this bill and give law enforcement agencies the tools they need to keep our communities safe.

I would be remiss, however, to yield the floor without mentioning that this bill goes beyond providing vital support to law enforcement agencies across the country.

This legislation also helps another important issue we face today—climate change. According to the National Academy of Sciences, our ability to monitor severe weather systems, declining fish stocks, shortages of freshwater, increased soil erosion, and significant changes to the global climate all depend on NASA's Earth science budget.

This bill restores funding for environmental polar-orbiting and geostationary satellites. These satellites provide data about our planet that allow Federal and State agencies, scientists, and industry to identify and assess environmental patterns and threats. After the Bush administration proposed cutting funding for these satellites, scientists from both NOAA and NASA reacted strongly, arguing that the decision would place ''the overall climate program in serious jeopardy.''

This measure also provides funding to implement some of the recommendations made by the Joint Ocean Commission to protect the planet's waters. It funds research into

coastal areas and the Great Lakes, including studies on invasive aquatic species. The need to address invasive species is nowhere greater than in Illinois, where the Asian Carp threatens Lake Michigan and the entire Great Lakes ecosystem.

Global climate change poses a threat to our future and to our national security. Failing to recognize and plan for the consequences of global warming would be a serious mistake.

I urge my colleagues to support this legislation for the safety of our communities and the future of our planet.

Mr. McCAIN. Mr. President, I am deeply disappointed that once again, the Senate is considering a bill that mortgages our children's future for our own political gain. To date, the Senate has passed five spending bills—the majoirty of which exceeded the President's budget request. Today, the Senate will seek to add a sixth appropriations bill to that list.

The Senate Commerce, Justice, Science, and related agencies appropriations bill, 2008, H.R. 3093, provides $54 billion in total discretionary spending and exceeds the President's budget by $3.2 billion. This has prompted the White House to call the bill ''irresponsible'' and threaten a veto. If this bill passes in its current form, the Senate will have approved six spending bills that combined exceed the President's budget by $8 billion. And, the Senate still has six more appropriations bills to consider this year

While the recently enacted ethics and lobbying reform measure requires the disclosure of the authorship of earmarks, it seems to have had little, if any, impact on curtailing earmarks. Indeed, 91 members secured earmarks in this appropriations bill alone. There are over 600 earmarks in this bill that total $486 million. For example, this bill contains: $1 million for the National Fatherhood Initiative; $500,000 for a Maritime Museum in Mobile, AL; $15 million for a Massachusetts groundfish disaster—I was unaware there was such a disaster—$215,000 for the Alaska Sea Otter and Steller Sea Lion Commission; $360,000 for Hawaii Rain Gages; over $9 million for Human Intelligence Management; $500,000 for Girls, Inc. of New York, NY.

And if that wasn't enough, the bill also includes: $450,000 for an advanced undersea vehicle; $500,000 for horseshoe crab research; $2 million for permanent displays for the Thunder Bay Exhibit; $3 million for the Maryland Institute for Dextrous Robotics; $400,000 for wireless cameras in Elizabeth, NJ; $5 million for forensic lab equipment in West Virginia; $1.5 million for the Cal Ripken Sr. Foundation.

In addition, the bill provides funding to many programs that were proposed to be cut by the President. It also funds many other programs at levels beyond what was recommended by the President's budget. For example, $100 million is allocated for the Advanced Technology Program that the President has sought to eliminate for the past several years and $110 million is allocated for the Manufacturing Extension Partnership Program—$64 million above the President's budget request. The sole purpose of both programs is to subsidize private firms and industries, which, as I have argued previously, are nothing more than welfare programs for corporate special interests. I have fought against funding for both of these programs for many years to no avail, but will continue to speak out against hard-earned taxpayer dollars being provided to assist corporations that have billions of capital available to them on the private markets.

Since the bill has been brought to the floor, over $1 billion worth of spending has been added. Specifically, the Senate voted to add $1 billion on top of the $10 billion the bill already provided to NASA. I continue to support NASA and space research, but at what cost to our Nation's children who will inherit the largest national debt this country has seen? :

Again, I would like to express my disappointment that Senate leadership has brought to the floor a bill that is $3 billion over the President's request, containing more than 600 earmarks. In my recent travels around the Nation, I hear again and again from citizens who are fed up with porkbarrel spending, and yet Congress fails to listen. It is a shame and I can only hope that the American people will join me and the President in expressing their displeasure with this bill. I hope that the remaining six appropriations bills do not contain such rampant and reckless spending, and that Congress works to regain some fiscal discipline.

Mr. LEVIN. Mr. President, I support the Senate fiscal year 2008 Commerce, Justice, Science and related agencies appropriations bill. This bipartisan bill increases funding for many important programs including some that aim to improve our Nation's innovation and manufacturing infrastructure.

American companies can compete with any company in the world if we have a level playing field, but the problem is that our manufacturing companies often are not competing against foreign companies, but foreign governments. Two of the programs that have helped to give a boost to our manufacturing companies are the Advanced Technology Program, recently renamed the Technology Innovation Program, and the Manufacturing Extension Partnership. Unfortunately, the administration has cut funding for these programs in recent years. This bill turns that trend around by providing the necessary increased funding in fiscal year 2008 for both of these important programs.

The bill increases funding for the National Institute for Standards and Technology, NIST, which administers the Advanced Technology Program, ATP. I have long fought for the Advanced Technology Program, and I believe we have achieved an important victory today.

The ATP enables U.S. companies to develop the next generation of breakthrough technologies that allows our country to compete against foreign rivals who often employ large and effective programs to support their industries. The ATP invests Federal R&D resources in public-private partnerships, enhancing U.S. competitiveness by accelerating development, commercialization, and application of promising technologies, and by improving manufacturing techniques of small and medium-sized manufacturers.

During Senate consideration of H.R. 2272, the 21st Century Competitiveness Act of 2007, the bill that authorizes NIST programs, I worked to build support for a more robust ATP program. The Energy and Natural Resources Committee chairman offered to support a funding increase for the ATP in the conference committee between the Senate and the House of Representatives, and with his support we were able to achieve a stronger ATP-like program.

I was pleased that the final legislation that was signed into law adopted the Technology Innovation Program. This is a victory for innovation and manufacturing because the TIP Program is basically an improved version of the ATP program which retains many of ATP's best features while modifying the program to address past criticism. The TIP program will continue the excellent work that has been undertaken by ATP. Like the ATP, it will continue to bridge the gap between the research lab and the marketplace by providing cost-shared funding to small and medium-sized companies conducting high-risk R&D with broad commercial and societal benefits that would probably not be undertaken by the private sector because the risk is too great or because rewards to the private company would be insufficient to make it worth the investment.

We have lost 3 million manufacturing jobs since January 2001. In the face of these losses and strong global economic competition, we should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies. I believe the TIP program is one way to give American companies resources they need in the important fight for American manufacturing to remain globally competitive.

TIP allows for greater industry input in the operation of the program, allows university participation for the first time, and requires the lead grant recipient to be a small or medium-sized firm to address past criticism that grants went to large companies—joint ventures between smaller and larger companies will still be allowed.

I am pleased this bill strongly supports the ATP/TIP program. A portion of the new funds must go toward funding new awards which guarantees there will be a new competition each year to

fund high-risk groundbreaking research by some of America's most nimble and innovative small and medium-sized technology companies.

The bill also increases funding for the Manufacturing Extension Partnership Program, MEP, providing $110 million in fiscal year 2008 to fund MEP centers and to fund a technology deployment pilot. The MEP co-funds a nationwide system of manufacturing support centers to assist small and midsized manufacturers modernize to compete in a demanding marketplace by providing technical assistance and helping small firms boost productivity, streamline operations, integrate new technologies and lower costs.

The bill also provides important resources to combat illegal counterfeiting of America's innovation and products by providing an increase in funding for the FBI to enforce intellectual property laws and to the International Trade Administration, ITA, to improve enforcement of our trade agreements. Acknowledging the need to do more to fight against unfair foreign trade practices that result in our companies having to compete not against foreign companies but against foreign governments that are often illegally subsidizing their domestic industries at the expense of our industries, the bill provides important additional funding to the Department of Commerce's Import Administration which enforces U.S. antidumping and countervailing duty laws. This is especially timely since the Commerce Department recently agreed it should apply our countervailing duty law to imports from China, a non-market economy, and as a result, an increase in the number of subsidy cases is expected.

I requested, and the bill provides, $2 million for the Thunder Bay National Marine Sanctuary and Underwater Preserve. The Thunder Bay National Marine Sanctuary is the only sanctuary designated in the Great Lakes, and it protects a significant collection of approximately 160 shipwrecks which span over a century of Great Lakes shipping history. The funding provided in this bill will be used for the completion of permanent displays for the facility's new visitor center as well as the acquisition of telepresence equipment. The Thunder Bay National Marine Sanctuary has been in existence since 2000, and the visitors center was only recently constructed. Therefore, it is important that the sanctuary construct exhibits for the new visitors center that educates visitors on the maritime history of the Great Lakes. Additionally, the Thunder Bay Sanctuary will have telepresence to allow students in classrooms across the country as well as visitors to the sanctuary, to see the actual shipwrecks at Thunder Bay through underwater cameras.

I am pleased that my amendment to enhance the FBI National Name Check Program was included in the bill. The FBI National Name Check Program is used to run background checks on many who apply for immigration benefits, and those seeking employment with the U.S. Government, as well as other checks requested by the National Security Agency, other Government agencies, and some private users. Many immigrants who are applying for adjustment of status to legal permanent resident, applying for naturalization, asylum or a waiver end up waiting for months or years for the completion of the name check that the U.S. Citizenship and Immigration Services, CIS, or other agencies request from the Federal Bureau of Investigation.

The FBI has recognized the flaws in this program. In 2003, Robert J. Garrity, Jr., then Acting Assistant Director of the Records Management Division of the FBI stated before the House Committee on Government Reform that, ''[t]he name check delays have significant consequences to FBI customers and stakeholders. The delays impede hiring or clearing skilled workers; completing government contracts; student enrollment, and . . . clearing requested visas for business visits to the United States. More importantly than all of the foregoing, these processing delays can also diminish counterterrorism effectiveness.'' In the U.S. Citizenship and Immigration Services, USCIS, Ombudsman's 2007 Annual Report, Mr. Prakash Khatri, the USCIS Ombudsman, stated that ''the problem of long-pending FBI name check cases worsened'' since last year, with 93,358 more name check cases pending than last year for a total of 329,160 pending as of May 4, 2007. Around 31,000 cases have been pending for at least 33 months. This is unacceptable. If these individuals are a security threat, we must know that sooner rather than later.

My amendment would help ensure that these important security checks are completed in a timely manner by requiring the FBI to report to Congress every year regarding progress made in improving the FBI's system of processing background checks and automating investigative files.

This legislation restores vital law enforcement funding that has been decreasing for far too long. Although violent crime has increased over the past 25 years, the President has continued to propose reduced funding and the elimination of vital law enforcement programs. This bill appropriately restores that funding and reinforces our commitment to keeping our communities safe. For Michigan, the bill provides funding training programs for law enforcement personnel, computers for patrol vehicles and interoperable communications equipment.

I am pleased that the Senate passed an amendment that I cosponsored that increases the drug court appropriation to $40 million. Drug courts intervene and break the cycle of substance abuse, addiction, and crime. They place substance abusing offenders under strict court monitoring and community supervision, coupled with effective, long-term treatment services, and I am pleased that we have appropriated adequate funding to continue these vital services.

The Senate has put together a responsible bill that funds the programs that our citizens rely on, in spite of the fact that the President has threatened to veto it. I am hopeful that these funding levels will remain intact in conference.

Ms. MIKULSKI. Mr. President, we are now coming to the closing hour of this debate. As we get ready for the Republican leadership to offer an amendment, then Senator SHELBY and I will be making the appropriate motion to move to final passage.

The PRESIDING OFFICER. The Republican leader.

MOTION TO COMMIT

Mr. MCCONNELL. Mr. President, I now move to commit the bill and send that motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to commit H.R. 3093 to the Committee on Appropriations with instructions to report the same back to the Senate with the total discretionary amounts not exceeding the amount ($51,238,522,000) recommended in the President's budget for Fiscal Year 2008 submitted to Congress.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, we are 16 days into the fiscal year, and Congress has yet to enact a single appropriations bill.

This bill, should it pass, will never get signed into law.

It is time to start taking our obligations to the taxpayers seriously. I believe that we can do so in a fiscally responsible way.

The bill, when reported, increased spending by 8.1 percent over last year's bill, and it has only grown since it has been on the floor. When we finish this bill we will have increased spending by nearly 10 percent—a double digit increase—at a time when the CPI went up only by about 2 percent.

The American people demand that Congress get serious about restraining spending. We can pass the buck—and fund government through multiple continuing resolutions—or we can make the choices necessary to responsibly legislate.

Senator LOTT and I propose to send this bill back to committee and instruct them to prioritize spending in a way that is both responsible to the taxpayer and will secure a Presidential signature. We will move to commit H.R. 3093 to the Committee on Appropriations with instructions to report back with total amounts not to exceed $51.238 billion. I urge my colleagues to vote for fiscal responsibility and to support the motion.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, with all due respect to the Republican leader, I rise to oppose the motion to commit this bill to the full committee. This bill is the product of strong bipartisan work. Our bill totals $54 billion in discretionary budget authority. Some say we spent more than the President asked. Yes, we did. We are proud of the fact that what we spent money on was that we didn't overspend, that the President underfunded.

We had three—when I say ''we,'' I am talking about the ranking member, Senator SHELBY, and I—priorities: Security, keeping 300 million Americans safe from terrorism and violent crime; our second priority was innovation, investments in science and technology that will create jobs that will stay in the United States of America; No. 3, reform. We were soundly on the side of fiscal accountability and stewardship of taxpayer dollars. We stood sentry over waste, fraud, and abuse. We stood sentry over lavish conferences that spent $4 on a meatball. We reformed the NOAA satellite program.

But our first priority was also to make sure local communities are safe. We lifted the hiring freeze on DEA agents so they could fight the heroin and Taliban in Afghanistan as well as keeping our streets clean. We also, at the same time, added money for local law enforcement, particularly dealing with the fact that the COPS program had been eliminated and that the Byrne grants had been cut down to only $32 million. Yes, we added $1.5 billion. We certainly did. People all over America who understand what violent crime is know what this means.

I know my other colleagues want to speak. I do appreciate the Republican leadership for wanting fiscal accountability and stewardship. But I believe we also need to fund America's priorities. I believe law enforcement and the fight against terrorism is No. 1. By God, we did it in this bill. And by God, this bill should stand.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in opposition to the motion to commit. Chairman MIKULSKI and I have worked hard with a lot of Members on both sides of the aisle to meet the priorities of the Senate and the Nation. This bill funds State and local law enforcement $1.6 billion over the administration's request. The budget proposed to cut law enforcement to an unacceptable level. The bill fully funds the President's vision for space and makes critical investments in science and education that will be needed to keep this country competitive. I urge my colleagues to support the bill Senator MIKULSKI and I have crafted to meet the needs of the Senate and the American people.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I rise in support of the motion to commit this appropriations bill with instructions to report back to the Senate forthwith with a total discretionary amount not exceeding the amount of $51,238,522,000.

Let me make it clear, I understand these appropriations bills are difficult. You have a lot of demands from a lot of Members. You have to work with the administration. You have to work with outside people who have needs, concerns, and priorities. It is not easy to live within a budget. But if we are ever going to begin fiscal responsibility and some restraint on spending, when is it going to be?

This is a bill which richly deserves to have some restraint applied to it. I think this bill demonstrates why the American public has such a dismal view of the Congress.

At a time when the CPI went up barely 2 percent and average weekly earnings went up 3.9 percent, the Senate is considering a bill that has double-digit increases for these Departments that are involved.

Spending for the Commerce Department, not the Justice Department—and by the way, I suspect people have some doubts about some of the ways the Justice Department has been spending money—Commerce is up 14 percent. Spending for the Legal Services Corporation is up 12 percent. Overall spending for Commerce, Justice, and Science—more than $55 billion, a 10-percent increase. How much is enough? No wonder people do not think we have any desire to restrain spending.

This is, by the way, not just a partisan charge; it is a problem that has been building for quite some time. At some point, we have to begin to say we have to get a control on this. Let's send it back to committee. They know what is in this bill. I do not want to pit one department or one agency against another. It won't be easy for them to do it, but they have the knowledge, the ability to get this under control.

The proposal the President sent up was $900 million over the previous year—a 1.8-percent increase. But we added—I believe this is correct—$4.2 billion over last year's spending.

So I think this is a tremendous burden. We can get this under control. Why do we want to force this into a confrontation where we run the risk or expectation of a veto and an override when we can get it under control now, hopefully get it under control along the way as we go into conference?

I supported the Treasury, Transportation, and HUD appropriations bill. I supported going to conference. But there, too, it was $3 billion over the budget request of the President. If you add this up—a billion here, a billion there—the combination is about $40 billion over the appropriations bills we have. When you couple that with $20 billion more we added earlier in the year, that is $60 billion more than should be expected in this budget.

So I urge my colleagues, let's support the motion to commit. We can pick away at this earmark or take a little away from this agency or department, but we need hundreds of millions of dollars to be moved around here. Let these leaders of the committee, who know where the funding is, make some decisions of where we can bring this spending under control.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I rise to commend Senator MIKULSKI for her skillful management of this bill. The Commerce-Justice-Science bill requires tough tradeoffs between critical programs that serve our country well.

I thank Senator SHELBY for his many contributions to this bipartisan legislation.

I urge Senators—do you hear me?—I urge Senators to vote no on the motion to commit the bill to committee for the purpose of reducing the bill to the President's request. If such a motion were approved, the bill would need to be reduced by $3.2 billion. Did you get that? If such a motion were approved, now, the bill would have to be reduced by $3.2 billion.

Now, to any Senators who intend to vote for the motion, I ask this question—listen—what programs would you cut? Hear me. What programs would you cut? Stand up. Let me see you. Let me hear you.

Should we reduce funding for the FBI while it is struggling to fight the global war on terror and fight crime on our streets? Should we? Is that what you want? Should we? I ask again, should we reduce funding for the FBI? I do not hear anyone responding on that.

Should we reduce funding for law enforcement grants to State and local governments when violent crime is on the rise in this country? Should we? Let me ask you again. Should we reduce funding for law enforcement grants? Step up to the plate now. Should we reduce funding for law enforcement grants to State and local governments when violent crime is on the rise in this country?

This summer, the President signed the America COMPETES Act authorizing increased funding for the National Science Foundation and for NIST. Should we cut those programs that will help to drive a prosperous economy?

Should we reduce our commitment to NASA? Should we? Should we reduce our commitment to NASA? I hear nobody. Why all this silence? I think not.

I urge a ''no'' vote on the motion to commit, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am opposed to the motion to commit because it would constitute abandonment, a surrender of the Congress's authority to participate in the appropriations process. There is a fundamental constitutional issue involved by this body at this time.

I believe we ought to be frugal and fiscally responsible, and I have repeatedly supported the constitutional

amendment for a balanced budget so we would live within our means. I have supported the line-item veto. In the tenure I have had here on the Appropriations Committee, I have been zealous in supporting programs which were meritorious and worthy of the taxpayers' money. We all pay taxes, and we know how painful that is. I do not believe we are being profligate.

Now, there was an opportunity in the Appropriations Committee for this motion to have been made to establish the President's figure, but it was not done. There were opportunities to pare and trim many of the items. But if we are going to accept the President's figure, then we are surrendering our constitutional authority to be involved in the appropriations process.

Now, Congress does not act alone. We all know that. Congress makes a presentment, and the President either signs it or he vetoes it. But certainly who can deny we have a role—really the fundamental role, as article I is written—giving the constitutional authority to Congress on appropriations.

Now, we have a similar matter pending on SCHIP, health care for children. Congress has submitted a bill with a $35 billion increase over 5 years. The President has said it is too much. He wants $5 billion. He has said he is prepared to negotiate. Well, that is the way the political process works. The Congress passes a bill, the President vetoes it, and then we sit down and try to work it out. But I do not think it is appropriate for the Congress to submit to whatever figure the President puts on it.

Mr. BYRD. Right.

Mr. SPECTER. Is he wiser than the 535 Members of Congress? Does he have more authority under article II than the Congress? Article II does not say anything about the President's authority on appropriations. He derives that authority by virtue of the Constitution, which gives him the right to sign or veto. But the appropriations authority, all through the Constitution, vests with the Congress.

Now, this is an issue and a vote which goes far beyond this particular bill. Next we have the appropriations bill on Labor, Health and Human Services, and Education, a subcommittee which I chaired for many years and am now ranking. If we are going to submit on this bill to the President's figure, you can be sure there will be a motion to commit that bill, which is over the President's figure, and a motion to commit all of the bills which are over the President's figure. We might as well not even convene and act.

These appropriations bills are the result of a lot of very careful thought and a lot of hard work by staff and by Senators. We have subcommittees, we have full committee work, and we present it to the body. If there are some motions to reduce it, those motions could have been made before the bill came to the floor of the Senate.

We had a confrontation in 1995, where the Government was shut down, and I think a lesson was learned by both branches. I do not think that is going to recur. But at least let's try to compromise, to follow on this bill and other bills the same outline which the President has recommended. The President's view was we ought to negotiate and compromise on SCHIP, and that ought to be done here if we are to fulfill our constitutional responsibility for appropriations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to the motion to commit. This appropriations process is about choices. We have to make these choices. I think Senator MIKULSKI, as chairman of the Commerce, Justice, and Science Subcommittee, and her counterpart, Senator SHELBY, have made good choices. If you look at the money that is spent here over what the President requested, you have a right to ask: What are we going to spend it on? When you ask that question, you understand why they made the right choices.

Does America need 100 more FBI agents to fight the rising threat of violent crime? We do in Illinois and in Maryland and in West Virginia, maybe even in Mississippi, because we find the violent crime rate rising in America. Do we need the 100 more FBI agents the Senator has called for? I think the people across America would say: Obviously, we do.

How about the Drug Enforcement Agency? Is the drug issue no longer a problem in America? I wish that were the case. We know better. What Senator MIKULSKI has done here is put an extra $50 million in this bill for the Drug Enforcement Agency to lift its hiring freeze, to hire 200 new agents to fight the drug peddlers and drug gangs across America. Is that a priority? Is that worth spending more than the President requested? Obviously, it is.

Have you been back to your hometowns to meet with the police department? Remember what they asked you about first: What have you heard about Byrne grants? What have you heard about the COPS Program? How about the Federal money that is going down to police departments so they can have better training, better equipment, and be ready if, God forbid, something terrible happens in that community. That is what they ask me about in Illinois. Senator MIKULSKI heard that, Senator SHELBY heard that, and they put an additional $1.6 billion in to go back to State and local governments to help on law enforcement preparedness.

If we ever face another act of terrorism, it is unlikely that our local residents are going to pick up the phone and call Members of Congress. They are going to dial 9-1-1 and pray to God that the party on the other end of that call is a fire department and a police department and a medical responder ready to move, and move quickly and effectively. With this appropriation, we will be able to do that. The list goes on.

What troubles me about this whole debate is that last year, when the Republican Congress sent spending bills to the President $50 billion over his request, he didn't veto one of them. He didn't even threaten to veto one of them. He didn't take a trip to South Carolina to announce he was going to veto one of them. Not one. This year, we are $20 billion over and the President says: I am standing my ground.

Well, let me tell you about the ground that he is standing on. It is shaky.

Mr. BYRD. It is.

Mr. DURBIN. Because in a week from now, this same President is going to come to this Congress and ask us for, I say to the Senator from West Virginia, $192 billion more for the war in Iraq.

Mr. BYRD. Get out of my face.

Mr. DURBIN. He will ask us for $192 billion for the war in Iraq. That is for 1 year.

Mr. BYRD. Just 1 year.

Mr. DURBIN. It is not paid for, and now we hear from the President's party: We can't afford $3.2 billion to make America safe at home, for our own police departments, our own FBI, our own Drug Enforcement Agency.

I think the Members who are pushing this motion to commit believe the Senate is suffering from attention deficit disorder; that we cannot think ahead, that the President will just in a few days ask us for $192 billion to make Iraq safe. We know that is coming. They don't want to talk about that. Is it too much to ask for $3.2 billion to make America safe? Doesn't a stronger America begin at home? Doesn't it begin with our own Department of Justice? Doesn't it begin with our police departments?

I would say to my colleagues, we understand the choices here, and the right choices have been made by this committee on a bipartisan basis. They worked this bill through the committee, and they worked hard on it. Senator MIKULSKI and Senator SHELBY brought it to the floor. Amendment after amendment they have gone through the process. Now, the Senate will make a decision: Are we going to toss all their work overboard, are we going to commit this bill back to the committee? I hope we don't. I hope we stand up for this country in which we live, this country we love that deserves the protection that this bill will give. Let's defeat this motion to commit.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I was listening to Senator BYRD, the distinguished chairman of the Appropriations Committee, and he asked who would stand up. I will stand up. I think we ought to cut a lot of things, but the first thing we ought to do is cut out claiming something that isn't true.

What we need to claim is that we can live within the same parameters that every family in this country has to live

within. We are not doing it on this bill. It is not about whether the FBI is funded. It is not about the ATF or the Drug Enforcement Agency—it is about priorities. There is just $640 million worth of earmark nonpriority things in this bill. So we could get $640 million tomorrow out of the earmarks that are not priorities, and I will be happy to list for anybody the total for every State, for every Senator who has a priority they think is more important than families having to live within a budget that they have to live with every day.

This isn't a debate about the President. This is a debate about the future of our country starting to live within the means of which we have.

The very things we claim we want to do for all the States that they don't have money to do—by the way, there are cumulative budget surpluses over $40 billion right now. Ours is, if you take Washington speak, $160 billion; if you take true accounting, it is $330 billion. But the States have a surplus. The Justice Department had the highest unexpended balances they have ever had this last year—almost $1.6 billion. Yet we think they need more money. Does anybody in this country think every agency of this Government couldn't run 5 percent more efficiently? Nobody outside of Washington believes they couldn't. They know they can because they know they have to make those same choices every day in everything they do because they can't run with a credit card and charge it to their grandchildren.

Now, 10 percent growth in this bill is too much. This motion to commit doesn't have anything to do with the President. It has to do with whether we will stand up and do what every other American has to do, and that is live within the realities of the money available to them. We can claim that we are doing everything. Since when is fire prevention the total responsibility of the Federal Government? Since when is police protection the total responsibility of the Federal Government? It is not going to go away. If it is a higher priority, then let's make it a higher priority, but let's get rid of some things that aren't. There are no choices to get rid of things that are low priority. We can't have it both ways. Those who want to grow the Government can't have it both ways. Either you want to live within the means, you want to be honest with the American people and say: You are right; we can do a better job.

This bill does not do a better job. We ought to relook at it, reformulate priorities. That doesn't undermine what the committee has done. We added $1 billion on the floor. The committee didn't do that, we did. What we ought to say is let's add 2 or 3 percent, live with less than inflation, do what every American has to do, and if we do that all the way across the board, then we will start solving the fiscal problems that are in front of us.

I yield the floor.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Ms. MIKULSKI. Mr. President, I will agree to the yeas and nays. First, I ask unanimous consent that the Senate now proceed to vote on the motion to commit; that no amendments be in order to the motion; that if the motion is defeated, no further amendments or motions be in order and the bill be read a third time, and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate; and that the subcommittee be appointed along with Senators BYRD and COCHRAN; that following morning business on Wednesday, October 17, the Senate then proceed to the consideration of H.R. 3043, the Labor-HHS appropriations bill; and further, that if the motion is agreed to, then the remaining provisions of this agreement be nullified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The yeas and nays have been ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''nay.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 44, nays 50, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—44

| | | |
|---|---|---|
| Alexander | Craig | Lott |
| Allard | Crapo | Lugar |
| Barrasso | DeMint | Martinez |
| Bennett | Dole | McCain |
| Bond | Domenici | McConnell |
| Brownback | Ensign | Murkowski |
| Bunning | Enzi | Roberts |
| Burr | Graham | Sessions |
| Chambliss | Grassley | Smith |
| Coburn | Gregg | Stevens |
| Cochran | Hagel | Sununu |
| Coleman | Hatch | Thune |
| Collins | Hutchison | Vitter |
| Corker | Inhofe | Voinovich |
| Cornyn | Kyl | |

NAYS—50

| | | |
|---|---|---|
| Akaka | Biden | Brown |
| Baucus | Bingaman | Byrd |
| Bayh | Boxer | Cantwell |
| Cardin | Landrieu | Reid |
| Carper | Lautenberg | Rockefeller |
| Casey | Leahy | Salazar |
| Conrad | Levin | Sanders |
| Dodd | Lieberman | Schumer |
| Dorgan | Lincoln | Shelby |
| Durbin | McCaskill | Snowe |
| Feingold | Menendez | Specter |
| Feinstein | Mikulski | Stabenow |
| Harkin | Murray | Tester |
| Johnson | Nelson (FL) | Webb |
| Kerry | Nelson (NE) | Whitehouse |
| Klobuchar | Pryor | Wyden |
| Kohl | Reed | |

NOT VOTING—6

| | | |
|---|---|---|
| Clinton | Isakson | Obama |
| Inouye | Kennedy | Warner |

The motion was rejected.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I ask for the yeas and nays on final passage on the Commerce-Justice-Science bill. I thank my colleagues and staff for their cooperation.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I wish to take a second to thank Chairwoman MIKULSKI and her staff who helped us craft a very good bipartisan bill. I thank the majority clerk, Gabrielle Batkin; Erin Corcoran; Doug Disrude; Kevin Kimball; and Robert Rich.

I also thank my staff who worked so diligently on this bill: Art Cameron, Goodloe Sutton, Allen Cutler, Rachelle Schroeder, and Augusta Wilson. Without them, we could not have done it.

Ms. MIKULSKI. I, too, thank the Appropriations Committee staff, particularly Charles Kieffer and his able team.

Mr. President, I thank the floor staff of both parties, because we worked together and showed that you can actually run a bill and have collegiality and have civility and yet have robust debate where we can disagree without being disagreeable. With that, we are ready to vote.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The PRESIDING OFFICER. The question is on passage of the bill. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator

from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 75, nays 19, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—75

| | | |
|---|---|---|
| Akaka | Durbin | Mikulski |
| Alexander | Feingold | Murkowski |
| Baucus | Feinstein | Murray |
| Bayh | Grassley | Nelson (FL) |
| Bennett | Gregg | Nelson (NE) |
| Biden | Hagel | Pryor |
| Bingaman | Harkin | Reed |
| Bond | Hatch | Reid |
| Boxer | Hutchison | Roberts |
| Brown | Johnson | Rockefeller |
| Byrd | Kerry | Salazar |
| Cantwell | Klobuchar | Sanders |
| Cardin | Kohl | Schumer |
| Carper | Kyl | Sessions |
| Casey | Landrieu | Shelby |
| Cochran | Lautenberg | Smith |
| Coleman | Leahy | Snowe |
| Collins | Levin | Specter |
| Conrad | Lieberman | Stabenow |
| Craig | Lincoln | Stevens |
| Crapo | Lugar | Sununu |
| Dodd | Martinez | Tester |
| Dole | McCaskill | Webb |
| Domenici | McConnell | Whitehouse |
| Dorgan | Menendez | Wyden |

NAYS—19

| | | |
|---|---|---|
| Allard | Corker | Lott |
| Barrasso | Cornyn | McCain |
| Brownback | DeMint | Thune |
| Bunning | Ensign | Vitter |
| Burr | Enzi | Voinovich |
| Chambliss | Graham | |
| Coburn | Inhofe | |

NOT VOTING—6

| | | |
|---|---|---|
| Clinton | Isakson | Obama |
| Inouye | Kennedy | Warner |

The bill (H.R. 3093), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. FEINGOLD. Mr. President, I am pleased that the Senate passed the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act of 2008 and that the bill contains higher levels of funding for state and local law enforcement than Congress has provided in recent years.

I believe that Congress, in partnership with states and local communities, has an obligation to provide the tools, technology and training that our Nation's law enforcement officers need in order to protect our communities. I have consistently supported a number of Federal grant programs, including the Community Oriented Policing Services, COPS, Program, which is instrumental in providing funding to train new officers and provide crime-fighting technologies. I also have long supported funding for the Byrne grant program, which provides funding to help fight violent and drug-related crime, including support to multijurisdictional drug task forces, drug courts, drug education and prevention programs, and many other efforts to reduce drug abuse and prosecute drug offenders. I know how important these programs have been to Wisconsin law enforcement efforts, particularly in light of the recent increase in the violent crime rate across the country.

I am pleased that the Senate approved an appropriation of $660 million for the COPS program for fiscal year 2008, $110 million above the CJS Subcommittee recommendation. This funding level, in conjunction with the House appropriation of $725 million, leaves me hopeful that Congress will ultimately fund COPS at an adequate level this year. I am pleased that both Houses of Congress took action to increase funding for COPS, especially as crime rates rise and the needs of law enforcement officers and our Nation's first responders continue to grow.

Byrne grants also fared better in fiscal year 2008 than in recent years. The House bill allocates $42 million more than it did last year, and the Senate appropriated a total of $660 million, $105 million more than last year. The Democratic majority in Congress has made it a priority to work responsibly toward restoring funding for these programs—funding that has been disastrously slashed in recent years. The level of funding included in the final version of this bill puts Congress back on track towards funding Byrne grants at higher levels.

I was pleased as well that the Senate agreed to Senator MENENDEZ's amendment to bolster the funding for juvenile mentoring programs and Senator DORGAN's amendment to restore funding for the Drug Court program to fiscal year 2005 levels. These grant programs assist state and local governments in their efforts to pursue a comprehensive approach to crime reduction, including preventive measures and innovative approaches as well as more traditional law enforcement initiatives.

I hope that increased funding for State and local law enforcement will become a trend that continues, and that the years of neglecting our State and local law enforcement officers are finally over. It is our responsibility to support the men and women who keep our communities safe. The Senate's work today is a good start.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Ms. MIKULSKI, Mr. INOUYE, Mr. LEAHY, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. REED of Rhode Island, Mr. LAUTENBERG, Mr. BYRD, Mr. SHELBY, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, and Mr. COCHRAN as conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I want the record to reflect that it is the feeling of the Senate, not just me, of a tremendously good job done by the managers of this bill. Senator SHELBY, Senator MIKULSKI, and I served in the House together. We came to the Senate together. And the two managers of this bill are two of the very best.

Now, I can't say enough positive things about Senator MIKULSKI. I have told her this. And I don't want to hurt the feelings of anyone else in the Senate, but I have said publicly and privately that the finest orator we have in the Senate is the Senator from Maryland. She is outstanding. But not only is she a fine orator, she is a great legislator, and this bill is an example of that.

I also want to acknowledge the cooperation and assistance that we got from the membership of our Senate. This is a bipartisan bill, as indicated by the vote that was just taken. So I deeply appreciate the work of all Senators but especially that of my friend from Maryland, Senator MIKULSKI.

Ms. MIKULSKI. Thank you very much, Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to share a joy as though in Morning Business, and I ask unanimous consent to have my whole statement appear in case I am not able to make it through this emotional sharing.

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

LILLY'S ANNOUNCEMENT

Mr. ENZI. Mr. President, I am a grampa again. Incidentally, that is spelled with an ''m,'' not an ''n,'' and no ''d.'' Grampa. It is the greatest title anyone can have. It is really indescribable, unless you have felt the thrill, felt the love, felt the awe.

This weekend, my son and his wife had a daughter, Lilly Grace. My son, like me, had the good fortune to overmarry to Danielle, a delightful young lady from Kentucky whom he met here in Washington. She is one of the most organized and focused people I know. My son Brad and daughter-in-law Danielle already have a son, Trey, who first made me a grampa. Now they have a daughter, Lilly Grace Enzi. I can't begin to share the emotion and feeling that overwhelms me today. It is such an incredible feeling to hold another generation in your hands, to see such a miniature person and such a huge miracle.

Danielle and Lilly Grace had extremely fortunate timing for my wife Diana and me. Trey and Lilly were both born when we were close by in Wyoming. Trey was born when we were attending a University of Wyoming football game, just 45 miles away. Lilly was born during a Redskins football game when we were just 2 blocks from the hospital. Brad checked Danielle into the hospital at 11 Sunday morning, and at exactly 2 p.m., October 14, that Sunday, we had a granddaughter. Lilly Grace weighed 7 pounds, 2 ounces,

and was 20 inches long, with delicate hands and long fingers.

Danielle came through, as is her nature, invigorated and enthusiastic. You would not have known by looking at her face, except for the aura of a mother, that she had just given birth. The rest of us were emotional wrecks. When Danielle went into labor, I rejoiced at the timing and extended the weekend another day and had the pleasure of holding that baby and watching her breathe and move ever so delicately, with a thousand different expressions, and listened to all the sounds she made. Of course, I had to let Diana hold her a little, too, and her mom and dad even wanted turns.

If you would have told me that I would spend time just gazing at the miracle of life and having only that thought for hours, I probably wouldn't have believed you. But I have some great instant replay memories of that little face and those moving hands and all those blankets and the cap they use to hold in the body heat locked in my mind, and I am constantly doing instant replays for myself and thanking God for the opportunities he has given me—from finding Diana, to learning about prayer with our first child, the daughter who was born premature and who showed us how worthwhile fighting for life is, to the birth of our son, to the birth of our youngest daughter, to helping me through open-heart surgery so that I might have this chance to hold yet another generation in my hands.

I think of the prayer of Jabez in Chronicles where he says, ''Lord, continue to bless me, indeed,'' and to that I add my thanks for this and all the blessings, noticed and, unfortunately, often unnoticed.

So now I am grampa. That is not grandfather. That is too stilted. Years ago, my daughter gave me a hand-stitched wall hanging that says: Any man can be a father, but it takes someone special to be a dad.

That is a challenge for grampas to live up to, too. Again, I note that the name is not grandpa. That is a title a little too elevated. This grampa is with an ''m'' and no ''d.'' That is what I called my Grampa Bradley, who took me on some wonderful adventures and taught me a lot of important lessons, including fishing. Now it is my turn to live up to that valued name. He liked being called grampa, and I am now delighted to have the opportunity to earn that name, too. I wish I could adequately share with you the joy that is in my heart.

Now, some would say: Lilly Grace, you have been born at a scary time—a time of fear; fear of almost everything: fear of war, fear of people from other countries, fear of our neighborhoods. As an Enzi, we have faith that doing the right thing, doing your best, and treating others as they want to be treated will solve most problems, which will overcome fear.

In my job, I get to hear a lot of disparaging comments about our country and our Government. But for you, granddaughter, you are lucky to be born in this country. I have been to a lot of places in the world now, and I can tell you that there are none anyone would trade for the United States. In my job, I often have to remind people that I never hear of anyone trying to get out of our country. I do hear of millions who would like to be here.

Now, as you, precious baby, get older, if things don't change, you will hear people who think that the Government owes them a living and all kinds of guarantees, and you will hear people portray business as greedy, and you will see attempts to keep faith and God out of your vocabulary. And all those things could come to pass, except for you. You and others will know how to do the right thing and you will value the way our country was founded and has grown.

Lilly, granddaughter, welcome to this world of promise and hope and faith and love. I am excited to have you in my life.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Vermont.

Mr. SANDERS. Mr. President, I missed the beginning part of the statement of my friend from Wyoming. Are you a new grandfather? Another grandchild? Congratulations.

Mr. ENZI. Thank you.

Mr. SANDERS. I have three. I often think that one of the funniest bumper stickers I have ever seen in my life is one that says: If I had known how much fun grandchildren would be, I would have had them first. So congratulations.

## THE ECONOMY

Mr. SANDERS. Mr. President, let me take this opportunity in this few minutes to touch on a few issues that I think we do not discuss enough on the floor of the Senate; for that matter, on the floor of the House.

There are a lot of people in the United States who turn on the television every night and they hear the President of the United States and other people tell them how wonderful the economy is doing; that the economy is robust; that we have never had it so good. This is what they hear over and over again. And people start scratching their heads and saying: I don't quite understand it. The economy is supposed to be doing well when I am working longer hours for lower wages? Why is it that my job has just gone off to China, and the new job I have maybe pays half as much as the job that I lost? Why is it that in the last several years, actually since President Bush has been President, over 8 million Americans have lost their health insurance? Does that sound like an economy that is working well for ordinary people?

Since George Bush has been President, 5 million more people have slipped into poverty. Median family income today is less than it was back when President Bush first came into office. I think we have to be honest and say, yes, the economy is doing very well, in fact, for those people who have a lot of money. In fact, what we can say today is that if you are within the top 1 percent of American wage earners, you are probably doing extraordinarily well. What we can also say is that the wealthiest 1 percent today are doing better than at any time since the 1920s. So I take my hat off to the CEOs of large corporations and to the wealthiest people in this country.

But you know, I just had a series of town meetings in the State of Vermont. I talked to a lot of people. The message I get back in Vermont—and I doubt it is terribly different in Colorado or any other State in this country—is that the middle class is hurting. The reality is, if you look at the cold statistics, what you find is that in America today the middle class is, in fact, shrinking. People are working longer hours for lower wages.

Today, amazingly enough, because of lowered wages huge numbers of women are now in the workforce. Yet, despite that, a two-income family today has less disposable income than a one-income family had 30 years ago. The reason for that is people are spending an enormous amount of their limited income on housing. The cost of housing is soaring. They are spending money on health care. They are spending money on child care. They are spending money on college education. At the end of the day, they do not have a whole lot left. In fact, there are many millions of families today that are one paycheck away from economic disaster.

It seems to me we have to be honest with the American people and not talk about how great the economy is but talk about an economy which is splitting right down the middle: the people on top doing fantastically well, people down below doing very poorly, and the middle class in many cases struggling against economic desperation.

The statistics with regard to income distribution in this country are staggering in terms of their inequality. We do not talk about this terribly much. I guess it is something we are not supposed to be mentioning. But the reality is that according to the latest analysis, in 2005 the top 1 percent of earners made more money than the bottom 50 percent of Americans. One percent earned more income than the bottom 50 percent, which translates to the top 300,000 earners making more money than the bottom 150 million—300,000 making more money than the bottom 150 million. While the top earning one one-hundredth of 1 percent received an average income increase of $4.4 million in 2005, the bottom 90 percent saw their average income decline by about $172.

What we are looking at is tens of millions of Americans working hard, and they are seeing their health care costs go up, they are seeing their housing

costs go up, they are seeing education costs go up, they are seeing the price they are paying for a gallon of gas to get them to work going up, home heating oil going up, basic supplies going up, and at the end of the year they have less money than they did the previous year. But the people on top are making out like bandits. And it is a fact, many of them are bandits, and it is high time we began to address the issue of income inequality in this country.

I talked a moment ago about income. That is how much money people make in a year. But the same phenomenon takes place regarding wealth. The unfair distribution of wealth, which is accumulated income, is even more appalling. Forbes magazine recently found that the wealthiest 400 Americans—400 people, not a whole lot—were worth $1.54 trillion in 2006; 400 people, $1.54 trillion. That is up $290 billion from the previous year. In other words, while inflation-adjusted real wages declined for the vast majority of working people in our country, the top 400 wealthiest individuals saw, on average, a $750 million increase per person. That is not bad, on average: $750 million.

Today, disgracefully—and this is a issue I am going to come back to time and time again until this body does something about it—disgracefully, and despite all the rhetoric we hear around here about family values, the United States has, at 18 percent, the highest rate of childhood poverty of any major country on Earth. Eighteen percent of our kids are living in poverty. You go to Scandinavia, the numbers are 3 percent, 4 percent; Europe, 5 or 6 percent. Eighteen percent—almost one in five children in this country lives in poverty.

Since President Bush has been in office, as I mentioned earlier, nearly 5 million Americans have slipped into poverty. We have 37 million people in this country living in poverty. Almost 9 million have lost their health insurance. Three million have lost their pensions. People work their entire lives, they expect to have a pension when they retire, and in many cases corporate America says: By the way, we are changing the rules of the game; thanks for working us for 30 years, but you are not getting the pension you were promised. And median income has declined since Bush has been President by about $2,500.

Thirty-five million Americans struggled to put food on the table last year. That is called food security. We have 35 million Americans in this country who worry about whether they are going to have enough to eat. That number is going up.

Within that reality, we have another reality in that the wealthiest people in this country are increasingly emulating the robber barons of past decades as they garishly look for ways to spend their fortunes. They have a very difficult time. If you are worth hundreds and hundreds of millions of dollars, what are you going to buy? Another pair of shoes? It is hard to say. What they are doing is looking into things like yachts that are longer than football fields and all kinds of excesses to show everybody just how wealthy they are.

Robert Frank is a reporter for the Wall Street Journal. He has written a recently published book called ''Richistan.'' He writes in his book that households of a net worth of between $100 million and $1 billion, the very top of the top, spent last year on average $182,000 on watches—on watches. I have a good watch. It worked well for 5 years. It cost me 30 bucks. But they managed to spend $182,000 in 1 year on watches. That is what they do. It is very important that we continue to give these people tax breaks. I really do think so. If you could only spend $182,000 on watches, clearly the President is right and we need massive tax breaks to help these folks out. But it is not just the money they spend on watches. Mr. Frank, the author of ''Richistan,'' details how, during this 1-year period, the same economically elite households spent $311,000 on automobiles. How many cars do you buy for $311,000? I don't know how many cars people need. And $397,000 in one year on jewelry. Obviously, the stress is very great figuring out how you are going to spend that money, so they had to spend on average $169,000 on spa services. You are sitting around, it is a tough thing, what new watch do you buy? What new vehicle do you buy? It is tough, and you need spa services. That is where they are spending the money.

But also, as it happens, during that same year, 400,000 qualified young people in this country couldn't afford to go to college. They didn't have enough money to go to college. Our Nation is in desperate need of a well-educated workforce. We all know that a ticket to the middle class in many cases is a college education. So while the richest people in this country are spending $182,000 a year on watches, we have hundreds of thousands of kids who cannot go to college.

The decline of the middle class, combined with the growing income inequality in our Nation, is a national scandal, and it is something we must address. I think it is high time Members of Congress kind of look beyond the wealthy campaign contributors who fund the operations in both the House and the Senate and begin to deal with the needs of the middle class and working families.

Obviously, there are a lot of issues out there as to how we can improve the economy. We can go on for hours talking about that. There are a lot of thoughtful ideas here in the Senate and in the House. But let me mention five areas, at least, where I think we should be paying some more attention.

First, I think we have to reorder our national priorities. What we have to say to the wealthiest people in this country: President Bush has given you hundreds of billions of dollars in tax breaks, and yet we have children in this country who are hungry, we have millions of children who lack health insurance, we have kids who are going to inadequate schools. You know what. We are going to rescind the tax breaks that have been given to you so that we can take care not only of our children but we can take care of those people who are disabled.

I don't know about Colorado, but I can tell you in Vermont one of the serious problems we have is higher and higher property taxes. One of the reasons the property taxes for education are going up is because the Congress has not kept the promises it made in terms of funding special education. Special education, as you know, is a very expensive proposition, so local school districts have to come up with the money the Federal Government promised but has not committed. I think we should be adequately funding that and actually keeping the promise we made to special education.

We should make sure our seniors get what they need.

Our veterans—I am proud to say we are beginning to make some progress in adequately funding the needs of our veterans, but more needs to be done. We have to begin to stand up for all Americans and not just for the wealthiest.

When my Republican friends talk about tax breaks and tax breaks for the richest people in country, I say enough is enough. At a time when we already have the most unequal distribution of wealth and income, the very richest who are doing phenomenally well do not need more tax breaks.

Second, I think we have to take a very hard look at our trade policies. I think it is clear to anyone who has studied these issues that NAFTA, CAFTA, permanent normal trade relations with China, and other trade agreements were essentially written by large multinational corporations in order to benefit large multinational corporations, and they have done that. They have done that. What is going on as a result of many of our trade policies is that corporate America is shutting down plants in America. We have lost 3 million good-paying manufacturing jobs in the last 6 years. In my own State of Vermont, we have lost 25 percent of our manufacturing jobs in the last 6 years. We are beginning to see the loss of many good-paying white-collar information-technology jobs—jobs going to China, jobs going to India, jobs going to low-wage countries all over the world.

On the other side, what we are seeing, because of these trade agreements, is increased poverty in Mexico, for example, as a result of NAFTA. As a result of NAFTA, 1.3 million small farmers have been driven off the countryside, off the farms they held for generations, because they couldn't compete with cheap American corn. Poverty has increased. But we do have the good

news, I guess, in Mexico: as a result of this NAFTA stuff, there is one gentleman named Carlos Slim Helu, a big guy in telecommunications coming from the poor country of Mexico, now the richest guy in the world, worth $60 billion; he passed Mr. Gates. You have a guy worth $60 billion, poverty in Mexico increasing, and small farmers driven off the land.

We can create trade agreements which work for working people in this country and working people abroad, not for the CEOs of large corporations, and that is what we have to do.

I think given the failure of trade agreements, it is time to take a moratorium to stop these trade agreements until we get them right.

On another issue, we have discussed, as you know, a whole lot about the SCHIP program. I strongly support what the leadership here is trying to do. But let us be clear. Let us be clear. While it is a good step forward, bringing 4 million more kids into the SCHIP program, there are millions of children, after we pass this legislation, or if we can override the President's veto, who will still not have health insurance. We are living in a nation in which 47 million Americans have zero health insurance. Even more are underinsured.

I met recently in Burlington, VT, with a group of young people who said: Yes, they have health insurance. They have to pay 50 percent of the cost of the health insurance. There is a large deductible. So at the end of the day, despite the health insurance they have, they are paying out a lot of money for health care.

It is time that we place on the table the fact that we are the only Nation in the industrialized world, the only one that does not have a national health care program which guarantees health care for every man, woman, and child.

The programs are different in Germany than Canada, than in the United Kingdom, than Scandinavia. They are all different. But essentially what every other major country on Earth has said is that health care should be a right, not a privilege—a right.

Meanwhile, we spend twice as much per person on health care as any of the people of any other country. Yet, if you look at the health care index situation, our infant mortality rate is very high; in many countries people live longer than we do.

Our health care system is disintegrating and the time is long overdue that we have the guts to take on the pharmaceutical industry, the insurance industry, and move toward a national health care program which provides health care to all people as a right of citizenship.

Lastly, I am on both the Energy Committee and the Environmental Committee. Both committees are working very hard on one of the great crises facing our planet today; that is, global warming. It is clear to me that as a nation, we have got to radically change our course, which for many years under President Bush has almost denied the reality of global warming. We have got to move away from that and not only understand its severity but move in an aggressive way to reverse greenhouse gas emissions and to make sure our kids and our grandchildren can live on a planet with the quality of life we enjoy today.

In addition to that, as the tragedy in Minnesota a few months ago indicated, our infrastructure is in very serious shape. The engineers tell us we need to spend over a trillion dollars to rebuild our bridges, our culverts, our waste water systems, and our water plants.

In my view, we should be investing substantially in sustainable energy, in energy efficiency, in solar technology, in wind technology, and geothermal. When we do those things, we will accomplish two goals: No. 1, we are going to reverse global warming, and, secondly, we will create millions and millions of good-paying jobs. Instead of spending $10 billion a month on the civil war in Iraq, we should be rebuilding our infrastructure and moving away from fossil fuels to energy efficiency, to sustainable energy as we take a leadership role in this world to reverse global warming.

Let me conclude by saying it is no secret that the American people now are not looking terribly favorably on the White House or the Congress. I can understand why. I think one way we can begin to win the respect of the American people is to at least acknowledge the reality of their lives, to acknowledge what is going on, and then to begin to start addressing some of those problems.

I yield the floor.

## MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## TRIBUTE TO CONGRESSMAN JOE WAGGONNER

Ms. LANDRIEU. Mr. President, it is with sadness that I come to the floor today to pay respects to one of our former congressional leaders who passed away earlier this week.

Congressman Joe Waggonner represented the Fourth District of Louisiana from 1961 to 1979. Literally up until the last weeks of his life, he stayed very active in the Fourth District. He was active on what went on there both at a political level and a civic level, lending his voice to many important efforts in the community—and I emphasize literally up until the last few weeks of his life.

He was always engaged, always open, always welcoming to leaders coming into the Shreveport area. He was not from the big city in that district, Shreveport, LA; he was from a small town called Plain Dealing. It was actually a very fitting name for this Congressman because he was a very straightforward, plain-speaking, progressive-leaning Congressman from this small town called Plain Dealing of only a thousand people. That small community of loving and supportive families, made up of farmers and small business owners and churchgoers, provided a great foundation for Joe Waggonner as he grew and came into his professional life and then became a Congressman from this small town. He was down to earth, he was honest, and he was a Congressman who represented his constituents with a lot of enthusiasm and intelligence. He was a Congressmen who would see an issue from all different sides and then make the best decision he could. His favorite saying was: ''Do unto others as you would have them do unto you.'' So he was always quite courteous and respectful in the way he treated other people.

He was a natural leader. He was a lieutenant commander in the U.S. Navy during World War II, and after returning from service there, he began his political career as a school board member. Throughout his career, he carried an enthusiasm and excitement and energy for school issues and for the children of the Fourth District in our State. In 1961, he won a special election after longtime U.S. Representative Overton Brooks died in office and again continued that great tradition of representing the Fourth District.

I can't name all the things Joe did for our State. It would be such a long list. But there are a few things that cannot be overlooked. Because of Congressman Waggonner's work in his congressional district, Barksdale Air Force Base is now one of the largest and strongest Air Force bases and is home to the mighty 8th Air Force. This base had been scheduled to close some decades ago, but because of his efforts and others, led by many of the business and civic leaders in that district but primarily because of this Congressman, Barksdale is not only open, but it is now going to be the proud home of U.S. Strategic Command's Cyber Command.

Joe was also known for being a pioneer of interstate highways in their early days, wanting to put Shreveport on the map. Shreveport and Bossier City today are growing in large measure because of his fierce advocacy for ports and airports and transportation hubs, as well as the Barksdale Air Force Base.

Along with my predecessor, Senator Bennett Johnson, Joe's efforts created a whole new image for Shreveport because of the work they did regarding the Red River. With their hard work they opened it to trade and transportation. Also, this river is now home to several ''floating'' casinos that have transformed Bossier City and Shreveport, LA, from very sleepy small towns

to really booming commercial developments attracting gaming interests from all over the region and contributing mightily to the economy in north Louisiana.

I personally say many thanks to his family—his wife Mary Ruth Carter Waggonner, his two children, Carol and David, and his three grandchildren—for the contributions they made supporting a man through many careers in public service in Louisiana. David is a personal friend and I know him and his son, Peter, are mourning the loss of their father and grandfather. He was a man of tremendous faith. He made Louisiana proud. He served us with distinction and with honor. He will be remembered as a very distinguished and dignified leader for our State, particularly north Louisiana.

Joe Waggonner was a straightforward, straight-thinking man from Plain Dealing, LA. He was a graduate of Louisiana Tech University and was very proud of his alma mater and very proud to call Plain Dealing home. His leadership and friendship will be missed.

## CHIP

Mr. BROWN. Mr. President, a few weeks ago, in this Chamber, we passed the Children's Health Insurance Program and passed it by a big majority, passed it bipartisanly, when almost two dozen Republicans joined, I believe, all the Senate Democrats in passing a program that has worked for 10 years.

I was in the House of Representatives when we initially wrote the Children's Health Insurance Program. It was written by a Democratic President, with a Republican House and a Republican Senate. It has worked splendidly for the last 10 years. It has, in fact, provided health insurance for literally millions and millions of American middle-class families—families making a little bit too much to qualify for Medicaid but families either not earning quite enough to buy insurance or not working in a place that offers insurance at a decent, reasonable rate. We know the children who are in the Children's Health Insurance Program are sons and daughters of working parents—again, working parents overwhelmingly making between about $20,000 and $50,000 a year.

The Senate passed the Children's Health Insurance Program expansion, which would have meant, in addition to the 6.6 million children in our country receiving health insurance under the Children's Health Insurance Program today, it would have added about another 4 million American children. About 200,000 children in my State—from Ashtabula to Hamilton, from Wauseon to Marietta—now receive coverage under the Children's Health Insurance Program. This would have added tens of thousands more to the Children's Health Insurance Program.

Unfortunately, a couple weeks ago, the President of the United States decided to veto this legislation even though it passed with more than four dozen Republican votes in the House joining almost every Democrat and passed with almost two dozen Republican votes in the Senate.

I wish the President, before he vetoed this legislation, had done what a lot of us did. I know the Presiding Officer from Missouri has done this. So many of us have talked to families in our States. I have talked to families in Lima and in Canfield and in Columbus and in Dublin and in Springfield about what the Children's Health Insurance Program means to them.

Eleven-year-old Tanner Stainbrook of Toledo has cystic fibrosis. Both of his parents work. They are playing by the rules, working hard, and paying their taxes. But without CHIP, without the Children's Health Insurance Program, Tanner cannot get the care he needs.

Seth Novak is a 3-year-old boy who lives in Lebanon, OH, down in the southwest corner of the State near Cincinnati. Seth has Down's syndrome and needs the Children's Health Insurance Program to help him stay healthy. Again, his parents are working, but they simply cannot get the insurance, in part, as with many of these children, because of a preexisting condition and also because of the finances the family faces and the lack of health coverage.

Emily Danko of Columbus also has Down's syndrome. Without CHIP, Emily has no health insurance.

I wish the President had talked to the Stainbrook family and the Novak family and the Danko family and talked to them about their situations. I am not sure he would have vetoed this bill if he had done that.

Unfortunately, the President made the decision to veto this bill. When he did, he mentioned several things. I would like to briefly touch on what he said and what the truth really is.

The President of the United States said this will result in all kinds of families shifting their children from private health insurance to Government health insurance. Were it so that all those families he talks about had private health insurance—if they all had private health insurance—we would not be concerned about this Children's Health Insurance Program. But the fact is, most of these families—the overwhelming majority of these families—who will be on this Children's Health Insurance Program expansion are not getting private insurance or they are getting very inadequate private insurance.

The President said families making up to $80,000 a year could get this insurance. That is patently untrue. If a State wants to do that, they have to apply to the Federal Government, and the President has already said no to the State of New York. He could say no to other States. So that is clearly, simply not true.

The President also said the Children's Health Insurance Program is just too expensive—a $7 billion-a-year increase over the next 5 years; $7 billion a year to insure 4 million children a year; $7 billion a year contrasted with what we spend on the war in Iraq: $2.5 billion a week; $7 billion a year for 4 million children versus $2.5 billion and climbing per week for a war we never should have been in, a civil war the President continues to immerse our Nation in, with no plan to end.

The last thing the President said is this program is socialized medicine, that we are going down the path of socialized medicine. The President forgets to say he and many Members of Congress get health care from Bethesda—go out to Bethesda and get their health care, with Government doctors taking care of Members of Congress and the President.

The President also forgets to mention that when he calls it socialized medicine, that, in fact, this legislation was supported bipartisanly 10 years ago in a Republican House, Republican Senate, and with a Democratic President—hardly socialized medicine supported by that many conservative Republicans back then and today. This legislation is supported by 68 Senators, including 18 Republicans; is supported by 43 Governors, including 16 Republicans; is supported by more than 270 organizations, representing millions of Americans.

The beauty of this legislation is for 10 years it has worked for America's children. And 6.6 million children have insurance today because of the Children Health Insurance Program. We can expand this program at the cost of about $3.50 a day to cover a child through the Children's Health Insurance Program, and do that for 4 million children. It makes sense for our children, it makes sense for our communities, and it makes sense for our country.

## HONORING REPRESENTATIVE GEORGE SANGMEISTER

Mr. DURBIN. Mr. President, I rise today to honor a great man, Representative George Sangmeister, a great servant of Illinois who passed away on October 9.

George served Illinois in more ways than anyone I know; his was a lifetime of dedicated public work, and honesty. I had the good fortune to work as a staff lawyer in the Illinois State Senate when George was serving there. He was kind and determined, and these traits have shown through his work, his family life, and his long battle with leukemia.

Not surprisingly, George came from a family of dedicated Illinoisans. His father was mayor of Frankfort from 1923 to 1955 and a great political influence on his son. George attended Joliet Junior College before entering the military to serve in the Korean war. He was always proud of his service, and it informed many of his initiatives. He always took time to pay tribute to our warriors and veterans.

After serving in the Korean war, George attended Elmhurst College and earned a law degree from John Marshall Law School. He spent some time in private practice, but was always active in the public realm. He was a volunteer for President Kennedy's 1960 election and eventually returned fulltime to his public service origins.

George started as a magistrate for Will County and then served as the county's district attorney. In 1972, he was elected to the Illinois House of Representatives and then to the Illinois Senate in 1976.

George was a natural. One of his peers recently noted that ''George was one of those individuals who had an unbelievable capability of bringing parties together.'' He was direct yet pleasant; he would stick to his position but never alienated those who disagreed. George was widely known as a man of his word, and a true statesman—traits that are in short supply in too many places.

His integrity and talent led him to become a powerful leader in the State senate, and a respected Member of the House of Representatives. He served three terms in the House from 1988 to 1994, and I was again privileged to work with him during those historical years.

As the cold war wound down, his attentions turned increasingly to our environment, our children, and our ability to adjust to a new world order. He joined me in pushing to ensure that newly independent nations such as Lithuania would be guaranteed an opportunity to prosper. George was keenly aware of our Nation's freedom, independence and our history. He regularly addressed his colleagues on Independence Day, rising to remind us all of our political origins and the things we must be grateful for.

He spoke often on veterans' affairs, the environment, education, and on issues that directly impacted his constituents in Illinois. He was unmovable when it came to fiercely fighting for the constituents that he had served for so many years and in so many ways. Frustrated with national politics, George returned to private practice in 1995, after more than 30 years in public service.

George is survived by his wife Doris, their children George and Kimberly, and four grandchildren. I have expressed my condolences to them in person and assure them now that George's unblemished reputation and service will be long remembered.

George was a great man and a great friend, and I feel that nothing is more fitting than to conclude his presence in the CONGRESSIONAL RECORD with his own words. They are indicative of a man who maintained his idealism and values throughout life's trials—a man unafraid to speak boldly during dramatic times.

We should begin to worry about educating brilliant children so that America can face the next challenge. Having served in the U.S. Army myself, I strongly believe that national security should be a top priority for the Federal Government. But national security includes having a strong economy and a healthy, well-educated work force . . . What is more important than educating our kids and preserving our environment? . . . As a people, we were not defeated by Pearl Harbor or Watergate or Irangate, and we will survive. But, we must be ever vigilant against the abuse and arrogance of power, whether it be on Wall Street or on Main Street—whether it be by big business or by big government. To fail in our vigilance would mean the death of ''power people.'' And so, let us, as a united people, ''highly resolve that this Nation under God shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth.''

## HONORING OUR ARMED FORCES

### SEAMAN APPRENTICE SHAYNA ANN SCHNELL

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young sailor from Tell City. Shayna Ann Schnell, 19 years old, died on October 1 in Dubai, United Arab Emirates, from injuries she received in a vehicle accident several days earlier. With her entire life before her, Shayna risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Shayna was a lifelong Hoosier, growing up in Dubois and Perry counties. Shayna graduated Perry Central High School in 2006 and joined the Navy later that year. After completing basic training in Great Lakes, IL, Shayna was stationed at Lackland Air Force Base in San Antonio, TX. Her hard work earned her an assignment as a master-at-arms with the Naval Security Force Bahrain in the United Arab Emirates.

Shayna died while serving her country by supporting Operation Iraqi Freedom. She is survived by her mother and stepfather, Suzanne and Vernon Silacci; her father and stepmother, Doug and Peggy Schnell; her sister Nicole; and her brothers Trent and Tyler, who is also serving his country in the Navy. Shayna was known for her dedication to her family and her love of country. Today and always, she will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice she made while dutifully serving her country.

Today, I join Shayna's family and friends in mourning her death. While we struggle to bear our sorrow over this loss, we can also take pride in the example she set, bravely fighting to make the world a safer place. It is her courage and strength of character that people will remember when they think of Shayna, a memory that will burn brightly during these continuing days of conflict and grief.

As I search for words to do justice in honoring Shayna's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Shayna's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Shayna Schnell in the official RECORD of the U.S. Senate for her service to this country and for her profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Shayna's can find comfort in the words of the prophet Isaiah, who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Shayna.

### CAPTAIN SCOTT N. SHIMP

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army CPT Scott Shimp of Bayard, NE.

Captain Shimp's love for the military was obvious to his mother, who said ''even when he was little, he wanted to be a soldier, running around in his camouflage.'' He graduated from Bayard High School in 1998 as the salutatorian of his class. He was also quite active in many activities: football, wrestling, 21st Century Singers, choir, and the National Honor Society. In addition, Captain Shimp received his Eagle Scout Award, the highest honor bestowed by the Boy Scouts of America, in 1998. Upon his graduation from high school, he pursued his dream of becoming a pilot by enrolling in the U.S. Military Academy at West Point, graduating in 2002.

Following his commission as a second lieutenant, Captain Shimp served two tours of duty in support of Operation Iraqi Freedom I and III. After graduating from the Aviation Captain's Career Course at Fort Rucker, AL, he reported to Company C, 4th Battalion, 101st Aviation Regiment, 159th Combat Aviation Brigade, 101st Airborne Division, at Fort Campbell, KY, to serve as company commander.

A highly decorated soldier, Captain Shimp's leadership qualities were unmistakable. He was a rare example in the 101st Airborne Division, as evidenced by taking over a command soon after graduating from the Aviation Captain's Career Course, thereby demonstrating the respect and trust afforded him by his superiors. On September 11, 2007, Captain Shimp, along with two crew members, passed away when the Black Hawk helicopter he was piloting during a training exercise crashed due to fog near the town of Skyline, AL. He was 28 years old.

Captain Scott Shimp is survived by his parents Curtis and Teri Shimp of Bayard, NE; his older brother Chad and his younger sister Misty. I offer my most sincere condolences to the family and friends of Captain Shimp. He made the ultimate and most courageous sacrifice for our Nation. I join all Americans in grieving the loss of this remarkable young man and know that Captain Shimp's passion for serving, his leadership, and his selflessness will remain a source of inspiration for us all.

## AUTHORIZING INTERROGATION TECHNIQUES

Mr. CARDIN. Mr. President, I rise today to express my concern regarding the most recent revelations of administration memos effectively authorizing the use of interrogation techniques that most certainly rise to the level of cruel, inhuman, or degrading treatment or punishment, if not to the level of torture.

In 2002, senior administration officials prepared a classified memo that sought to provide legal cover for interrogation practices that would clearly violate U.S. and international law. This ''torture memo'' was leaked to the press after the Abu Ghraib scandal broke and, in turn, caused such outrage that it was quickly disavowed by the Justice Department. A new, improved, and sanitized legal memo on interrogation norms was then issued in December 2004.

It now appears, according to a report published by the New York Times on October 4, that the Department of Justice's Office of Legal Counsel subsequently issued two additional legal memos that once again defined torture as ''not torture'' and—in an apparent effort to end run congressional efforts to close loopholes in the existing prohibition against cruel, inhuman, or degrading treatment or punishment—simply declared that no CIA interrogation practices violated that prohibition.

I would also draw my colleagues' attention to a subsequent, highly troubling report published by the New York Times on October 11 stating that the Director of the CIA, Michael Hayden, has ordered an investigation of the inspector general, John L. Helgerson. The CIA inspector general is known to have undertaken critical examinations of CIA interrogation procedures.

With these latest developments in mind, I would like to share three observations.

First, the revelation that—even while the Abu Ghraib scandal was still being investigated—the administration was issuing additional secret memos authorizing abusive interrogation techniques, stands as the latest blow to the credibility of the United States as a global advocate for human rights and democracy. We simply cannot win hearts and minds around the globe if we are perceived to condone a violation of basic human rights, our own laws, and international law. As cochairman of the Helsinki Commission, I am painfully aware of the extent to which these policies have undermined our nation's reputation, and even our ability to build support for counterterrorism operations worldwide.

Second, these revelations once again draw attention to this administration's breathtaking interpretation of the scope of executive power. In fact, the 2002 ''torture memo'' actually consisted of two parts. One part effectively sought to define torture as ''not torture.'' The second part addressed the authority of the President to authorize torture. In essence, that part of the memo described the Presidency—when the President is acting as Commander in Chief—as virtually unrestrained by the Congress, the Constitution, or the courts. The Justice Department's renunciation of the 2002 torture memo only appeared to renounce the first part of that memo.

Accordingly, during the January 2005 confirmation hearing for Attorney General Gonzalez, he was repeatedly questioned regarding his views on the scope of Presidential authority—and he repeatedly stonewalled. His refusal to answer those questions, coupled with the President's signing statements attached to the 2005 Detainee Treatment Act and the 2006 Military Commissions Act and most recent revelations of additional torture memos, suggest that President Bush does believe himself to be beyond or above the law.

Many retired military leaders have argued that abusive interrogation techniques undermine America's moral authority, fuel jihadist recruitment, and weaken international norms that have protected American service men and women for decades. Moreover, a now declassified report issued by the Government's Intelligence Science Board has concluded there is no scientific evidence that coercive interrogation methods even produces good intelligence. And we now know that the use of these techniques has, in actual cases, produced false or misleading intelligence.

Sadly, the one of the greatest tragedies of the President's misguided policies on torture is this: this administration's justification of abusive techniques has not made us any safer.

## WORLD FOOD DAY

Mr. HARKIN. Mr. President, each October, the eyes of the world appropriately turn to Des Moines for the presentation of the World Food Prize, called by the former President of Mexico, ''the Nobel Prize for Food.''

Created by Dr. Norman E. Borlaug, each year on or around October 16—World Food Day—representatives from more than 60 countries gather in the magnificent Iowa State Capitol to honor the newest laureate for his or her exceptional breakthrough achievements in increasing the quality, quantity or availability of food in the world. In past years, this honor has gone to individuals from India, Denmark, Brazil, China, and Sierra Leone. This year the winner is an American from Indiana. But no matter where they are from, all of these laureates have in common that they have reduced hunger and human suffering around the globe.

It is most fitting that this weeklong celebration begins today, October 16 with the first ever Iowa Hunger Summit.

There are people flying today from the east coast and the west coast to Des Moines. No, they are not Presidential candidates—although there are already plenty of them in the State. Rather, they are national leaders of the Alliance to End Hunger and representatives of the U.N. Foundation, and ambassadors from the United Nations and leaders of the OneVote08 campaign. They are all coming to join hundreds of Iowans to listen to the leaders of Bread for the World and MAZON, the Jewish Response to Hunger offer an inspiring vision about how to diminish hunger at home and abroad in this inaugural Iowa Hunger Summit.

At the center of this endeavor will be Dr. Norman E. Borlaug, Iowa's and America's greatest hero in the struggle against hunger. Today is U.N. World Food Day all around the globe. But I would argue, that perhaps the most significant observance of this special day will be taking place in Des Moines, where it is also Dr. Norman E. Borlaug/World Food Prize Day.

I want to commend Iowa's three former Governors, Tom Vilsack, Terry Branstad, and Robert Ray for their bipartisan leadership in making this first ever Iowa Hunger Summit possible. I also express my appreciation to the World Food Prize Foundation for its initiative in starting this new program. Iowa has a rich legacy of coming together above partisan differences when human suffering is involved. Governor Ray has exhibited exemplary leadership of Iowa SHARES to feed emaciated Cambodians, who had suffered under the genocidal Khmer Rouge. Similarly, Governor Branstad has led Iowa CARES to send food to starving populations in Ethiopia. And here at home, Governor Vilsack has worked in Iowa to greatly expand the number of hungry people receiving assistance.

I am pleased to add my name to the list of those in support of this marvelous new focus on hunger—the Iowa Hunger Summit. It is most fitting that we in the Congress would also join together in a bipartisan fashion to further commit ourselves to efforts to alleviate malnutrition and human suffering wherever it is found, at home or abroad.

Mr. GRASSLEY. Mr. President, it is harvest time in Iowa and throughout heartland. It is the time of year when farmers work around the clock to bring in the year's harvest of corn, soybeans, and other grains. Just this past weekend while on my farm in New Hartford,

I was able to help my son with the harvest.

Across Iowa and the Midwest, farmers are harvesting a bumper crop. It is during this time that we pray that these bounties from the land make their way into of the mouths of the hungry.

It is appropriate, then, that during this season of harvest, a gathering will be taking place in northeast Iowa focusing on global hunger. Not far from my farm, a dinner is taking place tonight in the small town of Protivin, to honor one of America's greatest fighters of hunger.

Dr. Norman Borlaug, who grew up just a few miles from Protivin in Howard County, shared his talents to help populations around the world. His efforts to increase food production, and alleviate global hunger and famine earned him the Nobel Peace Prize in 1970 and the title of ''Father of the Green Revolution.''

His work in food production was also acknowledged this summer when Dr. Borlaug was presented the Congressional Gold Medal by President Bush and the bipartisan leadership of Congress. As a testament to his work around the globe, officials from Mexico, India, Japan, and numerous countries in Africa were present to honor Dr. Borlaug. I was proud to join this distinguished group in honoring him, and I thank my colleagues for acknowledging Dr. Borlaug's accomplishments.

It is clear that Dr. Borlaug has never forgotten his roots. He remains a rural Iowa farmer at heart. That is why I am sure tonight's dinner near his hometown will mean as much as, if not more than, the formal banquet that followed his receiving the Nobel Peace Prize.

It is also appropriate that Dr. Borlaug is making this trip back to the heartland today, October 16. Today has been designated ''World Food Day'' around the globe, and ''Dr. Norman E. Borlaug/World Food Prize Day'' in Iowa.

Dr. Borlaug continues to lead the effort to end global hunger and will do so today by participating in the first Iowa Hunger Summit in Des Moines. This summit will bring together people from across Iowa and the country to focus on feeding the hungry at home and abroad. Iowa Governor Chet Culver and former Governors Vilsack, Branstad, and Ray will also be in attendance for the summit.

I would like to thank the World Food Prize Foundation which provided the leadership in making this daylong focus on hunger possible. The foundation has worked closely with the Alliance to End Hunger, the One Campaign, and Iowa State University to make this event a central focus of World Food Day.

This is an appropriate time of year for us to focus on hunger and feeding the malnourished worldwide. I hope my colleagues will join in commending those who are working daily to raise the awareness of world hunger and working to provide adequate food for all.

## ADDITIONAL STATEMENTS

### RECOGNIZING LOUISBURG COLLEGE

• Mrs. DOLE. Mr. President, today I recognize Louisburg College, one of North Carolina's fine institutions of higher learning, on the occasion of its celebration of 220 years.

Louisburg College is the oldest chartered 2-year, church-related, coeducational college in the Nation and can trace its roots back to the early years of the town of Louisburg, NC. The town was founded in 1779, during the Revolutionary War, and was named in honor of King Louis XVI of France. The college in existence today has evolved from three earlier institutions, Franklin Male Academy, Louisburg Female Academy, and Louisburg Female College. Franklin Male Academy was founded on December 4, 1786, when Senator Henry Hill of Franklin County introduced ''An Act to Erect and Establish an Academy in the County of Franklin.'' The bill was enacted into law on January 6, 1787, thereby providing Franklin Academy with its first charter. Franklin Male Academy opened on January 1, 1805, and, under the able direction of Yale graduate, Matthew Dickinson, prospered in its early years and soon had an enrollment of 90 students. In 1814, a counterpart to the Franklin Male Academy was established when the State legislature ratified an act chartering the Louisburg Female Academy. The third stage of the evolution of Louisburg College began in January 1855, when the State legislature authorized the transfer of property by the trustees of Louisburg Female Academy to the directors of Louisburg Female College Company. A four-story, fifty-room brick Greek revival building for the female college was constructed in 1857 on the west campus where the female academy building formerly stood. Old Main is still in use today as the administrative building of Louisburg College.

At the beginning of the 20th century, the institution became known as Louisburg College, and the college was officially linked to the Methodist Church. Washington Duke, a Durham philanthropist, had acquired ownership of the college property in the 1890s; after his death in the early 1900s, his son Benjamin N. Duke presented the property to the North Carolina Conference of the Methodist Church. Louisburg College became coeducational in 1931, and student enrollment immediately increased. In 1952, Louisburg College was accredited by the Southern Association of Colleges and Secondary Schools.

Building on its rich history, Louisburg College today enrolls around 750 students, 90 percent of whom go on to 4-year colleges and universities after graduation. This impressive accomplishment is achieved through a dedicated faculty who devote themselves to teaching, advising, and individual assistance to ensure that each student is academically prepared to meet the requirements of major 4-year colleges and universities. The college also holds the distinction as North Carolina's only residential junior college providing a unique educational experience and filling a niche for those college freshmen and sophomores who desire to further their education in a collegiate atmosphere.

Louisburg College has made a significant impact on the intellectual life and development of countless North Carolinians over the past four centuries, an accomplishment that indeed deserves commendation by the U.S. Senate.•

### TRIBUTE TO YWCA OF NORTHWEST GEORGIA

• Mr. ISAKSON. Mr. President, on October 25, 2007, the YWCA of Northwest Georgia will hold a vigil on Marietta Square in my hometown to commemorate Domestic Violence Awareness Month. I wish to express my gratitude for the work of the YWCA of Northwest Georgia and its executive director, Holly Comer, as they bring awareness to this important issue and its impact on our community.

The YWCA of Northwest Georgia opened the doors to the first domestic violence shelter in Cobb County in 1978 in an effort to end domestic violence in our State, our communities, and our homes. A home should be a place of stability, comfort, and love. Domestic violence shatters this important foundation. The terrible tragedies that result from domestic violence destroy lives and insult the dignity of women, men, and children. I believe I represent all Georgians when I say thank you to the YWCA of Northwest Georgia for its hard work to combat domestic violence and help those who have been victimized.

I am grateful for the social service providers, advocates, counselors, and many others who provide care for the victims. I am also grateful to the law enforcement personnel and others who work to bring offenders to justice. As we recognize Domestic Violence Awareness Month, we are reminded of the important service these individuals provide.

Domestic violence has no place in our society, and I am strongly committed to addressing domestic violence and helping those who have been victimized. By working together with the YWCA of Northwest Georgia and its dedicated staff, we can build a Georgia where every home honors the value and dignity of its loved ones.•

### TRIBUTE TO LYNNE ROSS

• Mr. SESSIONS. Mr. President, prior to my election to the U.S. Senate, I

served Alabama as the attorney general. During that time I had many opportunities to work with the organization that assists attorneys general in their many dealings with the Congress, White House, and government agencies the National Association of Attorneys General, NAAG.

NAAG was founded in 1907, '' To facilitate interaction among Attorneys General as peers and to facilitate the enhanced performance of Attorneys General and their staffs.'' They opened their Washington office in 1976, and Lynne Ross was their first full-time employee. Her extensive work with attorneys general has been immensely valuable. She had strategic skills, dedication and wit. She understood how things work in the DC political world and knew how to negotiate on the many issues that were of importance to attorneys general. NAAG has been as successful as it is in no small part due to her leadership. She is a non-lawyer with a great understanding of lawyers.

During her years at NAAG, Lynne was also instrumental in the creation of an organization of former attorneys general—the Society of Attorneys General Emeritus, SAGE, of which I am a member, and she has always been a great resource for our members.

I would like to take this opportunity to offer my appreciation to Lynne for her many years of dedicated service to NAAG. Her accomplishments are many. The organization and the Nation's attorneys general, both past and present, are stronger because of her hard work. Thank you, Lynne.●

## HONORING THE LOUISIANA HONORAIR

● Mr. VITTER. Mr. President, today I wish to acknowledge and honor a very special group, the Louisiana HonorAir. Louisiana HonorAir is a not-for-profit organization that flies as many as 200 World War II veterans up to Washington, DC, free of charge. On October 27, 2007, a group of 105 veterans and their guardians will reach Washington on this very special program.

While visiting Washington, DC, the veterans will tour sights, such as the Arlington National Cemetery, the Korean Memorial, and the World War II Memorial. The program provides many veterans with their only opportunity to see the great memorials dedicated to their service.

Thus, today, I ask my colleagues to join me in honoring these great Americans and thanking them for their devotion and service to our Nation.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 4:43 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 20. An act to provide for research on, and services for individuals with, postpartum depression and psychosis.

H.R. 507. An act to establish a grant program to provide vision care to children, and for other purposes.

H.R. 970. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

H.R. 1727. An act to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

H.R. 2089. An act to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the ''Louisiana Armed Services Veterans Post Office''.

H.R. 3572. An act to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the ''Wallace S. Hartsfield Post Office Building''.

H.R. 3297. An act to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the ''Nate DeTample Post Office Building''.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 25. Concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable energy resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

H. Con. Res. 133. Concurrent resolution supporting the goals and ideals of a Long-Term Care Awareness Week.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 20. An act to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Health, Education, Labor, and Pensions.

H.R. 507. An act to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 970. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1727. An act to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2089. An act to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the ''Louisiana Armed Services Veterans Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3297. An act to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the ''Nate DeTample Post Office Building'' to the Committee on Homeland Security and Governmental Affairs.

H.R. 3572. An act to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the ''Wallace S. Hartsfield Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 25. Concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber; to the Committee on Agriculture, Nutrition, and Forestry.

H. Con. Res. 133. Concurrent resolution supporting the goals and ideals of a Long-Term Care Awareness Week; to the Committee on Health, Education, Labor, and Pensions.

## 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–3562. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Emerald Ash Borer; Quarantined Areas; Maryland'' (Docket No. APHIS–2007–0028) received on October 9, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3563. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Charles L. Johnson II, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3564. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Michael W. Wooley, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3565. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of General Paul V. Hester, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–3566. A communication from the Secretary of the Army, transmitting, pursuant

to law, a report relative to the significant unit cost growth that has occurred in the Armed Reconnaissance Helicopter's Program; to the Committee on Armed Services.

EC–3567. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of General Ronald E. Keys, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–3568. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's purchases from foreign entities in fiscal year 2006; to the Committee on Armed Services.

EC–3569. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''HUD Office of Hearings and Appeals Conforming Amendments; and Technical Correction to Part 15 Regulations'' ((RIN2501–AD32) (FR–5137–F–01)) received on October 10, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3570. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks'' (RIN1557–AD02) received on October 8, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3571. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–3572. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Cable Television Consumer Protection and Competition Act of 1992—Development of Competition and Diversity in Video Programming Distribution: Section 628(c)(5) of the Communications Act: Sunset of Exclusive Contract Prohibition; Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements'' (MB Docket No 07–29) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3573. A communication from the Deputy Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements; 2000 Biennial Regulatory Review Affiliate Requirements of Section 64.1903 of the Commission's Rules'' (FCC 07–159) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3574. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Corona de Tucson, Sierra Vista, Tanque Verde and Vail, Arizona, and Animas, Lordsburg and Virden, New Mexico'' (MB Docket No. 05–245) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3575. A communication from the Associate Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight; Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Rural Health Care Support Mechanism; Lifeline and Link-Up, et al.'' (WC Doc. 05–195) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3576. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 101 of the Commission's Rules to Modify Antenna Requirements for the 10.7–11.7 GHz Band'' (FCC 07–163) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3577. A communication from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Policies and Service Rules for the Broadcasting-Satellite Service'' (IB Docket No. 06–123) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3578. A communication from the Secretary General, Pacific Islands Forum Secretariat, United Nations, transmitting, pursuant to law, a report relative to the U.S. nuclear weapons testing program which was conducted in the Republic of the Marshall Islands from 1946–1958; to the Committee on Energy and Natural Resources.

EC–3579. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Montana Regulatory Program'' (Docket No. MT–025–FOR) received on October 4, 2007; to the Committee on Energy and Natural Resources.

EC–3580. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the California State Implementation Plan; San Francisco Bay Area'' (FRL No. 8479–4) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3581. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Ohio Particulate Matter'' (FRL No. 8464–6) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3582. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Implementation Plans of Illinois: Clean Air Interstate Rule'' (FRL No. 8477–4) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3583. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Implementation Plans; Ohio; Clean Air Interstate Rule'' (FRL No. 8481–2) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3584. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Implementation Plans; Wisconsin; Clean Air Interstate Rule'' (FRL No. 8477–6) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3585. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Limited Approval of Implementation Plans of Indiana: Clean Air Interstate Rule'' (FRL No. 8481–4) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3586. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products'' ((RIN2060–AO60) (FRL No. 8482–2)) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3587. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Outer Continental Shelf Air Regulations Consistency Update for California'' (FRL No. 8479–6) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3588. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota; Revisions to the Administrative Rules of South Dakota'' (FRL No. 8479–9) received on October 4, 2007; to the Committee on Environment and Public Works.

EC–3589. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Furilazole; Inert Ingredient Tolerances'' (FRL No. 8145–2) received on October 4, 2007; to the Committee on Environment and Public Works.

EC–3590. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Perfluoroalkyl Sulfonates; Significant New Use Rule'' (FRL No. 8150–4) received on October 4, 2007; to the Committee on Environment and Public Works.

EC–3591. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spinetoram; Pesticide Tolerance'' (FRL No. 8149–9) received on October 4, 2007; to the Committee on Environment and Public Works.

EC–3592. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Transfer of Polychlorinated Biphenyl Cleanup and Disposal Program from the Office of Prevention, Pesticides and Toxic Substances to the Office of Solid Waste and Emergency Response'' (FRL No. 8150–6) received on October 4, 2007; to the Committee on Environment and Public Works.

EC–3593. A communication from the 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 Permits; Removal of Migratory Birds from Buildings'' (RIN1018–AV10) received on October 4, 2007; to the Committee on Environment and Public Works.

EC–3594. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a quarterly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–3595. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, an annual report entitled, ''The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 2004''; to the Committee on Environment and Public Works.

EC–3596. A communication from the Chief of the Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''United States—Bahrain Free Trade Agreement'' (RIN1505–AB81) received on October 11, 2007; to the Committee on Finance.

EC–3597. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2008'' (RIN0938–AO68) received on October 4, 2007; to the Committee on Finance.

EC–3598. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Part A Premium for Calendar Year 2008 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement'' (RIN0938–AO62) received on October 4, 2007; to the Committee on Finance.

EC–3599. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2008'' (RIN0938–AO61) received on October 4, 2007; to the Committee on Finance.

EC–3600. A communication from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Child Care and Development Fund Error Rate Reporting'' (RIN0970–AC29) received on October 4, 2007; to the Committee on Finance.

EC–3601. A communication from the Program Manager, Office of the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and State Health Care Programs; Fraud and Abuse; Safe Harbor for Federally Qualified Health Centers Arrangements Under the Anti-Kickback Statute'' (42 CFR Part 1001) received on October 4, 2007; to the Committee on Finance.

EC–3602. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual review for calendar year 2006 of all programs and projects of the International Atomic Energy Agency; to the Committee on Foreign Relations.

EC–3603. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a Presidential waiver on military assistance; to the Committee on Foreign Relations.

EC–3604. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Performance Incentive Award Payments Exceeding $5,000 to Executive and Excepted Service Employees''; to the Committee on Homeland Security and Governmental Affairs.

EC–3605. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, the report of a proposed amendment intended to extend the period of the pilot program under which the Secretary of Homeland Security may carry out research and development projects; to the Committee on Homeland Security and Governmental Affairs.

EC–3606. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Incorporate a Statement Regarding the 'Sole and Exclusive' Nature of the Authority that the Regulations of the Office of Government Ethics Confer on Executive Branch Departments and Agencies'' (RIN3209–AA37) received on October 3, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3607. A communication from the Acting Director, Trade and Development Agency, transmitting, pursuant to law, a report relative to the Agency's Strategic Plan for fiscal years 2008–2012; to the Committee on Homeland Security and Governmental Affairs.

EC–3608. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–122 , ''Capitol Hill Historic District Protection Temporary Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3609. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–119 , ''Restaurant and Hotel Audit Sufficiency Temporary Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3610. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–120 , ''Disposition of Lot 854 in Square 441 Temporary Approval Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3611. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–121 , ''Omnibus Sports Consolidation Temporary Amendment Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3612. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–117 , ''Workforce Housing Production Program Temporary Amendment Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3613. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–118 , ''Disposition of the Skyland Shopping Center Site Temporary Approval Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3614. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–116 , ''Conflict of Interest Temporary Amendment Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3615. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–115, ''Payday Loan Consumer Protection Amendment Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3616. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–127, ''Tregaron Conservancy Tax Exemption and Relief Temporary Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3617. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–128, ''Inaugural D.C. Triathlon Temporary Amendment Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3618. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–126, ''National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Clarification Temporary Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3619. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–125, ''Student Access to Treatment Temporary Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3620. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–124, ''Establishment of a Hospital Receivership Temporary Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3621. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–130, ''Executive Service Compensation System Change and Pay Schedule Temporary Amendment Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3622. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–123, ''Free Clinic Assistance Program Extension Temporary Amendment Act of 2007'' received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3623. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Authorities Delegated to the Director of the Executive Office for Immigration Review, and the Chief Immigration Judge'' ((RIN1125–AA27) (EOIR No. 125F)) received on October 11, 2007; to the Committee on the Judiciary.

EC–3624. A communication from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting, pursuant to law, the report of a rule entitled ''Privacy'' (5 C.F.R. Part 1830) received on October 10, 2007; to the Committee on the Judiciary.

EC–3625. A communication from the Chief, Regulatory Management Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Classification of Aliens as Children of United States Citizens Based on Intercountry Adoptions Under the Hague Convention'' (RIN1615–AA43) received on October 4, 2007; to the Committee on the Judiciary.

EC–3626. A communication from the Director of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Accreditation of Service Organization Representatives and Agents'' (RIN2900–AM29) received on October 10, 2007; to the Committee on Veterans' Affairs.

EC–3627. A communication from the Assistant Secretary for Policy and Planning, Department of Veterans Affairs, transmitting, pursuant to law, an inventory of commercial activities that are currently being performed by the Department's Federal employees for calendar year 2006; to the Committee on Veterans' Affairs.

EC–3628. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination for the position of Director of the Indian Health Service, received on October 16, 2007; to the Committee on Indian Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 1200. A bill to amend the Indian Health Care Improvement Act to revise and extend the Act (Rept. No. 110–197).

By Mrs. FEINSTEIN, from the Committee on Rules and Administration:

Report to accompany S. Res. 89, An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2007, through September 30, 2007, and October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009 (Rept. No. 110–198).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 1662. A bill to amend the Small Business Investment Act of 1958 to reauthorize the venture capital program, and for other purposes (Rept. No. 110–199).

## 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. ISAKSON (for himself and Mr. CHAMBLISS):

S. 2165. A bill to amend the Endangered Species Act of 1973 to provide for the suspension of each provision of the Act during periods of drought with respect to Federal and State agencies that manage Federal river basins that are located in each region affected by the drought; to the Committee on Environment and Public Works.

By Mr. CASEY (for himself, Mr. LUGAR, Mr. DODD, Mr. BIDEN, Mr. OBAMA, and Mr. SUNUNU):

S. 2166. A bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. SESSIONS:

S. 2167. A bill to amend the Internal Revenue Code of 1986 to authorize agricultural producers to establish and contribute to tax-exempt farm savings accounts in lieu of obtaining federally subsidized crop insurance or noninsured crop assistance, to provide for contributions to such accounts by the Secretary of Agriculture, to specify the situations in which amounts may be paid to producers from such accounts, and to limit the total amount of such distributions to a producer during a taxable year, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. GRASSLEY, Mr. NELSON of Florida, and Mr. DURBIN):

S. 2168. A bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 2169. A bill to temporarily increase the 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, affordable loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself and Mr. KYL):

S. 2170. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction; to the Committee on Finance.

By Mr. PRYOR:

S. 2171. A bill to amend the Communications Act of 1934 to establish a uniform set of customer service and consumer protection requirements for providers of wireless telecommunications services; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN:

S. 2172. A bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself and Mr. TESTER):

S. Res. 347. A resolution designating May 2008 as ''National Be Bear Aware and Wildlife Stewardship Month''; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BIDEN, Mr. CHAMBLISS, Mr. CORNYN, Mrs. DOLE, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INOUYE, Mr. MENENDEZ, Mr. PRYOR, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, and Mr. VOINOVICH):

S. Res. 348. A resolution supporting the goals and ideals of Red Ribbon Week; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 130

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 130, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare.

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 626

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) 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. 831

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 958

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1003

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1354

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1354, a bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1445

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1466

At the request of Mr. DODD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1466, a bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding.

S. 1494

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

At the request of Mr. DOMENICI, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Nebraska (Mr. HAGEL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1494, supra.

S. 1708

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1827

At the request of Mr. COCHRAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1827, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 1858

At the request of Mr. DODD, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1895

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

At the request of Mr. REED, the names of the Senator from Florida (Mr. NELSON), the Senator from North Carolina (Mrs. DOLE), the Senator from Kentucky (Mr. BUNNING) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1895, supra.

S. 1962

At the request of Mr. SESSIONS, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1962, a bill to amend the Food Security Act of 1985 to authorize a regional water enhancement program in the environmental quality incentives program.

S. 2056

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2096

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2096, a bill to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry.

S. 2123

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2128

At the request of Mr. SUNUNU, the names of the Senator from Maine (Ms.

SNOWE) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2128, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2139

At the request of Ms. KLOBUCHAR, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2139, a bill to amend title 38, United States Code, provide educational assistance under the Montgomery GI Bill for members of the National Guard and Reserve who serve extended period of continuous active duty that include a prolonged period of service in certain theaters of operation, and for other purposes.

S. 2156

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2156, a bill to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water resources for irrigation, hydroelectric power, municipal, and environmental uses, and for other purposes.

S. CON. RES. 48

At the request of Mr. JOHNSON, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. Con. Res. 48, a concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically-elected officials of Taiwan.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

S. RES. 345

At the request of Mr. LEAHY, his name was added as a cosponsor of S. Res. 345, a resolution supporting the work of firefighters to educate and protect the Nation's communities, and the goals and ideals of Fire Prevention Week, October 7–13, 2007, as designated by the National Fire Protection Association.

AMENDMENT NO. 3208

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 3208 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3234

At the request of Mr. COBURN, his name was added as a cosponsor of amendment No. 3234 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3256

At the request of Mr. BIDEN, the names of the Senator from Nevada (Mr. REID), the Senator from New Jersey (Mr. MENENDEZ), the Senator from South Dakota (Mr. JOHNSON), the Senator from Colorado (Mr. SALAZAR), the Senator from Florida (Mr. NELSON), the Senator from Montana (Mr. BAUCUS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 3256 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 3256 proposed to H.R. 3093, supra.

AMENDMENT NO. 3274

At the request of Ms. CANTWELL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 3274 intended to be proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3279

At the request of Mr. KYL, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 3279 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3289

At the request of Mr. DEMINT, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 3289 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Mr. SHELBY, his name was added as a cosponsor of amendment No. 3289 proposed to H.R. 3093, supra.

AMENDMENT NO. 3290

At the request of Mr. SMITH, the names of the Senator from Arizona (Mr. KYL), the Senator from Louisiana (Mr. VITTER) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of amendment No. 3290 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3300

At the request of Mrs. MCCASKILL, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of amendment No. 3300 intended to be proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3314

At the request of Mr. SUNUNU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3314 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. GRASSLEY, Mr. NELSON of Florida, and Mr. DURBIN):

S. 2168. A bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this month the Nation is observing National Cyber Security Awareness Month and, today, I am pleased to have Senator SPECTER join me in introducing our Identity Theft Enforcement and Restitution Act of 2007. This bipartisan criminal bill will provide new tools to federal prosecutors to combat identity theft and other cyber crimes.

Senator SPECTER has been a valuable partner in addressing the growing problem of identity theft for many years. When he served as Chairman of the Judiciary Committee, we worked closely together on comprehensive data privacy legislation to combat identity theft. During my tenure as Chairman, we have continued our efforts to enact comprehensive data privacy legislation. I appreciate Senator SPECTER's willingness to work with me once again on this important privacy issue and I look forward to our close partnership yielding results in this Congress.

When Senator SPECTER and I first introduced our comprehensive data privacy bill in 2005, we both knew that there was an urgent need to bring data privacy reforms to the American people. The Judiciary Committee has twice favorably reported the Leahy-Specter Personal Data Privacy and Security Act, most recently in May 2007, and that important privacy bill is now

awaiting consideration by the full Senate as S.495. The privacy reforms in that bill are long overdue and I sincerely hope that the Senate will fulfill its obligation to bring meaningful privacy protections to the American people.

The bipartisan Identity Theft Enforcement and Restitution Act that we are introducing today takes several important steps to build upon our past efforts to protect Americans from the dangers of identity theft. First, our bill provides the victims of identity theft with the ability to seek restitution in Federal court for the loss of time and money spent restoring their credit and remedying the harms of identity theft. Unfortunately, under current law, restitution for identity theft victims is only available to recover the direct financial costs incurred by victims, such as recovering funds for unauthorized credit card charges. But, many identity theft victims incur other, indirect costs, such as lost wages due to time taken off from work to resolve credit disputes. Our bill amends the Federal criminal code to clarify that restitution orders in identity theft cases may include a recovery of these kinds of indirect costs, so that identity theft victims can be made whole.

Second, to address the more sophisticated and complex identity theft crimes committed in today's digital era, our bill also expands the scope of the Federal identity theft statutes so that the law keeps up with the ingenuity of today's identity thieves. The bill expands the definition of ''aggravated identity theft'' under existing law, to include the crime of ''conspiracy'' to commit any of the crimes defined as aggravated identity theft in the criminal code. The bill also adds three new crimes—passing counterfeit securities, mail theft, and tax fraud—to the list of predicate offenses for aggravated identity theft. In order to better deter this kind of criminal activity, the bill significantly increases the criminal penalties for these crimes.

In addition, our bill addresses several growing and disturbing trends in the area of cyber crime. To address the increasing number of computer hacking crimes that involve computers located within the same state, the bill eliminates the jurisdictional requirement that a computer's information must be stolen through an interstate or foreign communication in order to federally prosecute this crime. Our bill also addresses the growing problem of the malicious use of spyware to steal sensitive personal information, by amending the criminal code to eliminate the requirement that the loss resulting from the damage to a victim's computer must exceed $5,000 in order to federally prosecute this offense.

Our bill also addresses the increasing number of cyber attacks on multiple computers, by making it a felony to employ spyware or keyloggers to damage ten or more computers, regardless of the aggregate amount of damage caused. By making this crime a felony, the bill ensures that the most egregious identity thieves will not escape with minimal punishment under Federal cyber crime laws.

Lastly, our bill strengthens the protections for American businesses which are more and more becoming the focus of identity thieves. Because in today's digital economy, cyber-criminals often seek to extort money from American businesses without explicitly threatening to shut down or otherwise cause damage to a company computer, our bill amends the Federal criminal code to expressly cover extortion plots that do not involve a specific threat to damage a computer. The current law does not reach this kind of bad conduct; but, our bill corrects this shortcoming by adding two new causes of action under the cyber extortion statute, threatening to obtain or release information from a protected computer and demanding money in relation to a protected computer, so that this bad conduct can be federally prosecuted. In addition, because a business as well as an individual can be a prime target for identity theft, our bill also closes several gaps in the federal identity theft and the aggravated identity theft statutes, so that identity thieves who steal sensitive information belonging to a small business or a corporation may also be prosecuted under these laws.

Senator SPECTER and I have worked closely with the Department of Justice in crafting this criminal legislation and the Leahy-Specter Identity Theft Enforcement and Restitution Act has the strong support of the Department of Justice, the Secret Service and the Federal prosecutors and investigators who are on the front lines of the battle against identity theft and other cyber crimes. The bill is also supported by the business community and consumer groups.

Enacting good, bipartisan legislation to combat identity theft and to protect American consumers should be one of the Senate's top legislative priorities. Senator SPECTER and I are deeply committed to bringing long overdue data privacy protections to the American people. I hope that all Members of the Senate will join with us in supporting this important privacy legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2168

*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 ''Identity Theft Enforcement and Restitution Act of 2007''.

**SEC. 2. CRIMINAL RESTITUTION.**

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense.''.

**SEC. 3. PREDICATE OFFENSES FOR AGGRAVATED IDENTITY THEFT AND MISUSE OF IDENTIFYING INFORMATION OF ORGANIZATIONS.**

(a) IDENTITY THEFT.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7), by inserting ''(including an organization as defined in section 18 of this title)'' after ''person''; and

(2) in subsection (d)(7), by inserting ''or other person'' after ''specific individual''.

(b) AGGRAVATED IDENTITY THEFT.—Section 1028A of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''(including an organization as defined in section 18 of this title)'' after ''person''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting '', or a conspiracy to commit such a felony violation,'' after ''any offense that is a felony violation'';

(B) by redesignating—

(i) paragraph (11) as paragraph (14);

(ii) paragraphs (8) through (10) as paragraphs (10) through (12), respectively; and

(iii) paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(C) by inserting prior to paragraph (2), as so redesignated, the following:

''(1) section 513 (relating to making, uttering, or possessing counterfeited securities);'';

(D) by inserting after paragraph (8), as so redesignated, the following:

''(9) section 1708 (relating to mail theft);'';

(E) in paragraph (12), as so redesignated, by striking ''; or'' and inserting a semicolon; and

(F) by inserting after paragraph (12), as so redesignated, the following:

''(13) section 7201, 7206, or 7207 of title 26 (relating to tax fraud); or''.

**SEC. 4. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.**

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking ''if the conduct involved an interstate or foreign communication''.

**SEC. 5. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.**

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking ''(A)(i) knowingly'' and inserting ''(A) knowingly'';

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

(iii) in subparagraph (C), as so redesignated, by striking ''; and'' and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking ''(a)(5)(A)(iii),'';

(B) in paragraph (3)(B), by striking ''(a)(5)(A)(iii),'';

(C) by amending paragraph (4) to read as follows:

''(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding

brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(III) physical injury to any person;

''(IV) a threat to public health or safety;

''(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

''(VI) damage affecting 10 or more protected computers during any 1-year period; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

''(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

''(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

''(i) any other offense under subsection (a)(5); or

''(ii) an attempt to commit an offense punishable under this subparagraph.''; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking ''in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)'' and inserting ''in subclauses (I), (II), (III), (IV), (V), or (VI) of subsection (c)(4)(A)(i)''; and

(B) in the third sentence, by striking ''subsection (a)(5)(B)(i)'' and inserting ''subsection (c)(4)(A)(i)(I)''.

(b) CONFORMING CHANGES.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking ''1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)'' and inserting ''1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)''.

**SEC. 6. CYBER-EXTORTION.**

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

''(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

''(A) threat to cause damage to a protected computer;

''(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

''(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;''.

Mr. SPECTER. Mr. President, I seek recognition today to discuss the Identity Theft Enforcement and Restitution Act of 2007, which I am introducing with Senator LEAHY.

In 2006, some 8.4 million Americans became victims to identity theft. Victims are often left with a bad credit report and must spend months and even years regaining their financial health. In the meantime, victims have difficulty getting credit, obtaining loans, renting apartments, and even getting hired. On a national level, experts estimate that identity theft costs the U.S. economy $49.3 billion last year and costs each victim an average of $617.

Identity thieves frequently acquire a person's existing credit account information and then purchase products and services using either the actual credit card or simply the account number and expiration date. They also use Social Security numbers and other identifying information to open new accounts in a person's name. Identity thieves frequently obtain both existing account information and the information needed to open new accounts electronically—either by gaining unauthorized access to a computer or by fraudulently inducing victims to provide such information.

The Identity Theft Enforcement and Restitution Act will provide Federal prosecutors with new tools to combat identity theft.

First, the bill will expand Federal computer fraud statutes to cover business organizations. Identity thieves frequently impersonate businesses in order to steal sensitive personal information from consumers. However, current law only provides for prosecution of identity theft perpetrated against an individual.

Under the bill, prosecutors will be able to go after identity thieves even when the computer they use to steal information is located in the same State as the victim's computer. Under current law, Federal courts only have jurisdiction if the thief uses an interstate communication to access the victim's computer.

The bill will make it a crime to threaten to steal or release information from a computer. Under current law, prosecutors can only bring extortion charges against those who threaten to shut down or damage a computer.

The bill will make it a crime to use malicious ''spyware'' to damage a computer, regardless of the amount of damage. Under current law, damage to a victim's computer must exceed $5,000 before a prosecutor can bring charges.

The bill will also increase the penalties Federal prosecutors can seek for identity theft.

The bill will enable prosecutors to seek enhanced penalties where a violation of the Federal computer fraud statutes includes conspiracy.

Prosecutors also will be able to seek enhanced penalties where a violation of the Federal computer fraud statutes involves passing counterfeit securities, mail theft, and tax fraud.

Finally, and perhaps most importantly, the bill will enable Federal prosecutors to seek restitution for the time and money that victims spend restoring their credit. The impact of identity theft is not limited to direct financial loss. Victims frequently spend significant amounts of time fixing or monitoring credit reports and disputing charges with individual creditors. The Federal Trade Commission has reported that victims spend an average of 30 hours trying to resolve identity theft-related issues with banks, credit agencies, and other institutions. According to the FTC, a total of 297 million hours were expended in 1 year by victims trying to deal with the impact of identity theft.

The Criminal Code currently allows prosecutors to seek restitution for the direct financial losses that victims experience. However, the code does not expressly permit prosecutors to obtain restitution for the time and money victims spend resolving the problems that arise as a result of identity theft. The Identity Theft Enforcement and Restitution Act of 2007 will allow prosecutors to seek restitution from a criminal defendant for the time and resources victims spend trying to repair their credit. The bill will require judges to determine the amount of time reasonably spent and the value of the victim's time.

Many of these provisions were included in the recommendations of the President's Identity Theft Task Force. These changes were recommended by the agency responsible for prosecuting identity theft, the Justice Department. I expect broad bipartisan support for this bill, and I urge my colleagues to support it.

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By Mr. PRYOR:

S. 2171. A bill to amend the Communications Act of 1934 to establish a uniform set of customer service and consumer protection requirements for providers of wireless telecommunications services; to the Committee on Commerce, Science, and Transportation.

Mr. PRYOR. Mr. President, I rise to introduce legislation that will bring important consumer protections to millions of wireless telephone customers across the country. The Uniform Wireless Consumer Protection

Act requires the Federal Communications Commission to establish uniform national customer service and consumer protection rules for wireless customers that are both timely and necessary. My bill is identical to language approved with bipartisan support by the Senate Commerce Committee during the 109th Congress.

In 1993, through the Omnibus Budget Reconciliation Act, Congress limited State and local regulatory authority on wireless carriers to help the fledgling industry establish itself in the communications arena. That decision has helped to drive today's market of 240 million wireless customers in the U.S. Today, carrying a wireless telephone, a BlackBerry, or some other kind of wireless device has become part of the fabric of many peoples' lives. Wireless technology has become a commonplace communication option, and an increasing number of Americans have replaced their landline telephone in favor of a purely mobile telephone service.

While we have accomplished the goal of growing the wireless industry, we have yet to establish a uniform set of customer service and consumer protection requirements. Now is the time to finish the job we started in 1993 by enacting a national framework that will drive a new era of consumer-friendly wireless services.

This national consumer framework is not without challenges. The ability of wireless to travel beyond State boundaries tests our customary approaches to customer service and consumer protection standards at the state and local level. But nothing in this bill should be misconstrued as a statement against consumer obligations by State and local governments. As a former Attorney General of Arkansas, I feel very strongly about the inimitable ability of State and local governments to oversee and enforce consumer protections. State and local governments are unmatched in their function to provide effective protection and enforcement, and final rules must recognize and require a strong role for states in wireless consumer protection.

In addition, my colleagues Senator KLOBUCHAR and Senator ROCKEFELLER have introduced a bill, S. 2033, the Cell Phone Consumer Empowerment Act of 2007, that shares the same goal of protecting wireless consumers, and I look forward to working with them. Uniform wireless consumer protection rules must be comprehensive and address a broad range of issues, including disclosures of contract terms and conditions, service-area maps, trail periods and early termination fees. We also need to weigh the benefits and the burdens of government fees and taxes, as well as the costs of compliance with government regulations on wireless services.

I know my constituents want to be assured of their consumer protections when they buy and use wireless service, wherever they go and wherever they use their wireless phones. This bill begins an important debate on building uniform, comprehensive rules that provide a fair, transparent and quality wireless service to consumers across the Nation. While there is much work to be done in achieving a balance of rules that truly work for consumers, there is a clear need for a federal wireless regulatory framework. I am confident that we can reach this goal.

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By Mr. MCCAIN:

S. 2172. A bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes; to the Committee on Foreign Relations.

Mr. MCCAIN. Mr. President, the world has reacted with horror and revulsion at the Burmese junta's recent brutal crackdown against peaceful demonstrators. In crushing the Saffron Revolution, killing hundreds and jailing thousands, including countless Buddhist monks, the junta has left no doubt about its blatant disregard for basic human decency. We, as Americans, stand on the side of freedom, not fear; of peace, not violence; and of the millions in Burma who aspire to a better life, not those who would keep them isolated and oppressed.

Our response must go beyond statements of condemnation, and the time to act is now. That is why today I am introducing the Saffron Revolution Support Act of 2007 in the U.S. Senate. This legislation imposes meaningful and effective punitive action against the cruel, thuggish, and illegitimate Burmese government. We must not sit idly by while the junta continues to deprive the Burmese people of their fundamental human rights.

This legislation would impose targeted sanctions against Burmese officials who played a direct role in the violent repression of peaceful political dissent, and also against those who provide, or have provided, substantial political and economic support for the junta. These individuals would be subject to a visa ban and a ban on business dealings with any United States entity or person. This legislation would also close a loophole that exists in current U.S. import policy that allows imports of Burmese gems and hardwoods, which together add tens of millions of dollars to the junta's coffers. It would eliminate the remaining U.S. energy investment in Burma's gas sector and significantly increase U.S. Government support for democracy in Burma.

Specifically, the Saffron Revolution Support Act of 2007: states that it is the policy of the United States to condemn the Burmese junta's continued repressions, support the democratic aspirations of the Burmese people, provide support to aid a democratic transition in Burma, and hold accountable those individuals responsible for the ongoing repression; imposes targeted financial sanctions against Burmese officials who played a direct role in the violent repression of peaceful political dissent, and also against those who provide, or have provided, substantial political and economic support for the junta government; imposes a visa ban on these individuals; prohibits the importation of Burmese gems and hardwoods, including materials that are mined or harvested in Burma but shaped, cut, or assembled in other countries not subject to current U.S. sanctions; prohibits investment in Burma by U.S. companies, including investment agreements reached prior to the imposition of the May 20, 1997 sanctions; permits the President to terminate sanctions once the Government of Burma has: unconditionally released all political prisoners, including Aung San Suu Kyi and other members of the National League for Democracy; entered into a substantive dialogue with democratic forces on a transition to democratic government under the rule of law; allowed humanitarian access to populations affected by armed conflict in all regions of Burma; authorizes $20 million for FY 2008 and FY 2009 in aid to democracy activists in Burma, for the expansion of radio and television broadcasting into Burma, and for support to individuals and groups compiling evidence of the junta's crimes; expresses the sense of Congress that the Director of National Intelligence should target intelligence resources to identify those responsible for the crackdown and for other human rights abuses; authorizes the Secretary of State to fund the establishment of an independent, searchable, Internet database that would compile evidence of human rights abuses in Burma, permitting increased international research aimed at holding human rights abusers accountable; requires a report by the Secretary of State on international sources of military aid to the Burmese regime.

The next phase of political life in Burma has begun. The junta's thugs cannot forever postpone the blossoming of freedom and democracy within its nation's borders. By enacting the Saffron Revolution Support Act of 2007, the Congress can help ensure that they do not. I urge my colleagues to support this vital piece of legislation.

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## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 347—DESIGNATING MAY 2008 AS ''NATIONAL BE BEAR AWARE AND WILDLIFE STEWARDSHIP MONTH''

Mr. BAUCUS (for himself and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 347

Whereas wildlife and wildlife viewing enrich the shared outdoor heritage of the people of the United States;

Whereas it is possible to enjoy wildlife in a way that is prudent, safe, and educational

and that has minimal adverse effects on wildlife;

Whereas the people of the United States should be aware of the potential for conflict between humans and wildlife;

Whereas the people of the United States should learn the safety and stewardship techniques that can prevent such conflicts;

Whereas some groups, such as the Center for Wildlife Information and State and Federal wildlife associations, in cooperation with State and Federal wildlife and land management agencies, have taken important proactive steps to create educations toolkits and design programs to educate outdoor enthusiasts; and

Whereas educational efforts can raise awareness of the potential for such conflict, help minimize such conflict, and promote the responsible enjoyment of wildlife: Now, therefore, be it

*Resolved*, That the Senate designates May 2008 as ''National Be Bear Aware and Wildlife Stewardship Month''.

## SENATE RESOLUTION 348—SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BIDEN, Mr. CHAMBLISS, Mr. CORNYN, Mrs. DOLE, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INOUYE, Mr. MENENDEZ, Mr. PRYOR, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 348

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique ''Kiki'' Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 to preserve Special Agent Camarena's memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for our families;

Whereas drug and alcohol abuse contribute to domestic violence and sexual assault, and place the lives of children at risk;

Whereas, although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics such as the abuse of prescription medication—the second most abused drug by youth, methamphetamine, and inhalants demand attention;

Whereas drug dealers are specifically targeting children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3320. Mr. COBURN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3321. Mr. COBURN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3322. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3323. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3320.** Mr. COBURN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, 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 made available in this Act may be used—

(1) to carry out the Entertainment Education Program of the Centers for Disease Control and Prevention;

(2) for the Ombudsman Program of the Centers for Disease Control and Prevention; and

(3) by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.

**SA 3321.** Mr. COBURN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, 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) Notwithstanding any other provision of this Act, none of the funds made available under the heading ''OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION'' under the heading ''INSTITUTE OF MUSEUM AND LIBRARY SERVICES'' in title IV may be used for for the Bethel Performing Arts Center.

(b) The amount made available under the heading ''OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION'' under the heading ''INSTITUTE OF MUSEUM AND LIBRARY SERVICES'' in title IV is reduced by $1,000,000, and the amount made available under the heading ''HEALTH RESOURCES AND SERVICES'' under the heading ''HEALTH RESOURCES AND SERVICES ADMINISTRATION'' in title II is increased by $336,500, which $336,500 shall be used to carry out title V of the Social Security Act (42 U.S.C. 701 et seq.), in order to provide additional funding for the maternal and child health services program carried out under that title.

**SA 3322.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, 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) Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be made available for—

(1) the Lyndon Baines Johnson Foundation in Austin, Texas, for the Presidential timeline project;

(2) the ECHO Center in, Burlington, Vermont, for the Lake Champlain Quadracentennial; or

(3) the Virginia Aquarium and Marine Science Center in Virginia Beach, Virginia, to expand outreach programs.

(b) Amounts available as a result of the prohibition under subsection (a) shall be transferred to the Secretary of Education to be used to increase funding for special education programs authorized by the Individuals with Disabilities Education Act.

**SA 3323.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, 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 in title III, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, the Secretary of Education shall, not later than September 30, 2008, submit to the appropriate committees of Congress and post on the Internet website of the Department of Education, a report concerning—

(1) the total number of Department of Education employees, including employees who salaries are paid by the Department but are employed by contractors or grantees of the Department;

(2) the total number, and percentage, of such employees who have previously worked in a classroom as a teacher or a teacher's assistant;

(3) of the employees who have worked in a classroom, the average number of years of time spent as an instructor;

(4) the total dollar amount, and overall percentage of the Department of Education funding, that is expended—

(A) in the classroom;

(B) on student tuition assistance;

(C) on overhead and administrative costs and expenses; and

(D) on Congressionally directed spending items, including the administrative costs of administering such earmarks; and

(5) a listing of all of the programs run by the Department of Education and the total budget and most recent evaluation of each such program, and a notation if no such evaluation has been conducted.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, October 16, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The purpose of this hearing is to review the efforts of the Transportation Security Administration, to meet the requirements in the Implementing Recommendations of the 9/11 Commission Act of 2007, and other plans the agency has to strengthen transportation security in the U.S.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 16, 2007, at 11:45 a.m. to hold a briefing on the Gulf Security Dialogue.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, October 16, 2007, at 10 a.m. in order to conduct a hearing entitled ''One Year Later: A Progress Report on the SAFE Port Act.''

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 16, 2007 at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Tuesday, October 16, 2007, at 3:15 p.m. in order to conduct a hearing entitled ''Improving Financial and Business Management at the Department of Defense.''

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

## EXECUTIVE SESSION

### NOMINATION DISCHARGED

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to executive session, that the HELP Committee be discharged from further consideration of the nomination of Williamson Evers to be Assistant Secretary at the Department of Education, PN 230; that the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF EDUCATION

Williamson Evers, of California to be Assistant Secretary for Planning, Evaluation, and Policy Development.

## LEGISLATIVE SESSION

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

## THE CALENDAR

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following calendar items: Calendar No. 405, S. Res 326; and Calendar No. 406, H. Con. Res. 193.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution be agreed to, the concurrent resolution be agreed to, that the preambles be agreed to en bloc, and the motions to reconsider be laid on the table, that the consideration of these items appear separately in the RECORD, and that any statements be printed in the RECORD.

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

## NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS

The resolution (S. Res. 326) supporting the goals and ideals of a National Day of Remembrance for Murder Victims, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 326

Whereas the death of a loved one is a devastating experience, and the murder of a loved one is exceptionally difficult;

Whereas the friends and families of murder victims cope with grief through a variety of support services, including counseling, crisis intervention, professional referrals, and assistance in dealing with the criminal justice system; and

Whereas the designation of a National Day of Remembrance for Murder Victims on September 25 of each year provides an opportunity for the people of the United States to honor the memories of murder victims and to recognize the impact on surviving family members: Now, therefore, be it

*Resolved,* That the Senate—

(1) supports the goals and ideals of a National Day of Remembrance for Murder Victims; and

(2) recognizes the significant benefits offered by the organizations that provide services to the loved ones of murder victims.

## RECOGNIZING HUNTERS' COMMITMENT TO SAFETY

The concurrent resolution (H. Con. Res. 193), recognizing all hunters across the United States for their continued commitment to safety, was considered and agreed to.

The preamble was agreed to.

## SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 348, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 348) supporting the goals and ideals of Red Ribbon Week.

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

Ms. MURKOWSKI. Mr. President, I rise today in support of a resolution that commemorates the Annual Red Ribbon Campaign. I am honored to again seek the Senate's continuing support and recognition of Red Ribbon Week, which is October 23 through October 31.

In 1985, Special Agent Enrique ''Kiki'' Camarena of the Drug Enforcement Administration was kidnapped, tortured, and murdered in the line of duty by drug traffickers. Shortly after Agent Camarena's death, Congressman Duncan Hunter and high school friend Henry Lozano launched ''Camarena Clubs'' in the agent's hometown of Calexico, CA. In honor of Agent Camarena, hundreds of club members wore red ribbons and pledged to lead drug-free lives. The campaign quickly gained statewide and then national prominence. In 1988, what is now the National Family Partnership organized the first National Red Ribbon Week, an 8-day event proclaimed by the U.S. Congress and chaired by then-President and Mrs. Reagan.

This campaign is now the oldest and largest drug prevention program in the

Nation, reaching millions of youth through Red Ribbon Week events. Red Ribbon Week memorializes Agent Camarena, and all those who have lost their lives in the war on drugs, by educating young people about the dangers of drug abuse, promoting drug-free activities, and supporting everyone who has stood strong against illicit drugs. The red ribbon that we will wear during Red Ribbon Week is a symbol of zero tolerance for illegal drug use and our commitment to help people, especially children, make the right life decisions.

In Alaska, Red Ribbon Week is a statewide celebration involving thousands of school children and other supporters. On October 22, the Municipality of Anchorage, in conjunction with the Alaska Red Ribbon Coalition and the Boys and Girls Clubs of Alaska, will host a Red Ribbon Week kickoff. The Red Ribbon Coalition is comprised of the Anchorage School District, the Alaska State Troopers, the U.S. Drug Enforcement Administration, and the U.S. Department of Justice. In addition, the Alaska National Guard and 43 Boys and Girls Clubs across Alaska will help other Alaskan communities celebrate Red Ribbon Week throughout the State.

As people across the country stand together against drugs, I thank my colleagues for joining me in what will hopefully be a continuation of the tradition of congressional support and recognition of Red Ribbon Week.

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 348) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 348

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique ''Kiki'' Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 to preserve Special Agent Camarena's memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for our families;

Whereas drug and alcohol abuse contribute to domestic violence and sexual assault, and place the lives of children at risk;

Whereas, although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics such as the abuse of prescription medication—the second most abused drug by youth, methamphetamine, and inhalants demand attention;

Whereas drug dealers are specifically targeting children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

*Resolved,* That the Senate—

(1) supports the goals and ideals of Red Ribbon Week;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

## ORDERS FOR WEDNESDAY, OCTOBER 17, 2007

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Wednesday, October 17; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the majority and minority, with the majority controlling the first half and the Republicans controlling the final half; provided that Senator STEVENS be recognized to speak in morning business for up to 7 minutes prior to the start of the controlled time; that following morning business, the Senate proceed to H.R. 3043, as provided for under a previous order; that on Wednesday, the Senate stand in recess from 1 to 2 p.m.

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

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SANDERS. If there is no further business, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:08 p.m., adjourned until Wednesday, October 17, 2007, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JOSEPH J. MURIN, OF PENNSYLVANIA, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, VICE ROBERT M. COUCH, RESIGNED.

DEPARTMENT OF TRANSPORTATION

SIMON CHARLES GROS, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE ROGER SHANE KARR, RESIGNED.

DEPARTMENT OF STATE

DEBORAH K. JONES, OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN UNDER SECRETARY OF STATE (MANAGEMENT), VICE HENRIETTA HOLSMAN FORE.

DEPARTMENT OF HOMELAND SECURITY

GUS P. COLDEBELLA, OF MASSACHUSETTS, TO BE GENERAL COUNSEL, DEPARTMENT OF HOMELAND SECURITY, VICE PHILIP J. PERRY, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

*To be commander*

ALBERT R. AGNICH, 9545
ANTHONY J. ALARID, 1412
MICHAEL S. ANTONELLIS, 5030
WAYNE R. ARGUIN, 5574
CARRIE M. ASH, 8350
DANIEL P. BARAVIK, 7217
EDWARD K. BEALE, 7399
SCOTT A. BEAUREGARD, 6053
MATTHEW T. BECK, 1659
BENJAMIN A. BENSON, 3424
DAVID F. BERLINER, 6106
EDWARD L. BOCK, 9943
GEORGE L. BOONE, 9263
RUSSELL S. BURNSIDE, 9517
JOSEPH R. BUZZELLA, 9459
KENT R. CHAPPELKA, 2243
PATRICK W. CLARK, 4993
LESLIE W. CLAYBORNE, 8504
MICHAEL A. CLYBURN, 6160
MICHAEL R. COCKLIN, 7825
JASON C. COLLINS, 4367
RICHARD W. CONDIT, 6705
BRYAN E. DAILEY, 2760
JOHN P. DAILEY, 8803
BENJAMIN L. DAVIS, 7810
JOSEPH E. DEER, 4579
NICHOLAS DELAURA, 5178
EDWIN DIAZROSARIO, 7357
DOUGLAS C. DIXON, 8495
DEREK A. DORAZIO, 8617
BRYAN L. DURR, 0817
DAVID M. EHLERS, 8010
THOMAS M. EMERICK, 0148
DENNIS C. EVANS, 2583
BRIAN E. FIEDLER, 4368
JAMES H. FINTA, 4037
GEOFFREY P. GAGNIER, 3787
ERIC J. GANDEE, 6250
EDWARD J. GAYNOR, 5376
PAUL E. GERECKE, 9849
GREGORY S. GESELE, 5001
THOMAS W. GESELE, 5000
MICHAEL W. GLANDER, 8276
ERIC S. GLEASON, 7795
DAVID J. GODFREY, 4785
MARK D. GORDON, 0616
THOMAS A. GRIFFITTS, 2199
JASON R. HAMILTON, 9913
KEVIN J. HANSON, 3914
BENJAMIN J. HAWKINS, 0980
JAMES A. HEALY, 7844
KATHERINE A. HOWARD, 5315
JERRY A. HUBBARD, 8249
JOHN S. IMAHORI, 0811
CHAD L. JACOBY, 0937
JEFFREY A. JANSZEN, 4464
TERRENCE M. JOHNS, 9778
EUGENE E. JOHNSON, 2742
MATT N. JONES, 9156
SAMUEL R. JORDAN, 5346
BRENDAN D. KELLY, 1704
THOMAS H. KING, 4018
TAMARA I. KOERMER, 7880
NICHOLAS R. KOESTER, 0771
AMY E. KOVAC, 2137
SEAN F. LESTER, 9700
MICHAEL C. LONG, 8213
KEVIN J. LOPES, 4258
JESS P. LOPEZ, 9464
JUAN LOPEZ, 7254
JOHN S. LUCE, 3517
LISA K. MACK, 9536
SEAN C. MACKENZIE, 8795
JOSEPH P. MALINAUSKAS, 1645

CHRISTOPHER K. MARCY, 6902
THOMAS W. MCDEVITT, 4910
MATTHEW R. MCGLYNN, 8313
MALCOLM R. MCLELLAN, 5745
PATRICK W. MCMAHON, 5758
MATTHEW T. MEILSTRUP, 8815
JASON A. MERRIWEATHER, 1212
JAMES B. MILLICAN, 4131
JAMES W. MITCHELL, 1953
MICHAEL A. MULLEN, 9964
PATRICK J. MURPHY, 4093
LEE B. MYNATT, 8798
NICOLE S. NANCARROW, 2108
RANDALL J. NAVARRO, 3988
RANDALL K. NELSON, 8024
JASON D. NEUBAUER, 0262
THERESA M. NEUMANN, 5287
JACK C. NEVE, 2871
ANTHONY J. NYGRA, 9006
KEVIN D. ODITT, 4345
STEVEN F. OSGOOD, 0310
KEITH A. OVERSTREET, 4897
GEOFFREY D. OWEN, 3140
EDWIN W. PARKINSON, 7735
JAMES A. PASSARELLI, 2110
DARYL R. PELOQUIN, 5796
CORNELL I. PERRY, 7094
DAVID L. PETTY, 6682
ZACHARY H. PICKETT, 2955
KENNETH A. PIERRO, 6696
MICHAEL E. PLATT, 3176
NATHAN A. PODOLL, 7508
GARY K. POLASKI, 2160
SUSAN POLIZZOTTO, 2217
KELLY M. POST, 2206
STEVEN J. PRUYN, 5380
GREGORY M. RAINEY, 6693
DAVID W. RAMASSINI, 8864
WILFORD R. REAMS, 6891
JOHN D. REEVES, 5620
FRANCISCO S. REGO, 9178
KEVIN W. RIDDLE, 9475
SHANNAN D. ROONEY, 9051
KILEY R. ROSS, 0559
AARON E. ROTH, 9026
MATTHEW P. ROTHER, 0531
MATTHEW A. RYMER, 9954
MARTIN G. SARCH, 6247
ROSS L. SARGENT, 8992
SEAN R. SCHENK, 7640
RONALD K. SCHUSTER, 6416
JAMES W. SEEMAN, 7067
MICHAEL A. SHIRK, 4896
CHARLES G. SMITH, 9733
MATTHEW J. SMITH, 9753
PATRICK T. SMITH, 8349
ROBERT L. SMITH, 9066
WILLIAM G. SMITH, 9221
JAMES P. SPOTTS, 4085
JOSEPH E. STAIER, 5987
GREGORY STANCLIK, 0645
BION B. STEWART, 4651
JEFFREY D. STEWART, 5556
PATRICK J. STJOHN, 2226
ANTHONY A. STOBBE, 0824
ROSS A. STROEBEL, 4072
DAVID W. STRONG, 9124
CLIFFORD D. TAYLOR, 9056
CHARLES W. TENNEY, 3941
GARY M. THOMAS, 5398
JOSEPH G. UZMANN, 3423
JOHN C. VANN, 7390
ALDANTE VINCIGUERRA, 4905
MATTHEW R. WALKER, 1683
SCOTT WASHBURN, 6656
KATHERINE E. WEATHERS, 7162
MICHELLE R. WEBBER, 8933
LAURA H. WEEMS, 7627
MICHAEL C. WESSEL, 1833
KEVIN E. WIRTH, 9925
GREGORY D. WISENER, 4098
STEVEN P. WITTROCK, 3763
MARK S. YOUNG, 6551
MICHAEL B. ZAMPERINI, 8558

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

*To be captain*

MICHAEL S. GALLAGHER
GERD F. GLANG
WILLIAM B. KEARSE
GUY T. NOLL
THOMAS E. STRONG

*To be commander*

RICHARD A. FLETCHER
RALPH R. ROGERS
MARK B. NELSON
DEBORA R. BARR
ERIC W. BERKOWITZ
JON D. SWALLOW
JOSEPH A. PICA
MICHAEL J. HOSHLYK
RICARDO RAMOS

*To be lieutenant commander*

PHILLIP W. EASTMAN
STEPHEN S. MEADOR
CHRISTIAAN H. VAN WESTENDORP
GEORGE M. MILLER
BRADLEY H. FRITZLER
MARC S. MOSER
HOLLY A. DEHART
KRISTIE J. TWINING
FRANK K. DREFLAK
BENJAMIN K. EVANS
JEREMY B. WEIRICH

*To be lieutenant*

MATTHEW R. RINGEL
ERICH J. BOHABOY
LINDSAY R. KURELJA
PATRICK D. DIDIER
KELLEY E. STROUD
MICHAEL C. DAVIDSON
DAVID E. FISCHMAN
SILAS M. AYERS
NICOLA SAMUELSON
PATRICK L. MURPHY
COLIN D. LITTLE
LEAH A. HARMAN
JASON R. MANSOUR
BRIANA J. WELTON
ABIGAIL S. HIGGINS

*To be lieutenant (junior grade)*

DAVID M. GOTHAN
WILLIAM G. WINNER
MARY A. BARBER
VICTORIA E. ZALEWSKI
MATTHEW C. DAVIS
MATTHEW GLAZEWSKI
CHRISTOPHER W. DANIELS
RAUL VASQUEZ DEL MERCADO
SARAH A. T. HARRIS
MEGHAN E. MCGOVERN
FRANCISCO J. FUENMAYOR
LECIA M. SALERNO
PHOEBE A. WOODWORTH
JOSHUA J. SLATER
BENJAMIN M. LACOUR
RYAN C. WATTAM
MARK K. FRYDRYCH

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS.

*To be medical director*

HARRY J. BROWN
THERESA A. CULLEN
ARON PRIMACK

*To be senior surgeon*

ALBERT J. EXNER
CAROL FRIEDMAN
ANA M. OSORIO
LYNNE E. PINKERTON

*To be surgeon*

FRANCISCO ALVARADO-RAMY
EDUARDO AZZIZ-BAUMGARTNER
MARY M. DOTT
JOHN M. HEUSINKVELD
MILTON IRIZARRY
MICHELLE K. LEFF
MELISSA A. MERIDETH
JUAN E. PALACIO
CHARLES T. REIDHEAD
ARJUN SRINIVASAN
THOMAS C. WHITE

*To be senior assistant surgeon*

CHINETA R. EURE
MICHELLE S. MCCONNELL
KEVIN J. NOLAN
DREW L. POSEY
JOSHUA G. SCHIER

*To be dental surgeon*

VIRGILIO A. BELTRAN
JAN C. COLTON
PHILLIP G. DRISCOLL
LOUIS J. MARCHIORI III
RANDALL B. SMITH
SCOTT A. TRAPP
PHILLIP D. WOODS

*To be senior assistant dental surgeon*

MARISOL CORDERO
AMANDA L. CRAMER
JANICE J. KIM
KATRINA J. LESLIE

*To be nurse officer*

MICHELLE J. BRAUN
MICHAEL P. BRYCE
JANICE E. DAVIS
MARILYN L. DEYKES
FRANCIS F. FRAZIER
COLLEEN O. LEE
KELLY KATHERINE MURPHY
ELIZABETH M. OSBORNE
PATRICIA A. PETTIS
MICHELLE E. POINDEXTER
MARYANN E. ROBINSON
CARRISSA V. SANCHEZ
DORNETTE D. SPELL-LESANE

*To be senior assistant nurse officer*

TAMMY L. GRAGG
PAULINE KARIKARI-MARTIN
TZU-CHING LIU
DAVID M. MAGNOTTA
DALE P. MISHLER
SUSAN E. THOMPSON
KATHLEEN M. WALLACE
FAITH M. WALSH
TRACY S. WILLIAMS
EDWARD W. WOLFGANG

*To be assistant nurse officer*

JOSHUA E. HARDIN

*To be engineer officer*

SHUN-PING CHAU
MARY LENA DAHL
PAUL S. GAGLIANO
KATHLEEN J. MERCURE

*To be senior assistant engineer officer*

CRAIG J. HAUGLAND

*To be assistant engineer officer*

JEREMY B. NICKELS

*To be scientist*

RICHARD P. GUSSIO
DENNIS R. SPEARS
NOVELLA C. WILLIAMS

*To be senior assistant scientist*

KARON ABE
SARA B. NEWMAN
SHARON H. SAYDAH
JACQUELINE C. SRAM

*To be environmental health officer*

WILLIAM D. JUSTICE, JR.

*To be senior assistant environmental health officer*

JENNIFER L. HORNSBY-MYERS
CHRISTOPHER S. LAFFERTY

*To be veterinary officer*

MARTA A. GUERRA
ELVIRA L. HALL-ROBINSON
CHARLOTTE A. SPIRES

*To be senior assistant veterinary officer*

RENEE H. FUNK

*To be pharmacist*

CHRISTINE M. BINA
JONATHAN C. DANDO
TIA M. HARPER-VELAZQUEZ
CONNIE T. JUNG
ROBERT KANG
LINDA M. SCHRAND
TARA P. TURNER

*To be senior assistant pharmacist*

JOHN G. BEARDEN
GREGORY R. DILL
ZACHERY L. MILLER
PATRICK L. ROMERO
SHEILA K. RYAN
REBECCA D. SAVILLE
JIALYNN K. WANG

*To be dietitian*

CARMA J. PAULI

*To be senior assistant dietitian*

SUSAN R. JONES

*To be senior assistant therapist*

JOSEPH S. GOLDING

*To be health services director*

HENRY S. CHAN

*To be senior health services officer*

NANCY M. BILL

*To be health services officer*

RENDI M. BACON
FREDA G. CARPITCHER
GEORGE A. DURGIN, JR.
MARCELLA LAW
MICHELLE L. MARKLEY
TIMOTHY J. PAPPALARDO
ANGELA J. SANCHEZ

*To be senior assistant health services officer*

KELLY D. BROWN
JEFFREY A. COADY
PAUL L. DEXTER
DAVID A. DIETZ
SUSANNA K. PARTRIDGE
MICHELLE A. PELKEY
DESTRY M. SILLIVAN
CECILE M. TOWN
WILLIAM R. WALDRON II

*To be assistant health services officer*

BRIAN T. BURT
THOMAS J. JANISKO
JEREMY R. PARMLEY
JOSEPH M. SHURINA III

ELAINE C. WOLFF

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. GLENN F. SPEARS, 2012

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. BENJAMIN R. MIXON, 7168

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. DAVID H. HUNTOON, JR., 1919

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

*To be lieutenant general*

MAJ. GEN. ERIC B. SCHOOMAKER, 8284

THE JUDICIARY

BRIAN STACY MILLER, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS, VICE GEORGE HOWARD, JR., DECEASED.

## CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, October 16, 2007:

DEPARTMENT OF EDUCATION

WILLIAMSON EVERS, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION.

## WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 16, 2007 withdrawing from further Senate consideration the following nomination:

ANDREW R. COCHRAN, OF VIRGINIA, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY, VICE NIKKI RUSH TINSLEY, RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 31, 2007.

## DISCHARGED NOMINATION

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination:

WILLIAMSON EVERS, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION.

# EXTENSIONS OF REMARKS

## IN MEMORY OF WILLIAM T. GOLDEN

### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. HINCHEY. Madam Speaker, I am deeply saddened by the news that one of America's greatest thinkers has passed away, my friend and constituent William T. Golden. Although his name may not be well known to many Americans, his influence on our government, scientific community and countless charitable causes is broad and deep.

Mr. Golden was born in New York in 1909, the son of a wool trader who later went on to become a banker. He was raised in Washington Heights, but left New York to study English and biology at the University of Pennsylvania with the intent of becoming a physicist.

After finding that he disliked mathematics, he attended Harvard Business School for a year and then followed his father's footsteps to Wall Street. He went to work with a Harvard acquaintance, Harold Linder, who became a lifelong friend, neighbor and colleague.

In an interview with the New York Times, Mr. Golden said of this period of his life, ''The idea was to make a lot of money on Wall Street and then do interesting things.'' He set about achieving that goal with great zeal.

On the brink of World War II, he joined the Navy's Bureau of Ordnance, spending most of the war in Washington where he developed a reputation as a great strategic thinker, as well as an inventor. He spent time at sea testing a device of his own invention that controlled antiaircraft machine guns. After the war, his experience in government led to his appointment as assistant to Lewis Strauss, a member of the fledgling Atomic Energy Commission. He served in that capacity for three years, traveling around the world to atomic test sites, bringing together the finest minds in American science, and becoming a skilled operator in how to get things done in government.

These efforts led to perhaps his greatest achievement in government, the creation of a national science advisor to the president. In 1950, on the eve of the Korean War, Mr. Golden was asked to advise President Truman on the reactivation of the wartime Office of Scientific Research and Development. In a pattern often repeated in his storied career, he set out to gather the information from the most distinguished scientists in the public and private sectors, traveling across the country and interviewing more than 150 people. Upon returning to Washington, he concluded that a new OSRD would be an impediment to the work of the many new research-oriented agencies established in the post-war period, including the AEC, the Office of Naval Research and the National Institutes of Health.

Bill Golden offered President Truman an alternative: the establishment of a presidential science advisor, who would coordinate all of this groundbreaking work and make direct recommendations to the commander in chief. Although meeting initial resistance from the National Science Foundation—an agency that he was instrumental in founding—and the Pentagon, he employed his political skills to pacify the objectors, expanding his original proposal to make the president's science advisor the chairman of a committee that would include the heads of the existing research agencies. The presidential science advisory committee went on to become extremely influential in the 1950s, providing critical information to President Eisenhower on the Cold War arms and space races.

Although Mr. Golden left government and returned to New York after this achievement, this was not the end of his contributions to government and science. Among his accomplishments, he is responsible for decades of service to the American Association for the Advancement of Science, where he established a congressional fellowship program to send scientists to Capitol Hill and whose headquarters are named for him. As a leader of the Carnegie Commission on Science, Technology and Government, he orchestrated private, biannual meetings of the science advisers of the G7 nations. He also remained, throughout his life, a strong supporter of his brainchild, the presidential science advisor, and published numerous books and articles about science policy over the years. For all of these efforts, Mr. Golden is credited as a key figure in the development of our national research triumphs in the 20th Century. As John Gibbons, science advisor to President Clinton, told the New York Times, ''Without people like him, there would be no infrastructure, no research.''

Mr. Golden, of course, was not content to rest on his laurels. As his financial career flourished, so did his philanthropy. He was an active and engaged leader of nearly 100 nonprofit organizations and institutions. Among those to which he was most devoted were the American Museum of Natural History, the Mount Sinai School of Medicine, which he helped to establish, the Carnegie Institution of Washington, the New York Academy of Science and the Hebrew Free Loan Society, which had lent his Lithuanian immigrant father money to get started in America.

I had the pleasure of getting to know Mr. Golden because of his love of the great outdoors, which led him to purchase a weekend home in Olivebridge, New York, in the district I represent. He continued his activism there, donating land for a local park and becoming involved in the community. One of the great achievements of his later life was saving from development the Black Rock Forest in the Hudson Highlands, which is now preserved in perpetuity as a field station for scientific research, education and conservation.

I consider it a great privilege to have known and had the opportunity to work with Bill Golden, one of the greatest minds of our time and one of the most important figures in American science. Although he will be truly, deeply missed by his hundreds of friends and colleagues, and most especially by his wife, Catherine Morrison and his daughters Rebecca and Pamela, his legacy lives on.

## TRIBUTE TO SHERIFF HARRY LEE

### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. HONDA. Madam Speaker, I rise today to pay respect and tribute to one of law enforcement's finest and the only Chinese-American Sheriff in the Nation, Harry Lee of Jefferson Parish, Louisiana. Sheriff Lee died of leukemia on Monday, October 1 at the age of 75. I had the pleasure of meeting Sheriff Lee during the House Democratic Caucus' Katrina Task Force trip to the Gulf Coast. He was a fixture in Louisiana politics and a fine example of Asian Pacific American leadership.

Sheriff Lee had a humble beginning, the son of Chinese immigrant parents and the oldest of eight children. His parents instilled in him a strong work ethic and a determined spirit which served him well in his educational and occupational pursuits.

After a promising educational start at Francis T. Nicholls High School, where he served as both senior class president and student body president, a school first, Mr. Lee went on to college at Louisiana State University where he earned a bachelor's degree in geography. While at LSU, Mr. Lee participated in the ROTC program and was designated an outstanding ROTC cadet. Upon graduation, Mr. Lee entered the Air Force and, as a Junior Officer in the Strategic Air Command was rated in the top two percent of Junior Officers in the entire Air Force.

Returning to Louisiana in 1959, Mr. Lee helped his family open the famous House of Lee Restaurant. Because of his leadership, Mr. Lee was elected president of the New Orleans Chapter of the Louisiana Restaurant Association in 1964. His fellow restauranteurs credit his leadership for the peaceful integration of restaurants in New Orleans after the enactment of the Civil Rights Act of 1964.

Soon after, Mr. Lee enrolled at the Loyola University School of Law while working 12 hour days at the family restaurant. Mr. Lee's diligence paid off as he was named the first Magistrate for the U.S. District Court in New Orleans in 1971. Due to his outstanding leadership abilities, Mr. Lee was elected President of the National Council of United States Magistrates in 1973. He subsequently became the chief attorney for Jefferson Parish in 1976.

In 1979, Mr. Lee was elected Sheriff of Jefferson Parish, a position he held for more than two decades, earning him the distinction as the second-longest serving sheriff in Jefferson Parish history. Under his watch, Mr. Lee modernized the Sheriff's Office and led Jefferson Parish to a homicide solve rate of more than 90 percent. An unconventional leader who

often shot from the hip, Mr. Lee was fiercely loyal to his deputies and earned the respect of even his most vocal adversaries. Mr. Lee soon became a household name in Louisiana and was inducted into the Louisiana Political Hall of Fame in 2001.

Madam Speaker, I ask my colleagues to join me in remembering Sheriff Lee, a dedicated community leader and great friend to all. I would like to extend my most heartfelt condolences to Sheriff Lee's wife, Lai, his daughter, Cynthia Sheng and his two grandchildren. He will truly be missed.

## A PROCLAMATION HONORING THE 175TH ANNIVERSARY OF THE SHANESVILLE LUTHERAN CHURCH IN SUGARCREEK, OHIO

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. SPACE. Madam Speaker, Whereas, the dedicated people of the Shanesville Lutheran Church of Sugarcreek, Ohio celebrates the 175th anniversary of the Shanesville Lutheran Church with great joy; and

Whereas, this occasion is a time to look back at the origins of the church and appreciate how much it has grown from the first days in the log church when Rev. Snyder preached in 1820; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this work as a beacon for hope to the destitute and maintain your stand as a symbol to this generation that our strength lies in our gracious commitment in unity to each other in the bonds of brotherhood; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend the congregation for your unwavering commitment, recognizing that all great achievements come from great dedication. With great appreciation and respect, we recognize the tremendous impact this congregation has had in the community and in the lives of those people you have touched.

## FAVORING A SINGLE, INTEGRATED MARKET FOR THE CARIBBEAN

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. RANGEL. Madam Speaker, I rise today in favor of the harmonization of the Caribbean economy, and in that spirit, introduce the article, "Jamaicans To New Government In Kingston: Do Not Change Regional Course On Caribbean Single Market, It's Vital." The article—written by Tony Best and published in New York CARIB News on Sept. 19, 2007—highlights the optimism of Jamaicans in the Diaspora that the island nation's new government will keep pace with the area's push towards economic integration.

The ambitious move promises to augment the production and trade of goods and services, engender products of better quality and prices, bolster the service sectors of transportation and communication, and elevate standards of living. The article conjectures that the integration of the Caribbean's air transportation may already be top priority, as the area's tourism nears consolidation.

[From the New York CARIB News, Sept. 19, 2007]

JAMAICANS TO NEW GOVERNMENT IN KINGSTON: DO NOT CHANGE REGIONAL COURSE ON CARIBBEAN SINGLE MARKET, IT'S VITAL

(By Tony Best)

Keep Jamaica on course with the rest of the Caribbean as the island-nations and coastal states move forward with the plan for economic integration.

That appeal to the new administration in Kingston led by Prime Minister Bruce Golding has come from Jamaicans in New York who believe it would be a mistake for the Jamaica Labor Party Administration to show a lack of enthusiasm for Jamaica's vital role in the efforts designed to launch the Single Market and Economy.

It was a course set for Jamaica by successive Governments formed by the People's National Party led by Michael Manley, P.J. Patterson and more recently Portia Simpson-Miller and it should be embraced by the Jamaica Labor Party's administration.

At the same time, Jamaicans are urging the new Prime Minister and his cabinet to continue working closely with the Jamaican Diaspora in North America and elsewhere so that the country would continue to reap maximum benefits from the human, financial, cultural and other resources if nationals living and working abroad. "Historically, the JLP was never a very warm supporter of Caribbean unity, Caricom if you will, and this goes back to the time of the West Indies Federation," the Rev. Patrick Perrin, Pastor of Hanson Place Central United Methodist Church in downtown Brooklyn told the New York Carib News.

"But when I begin to look at the new persons on the scene within the JLP government, many of the new leaders that they have, I believe I don't have to have that fear," added Pastor Perrin. "I think the new blood, they are probably more broad-minded. The economists, political scientists and others who have gone through the University of the West Indies, which is an integrative kind of force and studied and worked with persons in the other territories, would have this broad view. They would have a feeling of the Caribbean, as distinct from the narrow, nationalistic, isolationist type of policy."

"I believe the new leadership would probably be more open to an integrated Caribbean," he added. "We can expect a display of courage from the new Prime Minister, looking at the way he dealt with his own party by not being afraid to leave when he couldn't agree with certain things. That's a good sign if strong leadership that bodes well for Jamaica."

For instance, the Methodist Minister believes the new government place the question of integration of air transportation high on its list of priorities.

"It should be a part of the general integrative package because Caribbean tourism is becoming more and more integrated," he said. "We have to take a broad look at some of the institutions that we have and decide what's best for our interest. What I do know is the Caribbean needs an integrated Caribbean airline. It should consider putting all of the airlines together and make it work, that would be the road to take. We need to look at how we integrate air travel in the entire Caribbean."

The Methodist Minister, head of the Hanson Place church for the past decade, also said Jamaicans abroad were ready and eager to work with the new administration in much the same that they had linked arms with the PNO Government for the good of their birthplace.

"Jamaicans in the Diaspora are interested in the welfare of their country, regardless if the political party that formed the government and the new government must continue to harness that nationalism and interest," Perrin insisted.

Hyacinth Spence, a Jamaican community activist who is also President of the New York chapter of the Mico Old Students Association said that any lukewarm attitude to Caribbean integration that Golding and the JLP displayed in recent years when they were in the opposition was unlikely to become government policy towards the rest of the Caribbean.

"He has to improve with his relations with the rest of the Caribbean," Spence said of Golding. "You can't be a separatist. You can't separate Jamaica from the rest of the Caribbean because Jamaica plays an important part in regional affairs and development. So, if before he had lukewarm feelings while in the opposition, Golding would have to change them, based on the negotiations, the discussions, the meetings in which they have to come to table and participate" as the government of Jamaica.

In essence, she insisted, when in the opposition politicians say things to motivate followers and criticize Governments but once in power reality sets in.

"You have to keep the country in line with good relations, progressive relations, encourage development because you have to build, cement relations and make things better," she added.

Turning to the Diaspora, Spence expects Jamaicans to continue support for their country regardless of the party in office.

"We in the Diaspora have to make a determined effort to continue to support Jamaica in all the ways we can," was the way she put it. "It doesn't matter which party is in power."

Wellington Sharpe, an educator and politician in Brooklyn agreed.

"We must give the government a chance to see what they are going to do," he said. "We must continue to support our country. When a person in the opposition, and I have seen it over and over, their positions are different from when they have to make decisions as a government. It becomes a different thing when they have to make decisions on things that affect an entire country. Mr. Golding's statements may have seemed lukewarm to regional integration but my hope is that it was simply an opposition stand and not a true philosophy in terms of leadership."

That's why he is taking a wait-and-see attitude when it comes to Jamaica's approach to the rest of the Caribbean and the CSME.

"When the decisions have to be made we would see the true Bruce Golding," he said.

## TEXAS GRANDPARENTS JOIN PEACE CORPS

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. POE. Madam Speaker, Maya Angelou once said, "You shouldn't go through life with a catcher's mitt on both hands. You need to be able to throw something back." Since its inception in 1960, the Peace Corps has labored tirelessly throughout the world, "throwing back" to improve the lives of others. In these

short 47 years, more than 187,000 volunteers in 139 countries, have worked on issues ranging from environmental preservation to information technology.

Despite the fact that many people recognize this global need, fully committing to serving is often easier said than done. Mary and Tom Evans, of Humble, Texas, however, are an example to us all. These Texan grandparents want to ''return to the communities of the world,'' their ''good fortune.''

At the age when most of the couple's peers are retiring, they will soon be departing for their second tour with the Peace Corps. The Evans's are part of the volunteer organizations recent drive to utilize the wisdom of America's baby boomers. Life experiences, undergone by this generation give them a better understanding of what is required to more effectively aid others in foreign cultures. Already serving the community at home in Humble, Mary has taught at local schools for 15 years. Her Husband Tom is retired chemical salesman, who too began teaching as a substitute at area schools.

The grandparents' combined experience adds to the proficiency of their ability to educate and assist different populations, as was demonstrated on their first tour in the Republic of Kiribati. During their previous trip, Mary and Tom's main task was to create textbooks for the Gilbertese speaking islanders. The ''tangible difference'' that the couple observed in the people they helped, made up for the seemingly remote living conditions.

Currently, these Peace Corps volunteers are busy preparing for another adventure this time in the Ukraine. In anticipation of their upcoming trip, Mary and Tom are busy learning both the language and culture of their new posting. Although time has passed since their last endeavor, the couple is confident that they will even now be able to ''serve their country in the cause of peace.''

Giving back to the global community is truly an honorable endeavor. The example set by the Evanses and numerous other Peace Corps volunteers should be heeded by all. These patriots show the world what it means to be American; I commend their noble service.

And that's just the way it is.

## TRIBUTE TO DR. NORMAN E. BORLAUG

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. LATHAM. Madam Speaker, up until July of this year, in all the history of America, there are only four individuals who ever received the Nobel Peace Prize, the Presidential Medal of Freedom and the Congressional Gold Medal, America's highest civilian honor. They are Mother Theresa, Nelson Mandela, Elie Wiesel, and Dr. Martin Luther King, Jr.

On July 17, President George W. Bush joined with the bipartisan Congressional leadership in presenting the Congressional Gold Medal to a fifth person, a native of Iowa, born in my congressional district, Dr. Norman E. Borlaug. Dr. Borlaug's name is not as well known as those other four vaunted individuals, but the achievements of this humble and self-effacing man are just as magnificent. It was one of the proudest moments of my service in Congress to be on the dais with the President and Dr. Borlaug and to hear him described as: the Father of the Green Revolution; the man who saved a billion people from starvation: and the man who, ''has saved more lives than any other person who has ever lived.''

If there is one person who is the symbol of our struggle to diminish hunger in the world it is Dr. Borlaug. He is a hero on almost every continent from Mexico, where he first developed his ''Miracle Wheat'' that could triple the yield of the plant; to India and Pakistan where his new approach to agriculture staved off famine and helped those two countries become self-sufficient in wheat; to the Middle East and East Asia where his revolutionary agricultural innovations produced unprecedented surpluses in both wheat and rice; and finally to Africa, where his efforts continue to this day as he heads the Sasakawa Global 2000 effort to uplift food deficit countries there.

Dr. Borlaug is in Iowa today attending the first ever Iowa Hunger Summit, which is organized by the World Food Prize Foundation and which is drawing hundreds and hundreds of participants from across Iowa and across America for a day-long focus on countering global food insecurity. I was pleased to learn that members of the Alliance Against Hunger and Bread for the World are traveling to Iowa from many States to take part in this exciting and innovative program. It is highly appropriate that Dr. Borlaug will be surrounded by the bipartisan political leadership of the State of Iowa for the past 40 years in the person of Governor Chet Culver and former governors Bob Ray, Terry Branstad and Tom Vilsack.

While we cannot be there to join with them in this important work, we can send messages of support such as this so that all who are attending the Hunger Summit can know that we in the Congress are also present in spirit, indeed a bipartisan spirit, which comes from the admiration Republicans and Democrats share of Dr. Borlaug and the shared concern we have for people who do not have enough to eat.

## RECOGNIZING MITCHELL JOSEPH CREAGH FOR ACHIEVING THE RANK OF EAGLE SCOUT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Mitchell Joseph Creagh, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 303, and in earning the most prestigious award of Eagle Scout.

Mitchell has been very active with his troop, participating in many scout activities. Over the many years Mitchell has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Mitchell Joseph Creagh for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## A PROCLAMATION HONORING THE AMERICAN SOLDIERS HOMECOMING TRIBUTE

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. SPACE. Madam Speaker, whereas, the veterans and home front workers of WWII will reunite with great pride; and

Whereas, they will honor Dreamville, USA as the place that served them during WWII; and

Whereas, they will share their memories with one another and reflect on their time served; be it

Resolved that along with friends, family, and the residents of the 18th Congressional District, I commend the soldiers and home front workers for your commitment, recognizing that all great achievements are a result of dedication. With great appreciation and respect, I wish you continued success.

## PRAISING TRINIDAD AND TOBAGO PM PATRICK MANNING

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. RANGEL. Madam Speaker, I rise today to honor the Prime Minister of Trinidad and Tobago, Hon. Patrick M. Manning, whose triumphs were fittingly and deservingly acknowledged by Medgar Evers College on September 26, 2007. The head of government was presented with an honorary Doctor of Laws degree, according to a New York CARIB News article published on September 25, 2007, titled ''Medgar Evers College Honors Prime Minister Manning Of T&T.''

Mr. Manning is noted for his fervid defense of democracy in the region and as a generous supporter of his struggling neighbors. A liberal democracy known as a leader among its peers, Trinidad and Tobago is a steadfast member of CARICOM—the regional pact intent on economic integration—and it sits on the recently created Caribbean Court of Justice. But Mr. Manning is well-reputed for striving to bolster his nation's political and economic prowess even further, vowing to surge it to developed-country status by the year 2020.

The Prime Minister has kept a keen and perceptive eye on the future, all the while refusing to forsake those peers embattled with a harrowing present. He is to be lauded for possessing the foresight and wherewithal to dream an ambitious destiny for the Caribbean and set it on the path towards getting there.

[From The New York CARIB, September 25, 2007]

MEDGAR EVERS COLLEGE HONORS PRIME MINISTER MANNING OF T&T

The Hon. Patrick M. Manning, Prime Minister of the Republic of Trinidad and Tobago, will be honored by Medgar Evers College on Wednesday, September 26, 2007 with the conference of a Doctor of Laws degree—Honoris Causa. The ceremony will take place at 10.00 a.m. in the Founders Auditorium. Prime Minister Manning is expected to deliver a major address on the occasion.

Prime Minister Manning's statement will address ''The Role of Trinidad and Tobago in Shaping Regional and Global Affairs.''

Trinidad and Tobago, a liberal democracy located in the southern Caribbean, is a political leader in the region. The country is a member of the Caribbean Community and Common Market (CARICOM)—a regional organization aimed at the ultimate integration of its member economies—and also the Seat of the Caribbean Court of Justice (CCJ)—the recently established regional judicial tribunal.

''Medgar Evers College welcomes Prime Minister Manning in the spirit of ongoing international exchange. His visit is yet another indication that our work here at Medgar is receiving worldwide recognition,'' says Dr. Edison O. Jackson, President of Medgar Evers College.

The College has been a venue of choice for several government dignitaries speaking on issues of global import such as Director General of US Commercial Services Israel Hernandez, who spoke on the Bush Administration's Economic and Trade Initiatives.

ABOUT PRIME MINISTER MANNING

The Honorable Patrick Manning was elected to his third term of office as the Prime Minister of Trinidad and Tobago on October 7, 2002. Born in San Fernando in 1946, Mr. Manning entered politics in 1971, at the tender age of 24, emerging victorious in the general elections as the People's National Movement candidate for the Constituency of San Fernando East.

Under two Prime Ministers, young Representative Manning served as Parliamentary Secretary in Ministries ranging from Works and Transport, Industry and Commerce, to Petroleum and Mines. He became a full-fledged Minister in 1981 holding the Industry and Commerce, and Information portfolios, then Energy and National Resources. In 1986, he became the Leader of the Opposition and within two months was elected to the post of Political Leader of the PNM.

In 1991 Mr. Manning was elected Prime Minister of Trinidad and Tobago. Four years later he returned to opposition after a loss in the general election of 1995. In 2001, after a deadlock in the House of Representatives, Mr. Manning was appointed Prime Minister by President Arthur N.R. Robinson. A general election was then held on October 7, 2002 and Mr. Manning again emerged victorious. He is currently the Prime Minister and the Minister of Finance.

Prime Minister Manning is well-respected in the international community for his vision as a new-style Caribbean leader dedicated to propelling his nation to developed country status by 2020, while simultaneously contributing to the development of fellow regional states.

His accolades include the Guyana Institute for Democracy ''Democracy Prize'' for his outstanding work in upholding the principles of democracy in the Caribbean region (December 2003) and the Caribbean—Central American Action's ''Star of the Caribbean Award,'' for his unwavering support of Caribbean neighbors in their time of distress (December 2004).

Mr. Manning attained his primary and secondary education in South Trinidad followed by his B.Sc. Degree (Special Honors) in Geology at the University of the West Indies, Mona, Jamaica.

He is married to the Honorable Senator Hazel Manning, current Minister of Education, and they have two sons—Brian and David.

## RAPE OF A NATION

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. POE. Madam Speaker, Congo is facing a rape epidemic. The sexual violence in Congo is the worst in the world. Congolese women are raped, butchered by bayonets, and assaulted with chunks of wood. These brutal attacks leave their reproductive and digestive systems beyond repair.

The election last year has not ended the violence and instability in Congo. The government is inept. The justice system and military barely function. Large parts of Congo remain authority-free, leaving civilians at the mercy of armed militiamen, the Rastas. The Rastas are known for burning babies, kidnapping and raping women, and butchering anyone along their path. Rastas are former Hutus, who escaped into Congo after exterminating 800,000 Tutsis and moderate Hutus during Rwanda's genocide. Rastas seek to destroy the Congolese women.

According to the U.N., 27,000 women in the South Kivu Province alone reported sexual assaults in 2006. That's only a fraction of the number of raped women across Congo. This is especially disturbing because the largest U.N. peacekeeping force in the world, over 17,000 troops, is in Congo.

Rape is a common weapon of war, but the sexual assaults in Congo are now a social phenomenon. Abuse of women, even by their husbands, is now considered ''normal.''

Congolese women face an extraordinary struggle. Their husbands leave them after they are raped for fear of ''disease.'' Congo does not have enough resources to treat sexual assault victims. The lack of hospital beds forces rape victims to return to their villages before they have fully recovered.

Rape victims are often left with colostomy bags, damaged internal organs, pregnant or unable to bear children, and afraid of being attacked again.

I founded the Congressional Victim's Rights Caucus to provide a voice for victims and to advocate on their behalf. As the co-chair of the caucus, I hope we continue to raise awareness of the devastating effects of domestic violence and other crimes on victims across the world.

Congolese women are victims of sadistic sexual assaults, irreversible internal damage, and a government that has failed to protect them. And that's just the way it is.

## TRIBUTE TO ALYSSA RANDALL

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. LATHAM. Madam Speaker, I rise today to recognize Alyssa Randall of State Center, Iowa, as the recipient of the Golden Apple Award for her commitment and enthusiasm as an educator.

Alyssa teaches the Trojan Tots program at West Marshall Elementary School, which includes two separate programs for 3 and 4-year-olds. At an early age, Alyssa acquired a strong interest in utilizing her talent for working with young children. As she was growing up Alyssa's own teachers played a crucial role in this interest. I am certain that Alyssa's passion for the teaching profession is, and will continue to be, a significant influence on a number of her own students as well.

The Golden Apple Award is a special recognition given to one exceptional teacher each month during the school year by WHO-TV 13 in Des Moines, Iowa and by Allied Insurance. Alyssa's own students, Ryan and Kody Carver, nominated her for this recognition by writing letters describing why she is their favorite teacher.

I consider it a great honor to represent this dedicated teacher Alyssa Randall in the United States Congress. And, I also know that my colleagues in Congress will join me in expressing my gratitude to Alyssa and to all of our Nation's educators for their hard work and dedication to our children and grandchildren.

## PERSONAL EXPLANATION

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. GRAVES. Madam Speaker, I would like to state for the record my position on the following votes I missed due to flooding in my county.

On Monday, October 15, 2007, I was tending to personal matters and thus missed rollcall votes Nos. 961, 962, and 963. Had I been present, I would have voted ''aye'' on all votes.

## A PROCLAMATION HONORING THE 32ND ANNUAL NATIONAL CONVENTION OF THE PAN-MESSINIAN FEDERATION OF USA AND CANADA

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. SPACE. Madam Speaker, whereas, the people of the Pan-Messinian Federation of USA and Canada celebrate the 32nd National Convention with great pride; and

Whereas, the 180th Anniversary will be celebrated, recognizing the Navy of Battle of Navarino; and

Whereas, the battle which took place on October 20, 1827 ensured Greece's independence

Whereas, they are known for fostering fraternal bonds, renewing acquaintances and annually gathering to conduct official business; and

Whereas, Pan-Messinian Federation of USA and Canada is recognized for their hard work to preserve cultural traditions, educational scholarships, and charities;

Be it resolved that along with friends, family, and the residents of the 18th Congressional District, I commend the Pan-Messinian Federation of USA and Canada for your unwavered commitment, recognizing that all great achievements are a result of dedication. With great appreciation and respect, I wish you continued success.

## IN RECOGNITION OF THE 2007 CONGRESSIONAL BLACK CAUCUS FOUNDATION ANNUAL LEGISLATIVE CONFERENCE—THE IRAQ WAR: THE COSTS, THE LESSONS, AND THE FUTURE

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the 2007 Congressional Black Caucus annual legislative conference, the speakers who presented at the forum I hosted on the war, and the reason I selected the war for an issue forum.

On September 28, 2007, I hosted a forum to address issues related to the costs, lessons and future of the Iraq war. I was honored to have as my speakers: Dr. Michael Eric Dyson, Reverend James Forbes, Congresswoman BARBARA LEE, Eugene Robinson, Senator JIM WEBB, and General Anthony Zinni. I thank each of them for taking time to share their views on these important topics. I also wish to thank all of the people who attended the forum and those who watched it live via the Internet.

This is the fifth time in a row I held a forum on the war for the annual legislative conference. I decided once again to focus on the war for several reasons. There is a continuous need to explain to the American people why the war has not ceased yet. Americans are utterly confused about the politics as well as the rationale for continuing. Day in and day out Americans hear rhetoric versus solid withdraw plans and solutions. Americans are outraged and tired of the loss of life and other human tragedies associated with fighting the war. The human, financial, spiritual, and loss of reputation cost for our great country is immeasurable. I will continue to express my opposition to the war and work to bring it to an end.

The forum speakers were phenomenal and provided their ideas on how America got in the war and how America can get out. Specifically, Dr. Dyson, a professor at Georgetown University, eloquently encouraged the audience to speak out against the war and described the similarities in the Bush's administration response to hurricane Katrina to the handling of the Iraq war. Rev. James Forbes, Jr., founder of the Healing of the Nations Foundation, passionately spoke about the moral failures of the war. Congresswoman BARBARA LEE of California, discussed the difficulties she faced in opposing the wars in Afghanistan and Iraq. Eugene Robinson, a Washington Post columnist, discussed the administration's use of fear to build support for the war. Senator JIM WEBB of Virginia, emphasized the need for the U.S. to get out of Iraq and addressed issues related to fraud, waste, and abuse. General Zinni, a former commander of U.S. forces, explained the U.S. interests in Iraq and discussed his ideas on how the U.S. can get out of Iraq.

I would like to express heartfelt thanks to the Congressional Black Caucus Foundation chair, Congressman KENDRICK MEEK, and the Congressional Black Caucus chairwoman, CAROLYN CHEEKS KILPATRICK, for all their hard work to organize the annual legislative conference, which provides members of the Congressional Black Caucus an opportunity to highlight issues that impact the lives of Americans. The information shared by the speakers was informative and provided another outlet for critics of the war to openly express their views.

## CELEBRATING THE LAUNCH OF UNIVISION'S NEW SHOW, ''AL PUNTO''

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Ms. SOLIS. Madam Speaker, I rise today to congratulate Univision on the launch of the new political news show ''Al Punto.''

''Al Punto'' is paving the way to promote dialogue within the growing politically active and conscious Latino community. For 1 hour every Sunday, the show will bring together newsmakers, policymakers, business and political leaders, or entertainers to talk about the contemporary issues that affect the Latino community. The discussions will go beyond politics to include culture, science, and the arts. Furthermore, ''Al Punto'' will address current events in Latin America which impact the Latino community at home. This show will work to enlighten and empower the Latino community, as it will provide them with vital information on the current issues and news events that are impacting their everyday lives.

Again, I would like to recognize and congratulate Univision on the launch of ''Al Punto'' and for its contributions in educating the Latino community on political issues. I wish it continued success.

## IN HONOR OF THE 2007 SACRAMENTO RIVER CATS

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Ms. MATSUI. Madam Speaker, I rise in recognition of the 2007 Sacramento River Cats, the champions of the 2007 Pacific Coast League and winners of the Triple–A Championship. I ask all of my colleagues to join with me in honoring this excellent achievement.

The River Cats remarkable playoff run began when they clinched the Pacific Coast League Southern Division by finishing the regular season with a record of 84–60. Despite falling behind two games to none against Salt Lake City in the first round of the playoffs. The River Cats came back to win the next three games. Using that positive momentum, the River Cats quickly beat the New Orleans Zephyrs in three games, winning the Pacific Coast League title for the third time in 5 years. The series final game was seen before a spirited and soldout crowd of 14,414 fans at Sacramento's Raley Field. During this impressive playoff run, the River Cats strung together seven straight playoff victories to end their season. The final victory came against the Richmond Braves in the second annual Bricktown Showdown. By defeating the International League Champion in the one game playoff, Sacramento was able to lay their claim as outright Triple–A champions.

This year's Sacramento River Cats team exhibited resilience in the face of adversity. Despite continually loosing players to their parent affiliate, Major League Baseball's Oakland A's, to replenish their injured roster, the River Cats overcame more then 180 roster changes to win the championship. This meant that they accomplished the feat by receiving contributions from numerous and sometimes unlikely sources. No one epitomized this more then Nick Blasi, who spent much of the season with Class–A Stockton before becoming a playoff catalyst and the Pacific Coast League's Series MVP. Blasi hit a remarkable .457 in the playoffs.

Throughout this roster shuffle, every member of the 2007 River Cats demonstrated outstanding commitment to team play and hard work. Manager Tony DeFrancesco once again was a steady mentor for his young and ever changing roster. The River Cats featured some of baseball's brightest prospects who are destined to become the stars of tomorrow. The roster was anchored by contributions from recently promoted major leaguers: Daric Barton, Kurt Suzuki and Santiago Casilla, as well as prospects Jason Perry, J.J. Furmaniak and Brad Knox.

Under the leadership of President and CEO Art Savage, the River Cats players reaffirmed the front office's commitment to the people of Sacramento. On the Opening Day of the season, the River Cats unveiled the Mario Encarnacion Humanitarian Award which will annually honor a young student athlete who shows a commitment to his or her teammates and classmates. Furthermore, the River Cats Foundation has been providing support to Sacramento non-profits that assist with youth and family activities. The River Cats commitment to the community was reciprocated by the Sacramento fans, as the River Cats led the Pacific Coast League in attendance for an astounding 8th year in a row. 710,000 fans attended River Cats 71 home contests this year, and since beginning play at Raley Field in 2000, the River Cats have drawn over 6,000,000 fans.

Madam Speaker, now that the Sacramento River Cats have concluded their championship season, I am honored to pay tribute to the many hard working men and women of the River Cats organization who brought so much joy and pride to the people of Sacramento. Their successes are highly commendable. I ask all my colleagues to join me in celebrating the River Cats 2007 championship season.

## IN RECOGNITION OF SOUTH TAMA COUNTY SCHOOL

### HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. BOSWELL. Madam Speaker, I rise today to honor South Tama County High School, a school in my Congressional district, for their outstanding achievements in the ''President's Challenge,'' a program sponsored by the President's Council on Physical Fitness and Sports.

South Tama County High School, in Tama, Iowa, was named one of two President's Challenge State Champion schools in Iowa for the 2006–2007 school year. The President's Challenge is designed to encourage students to find new and exciting ways to integrate fitness

and physical activity into their daily lives. The fitness program at South Tama should be a model for other Iowa schools, and is recognized by the President's Challenge as an exemplary example for its dedication to encouraging students to become physically fit and active, and its success in achieving those goals.

As childhood obesity and the chronic diseases caused by it become an increasingly serious issue in the United States, I would like to commend South Tama on its commitment to instilling the importance of a healthy lifestyle, and for giving its students the tools to make healthy decisions for years to come. I ask my colleagues to join me in congratulating this Iowa school—we are very proud of your accomplishments.

## A PROCLAMATION HONORING THE 50TH BIRTHDAY OF THE NATIONAL ACTIVE AND RETIRED FEDERAL EMPLOYEES, (NARFE), TUSCARAWAS VALLEY CHAPTER 635

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. SPACE. Madam Speaker, whereas, the National Active and Retired Federal Employees Tuscarawas Valley Chapter 635 celebrates its 50th birthday with great joy; and

Whereas, they started with 18 members and now have over 135; and

Whereas, the organization works to better the quality of life for active and retired employees of the Federal Government; and

Whereas, they are working to put federal employees on an equal level with employees of other companies and organizations; be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend you on your 50th birthday. With great appreciation and respect, we recognize the remarkable impact the National Active and Retired Federal Employees Tuscarawas Valley Chapter 635 has had in the community.

## CELEBRATING THE GROUNDBREAKING WORK OF THE SCHOMBURG CENTER

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. RANGEL. Madam Speaker, I rise today to introduce the article, "Heritage Watch: Breaking the Silence," written by Howard Dodson and published in Africana Heritage in its Vol. 7, No. 4 periodical. It details the Schomburg Center's efforts—through innovative exhibition and persistent advocacy—to render a history of slavery that grants its subjects active agency. More than mere objects of exploitation, oppression, and victimization, the enslaved population crafted a rich history, wielding the powers of critical thinking and self-actualization to transform language, religion, family, and culture.

The center boasts of its unprecedented "Lest We Forget: The Triumph Over Slavery" exhibition, the first of its kind focused exclusively on the topic of slavery. Showcasing an exhaustive 300 items, travelling versions of the presentation have made their way to 16 countries across the Atlantic and back. Its other ambitious production, "In Motion: The African-American Migration Experience," follows the major migrations of Africa-descendant people.

It led the charge for historic preservation of an African burial ground discovered in the recesses of Manhattan, a cemetery to 20,000 Africans from colonial New York. Already both a city and national landmark, a segment of the burial ground was named a national landmark in early 2006. In 2008, the Schomburg will take center stage in commemorating the bicentennial anniversary of the abolition of the transatlantic slave trade.

A cherished institution nestled in the heart of my district, the Schomburg Center serves an oft-unsung—but necessary—purpose. It strives to keep slavery and the slave trade a fundamental thread in the fabric of this country's heritage, so that the contributions of the enslaved will never fade from the American consciousness.

HERITAGE WATCH: BREAKING THE SILENCE

Prior to the 1960s, the basis of much of the scholarship and the perspectives on slavery available derived from the abolitionist literature and campaign of the 1830s to the 1860s. This body of literature was written or collected to document the horrors of slavery. Its purpose was to show how slavery oppressed, exploited, and victimized the enslaved African population—hence the victim's perspective. A closer, more critical reading of many of the same sources, especially the slave narratives, revealed a much more complex set of relations in slavery and an equally more diverse and complex enslaved African population.

Over the next four decades, the scholarship on slavery and the slave trade shifted from the dominant victim's perspective to a more nuanced one in which the enslaved African population became the subjects—active agents in the making of their own history rather than mere victims of oppressive, exploitative, all powerful slavery systems. The results of this approach and the scholarship it produced have been stunning and quite revelatory—becoming the foundation of the Schomburg Center's action strategy to remember America's slavery past and hopefully prevent its ever being forgotten again.

Seven years ago, the Schomburg Center celebrated its 75th Anniversary and unveiled an exhibition on the slave trade and slavery. Lest We Forget: The Triumph Over Slavery became the first major exhibition on the subject in the United States. Comprised of more than 300 objects, Lest We Forget documented the origin and development of the slave trade from Africa to the Americas. Reflecting the new scholarship, however, it went a step further. It explored the ways in which critically-thinking, self-actualizing enslaved Africans transformed themselves into new people in the midst of slavery. The new languages, religions, families, and cultures they created were documented and celebrated as well as the forms of resistance and struggle they fashioned.

In conjunction with National Geographic Press, the Center published a companion book to the exhibition entitled Jubilee. An online exhibition was also created on the Schomburg's Web site. Early in 2004, the Center entered into an agreement with UNESCO to expand the site and make it one of the centerpieces of the Year to Commemorate the Struggle Against Slavery and its Abolition. In its expanded form, the site added more content about slavery and abolition in Latin America and the Caribbean. Lest We Forget, the online exhibition, is now available in four languages. The Center also collaborated with UNESCO to create traveling versions of the original Lest We Forget exhibition. A total of six bilingual exhibitions in 32 framed color panels have been created for distribution throughout the Atlantic World. To date, bilingual versions have appeared in Cameroon, South Africa, Cape Verde, Senegal, Mozambique, Guinea Bissau, The Bahamas, Jamaica, Dominican Republic, Trinidad, Brazil, Ecuador, Sweden, France, Finland, and Norway. While on tour, it has served as a catalyst for a variety of educational and cultural programs interpreting and/or commemorating the struggle against slavery and its abolition.

In February 2005 another exhibition, In Motion: The African-American Migration Experience, focused on documenting the major migrations of people of African descent to, within, and outside of the United States. A remarkable online version, www.inmotionaame.org. includes over 8,000 images and over 16,000 pages of text—narratives, scholarly essays, primary source documents, and curriculum modules. National Geographic Press published a companion book and the Center produced a Black History Month Kit for dissemination to teachers. A traveling version of In Motion opened for a limited time during Black History Month 2006 at Miami's Lyric Theatre. Since the rediscovery of the African Burial Ground in lower Manhattan during construction on a federal office building in 1991, the Schomburg Center has been involved in its historic preservation and interpretation. A Federal Steering Committee, headed by Schomburg Chief Howard Dodson, drafted a report to the United States Congress outlining the ways in which the burial ground should be memorialized. Following the report's recommendations, Howard University's W. Montague Cobb Laboratory conducted scientific study of the 419 remains that were excavated. The African Burial Ground has been designated as both a City and National Landmark and in February 2006, President Bush proclaimed the portion located at Duane and Elk Streets a National Monument. The full five-acre site is believed to be the final resting place of over 20,000 Africans from colonial New York.

The 419 excavated ancestral remains were reinterred at the African Burial Ground Memorial site on October 4,2003. As part of the reinterment ceremonies, the Schomburg Center organized a series of commemorative programs in five cities over a three-day period, ending with a vigil, tributes, and special programming in New York City. Since then, annual tributes to the ancestors have taken place, including a Ring Shout ceremony with New York City schoolchildren circling the original burial ground site. The Ring Shout has grown every year—reaching 3,000 participants last year.

In April 2005, the U.S. General Services Administration and the National Park Service selected Rodney Leon, of AARRIS Architects, to design the African Burial Ground Memorial. A dedication ceremony as well as celebratory events will take place the weekend of October 5, 2007. The Office of Public Education and Interpretation, located in the lobby of the federal building at 290 Broadway, continues to provide site tours of the commemorative artwork and memorial site, documentary film presentations, and programs for educators. A link documenting the African Burial Ground and the commemorative tribute programs is available on the Schomburg Center's homepage. Keeping with the goal to make New York's African Burial

Ground a major heritage tourism destination, the African Burial Ground Monument Foundation was founded by Edward Lewis, Chairman and Founder of Essence Communications, Inc.; Dr. James Forbes, former Senior Minister of Riverside Church; and Howard Dodson, Schomburg Chief. The Foundation aims to raise funds and generate global outreach for the African Burial Ground National Monument.

October's Dedication Ceremony will be the Foundation's first task. A second slavery-related project undertaken by the Schomburg Center focused on a New York State legislative initiative, which established a New York State Freedom Trail Commission to document and interpret the state's Underground Railroad history. The Schomburg Center was contracted to research and write the Commission's background document and action agenda. Historic sites, personalities, and events related to slavery in New York have been documented and selected historic properties are being restored. A historic marker program is being planned to identify significant Freedom Trail sites, events, and personalities throughout the state, the ultimate goal of which is to organize educational programs and heritage tourism activities throughout the state. The Center has also drafted a Freedom Trail Curriculum which has been mandated to be incorporated into the State's K–12 curriculum. This year, Great Britain marked its Bicentennial of the Abolition of the Transatlantic Slave Trade with a series of events and in 2008 the United States will recall its own.

To coincide with these two important milestones, the United Nations organized a special month long exhibition of Lest We Forget in March 2007, to observe the International Day for the Commemoration of the Abolition of the Transatlantic Slave Trade; and the Amistad America's Freedom Schooner Amistad began its yearlong Atlantic Freedom Tour sojourn in June retracing the slave route. As part of its continuous involvement and interpretation of slavery, the Schomburg Center is a member of the planning committee for the 2008 U.S. commemoration. The Schomburg Center has continued to build its collections of primary and secondary source materials on slavery, the slave trade, and the African Diaspora. Slavery-related topics have been a regular part of the Center's annual program agenda.

Finally, the Center and these initiatives have been catalysts for additional programs by other organizations. Americans in general and African Americans in particular are still wary of remembering slavery and the slave trade as a fundamental part of America's national heritage. But the contributions of those who were enslaved to building this country should not be forgotten. The educational content of the initiatives described herein have contributed in meaningful ways to opening dialogues on these subjects. While there is still a lot of work to be done, the strategies for action described herein have worked and are working to break the silence.

## PERSONAL EXPLANATION

### HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Ms. LINDA T. SÁNCHEZ of California. Unfortunately, I was unable to be present in the Capitol on Monday, October 15, 2007, and was unable to cast votes on the House floor that evening.

However, had I been present I would have voted "aye" on H. Res. 738, condemning the campaign of murder, terror and intimidation aimed at overthrowing the democratically elected Government of Lebanon; "aye" on H.R. 2089, a bill to designate the facility of the United States Postal Service in New Orleans, LA as the "Louisiana Armed Services Veterans Post Office"; and "aye" on H.R. 20, the Melanie Blocker-Stokes Postpartum Depression Research and Care Act.

## TRIBUTE TO JANE MALONEY

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. SAXTON. Madam Speaker, I rise today to congratulate my good friend, Jane Maloney, the 2007 recipient of the Hope Award. This great honor, awarded annually by the Caregiver Volunteers of Central Jersey, recognizes a member of the community who has demonstrated outstanding dedication to the area's senior population. I am so pleased that this year's honor is bestowed upon Jane.

Jane has served as the director of the Ocean County Office of Senior Services since 2004, and was formerly the assistant to the director for 15 years. During this time, Jane has been a dedicated, tireless advocate for the seniors of Ocean County, NJ. She was one of 58 Americans to serve on the National Advisory Committee for the 1981 White House Conference on Aging, and was also a delegate to the 1995 and 2005 White House Conferences on Aging. Additionally, Jane is an active member of the New Jersey Association of Area Agencies on Aging, as well as other committees with common goals of improving the quality of life for older adults, and has been a long-time supporter of the Interfaith Volunteer Caregiver Initiative.

Jane and I have had the pleasure of working together over the past two decades on a variety of issues of importance to the seniors of Ocean County. Throughout this time, we have collaborated on many important initiatives, and it is always with great interest and appreciation that I learn of the valuable work she is doing.

These details are just a few of the reasons Jane Maloney is a deserving recipient of the 2007 Hope Award. I wholeheartedly congratulate her on this great honor, and look forward to our continued work together on behalf of Ocean County's senior population.

## ENDING WORLD BANK DISBURSEMENTS TO IRAN

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. KIRK. Madam Speaker, both the U.N. Security Council and the International Atomic Energy Agency, IAEA, found that Iran is in breach of its obligations under the U.N. Nuclear Non-Proliferation Treaty. The IAEA reported that Iran ignored the Security Council's deadline to stop enriching uranium and expanded its nuclear program.

As Iran's Atomic Energy Organization moves towards its announced goal of operating 50,000 uranium enrichment centrifuges in Natanz, the World Bank is funding nine government projects in Iran totaling $1.355 billion—one of which operates in Isfahan, the headquarters of Iran's nuclear program.

The United States remains as the top investor in the World Bank, contributing $950 million in 2006 and $940 million in 2007. The House of Representatives approved another $950 million contribution while the Senate approved more than $1 billion. Meanwhile, the bank disbursed $220 million to Iran in fiscal year 2007, with more than $870 million remaining in the pipeline for fiscal years 2008, 2009 and 2010.

To date, the World Bank's board has taken no action to end these disbursements—which it could by demanding a policy review and then voting to stop credit transfers. Furthermore, the U.N. Security Council has given no explicit direction to the World Bank on this issue—which it could in its next resolution.

Therefore, as the World Bank prepares for its annual meetings this week in Washington, I am introducing a bipartisan resolution today calling on the bank's board of directors to end disbursements to Iran until the IAEA certifies Iran's compliance with U.N. Security Council Resolutions and the Nuclear Non-Proliferation Treaty. Should the board fail to act, we call on the U.N. Security Council to order the bank to suspend these disbursements.

As part of the United Nations family, the policies of the World Bank should be aligned with the policies of the U.N. Security Council. The United States and the World Bank should not subsidize Iran's economic development while its government enriches uranium in violation of U.N. Security Council resolutions.

I want to thank my dear friends and colleagues, Congressman STEVE ROTHMAN and Congressman ROB ANDREWS, for joining me in introducing this bipartisan resolution.

## A PROCLAMATION HONORING THE 104TH NATIONAL CONVENTION OF THE PAN-ICARIAN BROTHERHOOD

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. SPACE. Madam Speaker, whereas, the people of the Pan-Icarian Brotherhood celebrate the 104th National Convention with great pride; and

Whereas, the Pan-Icarian Brotherhood, "Icaros", is the oldest Hellenic organization in the western hemisphere; and

Whereas, they are known for fostering fraternal bonds, renewing acquaintances and annually gathering to conduct official business; and

Whereas, the Pan-Icarian Brotherhood is recognized for their hard work to preserve cultural traditions, educational scholarships, and charities; now, therefore, be it

Be it resolved that along with friends, family, and the residents of the 18th Congressional District, I commend the Pan-Icarian Brotherhood, "Icaros" for your unwavered commitment, recognizing that all great achievements are a result of dedication. With great appreciation and respect, I wish you continued success.

PERSONAL EXPLANATION

## HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. CONAWAY. Madam Speaker on rollcall Nos. 961, 962 and 963. My flight from Midland was cancelled and I did not arrive in D.C. until 1:15 a.m. on October 16, 2007. I left Midland at 4:30 p.m. on October 15, 2007. My original flight was scheduled to leave at 8:40 a.m. October 15, 2007.

Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

## HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. PASTOR. Madam Speaker, on rollcall Nos. 961, 962, and 963, I missed voting due to an airline delay.

Had I been present, I would have voted ''yea'' on all three.

HONORING DR. ADINA GALICH, M.D., FOR HER MANY YEARS OF SERVICE

## HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. LIPINSKI. Madam Speaker, I rise today to honor a distinguished physician in my district, Dr. Adina Galich, M.D., who celebrated her 80th birthday this past summer. For 50 years, Dr. Galich has ably served the people of Berwyn and has been a true pioneer for female doctors throughout Illinois.

From an early age, Dr. Galich overcame great adversity. She grew up in Nazi-occupied Belgrade, where she remembers her family running through burning streets after their home was bombed. After her father's death, Dr. Galich took over the family real estate business at the age of 15, which was soon confiscated by the postwar communist Yugoslav Government.

In 1952, Dr. Galich graduated magna cum laude from medical school. Dr. Galich was finally able to obtain a visa and immigrate to the United States after the Yugoslav Government branded her and her family ''class enemies.'' When she arrived in Chicago, she became the first woman at Chicago Mount Sinai Hospital to specialize in internal medicine, though only permitted to teach and not practice. Dr. Galich was the lone female physician in her 1956 class.

Throughout Dr. Galich's career, she has committed herself to treating those most in need. While training in internal medicine she also worked at the Chicago Board of Health's Infectious Diseases Department. Later, Dr. Galich was among a group of physicians who founded the Union Health Service, an organization created to provide health care to members of the Janitors' and Doormen's Union.

Dr. Galich continued to be a trailblazer for female physicians into the 1960s, when she became the first female internist on the staff at MacNeal Hospital in Berwyn. Later, she became the first female physician to open a private practice in the city.

It is my honor today to commend Dr. Adina Galich, M.D., for her outstanding service to the Berwyn community for over half a century. Dr. Galich has triumphed over great adversity, challenged the perceptions of female physicians, and opened the doors for countless women to follow.

IN HONOR OF DR. DAVID REBOVICH

## HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. GARRETT of New Jersey. Madam Speaker, last week the State of New Jersey lost one of its great political analysts, Dr. David Rebovich. On Friday, October 12, 2007, Dr. Rebovich died from a heart attack while teaching a class. He was 58 years old.

Rebovich was an associate professor and managing director of the Rider Institute for New Jersey Politics. He received a bachelor's degree in political science from Johns Hopkins University, and a master's and doctorate degree from Rutgers University.

As one of Dr. Rebovich's former students, I can honestly say that he was a genuine and fair professor. He continually put his students before himself and was an admired political asset to the State of New Jersey. He will be missed.

My prayers and best wishes go out to the Rebovich family.

PERSONAL EXPLANATION

## HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. REICHERT. Madam Speaker, on October 9, 2007, and October 10, 2007, I missed rollcall votes because I was unavoidably detained. Had I been present, I would have voted in the following manner: ''aye'' on House Resolution 32, rollcall No. 949; ''aye'' on final passage of H.R. 400, the War Profiteering Prevention Act, rollcall No. 950; ''nay'' on rollcall No. 951; ''nay'' on rollcall No. 952; ''nay'' on rollcall No. 953; ''nay'' on rollcall No. 954; ''aye'' on rollcall No. 955; ''nay'' on rollcall No. 956; ''aye'' on rollcall No. 957; ''aye'' on final passage of H.R. 2895, the National Affordable Housing Trust Fund Act, rollcall No. 958; ''aye'' on rollcall No. 959; and ''nay'' on final passage of H.R. 3056, the Tax Collection Responsibility Act, rollcall No. 960.

A PROCLAMATION HONORING THE 60TH ANNIVERSARY OF THE INTERNATIONAL ASSOCIATION OF ADMINISTRATIVE PROFESSIONALS, ZANESVILLE CHAPTER

## HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. SPACE. Madam Speaker, whereas, the Zanesville Chapter of the International Association of Administrative Professionals celebrate the 60th anniversary with great joy; and

Whereas, this milestone is the result of what a hardworking people began in 1947; and

Whereas, occasions such as these illustrate to us that reliable and diligent employees will stand the test of time; and

Whereas, administrative professionals are recognized for their contributions to the workplace; be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I congratulate the International Association of Administrative Professionals, Zanesville Chapter, for their service and dedication.

25 BY '25 RESOLUTION

SPEECH OF

## HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 15, 2007*

Mr. MORAN of Kansas. Madam Speaker, today the House of Representatives is considering an important piece of legislation. House Concurrent Resolution 25 expresses Congress's support for a goal that is an essential component in our attempt to achieve energy independence. That goal is to produce 25 percent of our Nation's energy needs from renewable resources by the year 2025. I support the goal enumerated in this concurrent resolution because it is not a blanket endorsement of any particular renewable. Instead, it is inclusive and accommodates all forms of renewable energy including all forms of biofuel and wind, solar, geothermal, and hydro energy.

In addition, House Concurrent Resolution 25 does not proclaim renewable resources are the sole solution to this United States energy crisis. Rather, it sets an ambitious, yet achievable goal for the renewable resources sector, while recognizing that in the next 20 years renewable resources will not be the only method necessary to meet our energy needs. The flexible, multifaceted nature of this concurrent resolution is the model for which this Nation should build its future energy policy.

The United States must look to alternative energy sources to meet our Nation's energy needs. In recent years, oil imports have soared. We now import approximately 60 percent of the oil used in this country. Some of these imports come from countries that have populations hostile to the United States and its citizens. The consequence of our reliance on imports of oil from volatile regions is that a portion of the money we spend to supply our energy needs may actually go to fund terrorist groups that wish to do us harm. Supplanting foreign oil imports with home-grown renewable

energy not only keeps economic activity in the United States, but is a vital component of national security.

As I previously stated, the 25 x '25 vision is an inclusive goal that strives to be responsible in its mission. The resolution does not endorse actions that will skew the marketplace. It calls for solutions that are ''practical'' and ''cost effective.'' The goal is not endorsed to the detriment of existing demands on our renewable resources. House Concurrent Resolution 25 states that in attaining the 25 percent benchmark, the Nation should ''continue to produce safe, abundant, and affordable food, feed, and fiber.''

The resolution also advocates for an implementation strategy that is ''practical'' and ''cost effective.'' Congress should heed this advice. It must seek to accomplish the goal of House Concurrent Resolution 25, but it should not adopt policies that are enacted at the expense of one renewable resource over another or at the expense of preexisting domestic energy sources. We must find comprehensive solutions to our energy needs.

In the United States today we are seeing great progress in expanding the scope of renewable energy. One recent development that I believe will help us accomplish the goal of 25 x '25 is the conception of the cellulosic ethanol industry, an ethanol industry that utilizes nongrain based plant products to produce ethanol. In my home State of Kansas, it was recently announced that construction of one of the Nation's first industrial-sized cellulosic ethanol plants will begin in Hugoton, KS. I am proud that this monumental step in the biofuel industry is occurring in Kansas and I hope that this technology can continue to develop over time.

Although development of the cellulosic ethanol industry is a great achievement, we must realize that ethanol is not the only component needed to accomplish the 25 x '25 vision. Often overlooked are the contributions of wind and solar energy. To accomplish the goal of 25 x '25, it will take the contributions of all the Nation's citizens. Wind and solar projects may not only need to be welcomed into our communities but in some instances literally into our backyards. Emerging technologies are making small-scale wind and solar power a reality.

Also, lost in the debate is the need to conserve energy. The 25 x '25 goal is more easily achieved if we control our accelerated quest for more energy. If we can find an economical and technological means of increasing fuel economy in the cars and trucks we manufacture, it will be easier for biofuels like ethanol and biodiesel to capture a greater share of an existing market.

Finally, while I am an arduous supporter of renewable energy, we must not overlook traditional domestically produced energy sources. Congress must not punish existing and still feasible forms of domestic energy in its attempt to grow the renewable market. Although not directly implicated by the 25 x '25 goal, efficient development of renewable energy markets cannot proceed without existing forms of energy. For example, nitrogen fertilizer is a key component producing the corn from which ethanol is made. Most nitrogen fertilizer utilized in the United States is produced using natural gas.

The vision embodied by House Concurrent Resolution 25 is a goal that Congress should support and the American people should work to achieve. Utilizing renewable resources in a responsible fashion is good for the environment, good for U.S. workers, and helps move the Nation toward energy independence.

## INTRODUCTION OF PROVIDING RESOURCES TO IMPROVE DUAL LANGUAGE EDUCATION ACT OF 2007

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Ms. SOLIS. Madam Speaker, access to high-quality early childhood education programs, including dual language programs, can play a significant role in closing the education gap. So I am proud to rise today to introduce the PRIDE Act, which will establish dual language education programs.

One in every five students who enters schools in the U.S. speaks a language other than English at home. The English language learners (ELL) population represents more than five million students in the K–12 public school system, which constitutes about 10 percent of our total public school population. In Los Angeles County, ELL students are no longer a subgroup of students. Rather, ELL students represent the student population the school district serves. More than 40 percent of students in the Los Angeles Unified School District are ELLs. Of those students, 94 percent speak Spanish as their native language. The vast majority of ELL students are native-born U.S. citizens.

English language learners and low-income children start kindergarten well behind their peers, and this gap continues to widen over time. For example, by kindergarten, only 50 percent of Latino children are able to name and recognize letters of the alphabet compared to 75 percent of Caucasian children. The National Task Force on Early Childhood Education for Hispanics cites that only 23 percent of Latino ELLs who knew little to no English at the start of kindergarten score at high levels of reading comprehension in the 5th grade. By 8th grade, 71 percent of ELL children score below basic in reading and math.

Dual language programs are in extremely high demand across the country. Programs in very affluent communities have long waiting lists of children. These programs help train biliterate and bilingual children. Although schools in low-income communities have instituted dual language programs to improve ELL instruction, these communities have less access to programs that truly follow the dual language model. We must provide our public school system with the tools necessary to ensure the success of all students, especially those in underserved communities and school districts.

That is why I have introduced the Providing Resources to Improve Dual Language Education Act of 2007 (the PRIDE Act). The PRIDE Act would serve children in economically disadvantaged communities and limited-English proficiency students from preschool through 5th grade. The PRIDE Act would recruit, train, and continuously develop staff to implement high-quality, dual language programs. These programs focus on instruction, second language acquisition, and content knowledge.

We know how important the role of a family is in a child's education. The PRIDE Act would also establish a responsive infrastructure for positive, active, and ongoing relationships with students' families and the community, one that reflects the needs of the community and goals of the program.

The PRIDE Act is endorsed by at least 30 groups, including the National Council of La Raza, the National Education Association, the Mexican American Legal Defense and Education Fund, the National Black Child Development Institute, and the National Association for Bilingual Education.

Madam Speaker, in order for the U.S. to remain globally competitive, Congress must address the ongoing challenges in our education system. We must promote and build bilingual skills for all our children, including those in impoverished communities. As a diverse nation, this includes ensuring education meets the needs of all students, including ELL children. I urge my colleagues to cosponsor the PRIDE Act, because educating our children is a commitment that we must not abandon.

## PERSONAL EXPLANATION

### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. ELLISON. Madam Speaker, on October 15, 2007, I was back in Minneapolis attending a funeral for a constituent and failed to vote on rollcall votes: 961, 962, and 963. Had I been present I would have voted ''aye'' on rollcall votes, 961–963.

## A PROCLAMATION HONORING THE 100TH ANNIVERSARY OF THE LOYAL CHRISTIAN BENEFIT ASSOCIATION OF SACRED HEART CATHOLIC CHURCH

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. SPACE. Madam Speaker, whereas, the Loyal Christian Benefit Association of Sacred Heart Catholic Church will celebrate the 100th anniversary with great joy; and

Whereas, they protect and care for the church, family and future; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this work as a beacon for hope to the destitute and maintain your stand as a symbol to this generation that our strength lies in our gracious commitment in unity to each other in the bonds of brotherhood; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend the congregation for your unwavered labor and commitment, recognizing that all great achievements come at a cost.

With great appreciation and respect, we wish you continued abundant grace as you continue to labor for your Lord, Jesus Christ.

## TRIBUTE TO DR. CARSON EOYANG

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. REYES. Madam Speaker, today I would like to commend Dr. Carson Eoyang on completing 33 years of federal service.

Last week Dr. Eoyang retired as the Chancellor of National Intelligence University and the Assistant Deputy Director of National Intelligence for Education and Training. He had served in this position since shortly after the creation of the DNI and endeavored to forge a viable National Intelligence University from the various and diverse education elements of the Intelligence Community.

Among his many accomplishments, Dr. Eoyang most notably instituted much-needed, community-wide policies on curricula and standards, and ensured that all Intelligence Community training courses were available to students from anywhere in the community and not just the hosting agency. He successfully advocated for additional funding for training and education, to include critical linguist and analyst training.

Dr. Eoyang brought a wealth of experience to his time at the DNI. Prior to his service with the DNI, Dr. Eoyang served as the Associate Provost for Academic Affairs at the Naval Postgraduate School in Monterey, California, where he was responsible for academic administration. He also ran the School's executive education programs.

A truly dedicated public servant, Dr. Eoyang previously worked at the Office of Science and Technology Policy at the White House to advance distance learning initiatives and interagency technology collaboration. He has also served as the Director of Training at two federal agencies, the Federal Aviation Administration and the National Aeronautics and Space Administration.

Dr. Eoyang also had significant experience with the intelligence community prior to his assignment at the DNI. Earlier in his career, he served as the Director for PERSERC, the Defense Personnel and Security Research Center, where he conducted research on espionage, security, and counterintelligence.

Dr. Eoyang's long and noteworthy history in management experience was recognized when he was named to the study group for the National Performance Review, the highly respected effort to reinvent government led by Vice President Al Gore.

In addition to his distinguished career in the Senior Executive Service, Dr. Eoyang was a tenured professor of Management at the Naval Postgraduate School, where he taught leadership to the Nation's naval officers. He earned his Ph.D. in Organizational Behavior from Stanford University, and his M.B.A. from Harvard Business School.

Madam Speaker, Dr. Eoyang is an exemplar of all the qualities that I value highly: integrity, professionalism, and commitment to diversity. Dr. Eoyang's superlative career reflects positively on the many agencies and institutions he has touched.

I thank Dr. Eoyang for his service to the nation, and wish him success in his future endeavors. I extend my best wishes to his wife, Kemay, and his children, Mieke, Mason, and Lian, who have supported and encouraged this dedicated, remarkable man in all of his pursuits.

## HONORING THE MEMORY OF SHIRLEY UNDERWOOD, RESIDENT OF THE FIRST DISTRICT

### HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory and life of Judge Shirley Underwood, a resident of the First Congressional District of Tennessee, who passed away October 7, 2007.

Judge Underwood received her law degree from the University of Tennessee in 1948. She first practiced law in Bristol with her father. She was appointed juvenile court judge by Governor Buford Ellington in 1961 and in 1962, was elected to an 8-year term. She was re-elected four times by overwhelming margins. Upon retirement in 2002, Judge Underwood had the longest tenure of any current juvenile court judge in Tennessee and one of the longest in the Nation.

Judge Underwood was the first woman to be elected by UT alumni of the First Congressional District to serve as their representative on the UT board of governors. She was honored as a Distinguished Alumnus of the College of Law in 1984 and received its Alumni Leadership Award in 1989.

In 1956, she married Dr. Charles T.R. Underwood. Judge Underwood was an active member of Central Baptist Church.

Madam Speaker, I ask that the House join me this evening in offering our sympathies to the family and friends of Judge Shirley Underwood. She was dedicated to her family and her service to the residents of east Tennessee.

Her service is greatly appreciated, and she will be deeply missed.

## TRIBUTE TO MR. GEORGE L. PIRO

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. RADANOVICH. Madam Speaker, I rise today to honor Mr. George L. Piro, in recognition of being awarded the Federal Bureau of Investigation Director's 2007 Award for Excellence. Mr. Piro received this award of special achievement for his actions while assigned as the Team Leader for the sensitive interrogations of former Iraqi President Saddam Hussein and senior leaders of his regime.

Mr. Piro's exemplary actions as team leader of the High Value Detainees Team and as primary interrogator of Saddam Hussein resulted in the successful conduct of extremely sensitive and critical interviews. The results of Mr. Piro's interviews led to the November 6, 2006 conviction for genocide and eventual execution of Saddam Hussein. Mr. Piro's efforts on behalf of the Federal Bureau of Investigation were crucial in determining the extent of Iraq's relationship with Al-Qadea.

In addition to his work as a FBI Supervisory Special Agent, Mr. Piro has also been recognized in the past as an exemplary police officer for the City of Ceres, California and as a Criminal Investigator II for Stanislaus County District Attorney's Office.

Originally from California's Central Valley, Mr. Piro joined the United States Air Force before beginning his career in law enforcement with the City of Ceres Police Department in 1989. Working his way up the ranks Mr. Piro became a Criminal Investigator II for the Stanislaus County District Attorney's office where he investigated felony cases involving career criminals and was assigned to the Stanislaus County Drug Enforcement Agency. In 1999, Mr. Piro began his career with the Federal Bureau of Investigation. First assigned to the Phoenix, Arizona Field Office, Mr. Piro then became the Team Leader and Lead Interrogator of the Saddam Hussein Interrogation Team in Baghdad, Iraq. Currently, Mr. Piro serves as Supervisor of the Federal Bureau of Investigation's Joint Terrorism Task Force in the Washington, DC Field Office.

Madam Speaker, I urge my colleagues to join me in recognizing Mr. George Piro for his outstanding service to our nation and congratulating him on receiving the Federal Bureau of Investigation Director's Award for Excellence.

## IN MEMORY OF HENRY ''HANK'' SPRINGER

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. GALLEGLY. Madam Speaker, I rise in memory of Henry ''Hank'' Springer, who passed away Sunday at age 84.

When Hank Springer became my football and track and field coach 45 years ago at Huntington Park High School in Southern California, little did I know that I also was gaining a mentor and a lifelong friend. Of all the teachers I have ever had, no one had a greater impact on me than Coach Springer.

Standing at about 6 foot 5 inches and weighing about 255 pounds, Coach Springer was nonetheless a gentle man who always put his students' education before their athletics. In spite of that—or perhaps because of it—he brought out the best in his athletes, bringing us to championship after championship.

We stayed close over the years, and he would recall decades later things I had done as his student. Even his wife, Doris, recalled just months ago how I would call in the school's sports scores to the Signal newspaper for a dollar a week. Teachers, mentors, and friends like that are very special.

Coach Springer was himself a champion athlete, having won the National Championship as a shotputter at Compton Junior College, a feat he repeated at the University of Southern California, where he earned his teaching credential and obtained a master's degree. Once at Huntington Park High School, he brought both football and track and field league championships to the school.

In 1959, Coach Springer led his football team to the pinnacle of success by winning

the Los Angeles City Schools Championship. Many of his students went on to collegiate and professional success.

Included in Coach Springer's accolades, championships, achievements, and awards was a life achievement award from the California Scholastic Federation.

Coach Springer retired in 1983 and became an avid fisherman. He was already an avid family man and friend.

Madam Speaker, I know my colleagues will join me in honoring Hank Springer for his positive impact on student athletes and in mentoring them to be as competitive in their studies as they were on the field. In addition, I know my colleagues join me in extending our condolences to Doris, their sons, Mark and Brian, and to all who called Coach Springer a friend.

Godspeed, Coach.

## PERSONAL EXPLANATION

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mrs. LOWEY. Madam Speaker, I regrettably missed rollcall vote 961 (H. Res. 738). Had I been present, I would have voted in the following manner: rollcall 961: "yes."

## A PROCLAMATION HONORING THE VETERANS FIRST FOUNDATION ON RECEIVING THE 2007 ADVOCACY AWARD

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. SPACE. Madam Speaker, whereas, the dedicated people of the Veterans First Foundation provide a vital public service; and

Whereas, serve the veterans of Ohio admirably; and

Whereas, the volunteers who serve the organization selflessly give of their time; and

Whereas, the Veterans First Foundation has a long history of serving the community; be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend the Veterans First Foundation for its unwavering commitment and dedication to the veterans of Ohio. Congratulations to the Veterans First Foundation for their selection to receive the 2007 ADVOCACY award from the Governor's Council on People with Disabilities.

## RECOGNITION OF WORLD FOOD DAY

### HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. BOSWELL. Madam Speaker, today we celebrate World Food Day, a day to focus on global food security. In the city of Des Moines, a very significant observance of World Food Day will take place—the first Iowa Hunger Summit. Representatives from many hunger fighting organizations from across America will join hundreds of Iowans in a day-long focus on increasing efforts to eliminate malnutrition, poverty and human suffering.

This event will be the first of a week-long series of World Food Prize programs and events that will draw individuals from more than 60 countries for an in-depth discussion of the global challenges facing biofuels and bio-renewable energy.

Joining all of these events will be Dr. Norman E. Borlaug, the Nobel Peace Prize laureate and Congressional Gold Medal recipient, who is credited with saving a billion lives through the green revolution. Dr. Borlaug is an Iowa native and the founder of the World Food Prize, who returns each October to his home state to present the $250,000 award which has become known as the Nobel Prize for Food and Agriculture.

I am very pleased that Iowa's Governor, Chet Culver and our three immediate past governors Robert D. Ray, Terry Branstad, and Thomas Vilsack plan to attend the summit. I am proud to see our Iowa leadership come together for such a worthy common cause—ending world hunger.

That was why I was so pleased to join with other members of the Iowa Congressional Delegation as we worked to get Dr. Borlaug the Congressional Gold Medal, America's highest civilian honor.

I ask members of both parties to join with me in a World Food Day commitment to help reduce hunger both at home and abroad. In doing so, we will be honoring Dr. Borlaug's legacy and supporting the important work that is taking place at the Iowa Hunger Summit in Des Moines.

## PAYING TRIBUTE TO JOHN C. MACAULEY ON HIS 90TH BIRTHDAY

### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. HINCHEY. Madam Speaker, I rise today to pay tribute to my dear friend and constituent John C. (Jack) Macauley on the occasion of his ninetieth birthday. Jack has dedicated most of his adult life to serving his country and his community. It is with great pride and respect that I join in recognizing Jack's accomplishments and celebrating this amazing milestone.

Jack Macauley was born in Brooklyn on October 23, 1917. Like so many young men of his generation, he enlisted in the military in March 1943 and was assigned to duty in the 17th Airborne Division, 513th Parachute Infantry, Headquarters Company, 2nd Battalion. Jack served with distinction and was ultimately promoted to platoon staff sergeant. During his tour of duty in the European theatre, Jack participated in the Battle of the Bulge and Operation Varsity, fought in the German Rhineland and throughout Central Europe and, during a critical campaign, parachuted into Wesel, Germany. Jack was honorably discharged on October 20, 1945 after earning his Paratrooper Wings, Combat Infantryman Badge, three Silver Stars, a Bronze Arrow, Purple Heart, Bronze Star and a Presidential Unit Citation.

After serving with distinction in the Army, Jack returned to the United States to continue his service to his country. In 1946, he joined the New York City Police Department where he was eventually promoted to Detective, Second Grade. In the course of 20 years of service in the NYPD, Jack was recognized for outstanding performance on many occasions, earning him the Combat Cross, three Honorable Mentions and thirteen other citations. Jack's career in the police department was highlighted when he was voted "Policeman of the Month" in November of 1953.

Jack retired from the New York City Police Department in 1966 and took a civilian job as a manager with the United States Postal Service, where he served with pride until his retirement in 1981.

Jack is fortunate to be married to Cecelia Marr Macauley. Together they've had three children, three grandchildren and three great-grandchildren.

Earlier this year, Jack attended the final reunion of the 17th Airborne Division as part of a "Farewell to a Distinguished Association". Jack joined many of his surviving brothers in arms to celebrate the heroism and accomplishments of the 17th Airborne and all of the brave men who served our Nation during World War II.

Madam Speaker, it is with great pride and admiration that I rise in this chamber to honor my good friend, Jack Macauley, for a lifetime of heroism and accomplishment and to wish him well as he celebrates his ninetieth birthday.

## NATIONAL AFFORDABLE HOUSING TRUST FUND ACT OF 2007

SPEECH OF

### HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2007*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2895) to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families:

Mr. LOEBSACK. Mr. Chairman, I rise today in support of H.R. 2895, the National Affordable Housing Trust Fund Act of 2007. I am extremely pleased to see this legislation, which will help thousands of low-income individuals and families, be considered by the House.

I praise the goals of this legislation, and thank Chairman FRANK and his staff for the hard work and advocacy on behalf of the families that will benefit from the funding of clean, safe, and healthy environments in which to live. One of the goals of this legislation to produce, rehabilitate, and preserve 1.5 million affordable housing units over the next 10 years is extremely important to not only those families who will benefit from the improvements, but also to our nation's economy and productivity.

Individuals and families that have adequate housing can focus their efforts on work and raising their families, instead of worrying about the state of disrepair of their house or housing unit. Homeownership exemplifies the American Dream. This dream is increasingly difficult for many to realize, even after years of hard work and strife. The National Affordable Housing Trust Fund Act will assist those individuals who may have believed homeownership to be out of reach by helping them with down payments and other costs associated with first-time home buying.

This legislation is specifically targeted to extremely low and low-income families, meaning those who most need help will receive that assistance and improve upon their current living conditions. The National Affordable Housing Trust Fund also targets funds to the local jurisdictions that have the experience in providing and administering affordable housing, and who work within the community with the actual residents.

While Iowa may not have many ''urban'' areas in which poverty issues are traditionally highlighted; many rural areas of Iowa have seen good-paying jobs leave our towns at an astonishing rate, devastating our communities. It is estimated there are 305,000 Iowan's living in poverty. Of that 305,000, almost 90,000 are children under the age of 18.

In 1949, The U.S. Housing Act established the admirable goal of ''a decent home and a suitable living environment for every American Family.'' The National Affordable Housing Trust Fund is another step this Congress has taken to ensure we adhere to this goal. I urge my colleagues to vote ''yes'' on this important legislation.

## PERSONAL EXPLANATION

### HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. HELLER of Nevada. Madam Speaker, on rollcall No. 866—H. Res. 643, which commemorated the 9/11 attacks, I was with my constituents in Nevada's Second District. Had I been present, I would have voted ''yea''.

## TRIBUTE TO ABBEY MEYERS

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. WAXMAN. Madam Speaker, I rise to pay tribute to a selfless and a truly great American. For more than 20 years Abbey Meyers has been the voice of people in this country with rare diseases. She has helped establish national policy that has improved the lives of countless patients. Before Abbey Meyers began this important work, these patients had no advocate in Washington. Today no one is more effective in advocating on their behalf.

The patients for whom Abbey Meyers works have one of more than 1,000 diseases, diseases that are not known to most people. Because the populations are so small, before 1980 drug companies did virtually no research to find cures for rare diseases, even though these diseases are devastating for afflicted patients and their families.

In 1983 Congress enacted the Orphan Drug Act, which provided incentives to drug companies to invest in drugs for rare diseases. Since that time the Food and Drug Administration has approved approximately 200 orphan drugs; another 1000 drugs have been designated for orphan drug research. I believe that most of this work would never have been done without Abbey Meyers and the organization that she established in 1983, the National Organization of Rare Disorders (NORD).

Abbey Meyers's success is due to her enormous skills in assisting patients in navigating the political world in Washington and in mastering complex scientific issues. Abbey Meyers and NORD support more than 2,000 patient organizations. She is a frequent witness on Capitol Hill on health policy issues. And she has had a significant influence on research into pharmaceuticals for rare disease.

Recently Abbey Meyers has announced that she will retire as President of NORD. It is hard to imagine resolving major public health issues without her input. While we wish Abbey a joyful retirement, we know with near certainty that she will never stop thinking about what policies will best benefit patients in this country, and we will continue to benefit from her commitment and knowledge.

## SENSE OF THE HOUSE REGARDING ESTABLISHMENT OF A NATIONAL CANCER RESEARCH MONTH

SPEECH OF

### HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 15, 2007*

Mr. LOEBSACK. Madam Speaker, I rise today in strong support of this important bill to establish a National Cancer Research Month.

Sadly, cancer is the second leading cause of death in the United States. This disease will claim the lives of almost 560,000 Americans and over 6,500 Iowans this year. However, the more we know about this deadly disease the more we can do to eradicate it. Research is the key to saving lives.

I'm proud to represent the University of Iowa and commend them on their commitment to cutting edge research. The University just broke ground for the Iowa Institute for Biomedical Diversity, and the College of Public Health. Both facilities will work to research, develop and advance treatments for a wide array of human diseases, including cancer.

We must encourage and support cutting edge cancer research so that lives are no longer lost to this disease. I urge my colleagues to support this bill.

## PERSONAL EXPLANATION

### HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. HELLER of Nevada. Madam Speaker, on rollcall No. 865—H. Res. 257, which supports the goals and ideals of Pancreatic Cancer Awareness Month, I was with my constituents in Nevada's Second District. Had I been present, I would have voted ''yea.''

## HONORING THE LIFE AND ACHIEVEMENTS OF THE LATE RICHARD D. GIDRON

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. RANGEL. Madam Speaker, I rise today in tribute to a pioneering entrepreneur, a natural-born salesman, a trailblazer in the African-American and business communities, and a dear friend, the late Richard Daniel Gidron. Dick Gidron overcame the many obstacles to success that faced Black entrepreneurs of his generation to become a successful car dealer who opened doors of opportunity for the current generation of successful Black businessmen. A man of firsts, Mr. Gidron rose from car jockey at a Cadillac dealership in his native Chicago to become the company's first Black salesman, and later, the second African-American Cadillac dealer nationwide and the first in New York. In honor of that stellar legacy, I want to recognize his achievements on the floor of the House so that his contributions can be appreciated. I introduce for the information of my colleagues his New York Times obituary, ''Richard D. Gidron Is Dead at 68; Ran an Empire of Car Dealerships,'' published October 15, 2007, and written by Robert D. McFadden.

Mr. Gidron was head of a dealership empire that spanned three companies—Cadillac, Oldsmobile, and Ford—and four regions—Bronx, Yonkers, Mt. Kisco, and Mahopac—that became quite a successful enterprise. He boasted impressive numbers, eclipsing $45 million in annual sales by 1980 to become one of the Nation's top 10 Cadillac dealers.

The one-time president of the Bronx Chamber of Commerce and Chairman of the Bronx County Democratic Committee, Mr. Gidron maintained a slew of friends representing the fields of politics, sports, and entertainment. At a time when African Americans found themselves seldom represented in the upper echelons of the entrepreneurial world, Mr. Gidron successfully led a franchise that served as the very symbol of wealth, stardom, celebrity, and power. We should remember and praise him for the pathway he blazed for the successful Black entrepreneurs of today.

RICHARD D. GIDRON IS DEAD AT 68; RAN AN EMPIRE OF CAR DEALERSHIPS

Richard D. Gidron, a politically savvy Bronx businessman who became one of America's earliest and most successful black owners of a Cadillac dealership before falling on hard times and going to prison for a year for fraud and tax evasion, died Thursday at a New York hospital. He was 68 and lived in Scarsdale.

Mr. Gidron died at New York-Presbyterian Hospital/Weill Cornell Medical Center, said his son, Richard Jr., who declined to disclose the cause of death.

For three decades, Dick Gidron, as he was known to a generation of car buyers as well as mayors, congressmen, star athletes and other celebrities, presided over an empire of Cadillac, Oldsmobile and Ford dealerships that began in the Bronx and moved into Yonkers, Mt. Kisco and Mahopac.

Starting as a teenage car jockey parking Caddies at a dealership in Chicago in 1957, Mr. Gidron, a born salesman, learned his trade when America's craze with Cadillacs inspired visions of stardom and celebrity—of Elvis Presley whizzing through Memphis in a gold Cadillac and of Sugar Ray Robinson cruising the streets of Harlem in a flamingo pink convertible.

In 1972, when General Motors wanted a minority owner for its Bronx Cadillac franchise, it selected Mr. Gidron, by then one of its top salesmen, over competitors who included Sammy Davis Jr. and Henry Aaron. He thus became New York's first African-American Cadillac dealer and the second in the nation.

By 1980, with annual sales of $45 million, Mr. Gidron was among the top 10 Cadillac

dealers in the United States. He acquired three homes, a 36-foot yacht and a host of prominent friends and political connections. He was president of the Bronx Chamber of Commerce for more than 10 years in the 1980s and '90s, and was chairman of the Bronx County Democratic Committee for several years in the 1980s.

On his showroom walls were photos of Mr. Gidron with President Ronald Reagan, Gov. Mario M. Cuomo, Mother Teresa and Muhammad Ali. Super Bowl parties at his home drew a pantheon of judges, politicians and celebrities. Friends included George Steinbrenner, the principal owner of the Yankees; Stanley M. Friedman, the former Bronx Democratic leader; Mayor David N. Dinkins; State Senator Guy J. Velella; Representatives Mario Biaggi and Charles B. Rangel; and Dave Winfield, the Yankees slugger.

But by the 1990s, as the nation's love affair with Cadillacs waned, America's most prestigious car had become an outsize relic, overtaken by fuel-efficient imports and other luxury brands. As Mr. Gidron's sales plummeted, he fell behind in his corporate taxes, General Motors terminated his franchise, and revenue agents seized parts of his business.

In 2002, Mr. Gidron was indicted on charges of evading more than $1.5 million in state and federal taxes from the sale and leasing of cars from 1995 to 2000. In 2003, he pleaded guilty to two counts of grand larceny and one of offering a false instrument for filing—admitting that he kept car payments meant for lending institutions—and was ordered to pay $1.6 million in restitution and sentenced to three years of home confinement and five years of probation.

In 2005, state tax agents shut down Gidron Cadillac-Oldsmobile in Yonkers, seizing assets for what they said was his failure to pay more than $800,000 in sales taxes. Three other Gidron dealerships were also closed. Mr. Gidron was arrested after a monitor appointed to oversee his business charged that he had again kept car payments intended for lending institutions. He pleaded guilty to violating probation and defrauding nine victims of up to $100,000, and was sentenced to one to three years in prison. State officials said his former dealerships still owed $12 million in taxes.

In 2006, Mr. Gidron emerged from a year in prison, said he hoped to make a comeback and sued General Motors for $150 million, charging that the automaker had reneged on a deal to sell him an auto repair center in Yonkers that he had restored at a cost of millions after it was damaged in a fire in 2000. The suit is pending.

Richard Daniel Gidron was born in Chicago on Oct. 10, 1939, and was raised by his mother and grandmother after his father died when he was 7. At 19, he got a job in a Cadillac dealership on Chicago's South Side. He went to night school but learned salesmanship on the lot and in the showroom. By 26, he had become Cadillac's first black salesman, a natural who did not come across as a super pitchman but moved cars with drumbeat regularity.

Besides his son, of Scarsdale, Mr. Gidron is survived by his wife, Marjorie; a daughter, Bridgett Gidron of Scarsdale; two sisters, Dorothy J. Holmes of Stone Mountain, Ga., and Freddie M. Kessee of Aliso Viejo, Calif.; a brother, Thomas Parker of Little Rock, Ark.; and two grandchildren.

## PERSONAL EXPLANATION

### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, October 15, 2007, I was unable to cast my votes on H. Res. 738, H.R. 2089, and H.R. 20 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 961 on suspending the rules and passing H. Res. 738, Expressing the sense of the House of Representatives regarding the Government of Syria's continued interference in the internal affairs of Lebanon, I would have voted "aye."

Had I been present for rollcall No. 962 on suspending the rules and passing H.R. 2089, To designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Service Veterans Post Office," I would have voted "aye."

Had I been present for rollcall No. 963 on suspending the rules and passing H.R. 20, the Melanie Blocker-Stokes Postpartum Depression Research Care Act, I would have voted "aye."

## TRIBUTE TO IC CORPORATION OF TULSA, OKLAHOMA

### HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. SULLIVAN. Madam Speaker, I rise today to recognize IC Corporation of Tulsa, Oklahoma, and its parent company, Navistar International. This year, the IC school bus facility in Tulsa, Oklahoma will manufacture its fifty thousandth school bus since the company became part of the Tulsa community in 1999. I am honored to represent the employees at IC Corporation who build the school buses that provide a reliable means of transportation and keep our children safe as they travel to and from school.

The current IC facility originally opened 19 days after the bombing of Pearl Harbor and was built to make B–24 Bombers to help our Nation win WWII. Based on a history of hard work, the first school bus was built by IC Corporation in January 2001. Still one of the largest industries in Tulsa County, the buses built by the employees of the Tulsa IC Bus Plant carry hundreds of thousands of children around the country to and from school.

The employees at the Tulsa plant exemplify dedication and are one reason that the IC Corporation has more than 60 percent market share in the school bus industry. The fifty thousandth school bus will be delivered to the Ardmore City Schools in Oklahoma at a ceremony on October 17, 2007. Congratulations again, and thank you to IC Corporation and the more than 900 employees who work at the Tulsa Bus Plant in Tulsa, Oklahoma.

## FREEDOM FOR ERNESTO DURÁN RODRIGUEZ

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Ernesto Durán Rodriguez, a prisoner of conscience in totalitarian Cuba.

Mr. Durán Rodriguez is a pro-democracy activist currently imprisoned in a dungeon for his peaceful work to liberate Cuba from the grasp of the terrorist totalitarian regime. His insistence on freedom, fundamental human rights and speaking openly about the plight of the Cuban people under the tyranny's machinery of repression has made him a target of the totalitarian regime.

Mr. Durán Rodriguez has been repeatedly harassed and detained by regime thugs since 1995, when he was first arrested and in a farcical trial "sentenced" to 22 years in the regime's heinous gulag on charges of "evasion" and attempting to exit the country without "proper permission". Let me be very clear, Mr. Durán Rodriguez has been thrown in the gulag for daring to dream of and working on behalf of a democratic Cuba.

On August 8, 2002, Mr. Durán Rodriguez and another political prisoner, Leoncio Rodriguez Ponce were brutally beaten by regime thugs and thrown into the wretched squalor of punishment cells. On August 28 of that year, both men were tried on trumped-up charges that they had "disrespected" the demented tyrant. Both men were denied the right to a defense, and although the exact motive for their second trial is unknown, the so-called "court" found "sufficient cause" to increase their prison terms by two years.

While incarcerated in the squalor of the heinous gulag, Mr. Durán Rodriguez has suffered beatings, lack of medical treatment and being persistently denied the opportunity to communicate with his family. On January 29, 2006, prison thugs without warning entered his cell during the early morning hours and placed him in shackles on mere suspicion that he might have circulated leaflets in the prison. With his movement constricted, they proceeded to ransack his cell, stealing what few documents he kept and leaving his few precious personal effects thrown throughout his cell.

Mr. Durán Rodriguez is one of the many heroes of the Cuban pro-democracy movement who are locked in the dungeons of an oppressive totalitarian dictatorship for their beliefs. These men and women are symbols of freedom and democracy who will always be remembered when freedom returns to Cuba. Mr. Durán Rodriguez's courage in defiance of tyranny serves as an inspiring reminder that the tyranny's gulags are full men and women who represent the best of the Cuban nation.

Madam Speaker, it is absolutely unacceptable that peaceful pro-democracy activists are languishing in the heinous and depraved prisons of tyrants. My Colleagues, we must demand the immediate and unconditional release of Ernesto Durán Rodriguez and every prisoner of conscience in totalitarian Cuba.

## COMMENDING THE WORK OF WILSON HOSPICE ON ITS 20TH ANNIVERSARY

### HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. JORDAN of Ohio. Madam Speaker, it is with great pride that I recognize the staff of Wilson Hospice in Sidney, Ohio, as they mark 20 years of service to the region.

As part of Wilson Memorial Hospital in Sidney, Wilson Hospice provides invaluable care to the people of Shelby, Auglaize, Champaign, Darke, Logan, and Miami Counties. The hospice's professional and volunteer caregivers take great pride in helping those with terminal and other challenging illnesses in the final stages of their lives.

Wilson Hospice offers a wide range of assistance, from in-home care to aid in nursing facilities and other assisted-care centers in the region. Hospice staffers tailor care to each patient's needs, working in concert with families and doctors to provide pain management, spiritual and emotional care, and whatever other support is required. Because catastrophic illnesses frequently come with significant financial burden that harms quality of life, no one in need is ever turned away from Wilson based on an inability to pay.

The hospice excels in the outstanding grief support services it provides to families—including a phenomenal program targeted at teens and children, who often have the most difficult times dealing with the loss of a loved one. For more than a year after a loved one's death, family members may receive personal and group counseling and support services through the hospice. Those who have participated in these programs never forget the commitment and compassion of the many caregivers who help them cope with their losses.

Madam Speaker, Wilson Hospice will celebrate its 20th anniversary with an event this Monday, October 22. I look forward to attending and joining people throughout the region in applauding the dedicated staff of the hospice for all they do to provide comfort and peace to patients and their families.

## TAX COLLECTION RESPONSIBILITY ACT OF 2007

SPEECH OF

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2007*

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in support of the Tax Collection Responsibility Act of 2007. This legislation will put a stop to the use of private debt collection agencies to collect federal income taxes and ensure that this critical government function is performed by public servants on behalf of American taxpayers.

The small proportion of individuals who do not pay their taxes does increase the burden for the rest of the responsible, law-abiding Americans. In 2004 Congress attempted to hold these people accountable by authorizing a pilot private debt collection program for debts owed to the Internal Revenue Service. While this program was intended to be a more efficient way to collect unpaid taxes, it has proven to be a failure.

We have found that some of the private debt collection agencies are nothing short of bounty hunters, who use harassment to collect debts. Our constituents deserve to know that the person contacting them on behalf of the Federal Government is a public-servant, who is held to the highest standards of accountability and confidentiality, not a person whose paycheck depends solely on the number of collections they make.

In addition to the use of heavy-handed and abusive tactics to collect unpaid taxes, private tax collection agencies have also shown themselves to be significantly less efficient than the IRS agents who should be doing this work in the first place. This program has cost the American taxpayers $71 million, but has only collected $20 million, for a net loss of over $50 million. The IRS's National Taxpayer Advocate testified that for the same $71 million investment, the IRS would have collected around $1.4 billion. It simply does not make sense to waste public funds in this manner.

The Republican motion to recommit on this legislation would add to the bill a wholesale repeal of the estate tax. Repealing the estate tax would be fiscally irresponsible and break the promise this Congress made to the American people to work towards a balanced budget. Since its adoption would make the bill violate the House PAYGO rules, this motion is clearly nothing more than a political move to kill the underlying bill. This motion to recommit shows where the Republican Party's priorities are; the estate tax currently affects less than two percent of the wealthiest estates. A full repeal would require that taxes on millions of working Americans be raised and that Social Security and Medicare benefits for American seniors be reduced. I will continue to support a responsible approach to reducing the estate tax that provides relief for families without burdening future generations with additional deficit spending.

Mr. Speaker, it is unacceptable that the IRS outsources a function as central to the Federal Government as tax-collection. I urge my colleagues to join me in supporting H.R. 3056.

## COMMEMORATING PHOENIX HOUSE'S 40 YEARS OF COMMITMENT TO SERVING THOSE STRUGGLING WITH ADDICTION AND SUBSTANCE ABUSE

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mrs. MALONEY of New York. Madam Speaker, I rise today to commend Phoenix House, an honorable organization that has been an outstanding member of my community and many other communities nationwide for 40 years. The praise is well-deserved, and I am proud to recognize its invaluable service to our country.

Phoenix House is a provider of substance abuse treatment and prevention services operating in nine states across the country. In my district alone, it provides critical services to nearly 600 people each year. Phoenix House utilizes an approach based on mutual support and success through community. Today, we celebrate Phoenix House's 40 years of commitment to and success in serving those struggling with addiction and substance abuse.

Six heroin addicts started the Phoenix House in 1967 when they came together at a dextoxification program at a New York hospital. Today, it is the nation's leading nonprofit substance abuse treatment and prevention agency—operating more than 100 programs in New York, California, Texas, Florida, New Hampshire, Rhode Island, Massachusetts, Maine, and Vermont.

Over the years, Phoenix House has treated approximately 150,000 substance abusers and currently cares for nearly 6,000 men, women, and teens each day. Phoenix House operates more than 100 programs including residential centers for adults, as well as outpatient, and prison programs—at close to 120 locations in nine states. It also provides education and prevention programs, with in-school and after-school programs that reach more then 30,000 young people every year.

Moreover, for more than two decades, Phoenix House has operated the Phoenix Academies, where teens can make up schooling lost to drugs and recapture opportunities for higher education and careers. As a result, thousands of at-risk youth every year are given the tools and support they need to leave drug abuse behind and become contributing members of their communities. There are now eleven Phoenix Academies operating in seven states, and they were designated by the U.S. Department of Justice as a ''model program'' in 2005.

A 2004 study by RAND Corporation, a respected research organization, found that adolescents treated at a Phoenix House Academy demonstrated substantial reductions in drug use and unlawful behavior and improvement in psychological status—and that the Academy outperformed other juvenile programs in achieving these objectives.

Phoenix House is also the leading research organization among treatment providers. Its expanding research agenda reflects the broad array of services it provides; its growing number of research partners; and the historic imperative of Phoenix House to improve, refine, and innovate to make its services better, stronger, less costly, more accessible, and more predictably effective. I believe that those are objectives that all of us, as a Congress, can support.

Phoenix House was recently featured in an HBO documentary series titled Addiction. The project is one of the most ambitious efforts ever undertaken to educate the American public about drug addiction as well as recent advancements in treatment. Addiction aired on HBO in March, April, and May of 2007. I am honored to join Phoenix House in celebrating its 40 year commitment to fighting the war on drugs. I want to thank Phoenix House for the lives it has touched and its leadership in battling this harmful addiction that affects every family.

## A TRIBUTE TO CROWELL, WEEDON & CO. ON THE OCCASION OF ITS 75TH ANNIVERSARY

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to commemorate the 75th anniversary of a very prominent business located in my 34th Congressional District, Crowell, Weedon & Co., the largest independent investment firm in the western United States.

In 1932, during the depths of the Great Depression, Warren Crowell and George Weedon had the vision, courage and conviction to open the doors of a stock and bond brokerage firm on Spring Street in Downtown, Los Angeles. The venture posed a significant risk at the time considering the nation was still grappling with the fallout from the 1929 stock market crash and the nation's financial center, New York City, was considered the likely home for such ventures. Nevertheless, Mr. Crowell and Mr. Weedon were determined to help individuals and small business owners reenter the stock market. They felt very strongly that families and businesses should establish savings and investment plans with the long-term goal of achieving financial independence.

Three generations and 75 years later, Crowell, Weedon & Co. continues to be guided by the same core principles upon which it was founded: confidence in the vitality of the American free enterprise system; reliance in long-term investing, rather than short-term speculation; a conservative philosophy of investing in select enterprises; and an enduring commitment to serving clients by making their individual investment needs a priority.

Crowell, Weedon & Co.'s approach to working with their clients is reminiscent of a time when investing was less complicated and more personal. As its motto "Built on Integrity. . . Grown on Trust" reflects, the firm places a strong emphasis on developing strong and enduring firm-client relationships. Crowell, Weedon & Co.'s business approach has produced an insightful investment philosophy, which has strengthened the company and enabled it to withstand numerous market fluctuations. Crowell, Weedon & Co. today boasts of a partnership with more than 70 owners and 75 years of consistent profitability since its first day of operation.

The company's proud legacy is reflected in the firm's leadership. Donald Crowell, the founder's son, served as Managing Partner for over forty years. Today, Donald's sons, Andrew and Don, Jr. serve as two of the firm's 70 partners. Together, they carry on the proud Crowell family tradition.

Madam Speaker, on October 19, 2007, more than 500 employees and guests will gather at the Los Angeles Westin Bonaventure to celebrate the company's 75th year. I congratulate Crowell, Weedon & Co. on this landmark achievement and ask my colleagues to join me in extending to the firm's management and employees best wishes for many more years of continued success.

## INTRODUCTION OF IDENTIFICATION FRIEND OR FOE LEGISLATION

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. MEEK of Florida. Madam Speaker, I rise today to introduce legislation that will stop the selling of our U.S. servicemembers' safety.

Between August and October of 2006, 4,800 used combat uniforms bearing "glo-tape" patches were inadvertently sold despite a determination by a Defense Department office in July of that year that the patches had to be removed and destroyed before such uniforms could be put on sale. A year later less than 350 of the uniforms and patches have been returned. The availability of these items on the black market has the potential to cost U.S. military lives.

Glo-tape patches and other military items designated as "Identification Friend or Foe (IFF)" are specifically designed to allow members of our armed services to easily identify each other in poor lighting and certain other inclement conditions.

In the hands of the enemy, these patches could allow for infiltration into our ranks, as happened in January of this year when insurgents dressed in U.S. military uniforms in Karbala entered a secure compound killing one serviceman and abducting four others.

IFF items are listed by the military as items that are required to be completely demilitarized, and are not to be sold to the public. Yet, there is currently no enforcement procedure to ensure that persons illegally in possession of these items return them to the Department of Defense.

An investigation in July of 2007 by Newsweek magazine determined that IFF items were easily obtained at retailers in several areas of the United States without consequence (See article following).

I have introduced legislation that will protect our men and women from those whose reckless acts would cause them harm. First, the bill codifies into law that it is illegal to possess, purchase, or sell Identification Friend or Foe items. The bill further requires the Department to provide notice anywhere that the Department authorizes the private sale of surplus or used military items that the possession, purchase, or sale of IFF items, original or counterfeit, is punishable by law.

Secondly, the bill makes it a Class B Misdemeanor, punishable by up to six months in jail per incident, to possess these items or transact business related to the items. It would also be a crime to counterfeit these items for personal or retail use.

We can and should do everything in power to protect our men and women in uniform by removing any advantage the enemy might seek to gain. Please join me in making the selling of our servicemembers' safety a crime.

[From Newsweek, July 16, 2007]

THE MILITARY: A DANGEROUS PATCH

The Pentagon prides itself on the ability of U.S. combat units to operate under cover of darkness. But that advantage could be eroded if a key item—infrared patches that troops use to ID each other at night—were to fall into the wrong hands.

According to a Defense Department spokesman, 4,800 used combat uniforms bearing "glo-tape" patches were inadvertently sold to U.S. and Canadian clients of an Arizona-based company between August and October 2006—despite a Defense Department determination in July of that year that the patches had to be removed and destroyed before such uniforms could be put on sale. When the oversight was discovered, the Pentagon ordered the company, Government Liquidation, to return 1,200 garments containing the infrared patches that were still in its possession. (A company spokeswoman says the Pentagon did not notify Government Liquidation of any restrictions on the sale of the glo-tape items prior to October of last year, and a senior Defense Department official said the company did not violate any existing clause of its contract with the Pentagon when it was selling the glo-tape uniforms.)

The Pentagon imposed a blanket ban on the sale of combat fatigues this past February after Iraqi insurgents in U.S. combat uniforms entered a government security compound and killed five soldiers. But individual patches can still be easily obtained—as Newsweek reporters learned last month when they purchased several patches at military supply stores in Jacksonville, N.C., and Oceanside, Calif., without being asked to produce military ID. More than 4,000 of the patchbearing used uniforms are still at large, according to senior Pentagon official Paul Peters.

The U.S. Army began issuing combat fatigues bearing the glo-tape patches after a friendly-fire incident in the first week of the Iraq invasion that may have contributed to the deaths of 10 Marines. Known as IFF (Identification Friend or Foe), they come in various shapes and sizes that include U.S. flags; they can be detected at night by ground troops and airborne combat pilots equipped with night-vision goggles. No law forbids civilian surplus stores in the United States from selling the items, a fact that one Marine corporal finds alarming. "If you're moving around in the dark and you see someone with infrared patches, you won't be as on guard as you would be with somebody without those patches;' says Jeremy Terhune, 26, an infantry rifleman from Saugus, Calif., who has served three tours in Iraq and one in Afghanistan. No evidence has yet surfaced that insurgents in Iraq or Afghanistan have acquired the patches.

## PERSONAL EXPLANATION

### HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. CUMMINGS. Madam Speaker, on October 15, 2007, due to obligations in the district, I missed the following recorded votes:

Roll No. 961, on H. Res. 738, expressing the sense of the House of Representatives regarding the Government of Syria's continued interference in the internal affairs of Lebanon; had I been present, I would have voted "aye";

Roll No. 962, on H.R. 2089, to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Service Veterans Post Office; had I been present, I would have voted "aye"; and

Roll No. 963, on H.R. 20, the Melanie Blocker-Stokes Postpartum Depression Research Care Act; had I been present, I would have voted "aye."

## HONORING THE SERVICE OF THE 643RD MILITARY POLICE COMPANY OF WESTBROOK, CONNECTICUT

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2007*

Mr. COURTNEY. Madam Speaker, I rise today to honor the 643rd Military Policy Company of the Connecticut National Guard, based in Westbrook, Connecticut. Over the weekend, I joined Connecticut's Adjutant General, MG Thaddeus Martin and other elected officials as a ''Freedom Salute'' in honor of the 643rd's recent return from a deployment in Germany in support of Operation Enduring Freedom, the longest of any Connecticut National Guard unit in support of ongoing military operations.

In February 2006, 130 members of the 643rd MP, commanded by Captain Santo Pizzo of Glastonbury, deployed to Germany where they provided security and military law enforcement at U.S. military facilities in Hanau, Darmstadt, and Baumholder. While there, the unit helped track terrorists suspected of planning attacks against military facilities, including the military barracks in Hanau.

In addition, the 643rd MP also tackled other challenges, such as drug and alcohol related crimes and domestic disturbances. Specialist Ryan Maynard of Franklin, Connecticut, was awarded the Army Commendation Medal for saving a 2-month old child from choking. While this is a notable achievement worthy of praise, Specialist Maynard noted in the New London Day that: ''It's not one individual that makes a unit. It takes everyone coming together to make the mission successful.''

Any military deployment is hard not only on our men and women in uniform, but also on their families and loved ones waiting at home for them to return. The 643rd's deployment was especially tough, as they saw their deployment in Germany extended twice—leaving them abroad for nearly 3 more months than they expected.

Extended deployments such as this have real consequences for our National Guard, not only in their readiness to respond to threats at home and abroad, but also in the strain it places on the families who selflessly support our men and women in uniform. This weekend's ''Freedom Support'' was a testament to their strength during this long deployment and their continued support for their loved ones in uniform.

I ask my colleagues to join me in welcoming the men and women of the 643rd MP home, and congratulating them on a safe and successful deployment.

# *Daily Digest*

# Senate

## *Chamber Action*

***Routine Proceedings, pages S12885–S12946***

**Measures Introduced:** Eight bills and two resolutions were introduced, as follows: S. 2165–2172, and S. Res. 347–348. **Page S12936**

**Measures Reported:**

S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act. (S. Rept. No. 110–197)

Report to accompany S. Res. 89, authorizing expenditures by committees of the Senate for the periods March 1, 2007, through September 30, 2007, and October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009. (S. Rept. No. 110–198)

S. 1662, to amend the Small Business Investment Act of 1958 to reauthorize the venture capital program, with an amendment in the nature of a substitute. (S. Rept. No. 110–199) **Page S12936**

**Measures Passed:**

***Commerce and Justice, and Science Appropriations Act:*** By 75 yeas to 19 nays (Vote No. 372), Senate passed H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, after taking action on the following amendments proposed thereto:

**Pages S12894–S12925**

DeMint Amendment No. 3286, to provide that none of the funds made available under the Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress. **Page S12894**

By a unanimous vote of 90 yeas (Vote No. 365), DeMint/Shelby Amendment No. 3289, to prevent Federal employees from purchasing unnecessary first-class or premium-class airline tickets at taxpayers' expense. **Pages S12894–95, S12897–98**

By a unanimous vote of 91 yeas (Vote No. 366), Ensign Amendment No. 3294, to increase funding for the United States Marshals Service to ensure full funding for the Adam Walsh Child Protection and Safety Act of 2006 and offset the increase by reducing funding for the Advanced Technology Program.

**Pages S12895–96, S12905**

Leahy Modified Amendment No. 3249, to appropriate an additional $15,000,000 for the Boys and Girls Clubs of America and to provide a full offset for such amount.

(Subsequent to its adoption the amendment was further modified) **Pages S12907–08, S12913–14**

Mikulski (for Kyl) Amendment No. 3279, to increase appropriations for personnel, equipment, and other resources to be used for the analysis of DNA samples. **Pages S12913, S12914–15**

Mikulski (for Sessions) Amendment No. 3283, to use $10,000,000 from the Department of Justice Working Capital Fund for the expansion of Operation Streamline, the zero tolerance prosecution policy currently in place in the Del Rio and Yuma border sectors. **Page S12913**

Mikulski (for Smith) Modified Amendment No. 3290, to increase appropriations for salaries and expenses for hiring 200 additional Assistant United States Attorneys for the prosecution of offenses relating to the sexual exploitation of children.

**Page S12913**

Mikulski (for Stevens) Amendment No. 3278, to correct a technical error in Public Law 110–53 relating to emergency communications modernization.

**Page S12913**

Mikulski (for Stevens) Modified Amendment No. 3312, to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize the Secretary of Commerce to develop and maintain a list of vessels and vessel owners engaged in illegal, unreported, and or unregulated fishing. **Page S12913**

Mikulski (for Sununu) Amendment No. 3314, to make funds available for regional coastal disaster assistance, transition, and recovery programs.

**Pages S12913, S12916**

Mikulski (for Dorgan) Amendment No. 3276, to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime. **Page S12913**

Mikulski (for Boxer) Modified Amendment No. 3304, to make $2,000,000 available for sampling,

analysis, and clean-up related to the disposal of obsolete vessels owned or operated by the Federal Government in Suisun Bay, California.

**Pages S12913, S12915–16**

Mikulski (for Landrieu) Modified Amendment No. 3228, to provide funds for bycatch reduction devices for shrimpers in areas of the Gulf Coast impacted by Hurricanes Rita and Katrina. **Page S12913**

Mikulski (for Bingaman/Smith) Modified Amendment No. 3208, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

**Pages S12913–14**

Mikulski Amendment No. 3311, to extend the numerical limitation exception for H–2B nonimmigrants. **Pages S12913–14**

Mikulski (for Bingaman) Amendment No. 3209, to make certain forestry workers eligible for legal assistance. **Pages S12913–14**

Rejected:

Ensign Amendment No. 3295, to increase funding for the State Criminal Alien Assistance Program and offset the increase by reducing NASA funding. (By 68 yeas to 25 nays (Vote No. 367), Senate tabled the amendment.) **Pages S12895–96, S12904–06**

Thune Amendment No. 3317, to provide, in a fiscally responsible manner, additional funding for United States attorneys to prosecute violent crimes in Indian country. (By 62 yeas to 31 nays (Vote No. 368), Senate tabled the amendment.)

**Pages S12899–S12904, S12906–07**

Dole Amendment No. 3313, to set aside $75,000,000 of the funds appropriated under the heading State and Local Law Enforcement Assistance for activities that support State and local law enforcement agencies in their efforts to assist the Federal Government's enforcement of immigration laws. (By 50 yeas to 42 nays (Vote No. 369), Senate tabled the amendment.) **Pages S12908–10**

Vitter Amendment No. 3277, to prohibit funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. (By 52 yeas to 42 nays (Vote No. 370), Senate tabled the amendment.)

**Pages S12896–97, S12910–13**

By 44 yeas to 50 nays (Vote No. 371) McConnell motion to commit the bill to the Committee on Appropriations, with instructions. **Pages S12921–24**

Withdrawn:

Inouye Amendment No. 3214, to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies. **Pages S12894, S12898**

During consideration of this measure today, the Senate also took the following action:

Mikulski (for Dorgan) Modified Amendment No. 3227, to provide adequate funding for the Drug Courts program, previously agreed to on Thursday, October 4, 2007, was modified by a unanimous consent. **Pages S12913–14**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators: Mikulski, Inouye, Leahy, Kohl, Harkin, Dorgan, Feinstein, Reed, Lautenberg, Byrd, Shelby, Gregg, Stevens, Domenici, McConnell, Hutchison, Brownback, Alexander, and Cochran. **Page S12925**

***National Day of Remembrance for Murder Victims:*** Senate agreed to S. Res. 326, supporting the goals and ideals of a National Day of Remembrance for Murder Victims. **Page S12943**

***Recognizing Hunters Commitment to Safety:*** Senate agreed to H. Con. Res. 193, recognizing all hunters across the United States for their continued commitment to safety. **Page S12943**

***Red Ribbon Week:*** Senate agreed to S. Res. 348, supporting the goals and ideals of Red Ribbon Week. **Pages S12943–44**

**Labor/HHS/Education Appropriation Act—Agreement:** A unanimous consent agreement was reached providing that at approximately 11:00 a.m. on Wednesday October 17, 2007, Senate begin consideration of H. R 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008. **Page S12944**

**Nomination Confirmed:** Senate confirmed the following nomination:

Williamson Evers, of California, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Department of Education. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

**Pages S12943, S12946**

**Nominations Received:** Senate received the following nominations:

Joseph J. Murin, of Pennsylvania, to be President, Government National Mortgage Association.

Simon Charles Gros, of New Jersey, to be an Assistant Secretary of Transportation.

Deborah K. Jones, of New Mexico, to be Ambassador to the State of Kuwait.

Patrick Francis Kennedy, of Illinois, to be an Under Secretary of State (Management).

Gus P. Coldebella, of Massachusetts, to be General Counsel, Department of Homeland Security.

Brian Stacy Miller, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

1 Air Force nomination in the rank of general.

3 Army nominations in the rank of general.

Routine lists in the Coast Guard, National Oceanic and Atmospheric Administration, Public Health Service. **Pages S12944–46**

**Nomination Withdrawn:** Senate received notification of withdrawal of the following nomination:

Andrew R. Cochran, of Virginia, to be Inspector General, Environmental Protection Agency, which was sent to the Senate on July 31, 2007. **Page S12946**

**Messages from the House:** **Page S12933**

**Measures Referred:** **Page S12933**

**Executive Communications:** **Pages S12933–36**

**Additional Cosponsors:** **Pages S12936–38**

**Statements on Introduced Bills/Resolutions:** **Pages S12938–42**

**Additional Statements:** **Pages S12932–33**

**Amendments Submitted:** **Pages S12942–43**

**Authorities for Committees to Meet:** **Page S12943**

**Record Votes:** Eight record votes were taken today. (Total—372) **Pages S12898, S12905, S12906, S12907, S12909–10, S12913, S12924, S12925**

**Adjournment:** Senate convened at 10:00 a.m. and adjourned at 8:08 p.m., until 10:00 a.m. on Wednesday, October 17, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12944.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## TRANSPORTATION SECURITY ADMINISTRATION (TSA)

*Committee on Commerce, Science, and Transportation:* Committee concluded an oversight hearing to examine the Transportation Security Administration's (TSA) efforts and progress on H.R. 1, ''Implementing the Recommendations of the 9/11 Commission Act of 2007'', after receiving testimony from Kip Hawley, Assistant Secretary of Homeland Security, Transportation Security Administration; and Cathleen A. Berrick, Director, Homeland Security and Justice Issues, Government Accountability Office.

## PERSIAN GULF

*Committee on Foreign Relations:* Committee met in closed session to receive a briefing to examine issues relative to security in the Persian Gulf from R. Nicholas Burns, Under Secretary of State for Political Affairs; and Mary Beth Long, Principal Deputy Assistant Secretary for International Security Affairs, Vice Admiral Jeffrey A. Wieringa, USN, Director, Defense Security Cooperation Agency, and Major General Philip M. Breedlove, Vice Director for Strategic Plans and Policy, Joint Staff, all of the Department of Defense.

## SECURITY AND ACCOUNTABILITY FOR EVERY (SAFE) PORT ACT

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the Security and Accountability For Every (SAFE) Port Act (Public Law 109–347) one year after its enactment, after receiving testimony from Stewart Baker, Assistant Secretary of Homeland Security for Policy; Reginald I. Lloyd, United States Attorney for the District of South Carolina, Department of Justice; Stephen L. Caldwell, Director, Homeland Security and Justice Issues, Government Accountability Office; and Captain Jeffrey W. Monroe, Department of Ports and Transportation, Portland, Maine.

## DOD FINANCIAL MANAGEMENT

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine improving financial and business management at the Department of Defense (DOD), focusing on the DOD's business transformation process, after receiving testimony from David M. Walker, Comptroller General, Government Accountability Office; Jack Dave Patterson, Principal Deputy Under Secretary, and Paul A. Brinkley, Deputy Under Secretary for Business Transformation, both of the Department of Defense; and Dov S. Zakheim, Booz Allen Hamilton, McLean, Virginia.

## INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 26 public bills, H.R. 3837–3862; and 9 resolutions, H.J. Res. 58; H. Con. Res. 235–237; and H. Res. 747–751 were introduced. **Pages H11637–39**

**Additional Cosponsors:** **Pages H11639–40**

**Reports Filed:** Reports were filed today as follows:

H.R. 1955, to prevent homegrown terrorism, with an amendment (H. Rept. 110–384, Pt. 1) and

H. Res. 746, providing for consideration of the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence (H. Rept. 110–385). **Page H11637**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Lincoln Davis to act as Speaker Pro Tempore for today. **Page H11551**

**Recess:** The House recessed at 9:07 a.m. and reconvened at 10 a.m. **Page H11552**

**Suspension:** The House agreed to suspend the rules and pass the following measure:

***Internet Tax Freedom Act Amendments Act of 2007:*** H.R. 3678, amended, to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce, by a ⅔ yea-and-nay vote of 405 yeas to 2 nays, Roll No. 968. **Pages H11567–73, H11575–76**

**Expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq:** The House agreed to H. Res. 734, to express the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq, by a yea-and-nay vote of 395 yeas to 21 nays, Roll No. 969. **Pages H11576–86**

H. Res. 741, the rule providing for consideration of the resolution, was agreed to by a yea-and-nay vote of 225 yeas to 195 nays, Roll No. 965, after agreeing to order the previous question by a yea-and-nay vote of 223 yeas to 196 nays, Roll No. 964. **Pages H11555–63, H11573–74**

**Suspensions—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measures which were debated on Monday, October 15th:

***ALS Registry Act:*** H.R. 2295, amended, to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry, by a ⅔ yea-and-nay vote of 411 yeas to 3 nays, Roll No. 970 and **Page H11586**

***Recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week:*** H. Con. Res. 182, to recognize the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis and to support the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, by a ⅔ yea-and-nay vote of 414 yeas with none voting "nay", Roll No. 971. **Page H11587**

**Free Flow of Information Act of 2007:** The House passed H.R. 2102, 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, by a recorded vote of 398 ayes to 21 noes, Roll No. 973. **Pages H11587–H11603**

Agreed to the Smith (TX) motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 388 yeas to 33 nays, Roll No. 972. Subsequently, Representative Conyers reported the bill back to the House with the amendment and the amendment was agreed to. **Pages H11601–02**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. **Pages H11588–89**

Accepted:

Boucher amendment (No. 1 printed in H. Rept. 110–383) that provides that the shield can be pierced to prevent or identify the perpetrator of a terrorist attack or harm to national security and also provides that the disclosure of a leaker's identity can be compelled in cases involving leaks of properly classified information. The amendment also permits law enforcement to obtain an order compelling disclosure of documents and information obtained as the result of eyewitness observations of alleged criminal or tortious conduct. It also limits the Act's coverage to a person who "regularly" engages in the listed journalistic activities. Finally, the amendment adds three new exceptions to the definition of "covered person:" Specially Designated Global Terrorist, as designated by the Treasury Department; a specially designated terrorist, as defined by federal regulations; and a terrorist organization, as defined by immigration law. **Pages H11599–H11601**

H. Res. 742, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 222 yeas to 194 nays, Roll No. 967, after agreeing to order the previous question by a yea-and-nay vote of 224 yeas to 196 nays, Roll No. 966.

**Pages H11563–67, H11574–75**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Recognizing the 35th anniversary of the Clean Water Act:*** H. Res. 725, to recognize the 35th anniversary of the Clean Water Act; **Pages H11603–07**

***Expressing the sense of Congress with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month:*** H. Res. 716, to express the sense of Congress with respect to raising awareness and enhancing the state of computer security in the United States, and to support the goals and ideals of National Cyber Security Awareness Month; **Pages H11609–12**

***Honoring the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities:*** H. Con. Res. 225, to honor the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities; and **Pages H11612–14**

***Honoring the 60th anniversary of the aeronautics research accomplishments embodied in "the breaking of the sound barrier":*** H. Res. 736, to honor the 60th anniversary of the aeronautics research accomplishments embodied in "the breaking of the sound barrier." **Pages H11614–16**

**Suspensions—Proceedings Postponed:** The House debated the following measures under suspension of the rules. Further proceedings were postponed until Wednesday, October 17th:

***Recognizing the importance of America's Waterway Watch program:*** H. Res. 549, to recognize the importance of America's Waterway Watch program and **Pages H11607–09**

***Commending NASA Langley Research Center in Virginia on the celebration of its 90th anniversary on October 26 and 27, 2007:*** H. Con. Res. 222, to commend NASA Langley Research Center in Virginia on the celebration of its 90th anniversary on October 26 and 27, 2007. **Pages H11616–19**

**Senate Message:** Message received from the Senate today appears on page H11552.

**Senate Referrals:** S. Con. Res. 36 was held at the desk. **Page H11552**

**Quorum Calls—Votes:** Nine yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H11573, H11574, H11574–75, H11575, H11575–76, H11585–86, H11586, H11587, H11601–02, and H11602–03. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 10:14 p.m.

# *Committee Meetings*

## FEDERAL CIVILIAN EMPLOYEE COMBAT ZONE BENEFITS

*Committee on Armed Services:* Subcommittee on Oversight and Investigations held a hearing on incentives, benefits, and medical care for federal civilian employees deployed to combat zone. Testimony was heard from the following officials of the Department of State: Ambassador Harry Thomas, Director General; and Mark Ward, Senior Deputy Assistant Administrator, Asia and Near East Bureau, U.S. Agency for International Development; Kirk Miller, Associate Administrator, Foreign Agriculture Service, USDA; Bruce Swartz, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and Larry McDonald, Deputy Assistant Secretary, Office of Technical Assistance, Department of the Treasury.

## BREAST CANCER STAMP/PAUL WELLSTONE HEALTH AND ADDICTION EQUITY ACT OF 2007

*Committee on Energy and Commerce:* Ordered reported, as amended, the following bills: H.R. 1236, To make permanent the authority of the United States Postal Service to issue a special postage stamp to support breast cancer research; and H.R. 1424, Paul Wellstone Mental Health and Addiction Equity Act of 2007.

## REAUTHORIZATION OF McKINNEY-VENTO HOMELESS ASSISTANCE ACT

*Committee on Financial Services:* Subcommittee on Housing and Community Opportunity continued hearings on reauthorization of McKinney-Vento Homeless Assistance Act. Testimony was heard from Mark Johnston, Deputy Assistant Secretary, Special Needs, Department of Housing and Urban Development; Zev Yaroslavsky, member, Board of Supervisors, Los Angeles County; Mercedes Marquez, General Manager, Los Angeles Housing Department, City of Los Angeles; and public witnesses.

## AVIATION SECURITY

*Committee on Homeland Security:* Subcommittee on Transportation Security, and Infrastructure Protection held a hearing entitled "Aviation Security: Are

We Truly Protected?'' Testimony was heard from Kip Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; Cathleen A. Berrrick, Director, Homeland Security and Justice Issues, GAO; and Franklin Hatfield, Director, System Operations Security Office, FAA, Department of Transportation.

## VOTING BY MAIL OR ABSENTEE—EXPANDING OPPORTUNITIES

*Committee on House Administration:* Held a hearing on Expanding and Improving Opportunities to Vote by Mail or Absentee. Testimony was heard from Representative Davis of California; Ruth Goldway, Commissioner, Postal Regulatory Commission; Deborah L. Markowitz, Secretary of State, Vermont; and public witnesses.

## PUBLIC SCHOOL HATE CRIMES/RACE VIOLENCE

*Committee on the Judiciary:* Held a hearing on Jena 6 and the Role of Federal Intervention in Hate Crimes and Race-Related Violence in Public Schools. Testimony was heard from the following officials of the Department of Justice: Donald Washington, U.S. Attorney, Western District of Louisiana; and Lisa Krigsten, Counsel to the Assistant Attorney General, Civil Rights Division; and public witnesses.

## LEGAL TIMBER PROTECTION ACT

*Committee on Natural Resources;* Subcommittee on Fisheries, Wildlife and Oceans held a hearing on H.R. 1497, Legal Timber Protection Act. Testimony was heard from Representative Blumenauer; Eileen Sobeck, Deputy Assistant Attorney General, Environment and Natural Resources Division, Department of Justice; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Natural Resources:* Subcommittee on Water and Power approved for full Committee action the following bills: H.R. 123, To authorize appropriations for the San Gabriel Basin Restoration Fund; H.R. 236, amended, North Bay Water Reuse Program Act of 2007; H.R. 2085, McGee Creek Project Pipeline and Associated Facilities Conveyance Act; and H.R. 2498, amended, To provide for a study regarding development of a comprehensive integrated regional water management plan that would address four general areas of regional water planning in both the San Joaquin River Hydrologic Region and the Tulare Lake Hydrologic Region, inclusive of Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin Counties, California, and to provide that such plan be the guide by which those counties use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner.

## DC PRISONER RE-ENTRY

*Committee on Oversight and Government Reform:* Subcommittee on Federal Workforce, Postal Service, Census and District of Columbia held a hearing on Doing Time: Are DC Prisoners Being Adequately Prepared for Re-Entry? Testimony was heard from Harley G. Lappin, Director, Federal Bureau of Prisons, Department of Justice; Charles Jones, Director, Employment Services, Department of Employment Services, District of Columbia; and public witnesses.

## CENSUS 2010 BUDGET ISSUES

*Committee on Oversight and Government Reform:* Subcommittee on Information Policy, Census and National Archives held a hearing on Critical Budget Issues Affecting the 2010 Census. Testimony was heard from Jim Nussle, Director, OMB; the following officials of the Department of Commerce: Otto J. Wolfe, Chief Financial Officer and ASA; Charles Louis Kincannon, Director; and Preston Jay Waite, Deputy Director, both with the Bureau of the Census.

## RESTORE ACT OF 2007

*Committee on Rules:* Granted, by a vote of 8 to 4, a closed rule providing for 90 minutes of debate on H.R. 3773, RESTORE Act of 2007, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. In lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence, the rule considers as adopted the amendment in the nature of a substitute printed in part A of the Rules Committee report, modified by the amendment printed in part B of the report, and considers the bill, as amended, as read. The rule provides one motion to recommit with or without instructions. Finally, the rule permits the Chair, during consideration of the bill, to postpone further consideration of it to a time designated by the Speaker. Testimony was heard from Representative Scott of Virginia, Chairman Reyes, Representatives Issa, Lungren, Forbes, Gohmert and Hoekstra.

## MISCELLANEOUS MEASURES

*Committee on Science and Technology:* Ordered reported, as amended, the following bills: H.R. 3776, Energy

Storage Technology Advancement Act of 2007; and H.R. 3775, Industrial Energy Efficiency Research and Development Act of 2007.

## RAILROAD-OWNED SOLID WASTE FACILITIES

*Committee on Transportation and Infrastructure:* Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing on Railroad-Owned Solid Waste Transload Facilities. Testimony was heard from Senator Lautenberg; Representatives Pallone, Patrick J. Murphy of Pennsylvania; and Murphy of Connecticut; the following officials of the Surface Transportation Board, Department of Transportation: Charles D. Nottingham, Chairman; W. Douglas Buttrey, Vice Chairman; and Francis P. Mulvey, Commissioner; Gregory Schmidt, Mayor, Village of Croton-on-Hudson, New York; Joseph DiGirolamo, Mayor, Township of Bensalem, Pennsylvania; Kathy Chasey, Mayor, Mullica Township, New Jersey; Brian X. Foley, Town Supervisor, Brookhaven, New York; Wolfgang Skacel, Assistant Commissioner, Department of Environmental Protection, New Jersey; and public witnesses.

## RAW SEWAGE OVERFLOW AWARENESS

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held a hearing on The Raw Sewage Overflow Community Right-to-Know Act. Testimony was heard from Benjamin H. Grumbles, Assistant Administrator, Office of Water, EPA; Robert Summers, Deputy Secretary, Department of the Environment, Maryland; and public witnesses.

## DISABILITY CLAIMS RATINGS AND BENEFITS WITHIN VETERANS BENEFITS ADMINISTRATION

*Committee on Veterans' Affairs:* Subcommittee on Oversight and Investigation held a hearing on Disability Claims Ratings and Benefits Disparities within the Veterans' Benefits Administration. Testimony was heard from the following officials of the Department of Veterans Affairs: Jon A. Wooditch, Deputy Inspector General; and Ronald R. Aument, Deputy Under Secretary for Benefits; and representatives of veterans organizations.

## MEDICARE ADVANTAGE PLAN BIDS AUDITS

*Committee on Ways and Means:* Subcommittee on Health and the Subcommittee on Oversight held a joint hearing on Medicare Advantage: Required Audits of Limited Value. Testimony was heard from Jeffery Steinhoff, Managing Director, Financial Management and Assistance, GAO; Timothy B. Hill, Chief Financial Officer, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

## BRIEFING—AMERITHAX

*Permanent Select Committee on Intelligence:* Met in executive session to receive a briefing on Amerithax. The Committee was briefed by departmental witnesses.

## CIA ACTIVITY

*Permanent Select Committee on Intelligence:* Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence met in executive session to hold a hearing on CIA Activity. Testimony was heard from departmental witnesses.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D 1354)*

S. 474, to award a congressional gold medal to Michael Ellis DeBakey, M.D. Signed on October 16, 2007. (Public Law 110–95)

S. 1612, to amend the penalty provisions in the International Emergency Economic Powers Act. Signed on October 16, 2007. (Public Law 110–96)

## COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 17, 2007

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Banking, Housing, and Urban Affairs:* business meeting to consider an original bill entitled "Sudan Accountability and Divestment Act of 2007", an original bill entitled "Terrorism Risk Insurance Program Reauthorization Act of 2007", and an original bill entitled "Flood Insurance Reform and Modernization Act of 2007", 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine consumer wireless issues, 10 a.m., SR–253.

Full Committee, to hold hearings to examine the digital television transition, focusing on government and industry perspectives, 2:30 p.m., SR–253.

*Committee on Environment and Public Works:* Subcommittee on Superfund and Environmental Health, to hold oversight hearings to examine the federal Superfund Program's activities to protect public health, 9:30 a.m., SD–406.

*Committee on Foreign Relations:* to hold hearings to examine the nominations of Daniel V. Speckhard, of Wisconsin, to be Ambassador to Greece, Thomas F. Stephenson, of California, to be Ambassador to the Portuguese Republic, and Vincent Obsitnik, of Virginia, to be Ambassador to the Slovak Republic, 2:30 p.m., SD–419.

*Committee on Homeland Security and Governmental Affairs:* to hold hearings to examine the Department of Homeland Security, focusing on contractors and the work of the government, 10:30 a.m., SD–342.

*Committee on the Judiciary:* to hold hearings to examine the nomination of Michael B. Mukasey, of New York, to be Attorney General, 10 a.m., SH–216.

*Committee on Veterans' Affairs:* to hold an oversight hearing to examine the Department of Veterans Affairs and Department of Defense collaboration, focusing on the report of the President's Commission on Care for America's Returning Wounded Warriors, the report of the Veterans Disability Benefit Commission, and other related reports, 9:30 a.m., SD–562.

## House

*Committee on Energy and Commerce,* Subcommittee on Telecommunications and the Internet, hearing entitled ''Status of the DTV Transition—Part 2,'' 9:30 a.m, 2123 Rayburn.

*Committee on Financial Services,* Subcommittee on Domestic and International Monetary Policy, Trade and Technology, hearing on U.S.-Russia Economic Relationship: Implications of the Yukos Affair, 2 p.m., 2128 Rayburn.

Subcommittee on Housing and Community Opportunity, hearing on The Impacts of Late Housing Payments on Tenants and Owners in the Project-Based Rental Assistance Program, 10 a.m., 2128 Rayburn.

*Committee on Foreign Affairs,* Subcommittee on Asia, Pacific and the Global Environment, hearing on the Crisis in Burma: Can the U.S. Bring about a Peaceful Resolution? 2 p.m., 2172 Rayburn.

*Committee on Homeland Security,* Subcommittee on Emerging Threats, Cybersecurity and Science, and Technology, hearing entitled ''The Cyber Threat To Control Systems: Stronger Regulations Are Necessary To Secure the Electric Grid,'' 2 p.m., 311 Cannon.

*Committee on House Administration,* oversight hearing on the Capitol Visitor Center: the Visitor Experience, 11 a.m., 1310 Longworth.

*Committee on the Judiciary,* hearing on Sex Crimes and the Internet, 2 p.m., 2141 Rayburn.

*Committee on Science and Technology,* Subcommittee on Investigations and Oversight, hearing on Disappearing Polar Bears and Permafrost: Is a Global Warming Tipping Point Embedded in the Ice? 10 a.m., 2318 Rayburn.

Subcommittee on Research and Science Education, hearing on Women in Academic Science and Engineering, 2 p.m., 2318 Rayburn.

*Committee on Small Business,* hearing entitled ''Small Business Energy Priorities,'' 10 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Aviation, hearing on NextGen: The FAA's Automatic Dependent Surveillance-Broadcast (AD–B) Contract, 2 p.m., 2167 Rayburn.

Subcommittee on Coast Guard and Maritime Transportation, hearing on Mariner Education and Work Force, 10 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* hearing on the Long-Term Costs of the Current Conflicts, 10 a.m., 334 Cannon.

*Committee on Ways and Means,* Subcommittee on Select Revenue Measures and the Subcommittee on Income Security and Family Support, joint hearing on the Heroes Earnings Assistance and Relief Tax Act of 2007, 10 a.m., 1100 Longworth.

*Permanent Select Committee on Intelligence*, executive, briefing on Hot Spots, 8:45 a.m., H–405 Capitol.

*Next Meeting of the* SENATE

10 a.m., Wednesday, October 17

Senate Chamber

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond 60 minutes), Senate will begin consideration of H.R. 3043, Labor/HHS/Education Appropriations Act.

*(Senate will stand in recess from 1 p.m. until 2 p.m.)*

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 17

House Chamber

**Program for Wednesday:** Consideration of H.R. 2095—Federal Railroad Safety Improvement Act of 2007 (Subject to a Rule) and H.R. 3773—Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective (RESTORE) Act (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

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