United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, FRIDAY, JANUARY 12, 2007 No. 7

House of Representatives

The House met at 9 a.m.

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

Lord God, Creator and Author of the Sabbath, bless the approaching weekend.

Lord, fill our airways, our newspapers, our conversations, and the minds of our children with the stories, the dreams, and the words of the Reverend Martin Luther King, Jr.

Fifty years ago he said: ''I am convinced that love is the most desirable power in the world. It is not an expression of impractical idealism, but of practical realism. Far from being the pious injunction of a utopian dreamer, love is an absolute necessity for the survival of civilization.

''To return hate for hate does nothing but intensify the existence of evil in the universe. Someone must have sense enough and religion enough to cut off the chain of hate and evil, and this can be done through love.''

May these words, Lord, live on in the minds and hearts of America now and forever. Amen.

THE JOURNAL

The SPEAKER. 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. Will the gentlewoman from Virginia (Mrs. DRAKE) come forward and lead the House in the Pledge of Allegiance.

Mrs. DRAKE 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 one-minutes on each side.

IN SUPPORT OF H.R. 4

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

Mr. SARBANES. Madam Speaker, it matters what government does. Every day the policies we enact can make life easier or harder for ordinary citizens. It starts at 5 or 6 or 7 o'clock in the morning, when millions of senior citizens in this country begin their day by taking prescription drug medicine. That should be an experience that makes them feel like someone is looking out for them. Instead, the current part D program has left our seniors feeling anxious and confused. What they cannot understand, Madam Speaker, what no one can understand, because there is no rational explanation for it, is why the Medicare program has been prohibited from negotiating for lower drug prices. Of course there is an explanation: a deal was struck to benefit the insurance and pharmaceutical industries at the expense of our seniors.

Madam Speaker, the legislation before us today will repeal this prohibition and empower the Secretary to negotiate for lower prescription drug prices on behalf of Medicare beneficiaries.

H.R. 4 makes common sense, and it does right by our seniors. I look forward to bipartisan passage of this important legislation.

DOMESTIC VIOLENCE

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

Mr. POE. Mr. Speaker, Carlos Granados had a bad temper and a bad attitude toward women. This violent predator that had assaulted at least two prior girlfriends moved in with Katherine Jiminez and her 3-year-old son, Anthony, in 1998.

He continued his demonic trait of abuse and began beating her up. She ordered him to leave. Carlos exploded. He attacked her, stabbing her over 30 times, slit her throat, and killed the baby she was pregnant with. The last words Katherine heard her 3-year-old son, Anthony, scream in horror were, ''Don't kill me. I don't want to die. Don't kill me.'' Carlos stabbed Anthony in the heart. Katherine lay helplessly in a pool of her own blood for over a day until she was rescued, but she survived.

On Wednesday, the State of Texas put Carlos Granados in the ground. He was executed for his crimes against women and children.

Katherine's story is not a rare occurrence in the United States. One in four women will become victims of domestic violence in their lifetimes; their children will be likely victims as well.

Love never comes with black eyes, bruises and battery. My grandmother used to tell me, ''You never hurt someone you claim to love.'' Wise words then, and the law now.

And that's just the way it is.

PRESCRIPTION DRUGS

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

Mr. MICHAUD. Mr. Speaker, today I strongly support the prescription drug bill that will be coming up today for a vote. I commend the leadership for bringing this legislation to the floor as a central part of the first 100 hours.

When the Medicare drug bill was being assembled, the pharmaceutical lobby convinced its authors to write rules into the bill that would forbid ever negotiating for lower-cost prescription drugs. These drug companies

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charged American consumers far more than anyone else in the world.

This bill today would allow the Secretary to negotiate for lower-cost prescription drugs. This is a commonsense solution that could have enormous cost savings for seniors and the government. The VA Administration already does this effectively; so does every other industrialized country in the world.

My own State of Maine has led the way in implementing this approach at the State level. I have introduced my America Rx bill based on Maine's approach in the past Congresses. I am so pleased that this bill today does that same thing, and I urge my colleagues to support this bill.

THE THREAT OF IRAN AND SYRIA

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

Ms. FOXX. Mr. Speaker, I rise today to address the growing threat of Iran and Syria and their involvement in the current war in Iraq.

As President Bush pointed out in his speech Wednesday night, we live in difficult times and are facing types of enemies never seen before. These terrorists are bent on the destruction of Western Civilization. I am pleased the President acknowledged the threat of Iran and Syria and included monitoring the borders of Iraq as an essential part of the solution to the Iraq conflict.

Seventy percent of American casualties in Iraq come from IEDs provided by Iran. This must be dealt with divisively or we will continue to lose the brave men and women who are fighting a noble cause in the global war on terror.

In addition, intelligence estimates show that at least 32,000 people are being paid by Iran to interfere with American efforts in Iraq. It is clear we cannot win in Iraq without dealing with Iran. They are determined to dominate the Arabian peninsula with their radical and twisted version of Islam, and to defeat and humiliate the United States in our efforts to help Iraq build a strong and stable democracy to serve as a model in the Middle East.

BRING OUR TROOPS HOME

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

Mr. GRIJALVA. Mr. Speaker, I believe this Congress has a mandate from the voters to start bringing our troops home from Iraq. This is not an option that we can pursue at our leisure. This is a solemn obligation of absolute urgency.

As we speak, preparations are being made to send more of our Nation's sons and daughters to Iraq, with or without our consent, and some are already there.

A recent headline in the Financial Times states our predicament: ''Congress is helpless only out of choice.'' The Constitution gives this House, gives this body, if it chooses to exercise it, the power of the Federal purse. No signing statement or political calculation can erase this hard fact. And if we choose to deny that we do have this power, we do a disservice to our Constitution, our constituents, and this body.

The escalation in Iraq, as announced by the President the other night, will only deepen our involvement in this debacle.

Mr. Speaker, this war is a financial, strategic and moral disaster for this Nation. We need to bring this sad misadventure to an end and start bringing our troops home now.

The American people have clearly expressed their view on Iraq in the last election that policy has to be changed by this Congress.

VOTE ''NO'' ON H.R. 4

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

Mr. BOUSTANY. Mr. Speaker, I once operated on a Vietnam veteran who then needed lifesaving drugs. But the VA program was going to make him wait for 2 weeks. He had no choice but to pay out of pocket hundreds of dollars. This is completely unacceptable. And we certainly do not want the same thing for our seniors.

I urge my colleagues to support seniors and vote ''no'' on H.R. 4 because this legislation prevents patients from getting the medication they need. When you scratch the surface, it becomes very clear that this legislation will lead to price controls and rationing. Furthermore, the idea of government negotiation is a joke.

Mr. Speaker, this limits seniors' choices, it's not going to reduce cost, and once again it's the heavy hand of government telling people what is best for them. So I urge my colleagues to support seniors and vote ''no'' on this legislation.

MIKE SHAMPINE

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

Mr. HARE. Michael Shampine, U.S. Air Force veteran, city councilman, labor union activist, and my good friend and constituent sadly passed away last Saturday.

Mike and I became close friends throughout the past years. His outstanding commitment to labor, his sincere friendship and great sense of humor will be the attributes I will remember the most about him. I do not know anyone who was more committed to his community and his union brothers and sisters than Mike, which was exemplified in the positions he held as president of the Decatur Trades and Labor Assembly and as the business agent/financial secretary of Roofers Local 92.

The community of Decatur has greatly benefited from Mike's exceptional years of service, especially in the ways he successfully brought together labor, business and community leaders to solve the city's problems. His efforts and contributions served as an inspiration to all of us.

To Mike's family and close friends, I extend to you my sincere condolences and hope the pain and loss you feel will become less with each passing day.

God bless you, Mike.

VOTE AGAINST H.R. 4

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

Mrs. BLACKBURN. Mr. Speaker, I rise today to voice my opposition to H.R. 4, the Medicare Prescription Drug Price Negotiation Act. We could even call it the Big Government Medicare Prescription Drug Price Negotiation Act. You know, I represent about 70,000 Medicare part D beneficiaries in my district and they deserve low-cost prescription drugs and the option to choose the plans that best suit their needs.

Part D plans have produced greater than expected savings and our Medicare beneficiaries appreciate this. They are saving an average of $1,200 annually on their drug costs. Program costs are going to be about $200 billion lower than expected over the next 10 years. And repealing part D noninterference will create drug therapy restrictions found in the Department of Veterans Affairs programs.

There is a lot of talk about the Veterans Affairs and comparing that to Medicare. That is like comparing apples and oranges, because the VA is a direct provider of medical services, where Medicare part D is an insurance program for our seniors that allows them to choose to access and to control their health care.

Vote ''no.''

□ 0915

SUPPORT H.R. 4

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007.

Now you can imagine how Democrats felt when the Republicans hijacked the whole idea of putting benefits into Medicare for prescription drugs. Not only did they do a bad job with the regular program with the doughnut hole

and higher prices, but on top of that, they added two additional things.

One, they made criminals of people who would go to Canada or Mexico to get the same drugs for lower prices because, of course, our pharmaceutical companies charge the highest price for drugs right here in the United States.

Secondly, they prohibited the United States Government from doing what all other health plans do: negotiate the price of prescription drugs for the people who are in their health care program.

Well, guess what? Today we will right that. Today we will allow the Secretary of Health and Human Services to negotiate on behalf of Americans.

HEALTH CARE DECISIONS SHOULD BE MADE BY DOCTORS

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

Mr. PRICE of Georgia. Mr. Speaker, today we will take up the Medicare prescription drug program, a program where costs were $13 billion lower than projected in 2006; needed life-saving drugs are available; and 80 percent of the beneficiaries are supportive and satisfied with the program.

So what problems are the Democrats trying to solve? Theirs is really a solution in search of a problem. The Democrats think that Washington can make better decisions than the American people about very personal medical matters. And what happens when the government gets more involved? Things become more bureaucratic and more expensive.

As a physician, I know how difficult it is to take care of patients, oftentimes because so many non-medical people are making medical decisions.

If H.R. 4 is adopted and becomes law, Washington bureaucrats will decide which drugs will be available for patients, not from a scientific or safety standpoint but purely based upon money.

That is not the way we ought to be making health care decisions. Those decisions ought to be made by patients and doctors.

SPECIAL INTEREST OVER PUBLIC INTERESTS

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

Mr. WELCH of Vermont. Mr. Speaker, a special interest over the public interest, there is no more vivid example of special interests trumping the public interest than the Medicare Part D legislation that we must reform today.

Extending a drug benefit to our seniors on Medicare is the right thing to do. Even in its current form, it has helped thousands of Vermonters and hundreds of thousands of Americans.

But when this Medicare drug benefit was first passed, a worthy extension of this good program went terribly wrong because of the wrong-headed prohibition on the Federal Government's ability to do the obvious: negotiate fair prices for the taxpayer. This program fails on its most fundamental level, cost. Failing on cost, it impedes access.

The lobbyists who had such an influence in writing this bill bewildered our seniors and ripped off our taxpayers.

The public interest, the interest of our seniors and taxpayers are who we represent today and who we can help today with the passage of this bill.

FULLY FUND SAFE TEA–LU

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

Mrs. CAPITO. Mr. Speaker, I rise today to fully support SAFE TEA–LU funding at its authorized level for fiscal year 2007.

If, as expected, the House passes a joint resolution extending funding for government programs through October 1, it is important that we allow the highway funds to increase from the 2006 level to the authorized 2007 level.

Federal highway funding is very important to all States, and my State of West Virginia is no exception. Significant progress is being made on construction of a new four-lane U.S. 35 and on Corridor H, and transportation improvements are needed across everyone's district.

Keeping highway funding steady at the 2006 level would stop a scheduled $3.4 billion increase that State highway departments, workers and motorists have planned on and expected for this year.

The President's fiscal year 2007 budget, the House-passed transportation appropriation bill and the Senate appropriation bill called for $39.1 billion for highway construction. Failing to allow an increase would cost West Virginia $57.7 million, and 2,740 construction jobs.

NEW DIRECTION FOR AMERICA

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

Mr. LAMPSON. Mr. Speaker, my mother was an extraordinary woman. There is no doubt that Medicare helped her live the last of her 94 years with dignity and mostly independence. However, despite having one son as a doctor, one as a pharmaceutical executive and one as a Member of Congress, our family still struggled to meet her needs. As a Member of this body, I felt helpless and almost ashamed to know that there are millions more like her forced to decide between food and medicine each month.

I am proud now to be a part of this inspired and honest effort to make a difference in the lives America's elderly and disabled.

Although mother is gone now, I can still make a difference for her sister, my 91-year-old Aunt Mary. She fell into the part D doughnut hole and paid thousands of dollars a month for her medications. It is an outrage that my aunt and millions of Americans are paying record prices while drug companies are reporting record profits.

Giving Medicare the ability to negotiate drug prices is a monumental first step. I hope it is just the beginning of expanding every American's access to quality and affordable health care.

I urge you all to think of your mothers and aunts when you cast your vote for H.R. 4. Do this for every one of your constituents who has to decide between meals and medicine and show America that we are all dedicated to a new direction.

VOTE ''NO'' ON H.R. 4

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

Mrs. DRAKE. Mr. Speaker, I rise today in opposition to H.R. 4, the Medicare Prescription Drug Price Negotiation Act.

The Medicare prescription drug insurance program continues to exceed expectations. The current private sector approach has resulted in more choices available to Medicare beneficiaries while simultaneously keeping costs below previous projections.

The majority of seniors are satisfied with the program and are saving on average $1,200 a year. Seniors are able to choose a prescription drug plan that meets their needs.

The Congressional Budget Office has stated that requiring the Federal Government to negotiate drug prices with the manufacturer will not result in any savings to the Federal Treasury or the taxpayer. When asked, seniors support lower drug prices; but when told that means less choice of available drug or pharmacy, they disagree.

Seniors across America want their doctors, not the Federal Government, to choose the most effective drugs.

SENIORS AT MERCY OF CONFUSING DRUG RULES

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

Mr. ELLISON. Mr. Speaker, for over a year now, senior citizens in my State of Minnesota have been subject to a sink hole that the administration calls Medicare part D, the prescription drug program.

It was really never meant for our seniors. It was written for and by the pharmaceutical companies and the insurance companies at the expense of our senior citizens and paid for by the American taxpayer.

In 2006, companies like Pfizer, Eli Lilly, Merck and Novartis made record

profits. Meanwhile, Minnesota seniors are at the mercy of complex and confusing drug company rules, matched by the rising cost of drugs, costs that make gas prices seem stable.

Prescription drugs have increased at twice the rate of inflation. Medicare folks pay as much as 10 times more than vets do through the Department of Veterans Affairs.

Mr. Speaker, that is no way to treat the greatest generation. We can and must do right by them. We must end the drug company charade and enact real prescription drug reform. It is time to let HHS negotiate just like the VA.

Today, the House will pass the Medicare Prescription Drug Price Negotiation Act. Let us end the scam and give the greatest generation the dignity they so deserve. Vote ''yes'' on H.R. 4.

CHAVEZ BEGINS THIRD TERM IN VENEZUELA

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

Mr. STEARNS. Mr. Speaker, yesterday the Venezuelan president invoked Fidel Castro as the premier socialist model which, in his theory, is the economic model for not only Venezuela but the entire world.

Mr. Speaker, my observation about his speech is that it represents a defining illustration of the dichotomous philosophies of ownership and freedom that free markets versus state-owned markets present. For example, Chavez demonstrates this with his continued move to nationalize electrical and telecommunications companies.

Here in Congress with the new majority, they are starting to hammer with this heavy hand of the Federal Government down on small businesses, pharmaceutical companies, energy companies, health insurance and telecommunications industries. I hope that we will carefully examine the consequences of these decisions before repeating the mistakes of socialism. State-owned enterprises are never the solution.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 56) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 56

Resolved, That the following named Members and Delegate be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON RULES.—Mr. McGovern, Mr. Hastings of Florida, Ms. Matsui, Mr. Cardoza, Mr. Welch of Vermont, Ms. Castor, Ms. Sutton.

(2) COMMITTEE ON FINANCIAL SERVICES.—Mr. Frank, Chairman; Mr. Kanjorski, Ms. Waters, Ms. Maloney of New York, Mr. Gutierrez, Ms. Velazquez, Mr. Watt, Mr. Ackerman, Ms. Carson, Mr. Sherman, Mr. Meeks of New York, Mr. Moore of Kansas, Mr. Capuano, Mr. Hinojosa, Mr. Clay, Ms. McCarthy of New York, Mr. Baca, Mr. Lynch, Mr. Miller of North Carolina, Mr. Scott of Georgia, Mr. Al Green of Texas, Mr. Cleaver, Ms. Bean, Ms. Moore of Wisconsin, Mr. Davis of Tennessee, Mr. Sires, Mr. Hodes, Mr. Ellison, Mr. Klein of Florida, Mr. Mahoney, Mr. Wilson of Ohio, Mr. Perlmutter, Mr. Murphy of Connecticut, Mr. Donnelly, Mr. Marshall of Georgia.

(3) COMMITTEE ON AGRICULTURE.—Mr. Peterson, Chairman; Mr. Holden, Mr. McIntyre, Mr. Etheridge, Mr. Boswell, Mr. Baca, Mr. Cardoza, Mr. Scott of Georgia, Mr. Marshall of Georgia, Ms. Herseth, Mr. Cuellar, Mr. Costa, Mr. Salazar, Mr. Ellsworth, Ms. Boyda, Mr. Space, Mr. Walz, Ms. Gillibrand, Mr. Kagen, Mr. Pomeroy, Mr. Davis of Tennessee, Mr. Barrow, Mr. Lampson, Mr. Donnelly, Mr. Mahoney of Florida.

(4) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Lantos, Chairman; Mr. Berman, Mr. Ackerman, Mr. Faleomavaega, Mr. Payne, Mr. Sherman, Mr. Wexler, Mr. Engel, Mr. Delahunt, Mr. Meeks, Ms. Watson, Mr. Smith of Washington, Mr. Carnahan, Mr. Tanner, Ms. Woolsey, Ms. Jackson Lee, Mr. Hinojosa, Mr. Wu, Mr. Miller of North Carolina, Ms. Linda Sanchez of California, Mr. Scott of Georgia, Mr. Costa, Mr. Sires, Ms. Giffords, Mr. Klein of Florida.

(5) COMMITTEE ON HOMELAND SECURITY.—Mr. Thompson of Mississippi, Chairman; Ms. Loretta Sanchez of California, Mr. Markey, Mr. Dicks of Washington, Ms. Harmon, Mr. DeFazio, Ms. Lowey, Ms. Norton, Ms. Lofgren, Ms. Jackson-Lee, Ms. Christensen, Mr. Etheridge, Mr. Langevin, Mr. Cuellar, Mr. Carney of Pennsylvania, Ms. Clarke, Mr. Al Green of Texas, Mr. Perlmutter.

(6) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.— Mr. Waxman, Chairman; Mr. Lantos, Mr. Towns, Mr. Kanjorski, Ms. Maloney of New York, Mr. Cummings, Mr. Kucinich, Mr. Davis of Illinois, Mr. Tierney, Mr. Clay, Ms. Watson, Mr. Lynch, Mr. Higgins, Mr. Yarmuth, Mr. Braley, Ms. Norton, Ms. McCollum, Mr. Cooper of Tennessee, Mr. Van Hollen, Mr. Hodes, Mr. Murphy of Connecticut, Mr. Sarbanes, Mr. Welch of Vermont.

(7) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Filner, Chairman; Ms. Brown of Florida, Mr. Snyder, Mr. Michaud, Ms. Herseth, Mr. Mitchell of Arizona, Mr. Hall of New York, Mr. Hare, Mr. Doyle, Mr. Salazar, Mr. Rodriguez, Mr. Donnelly, Mr. McNerney, Mr. Space.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 0930

MEDICARE PRESCRIPTION DRUG PRICE NEGOTIATION ACT OF 2007

Mr. DINGELL. Mr. Speaker, pursuant to section 510 of House Resolution 6 and as the designee of the majority leader, I call up the bill (H.R. 4) to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4

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 ''Medicare Prescription Drug Price Negotiation Act of 2007''.

SEC. 2. NEGOTIATION OF LOWER COVERED PART D DRUG PRICES ON BEHALF OF MEDICARE BENEFICIARIES.

(a) NEGOTIATION BY HHS.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and inserting the following:

''(i) NEGOTIATION OF LOWER DRUG PRICES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall negotiate with pharmaceutical manufacturers the prices (including discounts, rebates, and other price concessions) that may be charged to PDP sponsors and MA organizations for covered part D drugs for part D eligible individuals who are enrolled under a prescription drug plan or under an MA–PD plan.

''(2) NO CHANGE IN RULES FOR FORMULARIES.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to authorize the Secretary to establish or require a particular formulary.

''(B) CONSTRUCTION.—Subparagraph (A) shall not be construed as affecting the Secretary's authority to ensure appropriate and adequate access to covered part D drugs under prescription drug plans and under MA–PD plans, including compliance of such plans with formulary requirements under section 1860D–4(b)(3).

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing the sponsor of a prescription drug plan, or an organization offering an MA–PD plan, from obtaining a discount or reduction of the price for a covered part D drug below the price negotiated under paragraph (1).

''(4) SEMI-ANNUAL REPORTS TO CONGRESS.—Not later than June 1, 2007, and every six months thereafter, the Secretary shall submit to the Committees on Ways and Means, Energy and Commerce, and Oversight and Government Reform of the House of Representatives and the Committee on Finance of the Senate a report on negotiations conducted by the Secretary to achieve lower prices for Medicare beneficiaries, and the prices and price discounts achieved by the Secretary as a result of such negotiations.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall first apply to negotiations and prices for plan years beginning on January 1, 2008.

The SPEAKER pro tempore (Mr. MARSHALL). Pursuant to section 510 of House Resolution 6, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BURGESS) each will control 90 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include therein extraneous matter.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to yield 40 minutes

to the distinguished gentleman from New York (Mr. RANGEL) and 10 minutes to the gentlewoman from Missouri (Mrs. EMERSON), and that they each be permitted to control their own time in their own way.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. This legislation is bipartisan. It is an overdue step to improve part D drug benefits for the millions who depend on that section.

The bill is simple and straightforward. It removes the prohibition that prevents the Secretary of Health and Human Services from negotiating discounts with pharmaceutical manufacturers, and ensures that our friends in the executive branch take this opportunity seriously. It requires the Secretary to negotiate.

This legislation is simple and common sense. It will deliver lower premiums to the seniors, lower prices at the pharmacy and savings for all taxpayers. The American public subsidizes more than three-quarters of the part D benefit, paying the bulk of premiums and 80 percent of catastrophic costs. They also pay for most or all of part D medicines used by the lowest-income Medicare beneficiaries. These savings add up.

It is equally important to understand that this legislation does not do certain things. H.R. 4 does not preclude private plans from offering drug coverage under Medicare from getting better or additional discounts on medicines they offer seniors and people with disabilities. H.R. 4 does not interfere with the ability of doctors to prescribe a particular drug for their patients by establishing a national formulary. In fact, page 2 of the legislation reads: ''Nothing in paragraph (1) shall be construed to authorize the Secretary to establish or require a particular formulary.'' I do not think that there is any clearer way to state these matters than in that fashion.

I have confidence that Secretary Leavitt can cut a good deal with the bargaining power of 43 million beneficiaries of Medicare behind him without restricting access to needed medicine.

H.R. 4 does not require price controls. Quite the contrary, the bill gives the Secretary an additional power and makes him an additional player with whom drug companies must negotiate. And I say with some sympathy for the drug companies that they have been doing so well that I can understand their opposition to this matter.

H.R. 4 does not hamstring research and development by pharmaceutical houses. The most recent Securities and Exchange Commission filings by the seven largest drug manufacturers based in the U.S. show that, on average, these companies spend more on marketing, advertising and administration than they do on research and development; and those who insist that the sky is falling if the drug companies negotiate lower prescription prices are arguing that those drug companies should continue to skin a fat hog at the expense of the taxpayers and the beneficiaries.

I further note that H.R. 4 does not require HHS's Secretary to use Department of Veterans Affairs' price schedule or to adopt a VA-like system. In fact, you will not find the words ''veterans'' and ''affairs'' in this legislation.

Independent studies confirm that Medicare overpays drug companies in purchasing medicines. I will repeat that: Medicare overpays drug companies in purchasing medicines. One study has found that half of the top 20 drugs used by senior citizens fall into that category. Medicare drug plans paid at least 58 percent more than the prescription program of the Department of Veterans Affairs. Even if the Secretary does not get those same discounts, it is clear that Medicare can do better, and we must see that they do so.

Senior citizens and people with disabilities deserve better, and after the past 6 years of pillaging the Treasury of the United States, our taxpayers deserve better.

While this legislation is an important step forward, H.R. 4 does not address other problems with part D. I anticipate we will be doing so at an early time. The list of wrongs that need righting in connection with this legislation is long, and, as I said, we will introduce legislation and deal with these matters in other ways.

I urge my colleagues to vote for H.R. 4, the Medicare Prescription Drug Price Negotiation Act. Let the Secretary of Health and Human Services use the power of 43 million beneficiaries to get a better deal for their prescription medicines, for them, and for the taxpayers.

[From the New York Times, Jan. 12, 2007]

NEGOTIATING LOWER DRUG PRICES

From all the ruckus raised by the administration and its patrons in the pharmaceutical industry, you would think that Congressional Democrats were out to destroy the free market system when they call for the government to negotiate the prices of prescription drugs for Medicare beneficiaries. Yet a bill scheduled for a vote in the House of Representatives today is sufficiently flexible to allow older Americans to benefit from the best efforts of both the government and the private drug plans.

The secretary of health and human services should be able to exert his bargaining power with drug companies in those cases in which the private plans have failed to rein in unduly high prices—leaving the rest to the drug plans. The result could be lower costs for consumers and savings for the taxpayers who support Medicare.

Under current law, written to appease the pharmaceutical industry, the government is explicitly forbidden from using its huge purchasing power to negotiate lower drug prices for Medicare beneficiaries. That job is left to the private health plans that provide drug coverage under Medicare and compete for customers in part on the basis of cost.

The Democrats' bill would end the prohibition and require—not just authorize—the secretary of health and human services to negotiate prices with the manufacturers. That language is important since the current secretary, Michael Leavitt, has said he does not want the power to negotiate.

No data is publicly available to indicate what prices the private health plans actually pay the manufacturers. But judging from what they charge their beneficiaries, it looks like they pay significantly more for many drugs than do the Department of Veterans Affairs—which by law gets big discounts—the Medicaid programs for the poor, or foreign countries.

The administration argues, correctly, that the private plans have held costs down and that there is no guarantee the government will do any better. The bill, for example, prohibits the secretary from limiting which drugs are covered by Medicare, thus depriving him of a tool used by private plans and the V.A. to win big discounts from companies eager to get their drugs on the list. The secretary does have the bully pulpit, which he can use to try to bring down the cost of overpriced drugs.

The bill also does not require the secretary to negotiate prices for all 4,400 drugs used by beneficiaries. A smart secretary could simply determine which prices paid by the plans seemed most out of line with the prices paid by other purchasers and then negotiate only on those drugs. The private plans are explicitly allowed to negotiate even lower prices if they can. This sort of flexibility should pose no threat to the free market. It is time for the Medicare drug program to work harder for its beneficiaries without worrying so much about the pharmaceutical companies.

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

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that the time on my side be divided, with 40 minutes going to the distinguished gentleman from Louisiana (Mr. MCCRERY), the ranking member on the Ways and Means Committee; and 50 minutes reserved for the Committee on Energy and Commerce.

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

There was no objection.

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

I might ask, does ideological purity trump sound public policy? Of course, it shouldn't, but, unfortunately, it appears we are on the threshold of profound changes in the Medicare part D prescription drug program, a program that is working well, a program that has arrived on time and under budget.

Think of that, Mr. Speaker. Here is a Federal agency that delivered on a promise that we made here in Congress, daybreak, November 22, 2003, and it arrived on time and under budget. When have you known a Federal agency to behave in such a way?

The changes are not being proposed because of any weakness or defect in the program, despite the comments of my distinguished chairman. The changes are being proposed because a

viable program lacks the proper partisan label.

Since the inception of the part D program, America's seniors have had access to greater coverage at a lower cost than at any time since the inception of Medicare, well over 40 years ago. Indeed, over the past year, saving money has not just been a catchy slogan; it has been a welcome reality for the millions of American seniors who previously lacked prescription drug coverage.

Under the guise of negotiation, the Democrats propose to enact draconian price controls on pharmaceutical products. The claim is billions of dollars of savings. But the experts in the Congressional Budget Office yesterday denied that the promised savings will actually materialize. The reality is competition has brought significant cost savings to the program and, subsequently, to the seniors who depend upon this program every day.

Consider that the enrollment in the part D program began just a little over a year ago and has proven to be a success. CMS reports that approximately 38 million people, 90 percent of all Medicare beneficiaries, are receiving comprehensive coverage, either through part D, an employer-sponsored retiree health plan, or other credible coverage, including the VA.

But consider this: retiree health coverage was disappearing at a rate of 10 percent a year prior to the enactment of the Medicare Modernization Act 4 years ago. Further, the cost of the program for 2006 was $13 billion below budget estimates. Half of that amount of savings was attributed to competition. The projected average premium was originally $37 a month. That is what the HHS figured out was going to be the basic premium. That is the best their actuaries could do.

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We will get that premium down to $37 a month. But the beneficiaries are actually paying an average premium of less than $24 a month.

Ninety-two percent of all Medicare beneficiaries will not enter the Medicare's cost coverage gap because they will not be exposed to the gap or they have prescription drug coverage from plans outside of part B, or their plan covers in the so-called gap. Eighty percent of the Medicare drug enrollees are satisfied with their coverage, and a similar percentage say that out-of-pocket costs have decreased.

With all that is going right about the program, it seems unwise and unkind to jeopardize its success. Specifically, just a month ago, the Wall Street Journal reported that negotiating prescription drug prices may actually lead to higher prices for consumers. Further, the Manhattan Institute For Policy Research advised that Federal price limitations will result in decreased investment and research and development on less new medicines and ultimately an overall negative impact on available pharmaceuticals. Available to whom? Available to the American people, Mr. Speaker.

Again, consider: Under the cloak of negotiation, the reality is that Federal price controls could have an extremely pernicious effect on the price and the availability of current pharmaceuticals and those products that may be available in the future to treat future patients. Is ideological branding so critical it trumps providing basic coverage to senior citizens?

Mr. Speaker, in a former life I used to study medical irony a lot. In the past 4 years, I have come to study political irony. The irony of this situation is that, for 40 years, various Presidents and Congresses tried to provide this benefit to the American people, to the American seniors, and it couldn't be done. It took a Republican President, a Republican House and a Republican Senate to provide this benefit. And therein is the problem. It lacks the proper partisan branding.

Mr. Speaker, while crafting policy that ultimately became the Medicare Modernization Act of 2003, the concept of protecting the inclusion of market forces in the legislation was a critical aspect of the ultimate bill; and keeping in mind that the central tenet of providing recipients of the large Federal program access to Federal drugs with the emphasis being on taking care of those who were least well off and those who had the greatest health problems.

The Republican policy trusted the marketplace. They trusted the marketplace, with some guidance, to be the most efficient arbiter of distribution to achieve the above goals. We had no shortage of individuals who were concerned about the overall concept and scope of the program on the Republican side during the debate. But it is useful to compare the proposals that were proffered by the other side of the aisle during this time.

Specifically, there would have been limits on access to medicine to seniors, limits on pharmacies, and right from the beginning, there was a tacit acknowledgment that the program would cost considerably more money over time.

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

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

Mr. Speaker, I welcome this debate today as we discuss an idea with merit to apply the savings of bulk negotiation to the prescription drugs taxpayers purchase through the Medicare program.

This debate rests on a single question: Where would we be if the taxpayer dollar was used to buy ammunition for our soldiers one bullet at a time? What would happen if the Department of Transportation purchased concrete mix one bag at a time? Would we instruct the IRS to purchase paper one sheet at a time? Why then do we bar the Secretary of Health and Human Services from acting on the taxpayers' behalf and, instead, expect Medicare to buy drugs one plan at a time, one pill at a time?

This bill corrects that inequity, and I look forward to our debates today.

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

Mr. DINGELL. Mr. Speaker, I yield to my distinguished colleague and friend, the gentleman from California, for a unanimous consent request.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of H.R. 4, and I want to thank the committee for bringing this bill to the floor and look forward to its passage.

In 2003, I opposed the President's prescription drug plan because it was clear that it would not help America's elderly and America's sick.

Instead, the bill guaranteed high prices to drug makers, by prohibiting the Federal Government from negotiating lower drug prices on behalf of seniors.

Today we have an opportunity to correct one of the wrongs instituted by that bill. The bill before us today is part of our ambitious agenda for the first 100 hours in this new Congress, and will start to put the interests of seniors before those of drug companies.

The states, the V.A., Fortune 500 companies, and large pharmacy chains all use their bargaining clout to obtain lower drug prices for their patients. Medicare beneficiaries deserve the same opportunity.

Giving HHS drug price negotiating authority for Medicare has overwhelming bipartisan support across the country; along with support from organizations like AARP, Consumers Union, and AFL–CIO.

Negotiating for lower prescription drug prices will be the first step towards fixing this highly flawed system and helping our seniors.

Mr. DINGELL. Mr. Speaker, I yield now to the distinguished gentleman from New Jersey, the chairman of the Health Subcommittee, Mr. PALLONE, for 3 minutes.

Mr. PALLONE. Mr. Speaker, a principal goal of this new Democratic majority is to make health care more affordable for all Americans, and that is the reason I rise in strong support of H.R. 4. This legislation will help lower prescription drug costs for our Nation's seniors and the disabled by simply repealing the provision inserted by the Republican majority into the 2003 law that prohibits the Secretary of Health and Human Services from negotiating lower drug prices.

Now, Mr. Speaker, it is a national embarrassment, in my opinion, that we have the tools to lower drug prices for America's seniors and the disabled and yet we do not utilize them. It is simply time for a new direction. This provision that we are repealing never made any sense, except to the pharmaceutical industry.

My colleague who is controlling the bill on the other side talked about reality and talked about irony. The reality is that this provision was inserted by the pharmaceutical industry, a special interest, because of their alliance

essentially with the Republican majority. And the irony is that that gentleman continues to talk about saving money when in reality we would save a tremendous amount of money by having this provision repealed. That savings, as Mrs. EMERSON said, could actually be used to increase the quality of the program, perhaps by filling up the donut hole or doing other things that would make it possible for seniors to have even more access to prescription drugs at a lower cost.

Now, my Republican friends point to the fact that seniors may be receiving lower prices thanks to negotiations between private drug plans and drug manufacturers. But I will argue that significantly more savings could be achieved, and a majority of Americans, both Democrats and Republicans, agree that the government should be given the choice to further lower drug costs through negotiations.

This is a no-brainer. Let us try it. It makes sense. Common sense alone tells us that the collective purchasing power of 43 million seniors will undoubtedly be a powerful bargaining tool in lowering drug costs. In their opposition to this legislation, Republicans and their special interest friends are using two arguments that are contradictory. First, they say price negotiations will have little impact in reducing drug costs; then they turn around and say we are killing innovation.

How can we kill innovation if our legislation has no chance of lowering drug costs? Both of these statements can't be true. In fact, both are false. The truth is these are the same worn-out scare tactics our Republican friends in Congress and the administration have used against us before. These scare tactics will no longer work in this House where the Democrats have the majority, and this new Democratic majority is moving forward with our promise to make health care more affordable and more accessible.

Vote ''yes'' on H.R. 4. I know we have some Republicans joining us on this because it is simply common sense.

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that I be allowed to yield to the distinguished ranking member of the full committee, Mr. BARTON of Texas, and that he may control the time and yield as he sees fit.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. BARTON).

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

First, I want to apologize to the body. I thought that we went in at 10 o'clock this morning. When I left last evening, that is what it said. My staff did call me last night and tell me I needed to be on the floor by 9:30, but I thought they were gaming me, trying to get me here by 10 and telling me I had to be here by 9:30. Obviously, we did convene at 9, and I showed up at about 10 till. I thought I was 10 minutes early. So I apologize to my brethren for not being here.

There is an old saying that an apple a day keeps the doctor away, and a lot of us try to live by that. But in spite of our best efforts, sometimes we need prescription drugs. I am living proof of that. About a year ago, a year and a month ago, I was in a conference here in this Capitol with my friends in the other body, negotiating budget reconciliation instructions, and I had a heart attack.

Until that day, I had seldom had to take prescription drugs. Since that day, I take five or six. I take a drug to lower my blood pressure. I take a drug to thin my blood. I take all kinds of drugs so that I don't have a repeat of the heart attack that I had 13 months ago.

Now, I am not 65, so I am not covered by Medicare. I am in the standard Federal health benefit plan, Blue Cross/Blue Shield. And it does have a prescription drug benefit that partially pays for those drugs. But if I were to be over 65, which we have some Members of this body that are, I would have to be a part of Medicare and I would have an option under the current law to participate in Medicare part D, the prescription drug benefit program.

Now, when my friends on the other side were in the majority for 40 years, from 1954 to 1994, many of them sincerely, consciously wanted prescription drug benefits for Medicare. For whatever reason, it never quite happened. When the Republicans became the majority in 1994 and took over in 1995, it took us a while, we didn't get it done right away, but 3 years ago, we did pass a prescription drug benefit for part D, and it kicked in in the last Congress.

It is voluntary. Seniors that don't want to participate don't have to. Approximately 90 percent of the seniors that are eligible, we are led to believe, have chosen some plan for a prescription drug benefit.

Now, there are various plans. There are approximately 100 plans. These plans, some of them are very comprehensive. Some are very specific. Some are national, and some are regional. The long and the short of it is that every senior citizen in this country that wants a prescription drug benefit that is covered by Medicare can get one, and about 90 percent have chosen some plan; and of that, somewhere between 75 and 80 percent seem very, very satisfied.

The average cost in monthly premium is $22 a month. Twenty-two dollars a month. There are some plans, I am told, that have zero premiums; you don't have to pay to participate. Within those plans, over 4,400 drugs are covered. In some of these plans, generic drugs are free. In some of these plans, the donut hole does not exist.

So through diversity and market competition, we have created a prescription drug benefit for senior citizens in America that seems to be working very, very well.

Now, my friends on the Democrat side, the new majority, have come in, and they have got this bill up today. They want the government to negotiate prescription drug prices. On the surface, that may seem like a good idea. In reality, it would be a terrible idea. Who is going to do better than market forces with thousands and thousands of people and hundreds of plans and millions of people choosing whether to participate in this plan or that plan? What government bureaucrat, even somebody as smart and distinguished as the current Secretary of HHS, Secretary Levitt, who is going to do better than that?

Now, this concept that the government can negotiate a better price is simply not true. The CBO has come out and said it is not true, various think tanks have come out and said it is not true. But if you think it might be true, think of the products for which the government is the only purchaser and ask yourself, do we get the absolute best price?

There are not many products that the government is the only purchaser, but there are some. Aircraft carriers. There is not much demand for an aircraft carrier in the private market, so the U.S. Government is the only purchaser of aircraft carriers. An average cost of an aircraft carrier right now, I think, is about $5 billion. Now, we get a very quality product. The USS *Reagan* is the epitome of an aircraft carrier. But I don't believe we could say that we buy it at the absolute rock bottom price.

Now, we may not want to when it comes to some of our military equipment. We may not want to get the absolute best price. We may want to get the absolute best product, and so we are willing to pay a premium for that.

□ 1000

But there is really no way that a person in the Federal Government, or a group of people in the Federal Government, is going to replicate the thousands and thousands of market forces that are in play today.

So of all the ideas that my friends in the new majority have brought forward in their first 100 hours, I would respectfully say this has got to be the worst one. And I don't mean that in a mean way.

We have a program, Medicare part D prescription drug benefit, that is working. The people that can participate are choosing wisely. The premiums are coming down. The cost is coming down. It covers over 4,400 drugs. It is working.

As they say in many parts of our country, if it ain't broke, don't fix it. So I would respectfully urge the body later today to defeat this program.

Mr. Speaker, I rise in opposition to H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. This bill reduces access to drugs, creates a massive new pricing bureaucracy, slows access to drugs, and disrupts a

program that works. Let me restate—this program works. Beneficiary premiums are 42 percent lower than expected, overall costs are 30 percent lower than anticipated, and more importantly, seniors like what they are getting. Beneficiary satisfaction with their drug benefit is 80 percent or higher. So if it works, why break it?

Upon reading H.R. 4 there are some things that I know, some things that I don't know, and some things that I fear to be the case. Here's what I know. I know that there's a prescription drug benefit available in this country for 43 million Medicare beneficiaries. Of those folks, 90 percent now have some form of drug coverage.

I know that premiums are now down to around $22 per month for those that choose to enroll in this new benefit. And that's lower than last year because competition continues to drive the premiums down.

I know that beneficiaries like their new drug benefit. I know that beneficiaries are getting the drugs of their choice at the pharmacies of their choice, all at low costs. And I'm told, sometimes at zero cost for some drugs if they choose generics. Should I say that again? That's zero costs for some drugs. Here's a question—how does the government negotiate a lower price than zero?

H.R. 4 will not produce any savings. Why do I say that? The Congressional Budget Office has stated multiple times the federal government can not get lower prices than those currently achieved through competition. CBO must also know, what I know, and that is competition works.

Here's what else I know—H.R. 4 requires the government to negotiate prices that may be charged for drugs. But what else does H.R. 4 do? That's hard to tell because H.R. 4 doesn't say much more. Is the bill just poorly drafted or is it intentionally silent about the multitude of beneficiary and pharmacy protections in the current drug program that could be eliminated?

Upon reading H.R. 4, I do not know if plans will be able to offer the same wide array of drug choices as under the current program. I do not know if our seniors are protected from being stripped down to just one or two drugs offered from the many they may now choose from to best suit their health needs. I do not know if there are protections in place to assure access to robust pharmacy networks, and I do not know if pharmacy reimbursement associated with dispensing drugs could be limited, eliminated, or otherwise restricted.

What I fear is that H.R. 4's silence on these very important questions means that such beneficiary and pharmacy protections have not been considered. What I fear is the effect H.R. 4 may have on beneficiary access to drugs and pharmacies. Unfortunately, there have been no hearings or mark-ups to discuss and debate these important issues.

And even with knowing that H.R. 4 produces no savings, that beneficiaries overwhelmingly like this benefit, that the benefit works, that pharmacies are participating, and that premiums and overall costs are down, Democrats—led by Speaker PELOSI—feel compelled to blindly undermine this program with no legislative record to back up their claims. I am saddened. I am sad today for America's seniors because H.R. 4 serves no purpose other than a political one. We should not be playing politics with our seniors' access to drugs and pharmacies. We should be encouraging more seniors to enroll in this benefit, not tear it apart. Sadly, that is not what the Democrats have chosen to do in their first 100 hours of power.

And for what? We know from the experiences in other countries that government mandated drug formularies and interference in drug pricing leads to substantially less drug innovation and rationing of access to the new medicines that do come to market. Under the current program, a senior can choose a plan that will provide access to new drugs that slow heart disease, ease pain, keep families together longer, cure disease, and provide a longer and higher quality of life. In other countries with government run prescription drug plans citizens must wait years for new therapies. That's if the government chooses to provide the drug at all, just ask the cancer patients in the United Kingdom who waited years for the new breakthrough drug Herceptin to be covered.

How big and slow will this Big Government Pricing bureaucracy be? It's hard to tell with no hearings. With over 4,000 drugs, different economic conditions every year, new drugs entering the market all the time, and incredibly complicated questions about how this would work, the Pelosi plan will create a bureaucratic nightmare, but more importantly will endanger access to life improving and lifesaving medications and therapies. If you are as frustrated as I am about the unfairness of how the government pays physicians under Medicare, be prepared for more frustration on getting this political pricing scheme to work.

What about the effect of H.R. 4 on taxpayers receiving health coverage through private insurance or other federal purchasers? The non-partisan Government Accountability Office (GAO) said in a 2000 report entitled Expanding Access to Federal Prices Could Cause Other Price Changes that this type of system could raise drug prices for non-governmental purchasers. So according to the GAO, government negotiation in Medicare could lead to higher insurance costs for people with an employer sponsored health plan, a labor union plan, or even an individual insurance policy. Yet the Democrats have not held one hearing on this bill.

I ask what we are doing here today. Research firm after research firm has shown that large majorities of beneficiaries have a positive view of the prescription drug benefit. That is probably what is galling the Democrat leadership. A Republican Congress and President has passed and worked hard to administer a very popular program.

Within 100 hours the Democrat leadership has reneged on its campaign statement of bipartisanship, reneged on their campaign statement of open and considered legislative process, flip-flopped from a position of non-interference that they held in numerous bills, made hollow their statement of supporting an innovation agenda, and again shown their penchant for favoring Big Government mediocrity over choice, competition and accountability.

I was here for Contract with America. Those bills we passed with the Contract had hearings with many witnesses, Committee mark-ups and amendments, and opportunities for amendments on the floor. Who is hurt by lack of process on H.R. 4? Beneficiaries. Taxpayers. Pharmacists. Everyone. Without hearings on H.R. 4, without opportunity to develop solutions to concerns and understand the consequences of our actions, everyone loses. Particularly seniors.

In Speaker PELOSI's district there are over 81,000 Medicare beneficiaries and 103 pharmacies. How many hearings have there been to consider whether there are any beneficiary and pharmacy protections under H.R. 4? Zero.

Let's build that out a little more. The total number of Medicare beneficiaries represented by Members of the Energy and Commerce Committee is 5.4 million and there are 6800 pharmacies.

The total number of Medicare beneficiaries represented by Congress is close to 43 million. There are over 53,000 pharmacies. The consequences of this legislation are potentially grave and yet there has been absolutely no process given to determine how it would affect these important constituencies.

I don't mind an open discussion on the new Medicare drug benefit. We have had hearings on the benefit when I was the Chairman of the Energy and Commerce Committee. I like the fact that the Energy and Commerce Committee plans to hold more hearings this year. It gives me an opportunity to tout the program's successes. Seniors are seeing real savings and the cost of the program continues to decrease thanks to choice and competition. What I don't like is the purely political exercise we are being put through today that will jeopardize the access to needed drugs that the 63,000 beneficiaries in my district currently enjoy. I urge all members to oppose this process and oppose this ill conceived piece of legislation.

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

Mr. DINGELL. Mr. Speaker, it is with great pleasure that I yield to the distinguished gentlewoman from Florida, a very able Member of this body, 1 minute to our distinguished friend and colleague from Florida, KATHY CASTOR.

Ms. CASTOR. Mr. Speaker, I urge my colleagues to act today to require the Bush administration to negotiate prescription drug prices under Medicare part D so that we can achieve savings for our seniors and for all Americans.

In my district in the Tampa Bay area, one in seven residents is dependent upon Medicare for their health care needs. And over the past year, assisted seniors were struggling with the complicated and confusing part D. They do not like being forced into HMOs. Many were frustrated in Florida from having to choose from 43 different HMO plans. And then they did not receive straightforward assistance from the Bush administration.

I thank the chairman for his pledge to fight for greater reforms, but today is our first step.

It is unfair that HMOs and drug companies are making huge profits off the backs of our seniors. In the last Congress, part D was crafted to benefit the HMOs and insurance companies and not our seniors. But the Democrats know how to fix this.

A recent Family USA study found that for the most prescribed drugs, VA prices are much lower than the prices charged by insurers.

So let's act today and prove to our older neighbors and all taxpayers that we heard their pleas for help.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act, a bipartisan bill to allow the Federal Government to negotiate the best price on prescription drugs for our seniors.

The current Medicare prescription drug law prohibits the Federal Government from negotiating the best prescription drug prices for Medicare's 43 million beneficiaries.

Mr. Speaker, let me share with the House a practical example of how severe the problem of rising prescription drug prices is for our seniors. A woman from my district in eastern North Carolina saw her monthly prescription bill go from $6 per month to almost $60 a month. She spoke to a local TV station and said she would not have money for food if she had to pay that much each month. From $6 to $60 a month.

Mr. Speaker, the American people want us to pass this legislation. In a recent poll, 92 percent of Americans voiced their support for this bill. Ninety-two percent of the American people.

I have read reports that the President has pledged to veto this legislation. Sadly, yet again, the President is not listening to the American people.

Mr. Speaker, this is a bipartisan bill with support from both sides of the aisle and the support of the American people.

Mr. Speaker, it is time that this House listens to the American people, and it is time that this administration listens to the American people. And it is time for this House and the President to listen to this woman who represents millions of people across this Nation whose bill is going to go from $6 to $60 a month.

Mr. Speaker, I hope that the House will pass this legislation, and I hope that we will have the number of votes to override the President's veto.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the distinguished member of the full committee, Mr. UPTON of Michigan.

Mr. UPTON. Mr. Speaker, I have to believe that we all support ensuring that Medicare beneficiaries are getting the very best deal possible on their prescription drugs and that they want that, that they have access to drugs that their doctors believe will work best for them, and that they will continue to get their prescriptions filled at their local pharmacist. And in many rural communities, and in urban ones too in Michigan and across the country, the local pharmacist, in fact, is on the front line of health care. H.R. 4 doesn't get us there.

As many have mentioned and will mention today, the CBO estimates that having the government negotiate drug prices would, in fact, have a negligible effect on prescription drug prices. The current program which relies on the experience and expertise of the private sector drug plans and on strong market-based initiatives, incentives, is producing significant savings today for our seniors.

Here's a real example: one of my staffers reported that her mom signed up for a Medicare prescription drug plan. It took a bit of doing to sort through the many options available, but she is very glad that she did. She was paying before $106 for her Glucovance diabetes prescription. Now she is paying $5. She was paying $202 for Actos, another diabetes medication that she needs. She is now paying $30. And she was paying almost $29 for Coumadin. Now she is paying $5.

While failing to produce savings like these, many are concerned that H.R. 4, as currently written, would undermine access to medically necessary drugs for persons with HIV/AIDS, serious mental illnesses, ALS, epilepsy and other diseases and conditions. And let me quote from a letter I received this morning from the President of the Michigan Brain Injury Association: ''Let me exhort you to take the time to have adequate committee deliberations on H.R. 4 prior to its passage on behalf of our constituents and all persons with disabilities. Significant modifications are necessary to protect patients' access to prescription drugs as currently provided under Medicare part D.''

Needless to say, we have not had a minute of committee negotiations since we were sworn in.

Finally, while the current program includes requirements that beneficiaries have ready access to prescriptions through their local pharmacies, real concerns have been raised that H.R. 4 could seriously undermine that local access. That is why we need to vote for the motion to recommit which addresses those concerns.

Mr. Speaker, the bottom line is this: we do, everyone here does, want folks with Medicare to get all of the prescription drugs at the very best price. And I believe that consumer choice and the private sector competition can better drive lower cost and more availability than forcing the government to negotiate prices which may, indeed, lead to the withdrawal of drugs from the program alltogether.

As Secretary LEAVITT wrote earlier this week: ''There is a proper role for government in setting standards and monitoring those who provide the benefit. But government should not be in the business of setting drug prices or controlling access to drugs.''

Mr. DINGELL. Mr. Speaker, I am delighted at this time to yield to the distinguished chairman of the Oversight and Investigation Subcommittee, my distinguished colleague from Michigan (Mr. STUPAK) 2 minutes.

Mr. STUPAK. Mr. Speaker, today Democrats are keeping another promise to the American people as we bring H.R. 4, the Bipartisan Prescription Drug Negotiation authority to the floor.

While Members may not agree on how best to address the health care needs of America, one thing is certain: the United States has the highest drug prices in the world, and those prices keep going up. Today's legislation is a first good step to help lower the costs of prescription drugs for Americans. We can, and Democrats will, do more to lower the cost of prescription drugs in this country.

In America, everyone pays something different for their prescription drugs. If you have private insurance, your health plan negotiates lower drug prices for you. If you are covered by Medicaid, each State Medicaid program determines its own drug acquisition costs, and your State may negotiate additional rebates or discounts from drug manufacturers to further lower the price. If you are a veteran receiving health care at the VA, the Federal Government negotiates drug prices for you.

According to a recent Families USA study, the lowest price charged by the largest part D Medicare insurers for prescription drugs is at least 58 percent higher than the price under the system used by the Veterans' Administration.

It makes no sense for one Federal program to use its purchasing power to leverage lower prices, while another Federal program, Medicare, is forbidden by law, Republican law, from acting on behalf of its beneficiaries. The result is windfall profits to the drug companies.

The current Medicare prescription drug law prohibits the Secretary of Health and Human Services from conducting low cost-reducing negotiations. Today the House will repeal that provision.

I urge the Members to vote ''yes'' on H.R. 4, as it is a good step, the first step in lowering the cost of prescription drugs for seniors and all Americans.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the distinguished ranking member of the Health Subcommittee, Mr. DEAL of Georgia.

Mr. DEAL of Georgia. Mr. Speaker, as a member of the Energy and Commerce Committee, which spent hundreds of hours passing and dealing with hearings relating to this prescription drug benefit under Medicare part D, I rise in opposition to H.R. 4. I think it is hastily considered legislation that has been brought without the opportunity to evaluate several important ingredients, one being its impact on our local community pharmacists and their ability to provide access to citizens in our community.

One aspect of the current prohibition against the government negotiating is that it also prohibits the government from negotiating pharmacist fees. This reimbursement that they receive often comes in the form of dispensing fees which they use to help pay for their services in filling the prescriptions, of course. And I believe they are vital to the operation of local pharmacies because they help cover all of their costs associated with performing their duties.

Yet, this legislation provides no protection for the nearly 2,000 pharmacies in my State, or over 50,000 across the country.

The independent actuaries at CMS have already indicated that the Secretary will have limited ability to negotiate drug prices without the authority to establish formularies, an authority which is explicitly prohibited in this bill. Therefore, as the government seeks to fulfill the mandate of H.R. 4, to negotiate lower prices on drugs, I believe they will be forced to save in other areas, specifically cutting dispensing fees to pharmacists.

Without guaranteed dispensing fees for the pharmacists, many local pharmacists are going to have to leave the Medicare drug program, or the government's negotiations may lead to seniors being forced to fill some of their prescriptions by mail order and being unable to use their local pharmacist. At the least, these pharmacists will feel an unnecessary squeeze from this Democratic meddling into a successful program that has saved seniors millions of dollars and with which most of them are overwhelmingly happy.

I recognize that there are certain pharmacy groups that have supported this measure, but I believe that their letters of support do not address the real basic concern, and that is, the fact that dispensing fees may be the part that is in jeopardy.

For example, if the government has negotiated a set price for all programs, how is program A going to differentiate itself in premium from the program of company B?

I believe that it is going to squeeze the dispensing fee, and the pharmacist is the only one left in the middle to be squeezed. I would say, for the sake of our seniors and their access to their local pharmacists and for those pharmacists who want to stay in business and be a part of this program, I would urge support of the Republican motion to recommit which takes steps to protect the local pharmacist and receive a fair dispensing fee.

□ 1015

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentleman from Rhode Island (Mr. KENNEDY) for 1 minute.

Mr. KENNEDY. Mr. Speaker, I am thrilled to join my colleagues in support of H.R. 4, legislation that will give the Secretary of Health and Human Services the power to negotiate with drug companies for lower prices for Medicare beneficiaries. I would like to thank the gentleman from Michigan and my good friend, the Chairman of the Energy and Commerce Committee for his good work on this legislation in bringing it to the floor.

Mr. Speaker, this is an important day, because this is a day where we take this Congress back from the special interests. We take it back from the drug companies and the HMOs, and we give it back to the people of this country and to the taxpayers. We take it from the drug companies who are charging excessive costs for profits for these prescription drugs to the detriment of our senior citizens who are paying exponentially high drug costs in the donut hole, and our taxpayers, who are paying 80 percent higher for these costs, and now we are going to be able to save those taxpayers and those consumers dollars by negotiating lower drug costs.

The taxpayers and the consumers are winners under H.R. 4. I urge its passage.

I am thrilled to join my colleagues in support of H.R. 4, legislation that will give the Secretary of Health and Human Services (HHS) power to negotiate with drug companies for lower prices for Medicare beneficiaries.

I would like to thank the gentleman from Michigan, and my good friend and Chairman of the Energy and Commerce Committee for his work to bring this issue to the floor today.

I hear my friends on the other side of aisle singing praises for Medicare Part D, the new prescription drug plan.

But I wonder if the constituents I speak with receive the same benefit that these members are describing.

When I meet with seniors back home in Rhode Island, I hear about confusing formularies and crippling costs in the so-called "donut hole."

I hear about nursing home patients who are no longer able to afford their new co-pays.

And then I hear a statistic stating that drug prices under Part D are more than 80 percent higher than prices negotiated by other agencies in the federal government.

When the Medicare Part D law was written, the drug companies had the loudest voice at the table.

Today, we are here to bring the voice of our seniors back to the bargaining table, and back to the floor of the U.S. House of Representatives.

I urge my colleagues to vote in support of H.R. 4 and to put the needs of the American people before those of special interests.

Mr. BARTON of Texas. Mr. Speaker, I am going to yield 2 minutes to one of our most distinguished Members, Dr. PRICE, for 2 minutes.

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, this is a solution truly in search of a problem. We have heard of the success of the current program. We have heard a lot about special interests. Well, I rise to tell you that the patients of this Nation are my special interests. As a physician, I have seen and know that increased governmental involvement will decrease the drugs available and will harm patients. Some say, well, the VA system works just fine, and the government negotiates prices there; why not use that same system?

Well, there is no way to compare those two systems, Mr. Speaker. They are absolutely apples and oranges. VA is a closed system. Medicare is an open system that offers choice that patients want. VA has no retail pharmacy benefits, none. Medicare provides access to community pharmacists, where many seniors receive great information and support.

I have worked in the VA. I know what it means when they offer you, when they give the physicians a list of drugs that they are able to provide the recipients in a VA system. It doesn't work. It is a decreased formulary. There are those who think that they are going to get the pharmaceutical companies by adopting this bill.

Mr. Speaker, all they will do is hurt patients. We will ultimately see higher costs, fewer drugs available, less quality health care and patients harmed. Those supporting H.R. 4 think that they know what is best for patients. We simply believe that as a matter of principle it is patients and doctors who should be making personal health care decisions, including the medications used.

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

I simply want to respond to an issue that was raised by our colleague from Georgia with regard to the impact on community pharmacists. I would submit for the RECORD this letter, statement by the Association of Community Pharmacists in support of H.R. 4 saying H.R. 4 does no harm to community pharmacists. We cannot find any provision in H.R. 4 that would either improve or diminish the situation that they are currently faced with regard to the pharmacy benefit managers who are negotiating with them as well as well as taking profit from the pharmacies. This is what is happening because of Medicare part D today.

THE ASSOCIATION OF COMMUNITY PHARMACISTS STATEMENT ON H.R. 4 AND RESPONSE TO ASSERTIONS THAT H.R. 4 IS HARMFUL TO COMMUNITY PHARMACISTS

H.R. 4 does no harm to community pharmacists. The real harm done to community pharmacists occurred when Congress passed, and the President signed into law, the original Medicare Modernization Act (MMA) in 2003. Direct negotiation as contained in H.R. 4 will not directly impact pharmacies because pharmacies are currently being reimbursed at a loss regardless. If this legislation succeeds in bring drug prices down, it will only reduce the top line sales figure—but will have no effect on the gross margin of pharmacies or the ability of pharmacies to continue to operate.

The MMA allowed for Pharmacy Benefit Managers (PBMs) to mandate ridiculously low dispending fees with no minimum to protect pharmacies. ACP cannot find any provision in H.R. 4 that would either improve or diminish this situation.

The real problem in Medicare Part D is that PBM profits have increased at the expense and detriment of beneficiaries and community pharmacies. Beneficiaries and community pharmacies will not have any true relief until Congress stops the PBMs from taking a vast and disproportionate share of the money out of the system.

Mr. DINGELL. Mr. Speaker, I am delighted to yield to the distinguished gentlewoman from California, valuable member of the committee, Ms. ESHOO, 2½ minutes.

Ms. ESHOO. I thank our distinguished chairman and am proud as an

original cosponsor to support the bill that is before us.

Mr. Speaker, when the Medicare part D legislation was brought to the floor of the House of Representatives in 2003, I voted against it. I think it is worth recalling that evening. I think it is worth recalling that evening. The 15-minute vote on the clock was left open for almost 3 hours, where arms were broken and twisted in order to secure passage of the bill.

One of the most troubling aspects of the legislation to the American people, and we have all heard it from our constituents, was that the legislation said that the Secretary of Health and Human Services was prohibited, prohibited, from securing the best price to purchase pharmaceutical drugs. That is a bad rub with the American people.

They saw through it, and we are here today to correct that provision. Drug prices under the current Medicare prescription drug plan are more than 80 percent higher than prices negotiated by other agencies in the Federal Government.

They are more than 60 percent higher than prices in Canada. This year alone, many beneficiaries and private drug plans will see their premiums increase by an average of 10 percent, while some premiums will rise to more than six times their current costs to beneficiaries. So this effort today is a very full and clear and purposefully directed one, and that is to get better prices for prescription drugs.

Whether you are covered by insurance or not, some here are in Medicare, some not, as Members of Congress, but you know, that when you go to buy, when you go to purchase, that we are paying high prices. We all support the innovation of the pharmaceutical industry.

We know how important the innovation of the pharmaceutical industry is. This is not a vote or a bill to harm that or to damage it, but we want to be fair to the American people. We made a pledge that we would do this. This correction is more than in order.

I ask my colleagues to support this bipartisan legislation. I want to congratulate Mrs. EMERSON for the courage that she has demonstrated on this issue over the years.

Mr. Speaker, as an original cosponsor, I rise in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007 which will repeal a provision of the 2003 Medicare law which prohibits the Secretary of HHS from negotiating lower drug prices for Medicare's 43 million beneficiaries. The bill not only permits the Secretary to negotiate, it requires him to.

Mr. Speaker, I opposed the Medicare Part D prescription drug plan passed by the House in 2003, and in the nearly three years since its passage it has been demonstrated conclusively that it does not contain drug price inflation, nor does it offer our nation's seniors the best prices for their prescription drugs. A recent Families USA study shows that under the current policy, prices charged by Medicare drug plans are in fact rising at more than twice the rate of inflation.

Drug prices under the current Medicare prescription drug plan are more than 80 percent higher than prices negotiated by other agencies in the federal government and they are more than 60 percent higher than prices in Canada. This year alone, many beneficiaries in private drug plans will see their premiums increase by an average of 10 percent, while some premiums will rise to more than six-times their current cost to beneficiaries.

This week the University of Michigan Medical School released a study which found that people who live in different states but take the same drugs, pay dramatically different prices for their prescription drugs, at times differing by thousands of dollars. The authors of the study found the extreme disparities were due to the fact that individual drug plans negotiate with pharmaceutical companies to devise their own drug lists, premiums and co-pays.

Under the legislation before us, the Secretary of Health and Human Services will not only be required to conduct important cost-saving negotiations, but individual drug plans will still be permitted to obtain further discounts or prices lower than the price negotiated by HHS for covered prescription drugs. This will encourage increased competition in the marketplace, which will help guarantee America's seniors the lowest price possible on their prescription drugs.

In an additional effort to encourage lower drug prices, the bill also expressly prohibits the Secretary from limiting seniors' access to certain medications, or from favoring one drug over another through restrictive formularies.

The House Committee on Oversight and Government Reform estimates H.R. 4 will reduce overall drug costs by 25 percent. Over a 10-year period, the total savings for Medicare beneficiaries would reach an estimated $61 billion. These savings would be reflected in lower premiums, I reduced co-pays, and lower out-of-pocket costs for beneficiaries in the "doughnut hole."

Mr. Speaker, America's seniors deserve better than the current Medicare drug plan, and the American people know it.

Mr. BARTON of Texas. Mr. Speaker, I would like to yield 2 minutes to the distinguished Congresswoman from Florida (Ms. GINNY BROWN-WAITE).

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

Mr. Speaker, I rise today to let Florida's seniors and all of America's seniors know the scary truth about H.R. 4, the legislation to, quote, negotiate prescription drug prices in Medicare. While the rhetoric would lead you to believe that H.R. 4 is the same legislation from the past that I actually supported, kind of like GM said, it is not your father's Oldsmobile. This is not the same bill as last year.

Last year's legislation, I believe, was based on sound policy. Unfortunately, the bill before us today was crafted kind of like in the middle of the night, with no real input from the other side, and it could be described as a bait-and-switch game foisted on America's seniors.

As I said at the outset, I believe that this bill will actually harm America's seniors. Supporters of the bill talk about negotiation. The government doesn't really negotiate.

Let me give you an example. Here is the example of the Medicare part D, actually, the AARP plan, where over 100 great drugs are covered.

However, if you look at when government does negotiate, it excludes some very important drugs to seniors, such as Crestor, Detrol, Evista, Flomax, Lipitor, Prevacid and Vytorin. How many seniors are on medicines such as Lipitor? A large number. It is absolutely necessary for lowering cholesterol. But when you start to negotiate, that array of drugs that are available is suddenly shrunk.

Prescription drug access is not a partisan issue. My constituents know that I am not afraid to cross party lines to get things done. Throughout this entire 2-week period, I voted for legislation, but I don't support this bill because it is a bait-and-switch.

I do not stand alone in this belief. Veterans' organizations, mental health organizations and even CBO say it is a bad bill.

Mr. Speaker, I rise today to let Florida's seniors know the scary truth about H.R. 4, legislation to negotiate prescription drug prices in Medicare.

While the rhetoric from the other side would lead you to believe that H.R. 4 is the same legislation debated in the past, I rise to tell you that H.R. 4 is not your father's Oldsmobile.

In the I09th Congress, I supported bipartisan legislation introduced by Representative JO ANN EMERSON that would have allowed HHS to negotiate prescription drug prices for Medicare.

Mrs. EMERSON's legislation was based on sound policy, and would have been open to amendment on the House floor.

Unfortunately, the bill before the House today was crafted by Democrats in the middle of the night, and with no Republican input. It is nothing but a dangerous bait and switch game foisted on American seniors.

Even more damning to the Democrat's commitment to open government, this bill is being debated under a martial law rule, with no possibility to offer amendments or make improvements.

As I said at the outset, this bill will harm American seniors.

Supporters of H.R. 4 hold up the Department of Veterans Affairs as a resounding prescription drug success. And I agree this is a great program.

However, these misinformed Members are comparing apples to oranges.

The VA does not haggle over prices with pharmaceutical companies; rather, it follows certain formulas set in federal law.

Medicare has 4,300+ drugs approved; the VA only has 1,300 drugs approved.

Medicare supports the newest and most widely used drugs; the VA relies on older and less effective drugs. Lipitor, for example, which helps lower cholesterol and prevents heart attacks, could be eliminated. The VA does not offer it!

These three examples make it clear that if the Democrats follow the VA model, seniors will have fewer choices and older, out-of-date drugs.

In fact, groups like the Military Order of the Purple Heart and the American Legion believe that Medicare drug negotiation will actually increase drug prices and cost American veterans even more each month!

You know, all of us fill our shopping cart at the grocery store each week. The consequence of H.R. 4 will be to force your grocery store to offer fewer items and limit your shopping choices. Here's just one example.

Eighteen months ago, I met a World War II veteran who told me that he and his wife were paying $2,000 a month out of pocket for a breakthrough medication that her doctor prescribed (Glevac).

This was a severe financial burden, just to purchase the medicine to keep her alive.

Today, with the Medicare Prescription Drug plan, this couple not only gets Glevac medication, but has had their costs cut to almost nothing.

If H.R. 4 were to become law, it is likely that anti-cancer drugs like this one would be taken off the Medicare list and replaced with older and less effective ones.

Let me be clear to everyone watching on C–SPAN.

Prescription drug access is not a partisan issue.

My constituents know that I am not afraid to cross party lines to get things done.

Just yesterday I voted to support stem cell research. The day before that I voted to raise the minimum wage.

And, I do support allowing HHS to negotiate prescription drug prices.

But this bill is a bait and switch tactic.

The Democrats have crafted a seriously flawed plan, one that I believe will cause irreparable harm to millions of seniors.

And I do not stand alone in this belief. Veteran's organizations, mental health organizations, and others all have come out in opposition to H.R. 4. The non-partisan CBO says it will not save money.

Listen up America—let's be cautious on this issue. The last thing Congress needs to do is to take steps that unwittingly hurt our seniors.

I urge my colleagues to oppose this bill.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to our able colleague and dear friend, Mr. GENE GREEN of Texas.

Mr. GENE GREEN of Texas. I thank the chairman of my committee for yielding to me.

Mr. Speaker, when Congress created the Medicare prescription drug benefit over 3 years ago, it failed to put seniors first. Our committee, the Energy and Commerce Committee, sat through the all-night markup in our own committee to see this bill come out of committee.

The whole House sat in this Chamber, an all-night vote, to pass that bill by such a narrow margin after the vote was held open. Today is the day we get a chance to correct the problems that were created 3 years ago.

This bill, the law, put the pharmaceutical industry ahead of our seniors. It put the health insurance industry ahead of our seniors. The bill will correct those mistakes. Opponents of this bill raise the charges of big government saying, let the market work. That is exactly what this bill will do. It will leverage the buying power of 42 million American seniors that negotiate costs of prescription drugs under Medicare.

Negotiation of drug prices is alive and well in every sector of the health care industry. States negotiate for lower prices on their Medicare programs. Pharmacy chains do the same thing for the drugs they purchase. They don't have formularies. They purchase drugs for their customers, so pharmacy chains can do the same thing.

All this bill does is allow the Medicare program to use a tool for free market bargaining best prices for its beneficiaries. Rarely will you see overwhelming support for an issue like we have seen on this one. Ninety-two percent of Americans agree that we should take off the handcuffs that have been restraining the Medicare program and give it a chance to achieve greater discounts.

The alternative is increasing drug costs and increasing premiums that make the benefit harder for our seniors to afford. The numbers don't lie. Under the current structure, 77 percent of seniors saw their premium part D increase in 2006 and 2007, and more than one-quarter of them saw their premiums rise more than 25 percent.

Drug prices under part D are increasing too with costs for the top 20 drugs increasing 3.7 percent in the last 6 months.

When Congress created the Medicare prescription drug benefit over three years ago, it failed to put our seniors first. It put the pharmaceutical industry ahead of our seniors. And it put the health insurance industry ahead of our seniors. This bill will correct those mistakes.

Opponents of this bill raise charges of big government, saying to let the market work. That's exactly what this bill does by leveraging the buying power of 42 million American seniors to negotiate the cost of prescription drugs under Medicare.

Negotiation for drug prices is alive and well in every other sector of the health care industry. States negotiate for lower prices under their Medicaid programs. Pharmacy chains do the same for the drugs they purchase.

All this bill does is allow the Medicare program to use a tool of the free market—bargaining—to obtain the best prices for its beneficiaries. Rarely do we see overwhelming support for an issue like we've seen for this one. 92 percent of Americans agree that we should take off the handcuffs that have restrained the Medicare program and give it a chance to achieve greater discounts.

The alternative is increasing drug costs and increasing premiums that make the benefit harder for seniors to afford. The numbers don't lie. Under the current structure, 77 percent of seniors saw their Part D premiums increase from 2006–2007. And more than one-quarter of them saw their premiums rise more than 25 percent.

Drug prices under Part D are increasing too, with costs for the top 20 drugs increasing 3.7 percent over six months. That's 7.4 percent over a year—an increase twice the rate of inflation and one that will cause our seniors to hit the doughnut hole even sooner.

We have a chance today to do better by our seniors. It's about time we put our seniors first and let Medicare work for them.

Mr. BARTON of Texas. Mr. Speaker, I would like to yield to the distinguished gentleman from Nebraska, a member of the committee, Mr. TERRY, for 2 minutes.

Mr. TERRY. Mr. Speaker, I rise today in opposition of this bill. I am committed to reducing drug prices for seniors, but this bill does not do it. I have worked as hard as anyone in this Chamber to help seniors enroll in prescription part D.

It has been in place for a little over a year now. I think it is time that we kind of look at how effective it is in ways that we can ensure that we are getting the lowest prices for our seniors. Now, let us look at how we do this.

I want to stress one difference. We have been tagged as somehow part of a big conspiracy because of barring government from price setting.

By the way, if you look at this week and its agenda, it is the week of wage and price controls by big government. That is what this is about. It is a philosophical battle of whether you trust the private sector to use their power of bulk purchases to receive the lowest prices, or you put government at the table to quote-unquote, negotiate.

Every time I say that in quotations, I really mean that in a satirical way because government doesn't really negotiate; they price set. That is the heavy hand of big government at work today.

Frankly, even using that heavy hand of government, the CBO reports that any negotiation, in quotations, by big government for lower drug prices would be negligible, because it would at least, in its best day, equate what the market has already done.

There has been no ban on negotiations; it has just simply been who does it, private sector or government? I am a private sector guy. I trust the private sector. Part of the problem here is that the government lacks the leverage in any type of negotiations. That is why they can only use the heavy hand as the leverage in negotiations, for example, ultimately price setting. That is why I voted to ban the government from setting prices, and I will not start down that slippery slope today.

Mr. Speaker, I rise today in opposition to H.R. 4. I am committed to reducing drug prices for seniors, but this bill does not do it.

I have worked as hard as anyone on this floor on behalf of seniors in the implementation of Part D. Now that we have had the program in place for over 1 year, opportunity to evaluate the effect of the program on seniors' drug prices.

Much to the dismay of the members of the majority who have done nothing to assist seniors with this program, the program is working well. Costs are down and seniors are satisfied. Requiring the government to negotiate drug prices is not going to save the program any money, according to both CBO and CMS actuaries. CBO states that, "H.R. 4 would have a negligible effect on federal spending." And the claims by the majority that savings would close the so-called donut hole are simply untrue. The size of the donut hole is estimated at almost $500 billion. Even if this provision

created major savings, it wouldn't come close to closing the donut hole.

Dr. Mark McClellan, the former CMS Administrator, has said that competition among private companies and their negotiations with drug companies have lowered the estimated cost of the program over the next 10 years by nearly 20 percent and may reduce it by another 10 percent next year. The average premium, originally estimated to be $37 per month, has fallen to an average of $22 per month. I am encouraged that competition in the private sector has done what the free market does best—lower costs.

The key here is leverage. Negotiation means nothing if you don't have something to leverage. Part D private plans already have natural leverage built in. As CBO has stated, the private plans have a huge financial stake and formulary limitations which give them the ability to negotiate drug prices.

The requirement for the Secretary of Health and Human Services to enter into pricing negotiations as contained in H.R. 4 simply cannot work. The bill prohibits a single national formulary from being established. If the government is not allowed to limit or restrict the number of drugs covered, it will have absolutely no leverage to negotiate with drug manufacturers. Such a mandate, I believe, would be extremely unattractive to our Nation's seniors. They would not have the flexibility to choose a plan that best meets their drug needs, as is the case right now.

I do not support H.R. 4 because I oppose turning a program over to the government that is working efficiently and effectively in the private sector. Congress created the Part D program to allow market forces to drive costs down and that is exactly what is happening. It would be disastrous to our seniors to make such a draconian change when the cost savings have been so great.

When the private sector can perform more efficiently and achieve better results than the Federal Government, the private sector should do so. Adoption of this bill will put us on the way to socialized healthcare, a result I don't believe any American really wants. Vote ''no'' on H.R. 4.

Mr. DINGELL. Mr. Speaker, I am delighted to yield to the distinguished gentleman from Wisconsin (Mr. KAGEN) 1 minute.

□ 1030

Mr. KAGEN. Mr. Speaker, health care costs in this country are impossible for everyone. For small businesses, for local, State and Federal governments, the uninsured, for working families, and most especially for our senior citizens.

As a physician, I see and feel this crisis every single day. Today in America the real price of a pill is whatever they can get. My patients and my constituents want to know the price of a pill before they swallow it, and they would prefer to pay less rather than more.

H.R. 4 will allow our government, ''We, the People,'' to negotiate more affordable prices for the necessary prescription drugs our seniors require. Our health care crisis that we all are facing blurs the lines between Republicans and Democrats.

Allow me, please, to share with you the comments of one of my constituents, a Republican, Dorey Hoffman from Appleton, when she says: ''When I went to receive cancer treatment, I saw this at the reception's desk at the cancer center. I thought of you being the voice for all of us and of course all the cancer patients. We all need someone to help us in our everyday lives.''

Please join with me in support of H.R. 4 and help Dorey and millions of other senior citizens.

Mr. BARTON of Texas. Mr. Speaker, I wish to recognize the distinguished gentleman from New Jersey (Mr. FERGUSON) for 2 minutes.

Mr. FERGUSON. Thank you, Mr. Chairman.

Mr. Speaker, unfortunately today we are hearing a lot from the proponents of H.R. 4. We are hearing a lot of misinformation and lot of rhetoric, and I think some of these things need to be corrected for the record.

The biggest misconception is that the buying power of Medicare patients is currently unused, and that somehow this new plan is the only way to leverage lower prices for prescription drugs. In fact, prescription drug plans under Medicare part D right now are aggressively negotiating discounts; they have been before part D, and they continue to do so very well since the program's inception and they are going to continue to look to negotiate lower prices. They have been negotiating and giving beneficiaries choices and access to the newest breakthrough therapies.

Through Medicare part D, in its current form, beneficiaries have access to over 4,000 prescription medications at a much lower cost than previously estimated when we passed this legislation a few years ago. CMS has indicated that beneficiaries are saving an average of $1,200 annually on their drug costs.

Program costs are an estimated 30 percent less in 2006 and 21 percent less over the next 10 years due in large part to competition and negotiating of lower drug costs.

Currently, Medicare prescription plans have the discretion to use cost-containment tools. They can use formularies, and many of them do. Unlike Medicaid and the VA, Medicare beneficiaries actually have the power to choose which plan they want. If they see a plan with a formulary they like or don't like, they can choose or not choose that based on their own discretion; but if Medicare or the government, as prescribed under this bill, under H.R. 4 and its required mandatory negotiations, it will have to impose a uniform restriction on medicines, patients will lose their choices, and they will be stuck in a one-size-fits-all plan. They will be stuck with a restrictive national formulary and no choices whatsoever.

You have to be hiding under a rock recently if you have missed the numerous experts that are telling us that this brand of negotiation will limit choice and will not save money. I urge a ''no'' vote on H.R. 4.

Mr. DINGELL. Mr. Speaker, I am delighted to yield to the distinguished gentlewoman from California (Mrs. CAPPS) 2 minutes.

Mrs. CAPPS. Thank you, Chairman DINGELL.

Mr. Speaker, I believe that today in the House of Representatives there is no one here who would dispute the fact that the large pharmaceutical companies have raked in record profits under the Medicare prescription drug plan we are currently seeking to improve.

Today, in this vote before us we are facing a clear choice. We can continue to reward these companies, or we can consider our constituents, our frail seniors, those with disabilities, many of whom are still struggling to make heads or tails out of Medicare part D that we seek to improve.

Common sense tells me that the big drug and insurance companies wouldn't be so adamantly opposed to this bill if they didn't fear that it would result in actual price reductions. Common sense also tells me we should take every possible step to lower the cost of prescription drugs, and this bill can achieve that.

There is precedent for the Federal Government obtaining good discounts for prescription drugs; our seniors know that, and they believe it. Don't be fooled into believing that this bill might somehow leave seniors losing access to important medications. The bill explicitly prohibits the government from establishing formularies.

It is going to also address one of the biggest challenges still facing our seniors, the fact that they have to decide every December which plan they will choose, hoping that it will offer the cheapest price for drugs that they are going to take for a whole year. The problem is that not everyone takes the same prescriptions from one January to the next; and reducing prices across the board will ensure that when a beneficiary's doctor changes their prescription halfway through the year, their new medication will also be available at a lower cost.

I urge all of my colleagues to think about our seniors, think about those with disabilities. Vote ''yes'' on H.R. 4. Fulfill a promise to serve the best interests of the constituents, not the best interest of profit-hungry big business.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes to put into the RECORD the Democrat vote on the motion to recommit to H.R. 4680, rollcall 356 back in 2000. This was a Democrat motion to recommit to the Republican drug benefit that later went to the Senate and was not acted upon. 205, and I assume that was the total number of Democrats in the House, all 205 Democrats voted for it, including Mr. DINGELL, Ms. PELOSI, Mr. RANGEL, and every member of the Energy and Commerce Committee who is currently serving who was in the body at that time. This was a recommit motion by Mr. STARK of California, and I am going to read what it says:

''Noninterference by the Secretary. In administering the prescription medicine benefit program established under this part, the Secretary may not:

One, require a particular formulary, institute a price structure for benefits or in any way ration benefits;

Two, interfere in any way with negotiations between benefit administrators and medicine manufacturers or wholesalers; or

Three, otherwise interfere with the competitive nature of providing a prescription medicine benefit using private benefit administrators, except as is required to guarantee coverage of the defined benefit.''

This is exactly the opposite to the bill that is currently before us, exactly the opposite.

Back in 2000, every Democrat currently in the House at that time, I think, or at least 205, voted for it, including all of our senior members who are leading the fight 180 degrees opposite this today.

DEMOCRATS THAT VOTED IN FAVOR OF REPRESENTATIVE STARK'S ''NON-INTERFERENCE'' PROVISION IN 2000

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Bagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OR)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
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Menendez
Millender-McDonald
Miller, George
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Moran (VA)
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Pelosi
Peterson (MN)
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Pickett
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Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

Representative Stark included this language in his motion to recommit on H.R. 4680 (roll call vote 356):

SECTION 1860(B)—NONINTERFERENCE BY THE SECRETARY

In administering the prescription medicine benefit program established under this part, the Secretary may not B (1) require a particular formulary, institute a price structure for benefits, or in any way ration benefits; (2) interfere in any way with negotiations between benefit administrators and medicine manufacturers, or wholesalers; or (3) otherwise interfere with the competitive nature of providing a prescription medicine benefit using private benefit administrators, except as is required to guarantee coverage of the defined benefit.

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

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentleman from Maine (Mr. ALLEN) 2 minutes.

Mr. ALLEN. Mr. Speaker, this day has been a long time coming for many of us.

Back in 1998, I was hearing from my constituents in Maine about the high price of prescription drugs, and I introduced a bill to tie drug prices for Medicare beneficiaries to the negotiated prices that the VA gets. The Congress didn't act, but in Maine we enacted Maine Rx. We negotiated lower prices, and we got them for so many people in Maine who were really desperate for lower-priced prescription drugs.

The Congress, under Republican leadership in the House and Senate, delayed and delayed. Eventually, it got to be too hot to handle and we passed Medicare part D.

Today, the defenders of Medicare part D are saying, Well, it is doing well because it doesn't cost as much as we thought it would cost. In truth, the real winners are on Wall Street.

Last November, in reviewing pharmaceutical profits, the New York Times said: ''For big drug companies, the new Medicare prescription drug benefit is proving to be a financial windfall, larger than even the most optimistic Wall Street analysts had predicted.'' Well, if it is a financial windfall for PhRMA, it is a lousy deal for the American taxpayer. Market forces, some say, will yield the lowest prices, but the VA gets lower prices, Medicaid gets lower prices, other countries get lower prices than the Medicare D plans.

It is very clear that negotiation will drive down prices, particularly if the Secretary negotiates especially strongly on those highest priced drugs, those drugs that are most out of line.

Secondly, the advocates are arguing that PhRMA and its allies are saying that negotiated prices will reduce revenue so much they will have to cut R&D. We have heard that for over 20 years; it has never happened.

This bill, finally, will be a good deal for taxpayers and a good deal for our seniors.

''For big drug companies, the new Medicare prescription drug benefit is proving to be a financial windfall larger than even the most optimistic Wall Street analysts had predicted. . . . Wall Street analysts say they have little doubt that the benefit program. . . has helped several big drug makers report record profits.''*(NYT, 11/6/06)*

Mrs. EMERSON. Mr. Speaker, at this time I yield 1 minute to my friend and neighbor from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I rise today in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act. All of us know that the Medicare prescription drug law expressly prohibits the Secretary of Health and Human Services from negotiating with drug companies on behalf of Medicare beneficiaries, 43 million in this country, for lower prices. Because of this, these beneficiaries in America are a one-person buying group and you have no leverage when you are a one-person buying group. The Veterans Administration has been very successful in working a good benefit for the veterans in this country, 34 million American veterans in this country, and getting a good drug benefit there.

While private plans have been successful in negotiating some discounts for seniors under the program, a recent study released by Families USA shows that seniors still pay as much as 10 times more for some of the commonly prescribed drugs under Medicare than veterans do.

Secretary Thompson when he left office said, ''I would like to have had the opportunity to negotiate.'' And he said to me in a conversation that if he had had the ability to negotiate like a bill that I filed with the gentlewoman from Missouri, we could drive down prices.

As you all know, the Medicare Prescription Drug law expressly prohibits the Secretary of Health and Human Services from negotiating with drug companies on behalf of Medicare beneficiaries for lower prices. Because of this, each of the 43 million Medicare beneficiaries in America is a one-person buying group, giving our seniors no leverage to negotiate for better prices.

The Veterans Administration which has had the authority to negotiate prices since 1992, does so for 34 million American veterans, as do large companies on behalf of their employees. Medicare should have the authority to negotiate a group discount for our seniors.

While private plans have been successful in negotiating some discounts for seniors under the program, a recent study released by Families USA shows that seniors still pay as much as 10 times more for some of the most commonly prescribed drugs under Medicare than veterans do under their federal drug benefit.

When Health and Human Services Secretary Tommy Thompson announced his resignation in December 2004, he spoke out against the provisions in the new Medicare law barring him from negotiating with drug companies for lower consumer prices saying, ''I would like to have had the opportunity to negotiate.''

Secretary Thompson based his support on his previous success in negotiating drugs on behalf of the government.

Following the anthrax attacks in 2001, the government negotiated the purchase of 100 million tablets of Cipro, achieving significant savings. Then in 2003, during a flu vaccine shortage, former Secretary Thompson was very successful in negotiating reductions in the price of the FluMist vaccine from $46 per dose to $20 per dose, saving over 55 percent.

It has been one of my main priorities in Congress to allow seniors enrolled in Medicare this same ability to utilize their market power to benefit from lower prices.

In January of 2004, just weeks after the new Medicare Prescription Drug Plan became law, I introduced the Medicare's Equitable Drugs for Seniors Act, the MEDs Act, with my friend Representative JO ANN EMERSON. This legislation, which gained 175 bipartisan cosponsors in the 108th Congress, would have given the Secretary of HHS explicit authority to negotiate lower pharmaceutical drug prices on behalf of Medicare beneficiaries.

In the 109th Congress, we reintroduced this legislation and we were once again able to form a large bipartisan coalition in support of the legislation.

Despite our success in forming this coalition, we have been unable to bring this issue to a vote until today. I am very pleased that the leadership has chosen to include this as a priority for the House during the first 100 hours of the new Congress and I urge my colleagues to support H.R. 4, which, if enacted into law, will help reduce the cost of prescription drugs for all American seniors.

Mr. BARTON of Texas. Mr. Speaker, could I inquire as to the balance of the time amongst the many people on the floor today.

The SPEAKER pro tempore. The gentleman from Texas has 22 minutes, the gentlewoman from Missouri has 5 minutes, and the gentleman from Michigan has 18½ minutes.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to a distinguished member of the Energy and Commerce Committee and also a member of the Veterans Committee, Mr. STEARNS of Florida.

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

Mr. STEARNS. I thank the distinguished chairman for yielding.

Mr. Speaker, the chairman of the Energy and Commerce Committee, Mr. DINGELL, has been here in Congress the longest, he is the dean of the House of Representatives, and I am sure that he remembers under the Clinton administration when they attempted to expand the discounts for a segment of the population using this same approach you are doing with H.R. 4. In fact, this occurred in 2000 in a hearing on the Veterans Administration. I would like to take you through this, Mr. DINGELL, and perhaps even be willing to let you reply to some of the questions I have for you. Because if you think you can repeal the law of economics, you can't, because in 1990, Congress gave Medicaid access to the low prices that are achieved by the Veterans Administration and the results were not good for our veterans.

The drug manufacturers in turn reacted. What did they do? It ended up that the deep discounts that the veterans were getting were not provided. In some cases the VA saw the prices for the drugs for our veterans go up by 300 percent. That is why the American Legion has come out against this bill, H.R. 4. They feel it is going to impact veterans so significantly that the prices will go up, like they did in 1990, 300 percent.

Advocates of this bill claim that negotiations will lower drug prices for Medicare part D beneficiaries. When I look at my congressional district, almost 80 percent of the seniors on Medicare are covered with drug coverage from Part D and they are all satusfield. So I again can't understand in light of the fact it is going to perhaps see cost-shifting to the veterans in this country like the American Legion thinks, why would you want to change something that is working so fabulously after all the extensive work that the seniors have done to comply and get involved?

Various times during the Clinton administration, not the Bush administration, the Clinton administration, proposals were made to expand the discount veterans enjoy to a wider population, just like you want to do today.

□ 1045

One was a simple demonstration to add some Federal Employee Health Benefit Plan, FEHBP, participants to the Federal Supply Schedule (FSS) Drug Pricing Program and later to extend the FSS to the Medicare population. Does this sound familiar to my colleagues? So back in 2000, July, the Clinton administration wanted to do precisely what we are doing today. The veterans had a hearing on this. Testimony was offered by the Clinton administration. The Clinton administration officials came out, and let me give you one of their quotes:

This is from the honorable Edward Powell, Jr., Assistant Secretary for Financial Management, Department of Veterans Affairs. He said: ''VA is concerned about any significant cost impact to its program resulting from this pilot . . . ''

I would just conclude that, Mr. DINGELL, this has already been tried. It doesn't work.

VETERANS' DRUG PRICES GO UP WITH H.R. 4 PASSAGE

Advocates of H.R. 4 claim that negotiation will lower drug prices for Medicare Part D beneficiaries. This is bad legislation for several reasons. Of special concern to me is the harm it would do to veterans who rely on Department of Veterans Affairs (VA) health care for affordable medications.

Various times during the Clinton administration, proposals were made to expand the discounts veterans enjoy to wider populations. One was a demonstration to add some Federal Employee Health Benefits Plan (FEHBP) participants to the Federal Supply Schedule (FSS) Drug Pricing Program, and later, to extend the FSS to the Medicare population (sound familiar?). On the former, I chaired a hearing July 25, 2000. Testimony, and later analysis, revealed that expanding the discounts veterans get to OPM would have increased drug costs to veterans. Ultimately, the SAMBA demonstration was not carried through because of this objection.

Here is some testimony from that hearing:

''. . . VA is concerned about any significant cost impact to its program resulting from the pilot . . .'' The Honorable Edward A. Powell, Jr., Assistant Secretary For Financial Management, Department Of Veterans Affairs.

''We are concerned that this pilot will increase the cost of pharmaceuticals purchased by the VA and will result in diminished health care for sick and disabled veterans.'' Richard A. Wannemacher, Jr., Assistant National Legislative Director For Medical Affairs, Disabled American Veterans.

''Perhaps it should go without saying, but I must call your attention to the fact that Congress already has spoken on the issue of expanded access to FSS pricing on several previous occasions. In fact, I am aware of at least four separate laws over the past 10 years enacted purely to correct the unintended adverse consequences on VA of changes in federal pharmaceutical pricing laws. In each of these cases. the unintended consequences were the result of a law passed by Congress to achieve some other purpose, and VA was an injured bystander.'' Robert B. Betz, Ph.D., Executive Director, Department of Veterans' Affairs Pharmaceutical Procurement initiative Adding Federal Employee Health Benefit Plan Participants to the Federal Supply Schedule Drug Pricing Program.

Following my hearing, an August 2000 GAO report, Prescription Drugs: Expanding Access to Federal Prices Could Cause Other Changes, stated, ''Drug manufacturers could respond to a mandate that they extend federal prices to a larger share of purchasers by adjusting their prices to others. ''

Still further, former VA Acting Secretary during the Clinton Administration, Hershel W. Gober, wrote in the Sept-Oct 2004 issue of DAV Magazine ''Similarly, in 1999, when attempts were made to extend the FSS pricing schedule to the Medicare population we estimated that extending discounted government prices for pharmaceuticals to the Medicare population would increase the VA's annual pharmaceutical costs by $500–600 million. Now, years later, the impact will be even greater on the already constrained VA budget if FSS special discount drug prices are extended to the Medicare population and states.''

Why are Democrats proposing this harm to veterans again, when Medicare Part D is working?

Medicare beneficiaries are already receiving substantial drug discounts, through plan negotiation that works just as FEHBP works for federal and legislative employees, including Members of Congress. Do not increase costs for your veterans. Oppose H.R. 4. H.R. 4 will endanger the health, lives and budgets of veterans.

Mr. DINGELL. Mr. Speaker, I am delighted to yield 1 minute to a distinguished Member of this body, our colleague from New York (Mr. HALL).

Mr. HALL of New York. Mr. Speaker, I thank the chairman for yielding.

Rising drug prices have created an escalating crisis for seniors in my home in the 19th District of New York in the Hudson Valley and the rest of the country. This passage of H.R. 4 will represent another promise kept in our 100 hours with which we begin the 110th Congress.

When the House passed the bill creating the Medicare drug benefit in the dead of night, it took the audacious step of prohibiting Medicare from negotiating for the best price. It is unconscionable that a government agency serving 43 million seniors was not given the same consumer rights as other agencies and private companies. The drug companies have reaped record profits, the taxpayers have been shortchanged, and seniors have been forced to break the bank to pay for drugs.

Today we are moving to change that. Most importantly, we will make sure that our seniors, not the drug companies, get the best deal.

Rising drug prices have created an escalating crisis for seniors in my home in the Hudson Valley and the rest of the country. This passage of H.R. 4 will represent another promise kept.

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In 2005, a Families USA study found that the median drug price under Part D was 48 percent higher than the price negotiated by the VA. More recently, the same group found the price spread had grown to 58 percent.

When there was a crisis created by the anthrax attacks in 2001, HHS negotiated for lower prices for Cipro. There's an ongoing crisis now for seniors trying to cope with skyrocketing drug prices, and HHS should use its negotiating skill to come to their aid.

The drug companies have reaped record profits, the taxpayers have been shortchanged, and seniors have been forced to break the bank to pay for drugs. Today, we're moving to change that.

Directing HHS to negotiate for lower prices will make it easier for Medicare beneficiaries to afford the life-saving and life-improving drugs they need. It will save billions of taxpayer dollars. And most importantly, it will make sure that seniors, not the drug companies, get the best deal.

The Medicare drug benefit was supposed to offer seniors the promise of affordable drugs that would help them enter their golden years with fewer worries. For too many seniors it turned into a dire financial predicament. I'm proud to be a supporter of legislation that will help us finally keep our original promise.

Mr. BARTON of Texas. Mr. Speaker, I would like to yield 2 minutes to a distinguished member of the committee, the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I thank the chairman for yielding.

CBO said this will not save money.

Something interesting happened. You had the chance, my friends on the other side of the aisle, in committee in the negotiation of this bill, had the chance to set prices, what this bill would do. And when you went out to set prices, you said we cannot do it. The private sector cannot do it for any cheaper than $35; so let's protect the American people, and we are going to put an amendment into this bill that sets those premiums at $35.

Let me read just from the amendment that was offered by my friends on the other side of the aisle and, thankfully, didn't pass. It is to set the premium at $35 including, as it says here, for months in the subsequent year, and some legal hyperbole here, and then in the previous year increase by the annual percentage. So every year you were going to increase the prices because the government set the price at $35.

If we had believed that price-setting was the answer in providing prescription drugs to families who needed it, who were making the decisions between food and prescription drugs, we would have increased their cost in my State by 100 percent.

It doesn't work. You are empowering the same bureaucrats who came up with the $500 hammer, and you are asking them to go out and get into America's medicine cabinet. As a matter of fact, the ones that do it now, they are

even telling you that you can't have certain drugs because it is too big for them. There are 4,300 different drugs, 55,000 different pharmacies; and when the Secretary right after 9/11 knew that they had to purchase Cipro, it took them over a month to negotiate the price because government isn't designed to be in the business of negotiating prices. They set prices, and it doesn't work very well.

Why would we take away all of the savings that all of these seniors are enjoying today? And that is what you will do, just by your example.

I would strongly encourage this body to reject price-setting and raising the cost of prescription drugs to our seniors around the country.

Mrs. EMERSON. Mr. Speaker, at this time I am privileged to yield 3 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentlewoman for yielding.

My first wife died about 5 years ago of breast cancer. And when she was going through her chemotherapy, we were sitting in a room with about five women that were getting their chemotherapy. And there was this one lady who was kind of complaining and actually had a few tears in her eyes, and she said that she had to pay $350 a month for Tamoxifen, which was the drug of choice. And a lady about three seats away from her said, Well, I get mine from Canada for $50. And I thought, my gosh, that doesn't sound right.

So we checked into it, and we found that the price of Tamoxifen was seven times higher here in the United States than it was in Canada. And I thought, well, that just doesn't seem right.

So I started checking into a lot of other pharmaceutical products. Today Tamoxifen in Munich, Germany is $60, and it is $360 here in the United States.

The point I am trying to make is the prices charged around the world are much less for the very same product, pharmaceutical product, than it is here in the United States. And Americans, I think, should get the same benefit as anybody else in the world. We are not second-class citizens.

Now, we get to the negotiation problem, and I heard the White House say, well, we shouldn't negotiate, shouldn't interfere with the free enterprise system.

I want you to know that we negotiate on just about everything right now. Let me just give you a few examples.

We negotiate on some of the aircrafts that we buy. As my colleague just said, we negotiated on the Cipro not too long ago. We negotiated on all kinds of military equipment. And for us to say that we can't negotiate on pharmaceuticals is just crazy.

When we passed the Medicare prescription drug in the dead of the night after 3 hours of keeping this machine open so they could drag up at least one vote for victory, we found out that it said in there that the government of the United States cannot, is prohibited, from negotiating with the pharmaceutical companies for prices. That means that they can set whatever price that they want and we have to pay it. There is no negotiation. And we hear from the White House and from others that we don't negotiate or shouldn't interfere in the private sector. We do it all the time. In fact, in the Veterans Administration they negotiate for drug prices right now. And many, many of the pharmaceutical products the people get in the military hospitals today are much, much less than they are buying through the Medicare system.

All I can say is that there ought to be negotiation. I am a Republican. My Democrat colleagues are pushing this bill, but it should be a bipartisan bill. The people of the United States should get a fair price for their drugs, and we should be able to have the Government of the United States negotiate for the benefit of the taxpayers to get the best price for the products that we are selling to our consumers.

H.R. 4 is a bipartisan bill aimed at cutting prescription drug prices for millions of seniors and individuals with disabilities.

The current Medicare prescription drug law explicitly prohibits the Department of Health and Human Services from using the strength of Medicare's 43 million beneficiaries to negotiate prescription drug price discounts.

Providing HHS with negotiating authority has bipartisan support in Congress and across America. In a recent poll, 92 percent of Americans stated they supported the proposal.

The bill requires the HHS Secretary to conduct such negotiations with drug companies on behalf of Medicare beneficiaries but provides the Secretary broad discretion on how to best implement the negotiating authority and achieve the greatest price discounts for Medicare beneficiaries.

The bill continues to prohibit the HHS Secretary from requiring a particular formulary (i.e., a list of covered drugs) to be used by Medicare prescription drug plans or limiting access to any prescription medication.

The federal government is well equipped with the skills needed to negotiate price discounts. It is done when we purchase airplanes for the military, when we purchase furniture for government buildings—and it is done in the health arena for programs in the Public Health Service, VA, and Medicaid.

We have seen that, even without establishing formularies, CMS can use its purchasing power to reduce costs. In times of dire need—Cipro for the anthrax attack on the Capitol in 2001 and with flu vaccines in 2004—CMS has been able to obtain lower prices.

The bill also clarifies that Medicare Part D drug plans are permitted to obtain discounts or lower prices for covered prescription drugs below the price negotiated by the HHS Secretary.

The purpose of this bill is to ensure that all avenues of achieving price discounts are being used to benefit the seniors and individuals with disabilities in the Medicare program.

While recent projections do indicate that the Medicare Part D program is costing less than originally expected, cost projections alone are simply not a strong indicator of the program's success. In the real world seniors are still experiencing—complications, confusion and increasing premiums in 2007.

Requiring Medicare to negotiate for lower prices may not save the federal government huge sums of money but it will help save seniors money by reducing premiums and out-of-pocket costs.

Whether this bill saves the Federal government money is really a function of whether the Secretary uses his authority effectively.

Congressional Budget Office (CBO) cost estimates are historically very cautious and CBO has indicated they will reexamine this estimated cost savings of this bill when they have more information from the 2006 plan year.

Today's law bars the Secretary from negotiating with drug manufacturers solely because the drug industry insisted on the prohibition.

We need to put the interests of America's seniors and people with disabilities ahead of the pharmaceutical and HMO industry.

This bill has bipartisan support and we should move forward to improve this vitally needed drug program for seniors and people with disabilities.

Mr. DINGELL. Mr. Speaker, I am delighted to yield at this time 2½ minutes to the distinguished chairman of the Government Reform Committee, a member of the Committee on Energy and Commerce, my friend from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, my friend and colleague, Representative DAN BURTON, who just spoke, I think captured the essence of this issue.

The question is whether the U.S. Government can get a better price negotiating with the drug companies using the millions of seniors as leverage or whether individuals can get a better price if they could negotiate on their own or whether drug plans can get a better price if they can negotiate on their own. Medicare and government overall negotiates, and when the Medicare negotiates for physician fees, they negotiate what the fee will be and then they say this is the fee we will pay. That should be the same for the Medicare drug benefit. We can save billions of dollars.

Now, I know that we hear about the drug companies saying this won't work and, in fact, the market is working. Well, the market is not working. There is no market there. But it is not working. People can go to Canada right now and get a lower price for their drugs than they can in the Medicare drug plan as it exists today. People can go to Costco and get a better price. They can search around and get a better price. But when government negotiates, we get the best price. And we have seen it when the government negotiates the prices for the veterans, and we saw it when the government negotiated the prices for the Medicaid population. They used that buying clout and got deep discounts.

The drug companies raise all sorts of scare tactics. They say if we have the government negotiating prices, people will be denied drugs because there will be a formulary. And then the bill prohibits that from happening. Then they

turn around and say, well, to confuse the issue, if there isn't a formulary, there won't be savings. Most of the opposition to this is coming from the drug companies, and whose interests are they looking after? Not the seniors and not the taxpayers.

I urge support for the legislation.

Mr. BARTON of Texas. Mr. Speaker, I want to yield myself 1 minute just to reply to Mr. WAXMAN.

The Congressional Budget Office, as far as I know, is not in the pocket of the drug companies. They say there are going to be no savings to this. The Heritage Foundation, which is admittedly conservative, but I don't think they are in the pocket of the drug companies, says there are going to be no savings. The Veterans Affairs Administration, which is the executive branch part of the Federal Government that is currently operated by President Bush, is opposed to this. They don't think there are going to be any savings. You can go to Wal-Mart right now, whether you are in Medicare or not, and get any number of generic drugs for, I think, a fee of $3 a month. Some of the plans that are out there in the marketplace give generic drugs away. Some of the plans that seniors can choose from have zero premiums. The average premium is $22.

I just think it is flat wrong to think that the Federal Government is going to negotiate a lower price than a competitive marketplace.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Speaker, I spent 25 years in the retail car business, so I have done my share of negotiating. There is a golden rule of negotiating to buy something that if you want to get the best price, you have to be willing to say, No, I won't buy it.

So if the government negotiates and says, No, I won't buy it, when they say no, which they will say a lot or have to say a lot to get a good price, then that means that seniors will be denied various drugs, and that is what has happened in the VA.

If they take the other course and decide they are not going to say no, then they are not negotiating; they are price setting. And when they set prices, they will either be too low and people won't get what they need, or they will be too high and we will be wasting money.

Mr. Speaker, this is a solution that won't work to a problem that does not exist.

Mr. DINGELL. Mr. Speaker, I am delighted to yield to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY) 2 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, it is a delight to see you in the chair.

I rise in strong support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act, to require Medicare negotiation for lower drug prices, and I thank Chairman DINGELL for his leadership.

In 2003 the pharmaceutical industry spent over $100 million to lobby Congress, hiring the equivalent of a lobbyist for every Member to protect their interests in the new drug benefit. And they got what they wanted.

As the New York Times reported this past November: ''For big drug companies, the new Medicare prescription benefit is proving to be a financial windfall, larger than even the most optimistic Wall Street analysts had predicted.''

One of the main reasons for the drug company windfall is the so-called ''noninterference'' clause, the provision written into the law at the behest of the drug companies prohibiting Medicare from using its bargaining power to negotiate for drug discounts.

□ 1100

Just think about it for a minute: Medicare is involved in making sure that prices are reasonable and affordable for every other benefit, from wheelchairs to hospital charges to hospice care. But it is prohibited from doing so for prescription drugs.

Other large purchasers, from the VA to State governments to large employers, use their bargaining clout to get affordable prices. But Medicare is prohibited from doing so on behalf of the 40 million seniors and persons with disabilities and the taxpayers who help pay for benefit.

This week, Families USA released a study showing that part D prices for the top 20 drugs used by seniors are on average 58 percent higher than prices at the VA. Other studies show that some part D drug prices are as much as 10 times the VA prices, and even higher than the prices available at Costco.com or Drugstore.com.

AARP, which operates a part D plan and supported the original bill, wrote to support this bill saying ''plans are not always able to exercise the kind of negotiating leverage that could result from secretarial negotiation.''

In the first 6 months of part D's implementation, drug company profits increased $8 billion. It is time to protect the interests of the American people, not the profits of the drug companies. It is time to pass H.R. 4.

Mr. BARTON of Texas. Mr. Speaker, I would like to yield 1 minute to a distinguished congressman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I thank the congressman from Texas for yielding.

Mr. Speaker, the Congress wields the power of the purse. It can declare war, it can create new laws, but it has no power to alter the laws of economics. No endeavor in the history of mankind has provided more consumer choice, more innovation and more advances than the invisible hand of market forces.

As the country song says, everybody wants to drink the free bubble-up and eat the rainbow stew, but in the real world, economics determines how we divvy up finite resources.

Under the current prescription drug plan, market forces have worked. Seniors get a choice of the drugs they need while at the same time the cost to taxpayers has come in billions below original estimates. Without doubt, government regulation of prices will limit prices, just as it does under the system used by the Veterans Administration. That is why more than a million veterans have signed up for a Medicare plan.

H.R. 4 is another example of Democrats saying the government can make better decisions for the American people than the American people can for themselves. We offer choice; they offer smoke and mirrors and empty rhetoric.

Mr. Speaker, I ask that my colleagues vote ''no'' on H.R. 4.

Mr. DINGELL. Mr. Speaker, I am delighted to yield to the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, on behalf of 70,000 eligible Medicare beneficiaries in the 32nd Congressional District of California, I rise to strongly support this legislation to reduce the cost of prescription drugs through negotiated pricing.

As a result of the Medicare Modernization Act, millions of low-income and minority seniors pay higher prices for their prescriptions. A recent report by Families USA revealed that the lowest Medicare part D plan drugs are still 58 percent higher than the lowest prices offered by those with the authority to negotiate, like the Department of Veterans Affairs.

Negotiated pricing is the difference between receiving needed medicine and putting food on the table. This is a reality for one in five Latinos above the age of 65 who live in poverty. Latinos are the fastest growing sector of the senior population. As chair of the Congressional Hispanic Caucus Task Force on Health, I am concerned that without negotiated drug prices, Latino seniors will be unable to afford their medication and continue to suffer needlessly from chronic health diseases.

The overwhelming majority of Americans favor allowing the government to negotiate prescription drug prices for the Medicare program.

Organizations such as the National Council of La Raza, the Nation's largest Hispanic civil rights organization, and the National Hispanic Medical Association, which represents licensed Hispanic physicians in the U.S., support this legislation because they agree it will make a difference in the lives of Latino seniors.

I am proud that today we are considering this legislation that will make a real difference to the health and welfare of all of our seniors.

I hope my colleagues on the other side of the aisle will help to make prescription drugs affordable for all of our constituents for seniors across the country.

I urge my colleagues to support H.R. 4.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman from West Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, from the rhetoric we have heard in this House today, it is clear that somebody is going to be negotiating on behalf of Medicare.

For my money, I will trust the private enterprise employee who works for that prescription drug plan who is negotiating with the drug companies to get the lowest price in order to be able to lower premiums to the Medicare beneficiary that is going to be paying those premiums. That system is working. That is one side of the negotiation.

If H.R. 4 passes today, we will substitute for that free market negotiator a career bureaucrat who keeps their job no matter what happens with respect to the price of drugs.

H.R. 4 is a flawed solution to a problem that doesn't exist. I urge my colleagues to vote against it.

Mr. DINGELL. Mr. Speaker, I am delighted to yield to the distinguished gentlewoman from Oregon, a member of the committee, Ms. HOOLEY, 2 minutes.

Ms. HOOLEY. Mr. Speaker, last year I held over a dozen town hall meetings throughout Oregon about the new Medicare prescription drug program. And what I heard is it is overly complex and too expensive. But it doesn't need to be.

Lifting the ban that prevents the Department of Health and Human Services from negotiating lower drug prices on behalf of Medicare beneficiaries is one simple fix that would make medicine a whole lot more reasonable for seniors and taxpayers.

Almost every store in the Nation will offer you savings if you buy in bulk; but the Medicare program, one of the largest purchasers of prescription drugs in the Nation, is currently prevented from negotiating a bulk discount.

What is the cost of this inefficiency? Zocor helps lower cholesterol and is one of the most common drugs prescribed to seniors. At the VA where they can negotiate, you can get a year's supply for $130. Under Medicare, it will cost $1,200, a 900 percent price difference. No reasonable person would pay $23 for a gallon of milk when you can buy it at Safeway for $2.65.

The State of Oregon has bulk purchasing power to negotiate for lower prescription drug prices from pharmaceutical companies for thousands of low-income and uninsured Oregonians. We know the practice works, allowing more people to be covered, enhancing lives and using taxpayer dollars wisely.

In the last Congress, I started a petition that would force the House leadership to consider giving Medicare the ability to negotiate for lower prices because we knew if we could get the issue on the floor, it would pass.

Well, we have a new Congress, a new majority. We will finally overturn that ban on negotiations and defeat the forces that have prevented fiscal responsibility. I ask my colleagues to join me in supporting H.R. 4, commonsense cost-saving legislation.

Mr. BARTON of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. KELLER).

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

As a congressman from Florida, the State with the largest percentage of seniors, I very much want low cost for prescription drugs. The nonpartisan Congressional Budget Office says this proposal will not lower prescription drug costs at all. Seniors are already getting volume discounts through pharmacy benefit managers and private sector competition.

Now the Democrats say: It works at the VA, it will work here. So I looked into that. I happen to take Lipitor for lower cholesterol. It is the number one selling drug in the world. Even Lipitor is not available on the VA formulary. That is because the VA only have a limited number of drugs, and that is why it is cheaper there. It is also why more than 1 million veterans are already getting their drug coverage through Medicare part D.

Mr. Speaker, 80 percent of the seniors in this country are happy with their drug plans under Medicare part D, and 75 percent of the seniors in central Florida have signed up for it and like it. If it ain't broke, why are we fixing it?

Let us give seniors both choices and low prices. Vote ''no'' on H.R. 4.

Mrs. EMERSON. Mr. Speaker, I yield myself 15 seconds to respond.

Number one, I would like to submit for the RECORD the list of the 12 different anti-cholesterol drugs on the VA formulary that exist today.

And second, I would quote from the Institute of Medicine Committee, part of the National Academy of Sciences. They concluded that the ''VA national formulary is not overly restrictive. In some respects it is more; but in many respects, it is less restrictive than other public or private formularies.'' I also will submit that for the RECORD.

CHOLESTEROL LOWERING MEDICATIONS VA CLASS CV350

VISN Generic name Non-formulary	Synonym	Local non-formulary
Atorvastatin Calcium, 10mg tab	Lipitor	
N/F V–N/F		
Atorvastatin Calcium, 20mg tab	Lipitor	
N/F V–N/F		
Atorvastatin Calcium, 40mg tab	Lipitor	
N/F V–N/F		
Atorvastatin Calcium, 80mg tab	Lipitor	
N/F V–N/F		
Cholestyramine, 4gm/5gm (Light)	Questran Light	
	Prevalite	
Cholestyramine, 4gm/5gm (Light)	Questran Light	
Cholestyramine, 4gm/9gm Oral PW	Questran	
Cholestyramine, 4gm/9gm Oral PW	Questran	
Colesevelam HCL, 625mg tab	Welchol	
N/F V–N/F		
Colestipol Granules	Colestid	
Colestipol HCL, 1gm tab	Colestid	
Colestipol HCL, 5gm/PKT GRNL	Colestid	
Ezetimibe, 10mg tab	Zetia	
N/F V–N/F		
Ezetimibe, 10mg/Simvastatin, 10M	Vytorin	N/F
V–N/F		
Ezetimibe, 10mg/Simvastatin, 20M	Vytorin	
N/F V–N/F		

CHOLESTEROL LOWERING MEDICATIONS VA CLASS CV350—Continued

VISN Generic name Non-formulary	Synonym	Local non-formulary
Ezetimibe, 10mg/Simvastatin, 40M	Vytorin	
N/F V–N/F		
Ezetimibe, 10mg/Simvastatin, 80M	Vytorin	
N/F V–N/F		
Fenofibrate, 145mg Tab	Tricor	
N/F V–N/F		
Fenofibrate, 160mg Tab	Tricor	N/F
V–N/F		
Fenofibrate, 48mg Tab	Tricor NFE	
N/F V–N/F		
Fenofibrate, 67mg Cap	Tricor	N/F
V–N/F		
Fluvastatin NA, 20mg Cap	Lescol	
Fluvastatin NA, 40mg Cap	Lescol	
Fluvastatin NA, 80mg SA Tab	Lescol XL	
Gemfibrozil, 600mg Tab	Lopid	
Lovastatin, 10mg Tab	Mevacor	
Lovastatin, 20mg Tab	Mevacor	
Lovastatin, 40mg Tab	Mevacor	
Omega-3-Acid Ethyl Esters 1000	Omacor	N/F
V–N/F		
Pravastatin NA, 10mg Tab	Pravachol	
N/F V–N/F		
Pravastatin NA, 20mg Tab	Pravachol	
N/F V–N/F		
Pravastatin NA, 40mg Tab	Pravachol	
N/F V–N/F		
Pravastatin NA, 80mg Tab	Pravachol	
N/F V–N/F		
Rosuvastatin CA, 10mg Tab	Crestor	
N/F V–N/F		
Rosuvastatin CA, 20mg Tab	Crestor	
N/F V–N/F		
Rosuvastatin CA, 40mg Tab	Crestor	
N/F V–N/F		
Rosuvastatin CA, 5mg Tab	Crestor	
N/F V–N/F		
Simvastatin, 10mg Tab	Zocor	
Simvastatin, 20mg Tab	Zocor	
Simvastatin, 40mg Tab	Zocor	
Simvastatin, 5mg Tab	Zocor	
Simvastatin, 80mg Tab	Zocor	

JANUARY 10, 2007.

OFFICE of The SPEAKER,
House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: the National Community Pharmacists Association (NCPA) represents the owners of more than 24,000 independent pharmacies with over 300,000 employees dispensing some 42 percent of the nation's prescription medicines.

As trusted health care providers, we have always championed affordable medicines for our patients. Our pharmacists are motivated to help our patients find the medication that is most effective for both their health and their pocketbook.

Your efforts to lower prescription drug prices, especially for seniors, are commendable. NCPA endorses these efforts as contained in H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007 introduced by Chairman John Dingell.

The noninterference clause of the Medicare Modernization Act (MMA) has directly disadvantaged independent community pharmacies throughout the implementation of Part D. NCPA has requested intervention from the Center for Medicare and Medicaid Services (CMS) to affect prompt payment of claims, fully clarify rules on misleading advertising practices, and establish guidelines for adequate reimbursements. In each instance, CMS has not taken action, apparently because of the noninterference clause of MMA.

As you are aware, there are other issues with regard to the Part D benefit, Medicaid and the pharmacy marketplace that also must be addressed to ensure community pharmacy can continue to play our critical role in patient care; such as prompt payment of claims, Pharmacy Benefit Manager (PBM) transparency, and the encouragement of the use of more affordable generic medications in the Medicaid program. We look forward to working with you on legislation to address these issues.

Your assistance on the issues critical to community pharmacy will help enhance our

ability to continue to deliver affordable, quality prescription care to our patients. We thank you for your efforts on behalf of independent pharmacists and the patients we serve.

Sincerely,

CHARLES B. SEWELL,
Senior Vice President, Government Affairs.

Mr. DINGELL. Mr. Speaker, I am delighted to yield to Dr. Christensen, the distinguished representative of the Virgin Islands, a leader in health care, 1 minute.

Mrs. CHRISTENSEN. Mr. Speaker, I thank my chairman for yielding.

Mr. Speaker, I rise today in support of H.R. 4 on behalf of the Medicare beneficiaries in the U.S. Virgin Islands and all of the 43 million who need this bill.

We have heard that H.R. 4 would only have a negligible effect on Federal Medicare spending. I doubt that. A recent report by Families USA showed that in several commonly used drugs, the lowest part D cost was still anywhere from 58 to 1,000 percent higher than the negotiated VA cost. That is why 90 percent of AARP members support H.R. 4.

As a physician who took care of many elderly and disabled patients and as chair of the Health Braintrust of the Congressional Black Caucus, I know why we need H.R. 4. By lowering the price of prescription drugs as H.R. 4 will do, we will not only reduce Federal spending but also improve access to medication for millions of Americans with acute and chronic diseases, a disproportionate number of whom are racial and ethnic minorities.

But we must also make sure that all medications including those like Bidil that is proven effective in African Americans are covered.

This is yet another promise made by Democrats and must be another promise kept. I urge my colleagues to vote ''yes'' on H.R. 4.

Mr. BARTON of Texas. Mr. Speaker, I yield 2½ minutes to the distinguish gentleman from Arizona, a former chairman of the Republican Policy Committee and a member of the Energy and Commerce Committee, Mr. SHADEGG.

Mr. SHADEGG. Mr. Speaker, I think this debate comes down simply to: Do you trust bureaucrats, or do you trust the forces of competition which have already delivered a drug benefit under budget?

To me, the answer is simple. But don't take my word for it. Last November, The Washington Post, not exactly a right wing newspaper, indeed one of most liberal newspapers in America, editorialized against precisely what this bill does. The Washington Post, not John Shadegg, said that the drug benefit in the current bill has turned out to be cheaper than projected.

The Washington Post, not John Shadegg, said that most beneficiaries are satisfied with the current program.

My colleagues on the other side of the aisle, Mr. DINGELL and others, over and over and over and over again in this debate have cited the veterans program and said it is much better because they negotiate drug prices.

But The Washington Post, not John Shadegg, said, and I quote, ''that is not a fair comparison.'' The Washington Post says that the Veterans Administration keeps prices down by maintaining a sparse network of pharmacies and a restricted formulary. Indeed, delivering three-fourths of its prescription drugs by mail. That's not John Shadegg; that's The Washington Post.

Indeed, the Post points out that more than one-third of the veterans in America eligible to sign up for the veterans program instead take the Medicare prescription drug program. Why? Because Americans don't want to say goodbye to their local pharmacy, which is what my colleagues on the other side will make them do.

If the program is so much better under the veterans, then why do a third of America's veterans prefer the current Medicare program? The answer for that is, it is a better program.

The Washington Post answers that by saying, in their words, the veterans' programs restricted choice of drugs and restricted list of pharmacies is less attractive.

Let me conclude the way the Post concluded. They said, ''A switch to government purchasing of Medicare drugs would choke off this experiment before it had a chance to play out and would usher in its own problems.'' I urge my colleagues to consider those problems.

They went on to say, ''For the moment, the Democrats would do better to invest their health care energy elsewhere.''

I urge my colleagues who read The Washington Post regularly to follow its advice. This is a bad bill and bad for America's seniors.

Mr. DINGELL. Mr. Speaker, I yield at this time 2 minutes to the distinguished gentleman from New York (Mr. ENGEL).

□ 1115

Mr. ENGEL. I thank my friend, the chairman; and I rise today in strong support of this bill.

We have an opportunity today to right one of the most troublesome provisions of the Medicare Modernization Act, the provision which prohibits the Secretary of HHS from using the bargaining power of 40 million American senior citizens and disabled Americans who are enrolled in the Medicare to negotiate more affordable drug prices.

It is simply common sense. We know that our senior citizens continue to struggle on fixed incomes to be able to purchase their prescription drugs in addition to essential basic living necessities, like food, electricity and rent. We know costs in the Medicare program continue to skyrocket. By negotiating prices, we may be able to achieve record drug savings for seniors while also shoring up the fiscal health of the Medicare program, thereby protecting U.S. taxpayer dollars.

I am troubled by the repeated false assertions on the other side of the aisle that this legislation would mandate price controls and limit seniors' access to drugs. Nothing can be further from the truth.

H.R. 4 continues to prohibit the Secretary of HHS from requiring a particular formulary, and it simply says we should give the government the best shot at trying to negotiate lower drug prices. No price controls. Even Tommy Thompson, who said he considers this bill one of his finest accomplishments, stated that he regretted the clause in the bill prohibiting HHS from negotiating drug prices. As Secretary Thompson notes firsthand, he was able to use HHS to negotiate key savings for Cipro during the anthrax attacks of 2003. So there is room for improvement.

I respect the research and development that the pharmaceutical companies conduct. Frankly, we should not bash the pharmaceutical companies. They do good work. I have a plant in my district that has created and manufactured terrific prescription drugs. I would never support a bill that I believe would stifle innovation at the expense of the American people. But I believe that we can and should promote policies which put more good options on the table. This bill does that, and I urge its passage.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to a distinguished member of the committee who is currently on leave from the committee, the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas, because this is such an important debate for us and for our constituents.

I have about 70,000 Medicare part D beneficiaries in my district, the Seventh District of Tennessee, and they do deserve low-cost prescription drugs, and they deserve the option to choose their plans. The way Medicare part D is constructed, that is what we have, the opportunity to make those choices, to have that control, to actually have a private insurance.

Mr. Speaker, we have had a lot of conversation about the VA and veterans. I would like to point out that comparing Medicare part D and the VA drug program is like comparing apples to oranges, because the VA program is a direct provider of those medical services and part D is an insurance program that is run through private plans, so that our seniors have the options and the ability to choose, to have control over their health care.

About 40 percent of Medicare-eligible veterans enrolled in the VA health care are choosing to benefit from the Medicare drug benefit.

It's critical that we protect what seniors value most—access to quality care in their own community; affordability; and choice of their prescription drug plan and pharmacy.

I urge my colleagues to vote against H.R. 4.

Mr. DINGELL. Mr. Speaker, I am delighted at this time to yield 1½ minutes to our distinguished colleague, the gentleman from Utah (Mr. MATHESON), a member of the committee.

Mr. MATHESON. Mr. Speaker, I thank the chairman.

Mr. Speaker, I rise in support of H.R. 4. I think it is important America's seniors have access to the medicines that they need. Quite frankly, that is why I voted for the Medicare Modernization Act when it passed the House in 2003. I believed then, as I do now, that the Medicare Modernization Act would give patients access to medicines. I also believe that the Medicare Modernization Act has made progress. There are more people who have prescription drug coverage as a result of the legislation.

Today, I support H.R. 4, as I believe it is an additional measure that will likely provide more affordable medicines to those who need them. However, I have some concerns I would like to mention for the record.

While it makes sense for efforts to be made toward negotiating better prices, I would hope the House would not interpret today's support of H.R. 4 as support for government price controls. I have long been a supporter of free and open markets. There is no better marketplace for consumers than one in which competition dictates the going rate for products and consumers are free to choose the products they prefer.

I would encourage my colleagues to support free and open markets and oppose future efforts that would involve the government in actually setting price controls, and I encourage support today for H.R. 4.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to another distinguished member of the Energy and Commerce Committee, the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise in strong opposition to H.R. 4, legislation that effectively places the Federal Government in charge of the prescription drug program seniors participate in and jeopardizes seniors' ability to choose the Medicare plan that best fits their needs.

The Medicare Modernization Act wisely provides Medicare prescription drug plans with powerful free market tools that drive deep discounts in prescription drug plans. Seniors deserve low drug prices, and that is what they are getting with Medicare part D.

American taxpayers are also benefiting under Medicare part D. In fact, since 2003, taxpayers have saved $96 billion through competition among health plans. We are already seeing competition drive down prices and provide lower costs to Medicare beneficiaries. Competition is the reason why. Premiums have dropped from $37 to $22 per month, and the average monthly bill seniors spend on prescription drugs has fallen 54 percent, saving seniors an average of $1,200 a year. Ninety percent of all Medicare beneficiaries and more than 90 percent of seniors in Oklahoma are seeing real discounts on their prescription drugs.

If the government is allowed to set costs and control prices with Medicare part D, it will limit access to drugs, and seniors may lose the right to choose plans. This problem already exists in the Veterans Administration. A quarter of our Nation's veterans who receive VA health care benefits are also enrolled in Medicare part D.

This bill shows a clear difference between Democrats and Republicans. We want free market choice for our seniors instead of one-size-fits-all bureaucratic programs that will deny seniors the opportunity to choose drug plans that serve them best.

Let's not jeopardize a good benefit that 80 percent of our seniors are satisfied with and is providing real savings to taxpayers and seniors alike. I urge a ''no'' vote on this measure.

Mr. DINGELL. Mr. Speaker, at this time I reserve the balance of my time on behalf of the Energy and Commerce Committee.

Mr. BARTON of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the chairman.

Mr. Speaker, I rise in strong opposition to H.R. 4. It is unbelievable, in fact, that the Democrats would bring this bill to the floor. They were not part of the solution when we passed the prescription drug act, that they failed to pass for 25 years. I can understand them wanting to get on to a rising stock, but, Mr. Speaker, I will tell you this: they are betting on the last 10 percent.

Hanging this albatross around Medicare part D that has been so successful is going to drag it to the bottom, and it is going to hurt our seniors. It is going to hurt my mom. Seniors are saving an average of $1,100 per month because of competition in the marketplace.

You know, Mr. Speaker, this week, the Democratic majority has trampled on the rights of the minority with these four bills, allowing us no opportunity for amendment. But, do you know what? I think on this particular bill, they have done us a favor. The way they have done us a favor is they have not allowed us to bring forth an amendment, trying to put lipstick on this legislative pig, and that is a favor to us. That is a political win for the Republican Party, but unfortunately, Mr. Speaker, it is a loss for our seniors.

We need to kill this sucker dead.

Mr. Speaker, I rise today in strong opposition to H.R. 4, the Medicare Prescription Drug Price Negotiation Act. Last year, the new prescription drug plan, Medicare Part D, was implemented and seniors in our country had access to drug coverage for the first time.

In its first year, the Part D program enjoyed lowered than expected cost, high enrollment numbers and an overwhelming vote of satisfaction from America's seniors. To me, Mr. Speaker, that is the definition of success.

Let me underscore the specific statistics that back up these statements, because in the course of the debate proponents of this government price control bill have misconstrued and misrepresented the realities of the Part D program.

First of all, in 2006 Part D cost $26 billion less than expected and over the next 10 years it is projected to cost 21 percent less than earlier forecasts. Mr. Speaker that represents a savings of over $200 billion to the American taxpayer—a savings Mr. Speaker, in a government program! Which leads to another important aspect of the Part D program, competition.

When Congress created this new prescription drug benefit, it was designed to use the power of competition to deliver low prices to America's seniors. For instance, Medicare beneficiaries were expected to pay an average monthly premium of $37. However in 2006, because of the fierce competition among plan providers to provide this benefit to our seniors, the average monthly premium shrunk to $24.

Seniors are overwhelmingly satisfied with their Part D plan. In a Kaiser Family Foundation survey, 81 percent of enrolled seniors are satisfied with their Medicare drug plan and only 4 percent are dissatisfied. In fact, a recent J.D. Power and Associates survey found seniors are more satisfied with their Medicare drug plan than with their auto insurance, home mortgage and cable service.

So, Mr. Speaker, that leads us to a very obvious question. Why are we debating a major change to this successful and popular program? The answer is quite obvious, but extremely disappointing. It is politics.

My colleagues on the other side of the aisle spent a lot of time over the past few years throwing bricks at the ''Republican Part D Plan.'' And they didn't stop last year when the surveys and statistics were pouring in at how much this program was saving our seniors. And, Mr. Speaker, when it became obvious that the program was both successful and popular, the Democrats started touting the sound bite that Medicare needed the power of government negotiations to deliver even more savings to seniors. It seemed they wanted to capitalize on the very popularity they were undermining just a few months earlier.

Unfortunately, for my colleagues on the other side of the aisle, that political rhetoric has proven difficult to turn into sound policy. The reason is very simple. The Part D program is successful because the government has remained out of the negotiation process and private companies have fought hard to earn the right to service America's seniors.

Mr. Speaker, the Congressional Budget Office affirmed this in a letter to Senator Frist in 2004, and again this week to Chairman RANGEL. CBO states and I quote, ''We estimate that striking. that provision (the non-interference provision) would have a negligible effect on federal spending because CBO estimates that substantial savings will be obtained by the private plans and that the Secretary would not be able to negotiate prices that further reduce federal spending to a significant degree.''

If my Democratic friends are only using this debate to score a few cheap political points, they should be ashamed of themselves, considering the only people that will pay for this maneuver are our struggling seniors.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, when a government program is not working, we have an obligation to fix it. This is not the case, however, with the Medicare prescription part D. In fact, part D is working well.

Just yesterday, the Medicare Prescription Education Network released a study showing that 80 percent of seniors enrolled in Medicare part D are satisfied with their coverage, and an 80 percent satisfaction rate is unprecedented for such an important and positive program. I am particularly pleased that a Blue Cross/Blue Shield call center assisting recipients with part D enrollment has been operating in the district I represent.

Moreover, government involvement would likely limit access to medications and restrict the development of new treatments. As USA Today recently editorialized: ''The public would be best served if the new Congress conducts an in-depth oversight to gather facts, rather than rushing through legislation within 100 hours to fix something that isn't necessarily broken.''

I urge my colleagues to protect part D and vote against H.R. 4.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan (Mr. CAMP) be allowed to control the minority time for the Ways and Means Committee, which I believe is 40 minutes.

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

There was no objection.

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

Mr. Speaker, I rise today in opposition to H.R. 4. It is a flawed piece of legislation. If there was ever a bill that should have gone through regular order in the committee process, it is this one, because we find as we look at it more carefully that there is much more to it than might appear at first glance.

First and foremost, we should recognize that Medicare part D is working. Ninety percent of seniors are covered. Thirty-eight million seniors now have prescription drug coverage.

Additionally, due to private competition, the cost of this program is continuing to fall. Estimates from the Center for Medicare and Medicaid Services have predicted that this program will cost $373 billion less over the next 10 years than was expected in 2005. Seniors are saving an average of $1,200 dollars a year because of those declines.

Market-driven reforms in the 2003 Medicare Modernization Act are working to provide more choices and lower prices.

□ 1130

Rather than establishing a one-size-fits-all government benefits package, the part D program allows beneficiaries to choose from a range of plans that meet their unique needs and circumstances.

It is also important to note that the current private sector negotiating power of part D is greater than a government-run Medicare program. We have heard much from the other side about a government-run program having a bargaining power, but in fact, the four top pharmacy benefit managers cover over 200 million individuals. So they not only negotiate on behalf of the seniors in part D but also on behalf of all the other beneficiaries in their programs throughout the United States, including most Members of Congress in the Federal Employees Health Benefit Plan. So this is over 10 times the number of Medicare beneficiaries than the Secretary would negotiate on behalf of.

Despite these facts, Democrats are continuing to push a bill that could significantly disrupt and dismantle the successful and popular Medicare prescription drug program. They want to remove private competition forces from this successful equation and, instead, have the Secretary of Health and Human Services interfere in and implement a price control system.

Medicare part D is successful because seniors are able to choose plans that cover their drugs and best meet their health needs. Government bureaucrats, instead, would be replaced and would choose what drugs seniors would get, and these bureaucrats would be allowed to set prices for Medicare covered drugs.

The government should not be responsible for making decisions that should be left to seniors. Currently, seniors are able to choose plans. I think we should continue to allow seniors to make their own choices and keep bureaucrats out of seniors' medicine cabinets. The Medicare prescription drug program is working, and we would be wise to resist the Democrats' plan to fix what is not broken.

We can continue to improve prescription drug programs, but we must closely examine these changes so Congress does not do more harm than good by enacting new policies. I encourage my colleagues to vote ''no'' on this bill.

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

Mr. RANGEL. Mr. Speaker, I would like to say that I wish that we had had more time to have gone into the details of this proposal, but I want to point out that we have an opportunity to allow the administration to decide how we can best reduce the price of drugs for all people and to give him the discretion to use every tool that we have in the Congress. Now, some people on the other side have indicated that this is price control and the free marketplace should work its will. It appears to me that common sense and judgment would say that the Secretary should have every available tool that he or she thinks is necessary in order to reach this common goal that we want to reach.

Just saying that the power to negotiate prices, which you have to admit sounds like it makes good sense, would be restricted and prohibited by the person responsible for reaching the goal of lower prices makes no sense at all. If indeed some of the objections that have been raised by those who don't have the responsibility that the Secretary has, if they truly believe this is an impediment to reach that goal, then I think that all of us in the Congress have the responsibility to change the law and to do whatever is necessary in order to reach that goal.

To say that someone is prohibited from participating in the reduction of that price, the price of the drugs when they can buy in quantity defies common sense and reason. This is especially so since we would like to assume that the pharmaceutical industry would be partners with us in getting the maximum amount of medicine necessary to those who need it. And even if we had no knowledge of the facts at all as to what works and doesn't work, the protest that is coming from the pharmaceutical industry should indicate that there is something wrong with the system if they do not trust the Federal Government to negotiate fairly.

So for all of those reasons, I hope that those who have a problem with the bill would recognize that this is just the beginning of a process to improve upon what we already have and that if there are any problems, that we will be coming back to the committee to try to make those adjustments that would be necessary.

Mr. Speaker, I would like to ask unanimous consent to yield the balance of my time for purposes of controlling the time on this bill to Mr. STARK, who is the chairman of the Subcommittee on Health and who spent a tremendous amount of time on this.

And, believe me, there is no politics involved in it. We all want to achieve a common goal, and I think this just removes the restriction on the Secretary so that together we can be of assistance.

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

There was no objection.

Mr. CAMP of Michigan. Mr. Speaker, I yield for purposes of controlling time to the ranking member of the full Ways and Means Committee, the distinguished gentleman from Louisiana (Mr. MCCRERY).

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana.

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

I want to begin my remarks by saying that we are hearing today a lot of claims from colleagues on the other side of this issue. They quote various

studies that they say prove this will help reduce prices to seniors and help reduce costs to the government. And as everybody in Washington knows, you can generally find a study to say just about whatever you want it to say. But if you listen carefully, you will notice that no one today, and no one will later today, dispute one fact: The nonpartisan official budget scorekeeper for Congress, the analysts that Congress is required by law to follow, the Congressional Budget Office, says that this bill before us will not save one dime. The bill will not save seniors money; it will not save taxpayers money; and it will not save the government money.

Now, in case you are thinking, oh, yeah, yeah, but that is old news. That is the old Congressional Budget Office when Republicans controlled it. Well, that is what the old Congressional Budget Office said when Republicans controlled it. But, guess what? In a letter dated just a couple of days ago from the new Congressional Budget Office that Democrats control, it says the same thing exactly.

Now, why won't this bill save any money? Simply because the private sector is doing an excellent job already negotiating lower prices for our seniors. And without tools that some have said today they do not want the Secretary to have, and even the language of the bill states the Secretary shall not provide formularies for part D, but without those tools, the CBO says, you can't save any money.

So you can't have it both ways. You can't say, oh, we want lower drug prices for seniors; but then at the same time say, yeah, but we don't want those formularies. We don't want to restrict access to any drugs, like Lipitor, which is not on the VA formulary.

The Secretary of Health and Human Services cannot do a better job of negotiating than the private sector is already doing. The Secretary says so. CMS says so, and CBO says so. The only way the Secretary will be able to further reduce it is by weakening the drug benefit by restricting access.

So why is the Democratic leadership trying to rush this major legislation through the House without a single congressional hearing, without input from the committees of jurisdiction? I fear this is an example of bumper sticker politics. I am afraid they are looking for a good sound bite, not good policy.

While H.R. 4 won't produce savings, it certainly has the potential to disrupt or even destroy one of the most popular programs in our history. Today, roughly 90 percent of America's seniors and people with disabilities have prescription drug coverage. Four out of every five seniors enrolled in a Medicare drug plan say they are satisfied with the new drug coverage and would recommend it to their friends.

Medicare drug plans are negotiating significantly lower prices for our seniors. The average senior last year saved $1,200. Initial estimates indicate that Medicare prescription drug plans saved seniors last year a total of about $30 billion. Competition has resulted in a program that is expected to cost $373 billion less over the next 10 years than was projected just 1½ years ago.

Clearly, the current drug benefit, which allows for competition rather than government price controls, is working. H.R. 4 could bring this success to a screeching halt. If the Secretary of HHS is forced to find the savings suggested by the proponents of this poorly drafted legislation, it seems certain that some seniors will lose access to the prescription drugs they need.

Currently, Medicare beneficiaries enrolled in a drug plan have access to drugs to treat cancer, mental illness, HIV/AIDS, Lou Gehrig's disease and Alzheimer's, to name a few. They are guaranteed that. H.R. 4 does not guarantee that.

Here is what patient groups have to say about the bill that is before us today. The association representing patients afflicted with Lou Gehrig's disease says, ''This shortsighted and inappropriately cost-driven bill will have particularly cruel consequences for people with ALS. If Congress makes this change, they will undo what the Medicare Modernization Act sought to ensure: access to needed prescription drugs.'' The National Alliance on Mental Illness says much the same thing; the Kidney Cancer Association much the same thing.

The Republican motion to recommit, which we will soon offer, ensures that access to these important drugs continues.

H.R. 4 will also hurt our community pharmacies, denying seniors access to those local pharmacists that they depend on. Seniors like to go to the drugstore to talk to their pharmacists to get advice. If, to hear some of the proponents, we go to something like the VA, for example, they won't have that opportunity because the VA is a closed system, and 80 percent of drugs delivered under the VA are delivered by mail order, not local pharmacies.

Now, let us talk about veterans for just a minute. The American Legion, representing our veterans, says H.R. 4 is ''not in the best interest of America's veterans and their families. The American Legion, which represents nearly 3 million members, strongly urges Congress to seriously consider the collateral damage that would result from H.R. 4 because 'each time the Federal Government has enacted pharmaceutical price control legislation, the VA has experienced significant increases in its pharmaceutical costs.' ''

H.R. 4 will not save money. It is opposed by groups representing victims of disease and opposed by our veterans. H.R. 4 will likely restrict seniors' access to the drugs they need and to the pharmacies they depend upon. H.R. 4 will certainly disrupt a popular program that, despite being just 1 year old, has done a remarkable job.

That is why we all ought to vote against H.R. 4, but first, vote for the Republican motion to recommit.

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

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

I will be submitting for the RECORD an editorial from today's New York Times which concludes by suggesting that the bill, H.R. 4, does not require the Secretary to negotiate prices for all 4,400 drugs used. A smart Secretary could simply determine which prices paid by the plan seem most out of line with prices paid by other purchasers and then negotiate only on those drugs. The private plans are exclusively allowed to negotiate even lower prices, if they can. This sort of flexibility would pose no threat to the free market.

□ 1145

It is time for the Medicare drug program to work harder for its beneficiaries, without worrying so much about the pharmaceutical companies.

Then, I would also like to respond to what I am sure was not, by one of the previous speakers, an intentional fabrication or misstatement, just probably a remark due to the inability to read a bill and understand what it means. And it is quite correct that in 2000 our motion to recommit had some wording that limited interference by the Secretary. But it is also important to note that it was a completely different bill; and as such, the motion to recommit had no relationship to this bill. And to suggest otherwise is an outright lie. And I will let it stand with that. If anybody would like to see the previous bill, we have information that will cover it.

I rise in support of H.R. 4. It is a simple, straightforward bill that should pass by unanimous consent if the Members of Congress want to help senior citizens, rather than the special pharmaceutical interests.

The bill rights a wrong included in the prescription drug act passed in 2003. And it takes away the special interest protection that prohibits the Secretary from negotiating to get better prices for Medicare beneficiaries.

The present law includes a flat out prohibition against using the negotiating ability and clout of 43 million Medicare beneficiaries to get better prices. That is wrong. We don't prohibit the government from negotiating prices for airplanes, even for oil royalties in the gulf, for highway construction or for anything else the government purchases.

Our bill today eliminates that prohibition and goes one step further. It requires the Secretary to use the market strength of Medicare's 43 million beneficiaries to negotiate better prices for seniors and people with disabilities. We had to go further than simply eliminating the prohibition because the current administration has been so vocal in their opposition to using this tool,

even if given the authority. Indeed, they have threatened to veto.

Countless studies show that Medicare beneficiaries are not getting very good deals on their prescription drug prices. The Bush administration has shown their ability to negotiate discounts on other drugs. Secretary Thompson did this twice, once when we had the anthrax attacks and then again when we faced the flu vaccine shortage.

This change shouldn't be controversial at all. It is a change that is supported by over 90 percent of the American public, and it is a change that should lower taxpayers' and seniors' expenses. It is a change supported by advocates for Medicare beneficiaries, the physicians who care for them, and the community pharmacists who fill their prescriptions.

It is a change that is even supported by AARP, which I continue to contend wrongly endorsed the Republican bill in the first place. But even they agree that the government should be empowered to negotiate better drug prices.

The only interests standing up against that legislation are the same interests who got the prohibition on negotiation included in the first place, the pharmaceutical drug lobby and those whose campaigns they funded.

Those days are over. Congress is no longer about special interests. It is about the interests of the American people, and that is why we brought this bill up as part of the first 100-hour agenda. We urge the President to reconsider his opposition to it, and to work with us to get Medicare beneficiaries a better deal on their prescription drug prices, and to get a better deal for the American taxpayers.

It is an important first step in our goal to improve the Medicare prescription drug program for seniors and people with disabilities. I look forward to working with my colleagues and with the administration to improve the Medicare program.

[From the New York Times, Jan. 12, 2007]

NEGOTIATING LOWER DRUG PRICES

From all the ruckus raised by the administration and its patrons in the pharmaceutical industry, you would think that Congressional Democrats were out to destroy the free market system when they call for the government to negotiate the prices of prescription drugs for Medicare beneficiaries. Yet a bill scheduled for a vote in the House of Representatives today is sufficiently flexible to allow older Americans to benefit from the best efforts of both the government and the private rug plans.

The secretary of health and human services should be able to exert his bargaining power with drug companies in those cases in which the private plans have failed to rein in unduly high prices—leaving the rest to the drug plans. The result could be lower costs for consumers and savings for the taxpayers who support Medicare.

Under current law, written to appease the pharmaceutical industry, the government is explicitly forbidden from using its huge purchasing power to negotiate lower drug prices for Medicare beneficiaries. That job is left to the private health plans that provide drug coverage under Medicare and compete for customers in part on the basis of cost. The Democrats' bill would end the prohibition and require—not just authorize—the secretary of health and human services to negotiate prices with the manufacturers. That language is important since the current secretary, Michael Leavitt, has said he does not want the power to negotiate.

No data is publicly available to indicate what prices the private health plans actually pay the manufacturers. But judging from what they charge their beneficiaries, it looks like they pay significantly more for many drugs than do the Department of Veterans Affairs—which by law gets big discounts—the Medicaid programs for the poor, or foreign countries. The administration argues, correctly, that the private plans have held costs down and that there is no guarantee the government will do any better. The bill, for example, prohibits the secretary from limiting which drugs are covered by Medicare, thus depriving him of a tool used by private plans and the V.A. to win big discounts from companies eager to get their drugs on the list. The secretary does have the bully pulpit, which he can use to try to bring down the cost of overpriced drugs.

The bill also does not require the secretary to negotiate prices for all 4,400 drugs used by beneficiaries. A smart secretary could simply determine which prices paid by the plans seemed most out of line with the prices paid by other purchasers and then negotiate only on those drugs. The private plans are explicitly allowed to negotiate even lower prices if they can. This sort of flexibility should pose no threat to the free market. It is time for the Medicare drug program to work harder for its beneficiaries without worrying so much about the pharmaceutical companies.

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

Mr. MCCRERY. Mr. Speaker, before I yield to my colleague from Missouri, I just want to challenge anybody on the other side of this issue today, anybody that is in support of H.R. 4, to explain to this House how the Secretary, using the authority under the bill before us, is going to get prices lower. What are the tools that he is going to have to negotiate if he doesn't have the power to assure pharmaceutical manufacturers market share in the program, if he can't use formularies to do the negotiating? I don't think they can do that.

Mr. Speaker, at this time I would yield 4 minutes to my colleague from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I rise today in opposition to H.R. 4, but more than that, in support of prescription drug access that works for seniors. This has been a long, hard fight in this Congress to get this program to where it is today, and it is working for seniors. They think it is working for them, and I think it is working for them.

The cornerstone of the Medicare prescription drug program is choice and satisfaction driven by competition. Competition is a good thing. And once again, today we are talking about whether or not we have competition in this system.

Instead of a one-size-fits-all model, the prescription drug benefit provides choices for seniors so they can find the best plan for them. This competitive model works, and it is doing exactly what Congress intended: it is driving costs down and providing more options for seniors.

The current system, as my friend from Louisiana has already said, the current system costs less than was anticipated, has more options for seniors than was expected, and has a tremendous level of user approval.

With the competitive Medicare drug program, individual drug plans can decide not to sign a contract with a drug company if they can't reach a price that they can agree on. Then seniors analyzed what all of these competitors out there were able to do. They take the drugs they take to the plans available and find out which company was able to negotiate the best deal, not for all drugs, but for their drugs. That is why this plan has worked in a way that surprised so many people, including the seniors that now benefit from this plan.

What are we really talking about today? Our friends on the other side seem to think that we need government to negotiate prices for seniors. Well, what does that really mean?

When the government negotiates for you, it means you are cut out of the decision-making process. Government is almost never the best negotiator and wouldn't be the best negotiator here.

Some of my colleagues claim that the change they are proposing today is merely minor. But I believe the change we are debating today is the major debate about the future of health care in the coming decades. Do we believe that government should make the decisions about your health care? Or do we believe that these decisions are so fundamentally personal that they can only best be made by the individual? Are Americans better served by a competitive model or by a government mandate that has less access and more cost?

Opponents of adding prescription drugs to Medicare and the way we did it last January have never believed that competitive options for seniors were the way to go. They have said so many times. That is the reason that I think they are so determined today to take away these choices that seniors have.

When the government negotiates prices, it fixes prices. This means a government bureaucrat will be empowered to determine what kind of drugs our seniors will have access to. If the government couldn't reach a deal with the drug company, seniors wouldn't have access to those drugs. That is what happens in the VA system that we are talking about.

Actually, today, we ought to be talking about how we can provide more choices for veterans instead of fewer choices for other seniors. It is Economics 101. And if seniors only cared about price, the lowest plan available would be the plan all seniors were choosing. They are not choosing that plan. They are choosing the best plan for them.

H.R. 4 will open the door to price fixing and health care rationing by the government. It is as simple as that.

During the campaign, Democrats argued that this bill is needed to protect our seniors. But if any senior can point to anywhere in this bill where it points out that all the drugs available to seniors today would be available in the future, I would suggest not only is it not there, but one negotiator couldn't make that deal.

I urge my colleagues to reject this change, to reject rationing, to keep choice out there for seniors, and to believe in competition.

Mr. STARK. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Connecticut (Mr. LARSON) who, like the National Committee to Preserve Social Security and Medicare, knows that H.R. 4 would be an important step to improve part D.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation. Look, as we all know, as the cliche goes, the road to hell is paved with good intentions. And while our colleagues on the other side are heralding the program that they produced, through what I believe to be their good intentions, they are terribly misguided.

But it does draw strong philosophical differences between the two parties and our approach. Yes, you would like to privatize Social Security. Yes, you would like to privatize Medicare. And this bill, essentially, is the privatization of Medicare masquerading as prescription drug relief and forbids explicitly the Secretary of Health and Human Services from negotiating directly for lower price while the VA commissioner does.

But then you say you introduce competition. Wow. Everybody is for competition. So how do all these plans, why were they enticed into it? The government pays and incentivizes the private sector to get involved in this? That is interesting competition. They incentivize the private sector to compete against the government program. They fund them the money.

Oh, and by the way, there is no penalty and no risk if they pull out. The only penalty and risk are on the elderlies' backs, because they can cancel the formulary, they can pull out with no risk and no penalty. It is only the people that fall into the doughnut hole and only the people that have to pay the extra prices that understand why it is so important that government step up and level the playing field for its citizens.

Mr. MCCRERY. Mr. Speaker, I yield 2 minutes to the distinguished Member from California, a member of the Ways and Means Committee (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in strong opposition to H.R. 4. The fundamental question in today's debate is what produces better results, the free market or the Federal Government? Medicare part D was founded on a belief that free markets get results. It is a system in which private companies compete with each other to meet the needs of our senior citizens. These private companies negotiate with drug manufacturers to get lower prices, and the results have been impressive.

When the Congress created part D, we expected the average premium to be around $35 a month. Yet, thanks to the power of competition, Medicare beneficiaries actually paid an average of $24 per month, and that number is going down to $22 in 2007.

Mr. Speaker, I hope we can stop and think about what that means. In every other area of health care, costs are rising far faster than inflation. Where else have we seen an actual decrease in health care cost?

At the same time, we can also see the results of a system in which the government imposes price controls or as today's legislation basically proposes.

□ 1200

In Canada, a government-run health care system has resulted in long waiting lists for medical care and a massive exodus of talented physicians. In our own country, our brief experiment with price controls in the 1970s ended with disastrous gasoline shortages.

Mr. Speaker, I hope this Congress will consider the results and vote for the system that gets proven results.

I urge my colleagues to soundly reject this legislation.

Mr. STARK. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from California, who agrees with AARP that the Secretary can achieve additional savings for beneficiaries under H.R. 4.

Mr. THOMPSON of California. Mr. Speaker, I rise today in support of H.R. 4, and I am not here to claim that it will instantly bring seniors huge discounts on their drugs, but this legislation is an important first step, because it gives the Secretary one more tool to maximize savings for seniors and value for taxpayers.

It is important for another reason, lowering drug prices means that it will take seniors longer to hit the coverage gap, the donut hole, the period during which time they have to pay 100 percent of their drug costs.

Less than 25 percent of the drug plans in my district offer any sort of coverage during this donut hole period, and most of them have premiums of upwards of $100 a month. A lot of northern California seniors can't afford that. When they hit the coverage gap, they foot the entire bill, or they go without their medicine.

Allowing the Secretary to negotiate prices will complement, not replace, the negotiations being conducted by the private plans. It is one more tool that can be used to lower costs and prolong the amount of time it takes before seniors hit their donut hole.

This legislation does not create price controls, which I oppose, and it explicitly prevents the Secretary from setting a national formulary. Our Medicare program offers seniors choice and allows seniors access to the medicines that they need. This legislation will maintain that choice and access, and it is a good first step to bring about lower prices.

I support H.R. 4, and I encourage all of my colleagues to do the same.

Mr. MCCRERY. Mr. Speaker, I yield 2 minutes to another distinguished member of the Ways and Means Committee, the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to voice my opposition for H.R. 4 and to encourage my colleagues to vote against this bill.

Ronald Reagan once said the nine most terrifying words in the English language are, I am from the government, and I am here to help you. Our seniors should say, thanks, but no thanks.

H.R. 4 is certainly a solution in search of a problem. The Medicare drug benefit is a quantitative success. Millions of seniors now have prescription drug coverage through Medicare part D and over 86,000 beneficiaries in my district alone are saving money while enjoying greater access to the prescription drugs they need.

Competition has reduced monthly premiums and empowered seniors to make their own choices about drug plans. On average, seniors saved $1,200 off the cost of their prescription drugs last year. In fact, 80 percent of recipients nationwide report high satisfaction with the new program.

Actuaries for the Congressional Budget Office, the ultimate scorekeeper in Congressional spending, as well as the Centers for Medicare and Medicaid Services, both predict that H.R. 4 will produce no savings. At the same time, strong competition has lowered drug plans, the bids, by 10 percent, for 2007. Overall, analysts estimate that part D will cost $373 billion less over the next 10 years than initially expected.

Mr. Speaker, if passed, this bill would allow the Federal Government to get into the medicine cabinets of millions of Medicare beneficiaries across the country. Part D is working. The changes proposed in this bill would create tremendous uncertainty among seniors who are benefitting from this successful program. This bill is nothing but a veiled attempt at national health care that could end up driving up costs, reducing seniors' access to much-needed prescription drugs and serving as a downfall of community pharmacies.

I urge my colleagues to vote ''no'' on this bill.

Mr. STARK. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Washington (Mr. MCDERMOTT), who agrees with AIDS Action that an effort to ensure the Secretary of Health and Human Services has authority to negotiate drug prices is important to the continuing success of part D.

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

Mr. MCDERMOTT. Mr. Speaker, as I listen to my colleagues on the other

side today, it seems like I am back in medical school in 1963 when the American Medical Association president told us, if we get that Medicare, that will be the end of health care in this country; there is no way we will have any kind of good health care in this country.

Well, the fact is we would never have had it if we waited for you to do it. During the 12 years you were in control, you proposed not one single way to deal with the 46 million Americans who have no health insurance.

Now with respect to senior citizens, they are isolated in a blizzard of confusing programs and options which cost more than a 250 percent difference in the same zip code. I live in 98119. You can spent 250 percent different depending on which program.

People don't know that. My mother is 97, and you expect them to pick this up. They ought to get a lower cost, and we are going to get it for them by getting the Secretary to negotiate them, as he should. That creates a huge national pool that the companies cannot ignore, and they are going to have to work toward the common good.

Now, it is time we worked for the common good in here, not for the pharmaceutical industry or the insurance industry or anybody else but the seniors who have to deal with the prices of their drugs. That is what they are asking for us. It is the same proposal we have used in the VA.

You would think we would be doing that to the veterans if it was bad? Come on. This is good for the veterans, it is good for the seniors, and it is finally working toward the common good in this House.

Mr. MCCRERY. Mr. Speaker, I yield 3 minutes to another distinguished Member of the Ways and Means committee, the gentleman from Missouri (Mr. HULSHOF).

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

Mr. HULSHOF. I appreciate the gentleman yielding.

Mr. Speaker, my colleague from the State of Washington mentioned medical school. Let me recount an old axiom that with learned in law school. We were told: If the facts are against you, argue the law. If the law is against you, argue the facts. If the facts and the law are against you, pound the podium.

Ladies and gentlemen, there has been a lot of podium pounding on the other side of the aisle today. The question is this, shall the government interfere with or intervene in a prescription drug plan that is working?

Now, the majority seeks through H.R. 4 to strike this nonintervention clause. First of all, is anyone having a flashback to 1993 and 1994 talking about government taking over health care?

But, more importantly, my colleague from the State of California, the incoming chairman of the Health Subcommittee, and 203 of his colleagues are about to do an abrupt, en masse, about face. Because in the CONGRESSIONAL RECORD of June 28 of 2000, you had this nonintervention clause, and 204 Democrats said, we don't want to give the Secretary the ability to negotiate in roll call 356.

Now, what could possibly explain this inconsistency? Could politics be at play?

The gentleman from Washington talked about some history. Let us go back over the committee history, because my colleagues from Ways and Means are here.

First of all, during committee action we were chided there would be no plans available under the Republican plan.

Then, of course, when we saw the plethora of plans, we heard the complaints from your side, there are too many confusing choices that seniors have across the country. Then you wagged your finger at us and said, well, we need to legislate the premium at $35, and then the total cost of the program is going to explode the deficit. Remember hearing that?

Yet, on the other hand, as has been discussed, the average premium is $22. In the State of Missouri, you could even have a premium for under $15 if you choose it. Of course, we have seen how those program costs have come down.

We heard from your side that the drug companies were going to do a bait-and-switch, that we were going to have low ball that first year and then we would see those prices being jacked up. Lord help us, what's happened? Drug prices have gone down. Imagine premiums and prices coming down in health care.

Then my colleague from the State of California said to his colleagues, it is okay, once the seniors hit the donut hole, they will be angry, and they will be outraged. Then we have seen, of course, that every senior at least has had the opportunity to have full coverage, including coverage for the donut hole. You just can't find it within yourself to say we got one right.

Just like welfare reform, surely, Mr. Leader, once every 10 years, you can say the Republicans got it right. We are witnessing cost containment and competition by incorporating private sector market principles within the public sector programs provision of drug coverage. Let us lighten up on the podium pounding, say no to government interference and no to H.R. 4.

Mr. Speaker, I rise in opposition to H.R. 4, and I would like to divide my remarks into two main thoughts: first, "if it ain't broke, don't fix it," and second, the laws of intended and unintended consequences.

Mr. Speaker, the Medicare Part D Benefit ain't broke.

But Medicare was broken before there was a drug benefit. When I came to Congress, one of the issues I heard about most often from my constituents was the need for prescription drug coverage for seniors. In 1965, when Medicare was created to ensure that seniors had some access to health care, prescription drugs were not a primary mode of treatment, and thus not covered.

But as medical science advanced, and miraculous treatments became available via prescription drugs, Medicare still languished without a drug benefit, and many seniors were faced with the brutal decision between buying their medicine or paying for food, clothes, housing, and other necessities.

Seniors do not have to make that brutal decision anymore.

Under the law, millions of seniors who previously could not afford prescription drugs are now receiving the medicines they need.

More than 40,000 volunteers in communities across the country worked during the enrollment period, counseling beneficiaries and sponsoring events to help people with Medicare. I would like to commend these volunteers, volunteers like Debbie Catlett from the Hannibal Nutrition Center, who lovingly helped her friends and neighbors sign up for drug coverage.

The system the Republican Congress set-up has been remarkably successful: The average premium in 2006, originally projected to be $37 per month, was only $23; and rather than increasing to the projected $40 per month in 2007 it lowered to $22 for this year. In Missouri, we have even less expensive options available, the lowest costing only $14.90 per month. Imagine that, health care premiums going down!

Seniors are saving, on average, $1,200 a year on prescription drugs. At the same time, Part D recipients saw a 13 percent increase in the number of medications available. According to polls, about 80 percent of America's seniors are satisfied with their prescription drug plans.

All that is on the micro level, what individual seniors are enjoying and saving; but let's look at the macro level. Over 90 percent of seniors now have drug coverage—if these seniors are paying less, the government must be paying more to pick up the slack, right?

Wrong.

The Medicare drug benefit cost nearly $13 billion less than expected in its first year, 30 percent below the $43 billion that had been budgeted.

Long-term savings are even greater. HHS Secretary Leavitt just announced that the independent CMS actuaries are lowering their estimate of the cost of the benefit over the next decade by another 10 percent, with almost all of the new savings resulting from competition. The actuaries' new estimates show that total net Medicare costs are 30 percent lower, or $189 billion less, for the same budget window (2004–2013) than the actuaries originally anticipated before the Medicare drug benefit was implemented.

The long and the short of it is, Medicare Part D is a big, fat success.

Look, the majority is upset that the Republican Congress enacted a successful, popular program, and the "let Medicare negotiate low prices like the VA" polled well for them (I've seen the polling numbers). But a bumper sticker phrase aimed at coopting that success isn't good policy.

I've discussed how the program isn't broken and doesn't need fixing, now onto the intended and unintended consequences of this bumper sticker bill.

Best case scenario if this Democrat attention grabber of a bill becomes law is that

Medicare proves unable to negotiate lower prices than the marketplace currently does—and two non-partisan entities, the Congressional Budget Office and the CMS Office of the Actuary have said the Democrat plan yields no savings for this reason—and no harm is done. But worst case scenario is overactive bureaucrats or the next President take this negotiating authority and use it to force price controls, ration drugs, and deny doctor and patient choice of what medicines are allowed for seniors.

So friends, pick your poison: On the one hand an impotent outcome as CBO and the CMS Actuary have foretold, on the other, Medicare setting prices and rationing seniors their medicine. I will remain agnostic as to which is the intended and which the unintended consequence.

The reason the two economic models I've mentioned concluded no savings via H.R. 4 is that, fundamentally, the government cannot negotiate any better than the thousands of prescription drug plan managers in the private market. Under current law the millions of Medicare beneficiaries, via their prescription drug plans, are coupled with the 200 million other health insured Americans. Caremark negotiates for 70 million lives, Medco for 54 million, and Express-Scripts for 51 million. Medicare Part D allows our Medicare beneficiaries to piggyback on that huge buying power with professional negotiators. And the other side would rather untrained government bureaucrats negotiate for my constituents? No thank you.

So let's look at the worst case scenario under this bill, where Medicare commands and controls seniors' medicine.

Yes, H.R. 4 seems to disallow formularies, but in law school they taught me to look closely at the law. Page 3, line 20: "nothing . . . shall be construed to authorize the Secretary to establish or require a particular formulary."

But banning a national formulary does not protect beneficiaries from other government access controls to prescription drugs. For instance, the Medicaid program has no national formulary, however, it employs various strategies such as a "preferred drugs list" to limit access of medications. If beneficiaries want to receive a medication that is not on the preferred drug list, they must go through a lengthy and confusing authorization.

If the authors of H.R. 4 didn't have this in mind, why did they strike the underlying MMA language that would seem to protect against this, that said "The Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs"?

The Ways and Means Chairman was thoughtful enough to hold a forum on this matter yesterday for our committee members, and both his and Mr. McCrery's invited witnesses agreed that to get VA prices, you have to set a formulary, and a strict one at that.

Again, the Democrats' bumper sticker slogan is fraught with bad consequences—intended or unintended.

Most importantly, the plan offered by Democrats would limit choice. Veterans have access to less than one third the drugs Medicare beneficiaries do—the VA formulary covers 1,300 drugs while the Medicare drug benefit covers 4,300 drugs. Drugs like Lipitor, Celebrex, Flomax, and Prevacid are unavailable in the VA plan. In fact, 20 of the top 33 most commonly prescribed drugs for seniors are excluded in the VA plan.

Pharmacy access is another pitfall of the Democrats' slogan. In reality, the VA distributes 80 percent of its medications by mail. Medicare uses mail for less than 2 percent of its medications. Seniors appreciate the opportunity to talk to their local pharmacist and ask questions about their prescriptions, and we have 1,077 pharmacies in Missouri where they can do just that. The VA has 6 pharmacies in the entire state of Missouri (and only 332 nationwide); the Democrat bumper sticker slogan loses a lot of its luster when looked at through that lens.

Simply put—seniors would find many of their favorite drugs unavailable and that's unacceptable.

The price control plan offered by the Democrat majority does not guarantee that seniors have access to "all or substantially all" drugs to treat cancer, mental illness, HIV/AIDS, and Lou Gehrig's disease. These important protections are in place in the current drug benefit and our motion to commit will offer the majority a chance to continue to protect drugs for these vulnerable populations.

While the plan being debated may be labeled "price negotiation," it is more accurate to call it "price fixing." Every time price fixing has been tried in other countries, it has failed. It has resulted in limited therapies and reduced innovation. And if the government saves the money from price fixing, the economic models show the cost will be shifted to the higher prices for the over 250 million non-Medicare Americans. In fact, the Democrat witness at yesterday's forum stated "if Medicare gets a better price, some people will have to pay more."

It's an easy campaign slogan to say "let Medicare negotiate low prices like the VA." But, to get there, you have to make that deal with the devil and allow Medicare to set prices and force strict formularies.

In conclusion, in attempting to fix an unbroken system, H.R. 4 faces the unintended consequence of either being lamely impotent at negotiating lower prices, or dangerously controlling by price fixing and restricting seniors access to drugs. Bad outcomes, whether intended or not; therefore, I urge a "no" vote.

Mr. STARK. Mr. Speaker, prior to recognizing the distinguished majority leader for 1 minute, I would just like to remind my friend from Missouri that at least in California we require law students to be able to read well enough to understand that bills they wave in the air are different from the bill we are considering today.

I wouldn't call it a lie to suggest that what we passed in 2000 is different from what we have today, but I would consider it close to shysterism in terms of at least dealing with law.

Mr. Speaker, I am pleased at this point to recognize the distinguished majority leader for 1 minute.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, let me say to my friend, we don't have to say you did it perfectly, and that is what we are talking about, making it better. That is what this is about, improving. We can argue in debate about what is, but what we cannot argue about, I think, is it is not perfect, and we can make it better. We are going to have a bipartisan vote on this. We are going to have a lot of people on your side of the aisle say, yes, we can make it better. That is what this is about, making it better.

By the way, I will tell my friend, 92 percent of the American public responds in polls they think this is what we ought to do. That is not pounding on the table; it is pounding on democracy.

Mr. Speaker, I want to, before I further discuss this particular bill, discuss the legislation H.R. 4. I would like to take a moment to congratulate the Members of the people's House, all of us, on the very productive week we have had. This week we worked to make America safer, passing bipartisan legislation that implements the 9/11 Commission recommendations.

We worked to make our economy fairer, passing bipartisan legislation that raises the Federal minimum wage, and we worked to improve the health care for all Americans, passing bipartisan legislation that promotes embryonic stem cell research. We are keeping our pledge to the American people to lead, govern effectively, and get results.

Today we consider H.R. 4, the Medicare prescription drug price negotiation act. Bipartisan legislation aimed at cutting prescription drug prices for millions of seniors and individuals with disabilities.

I can't believe there is anybody opposed to that objective. Yes, there is an issue of how do you do it best.

Many believe that this is one way to do it, not the only way to do it. This legislation repeals, in my opinion, a misguided provision in current law that explicitly prohibits the Secretary of Health and Human Services from entering into negotiations with drug companies to lower the cost of prescription drugs for the 43 million beneficiaries of Medicare.

I tell my friend in the private sector that if the drug manufacturers believe there is an alternative, that will go into the price structure, I guarantee it. By that, I mean, even if it is not exercised, we require it to be exercised, but even if it were not, if that alternative were present, it is going to affect the psychology of pricing.

H.R. 4 requires the Secretary to conduct such negotiation but gives the Secretary broad discretion in how to most effectively implement negotiating authority to achieve the greatest discounts. We want him to take steps to be effective in accomplishing the objective of bringing drug prices down for seniors.

The bill also permits Medicare part D drug plans to obtain discounts or lower prices below those negotiated by the Secretary.

As The New York Times observes today in an editorial, the bill is, and I quote, sufficiently flexible to allow older Americans to benefit from the best efforts of both government and private drug plans.

□ 1215

Mr. Speaker, this legislation has the overwhelming support of the American people, many of whom have experienced firsthand the rising costs of prescription drugs. In fact, as I just quoted, a recent Newsweek poll indicated that 92 percent, more than nine of every ten Americans, believe this is a policy that ought to be supported.

The people's House is going to reflect that sentiment today. In my view, this legislation is a commonsense effort to do right by the 43 million Americans enrolled in Medicare. It removes an unnecessary prohibition on prescription drug negotiations that should not have been enacted in the first place and allows the Secretary to do what he was hired to do, to put the interests of the American people first.

As Chairman DINGELL and Chairman RANGEL have observed, this bill is a very important first step in making prescription drugs more affordable. In this 110th Congress, we also must commit ourselves to addressing the affordability of an accessibility of health care generally.

I urge my colleagues to support this very important, bipartisanship, commonsense step forward in bringing the prices of drugs down for all of our seniors and our people. I thank the gentleman for yielding the time.

Mr. MCCRERY. Madam Speaker, having heard from the distinguished majority leader, the House is now fortunate to be able to hear both sides of this from the minority leader. I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, I thank my colleague from Louisiana for yielding and thank my colleague from Maryland for his comments.

I rise today in opposition to the plan being put forward that I think would bring government cost controls to a program that is widely popular and is working. We all know that, about 4 years ago, Congress passed a prescription drug benefit for seniors. In that bill, we make it clear that this benefit is to be provided by the private sector, and some 40 plans across the country are out there competing with different types of plans for seniors with different needs. And so the number of choices out there is overwhelming, but the fact is that the number of plans out there are also bringing competition; competition for better quality drugs, more access to drugs, bringing down the cost of this program by 30 percent. The program costs 30 percent less than what we thought it would cost when Congress passed it.

More importantly, some 80 percent of seniors appreciate their plan. They have a choice of their doctor; the doctor has the choice of prescriptions that they can offer to their beneficiary, to their patient; and the patient can go to their local pharmacy, they can talk to their local pharmacist, which all those choices are probably why we have an 80 percent approval rating for this program.

So what do we have here today? We have here today that says the government must go out and negotiate directly with drug companies. The fact is these 40 different plans that are operating around the country have been negotiating with drug plans over these last several years. Why do we think the cost has come down? It is that competition in the marketplace.

And I appreciate my colleagues on the other side for their ideas that the government ought to go out and directly negotiate this. It is one of those big dividing issues that we have between Members here in Congress. Some believe strongly that government ought to do it. Government ought to do it. We ought to order government to do it. While many of us believe that competition, competition and using free market principles will in the long run produce better results, lower costs, higher quality and more satisfaction among seniors. And that is exactly what we have seen with this plan.

Many people believe that the plan here would begin to look something like the plan that we have over at the Veterans' Administration where they do in fact negotiate with drug companies, although veterans that are taking those benefits have one-third the choice of drugs available to them that Medicare recipients have. I don't think there is anything we want to do today that would limit the ability of doctors to prescribe the correct drugs for their patients.

Secondly, the veterans' program in many cases requires the prescription to be delivered by mail order. Now, this is a growing move in the marketplace, but a lot of seniors want to go talk to their pharmacists, and I and many believe that the passage of this bill could lead to less choices for our seniors when it comes to where they get their drugs.

And so Republicans will offer a motion to recommit that simply says that we should not reduce the choices available to seniors, they ought to have those choices, and they should not be reduced at all; and secondly, that they should also have a choice in terms of where they get their drugs. Those are the two issues in the motion to recommit.

And so I would urge my colleagues to reject the idea of big government price controls and to support the motion to recommit that will in fact preserve choices for our seniors who rely on this very important program.

Mr. STARK. Mr. Speaker, I would like to recognize the gentleman from California (Mr. COSTA) for a unanimous-consent request.

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

Mr. COSTA. Mr. Speaker, I ask my colleagues to vote for H.R. 4 to fix the flaws of this program for our seniors and to save our taxpayers dollars.

For many years, I was the principle caregiver for my late mother.

Through her experience and my own, it became clear to me that the prescription drug bill passed by the 108th Congress was seriously flawed from the standpoint of being overly complex and not providing cost-savings for seniors.

It's time we make the necessary changes.

I've heard those opposed to this bill repeatedly claim it is contrary to free market principles.

But I ask you, what could be more apple pie to free market than being able to negotiate over pricing?

Those opposed to this bill also talk about the CBO's evaluation of the bill.

But what they won't mention is that, in 2003 the 10-year cost estimate for this bill was $395 billion.

Do you know what they say now?

Part D spending will cost the government nearly double the original estimates.

As a Member of this House it is time we support our free market and protect our taxpayer dollars.

Let's correct this injustice for those living on fixed incomes and put an end to this prescription drug rip-off.

This bill is an improvement. We should and can do better.

Vote for H.R. 4.

Mr. STARK. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from California (Mr. BECERRA), who agrees with the Reliance for Retired Americans that, by harnessing the bargaining power of 40 million Medicare beneficiaries, H.R. 4 will bring relief to older and disabled Americans.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, from the sound of it from our colleagues on the other side of the aisle, you would think that prescription drug prices were a great deal. They say it is working; the system ain't broke, so no need to do anything.

Well, I did a little bit of research. And it is my own research, so I took a look at a couple of very popular drugs: Clarinex, which is for allergies; Lipitor, which is for cholesterol. I figured out the average prices out there at any pharmacy for those drugs per gram, and that turns out to be about $733 per gram for Clarinex and about $279 per gram for Lipitor. And I said, wait a minute. These are good deals. Right?

So let's find out what an illicit drug on the street costs today. And, again, this is all my research. I couldn't tell you that I know for a fact what cocaine costs on the street or heroin, but I did some research. The U.N. Report of 2006 on Drugs and Crime says that cocaine has a street value of about $112 per gram, heroin about $95 per gram.

So if you take a look at what is going on today, it is a great price that you pay four or five times more for a drug to help save a senior's life than you have to pay for a drug that you abuse on the streets today in America.

Our drug prices are not okay. The system is broken. We do need to change it. And all we are saying is let's try to reduce the price. It doesn't hurt to try.

Anyone here bought a house, bought a car, a truck? Did you pay sticker price, or did you try to negotiate the price down? You may not have been able to; it may have been a very popular model car or truck, or home. But that is what we are saying, let's try to negotiate the price down.

It is like telling a football team you get one down to get to the goal, and if you don't, you have got to punt. Or telling the batter, you go to the batter's box and you get one strike. Let's give America four downs, let's give America three strikes to try to reduce the price of these drugs. We should do it. Pass this bill.

Mr. MCCRERY. Mr. Speaker, I yield the remainder of my time to the distinguished ranking member of the Health Subcommittee of the Ways and Means Committee, Mr. CAMP, and ask unanimous consent that he control the remaining time.

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

There was no objection.

Mr. CAMP of Michigan. Mr. Speaker, I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding.

We have heard all this talk about the vote that 203 Democrats took in H.R. 4680, motion to recommit; it is apples to oranges; it doesn't compare. Let me read the language so it is black and white and not a lie:

Noninterference by the Secretary. In administering the prescription medicine benefit program established under this part, the Secretary may not require a particular formulary, institute a price structure for benefits or in any way ration benefits, interfere in any way with the negotiations between benefit administrators and medicine manufacturers or wholesalers, or otherwise interfere with the competitive nature of providing a prescription medicine benefit using private benefit administrators except as is required to guarantee coverage of the defined benefit.

Mr. BECERRA voted for it. Mr. STARK wrote it; 203 Democrats voted for it. Now it is the wrong thing to do.

Let's be really clear. This is a bumper sticker bill that doesn't work. The policy idea here that 92 percent of Americans want to see happen is that we do it just like the Veterans' Administration does. I wonder if those 92 percent Americans were told; at the VA you can't choose your doctor, you can't choose your pharmacy. Two thirds of the top named brand drugs that seniors use aren't even offered by the VA. You can't get them. Do you think 92 percent of Americans want that to happen for Medicare? Medicare beneficiaries ought to be able to choose their doctor; they should be able to go to their neighborhood pharmacy.

So why are we doing this? CBO, HHS, they all tell us this will do nothing to lower prices. This will do nothing to save the government money.

What has the current program done? It lowered the premium 40 percent in one year. It lowered the prices so much beyond our expectations that this new law which came into law in 2003 is $189 billion less than we expected it to be. That is real savings.

The next argument we hear is, well, we want the Secretary to use the negotiating power of Medicare, get the bulk of negotiations going. How many people would he conceivably be able to negotiate on behalf of? All the people in the PDP, 16.5 million.

Well, what are the prescription drug plans doing right now? You see, they don't just negotiate on behalf of Medicare; they negotiate on behalf of everybody they cover. Caremark, 70 million people they are negotiating on behalf of, including Medicare. Medco, 54 million people they are negotiating on behalf of, including Medicare. Express Scripts, 51 million. Wellpoint, 36 million. These plans have more negotiating power and leverage and strength than Medicare could possibly have. That is why they are getting better discounts.

With that, Mr. Speaker, I urge a ''no'' vote.

Mr. STARK. Mr. Speaker, I remind my good friend from Wisconsin that he is quite right about the motion to recommit, but it was to a different bill. It was to H.R. 4770, which has no relationship to the bill that we are discussing today.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, today's bill is a genuine prescription for lower prices for our seniors that should have been adopted a long time ago. Too often, our seniors hit the donut hole paying higher premiums with no drug coverage while the big drug companies run off with all the dough.

During my service on the Ways and Means Committee, at every opportunity, I have offered an amendment for the same purpose as the bill we have today, to negotiate to protect our seniors and our taxpayers. But due to the power of the mighty pharmaceutical lobby and some late night shenanigans that happened right here on this floor and kept the Congress up all night to serve the interests of the pharmaceutical interests under the old Republican Congress, for the first time in this unique situation, we tell seniors and individuals with disabilities the government won't help.

Indeed, I asked the Congressional Research Service to look at every statute on the federal books, and, boy, that is a lot of them. And they looked, and they were unable to find any language anywhere in any federal law like this that says to the government, you can't negotiate better prices for taxpayers and for seniors.

So, today we should repeal that unreasonable one-of-a-kind limitation. For these Republicans to come out here who passed legislation to deny the choice of the government to negotiate to help seniors and today declare themselves to be ''pro-choice'' takes great audacity. To harm our community pharmacists the way their bill has harmed community pharmacists and now come and claim they are on the side of the neighborhoods takes real audacity. But audacity is something that is never in short supply from these folks.

They ought not to be afraid to do something to help our seniors and disabled just because Big Pharma says ''no.'' Put seniors and taxpayers first. Break the stranglehold of the pharmaceutical lobby and enact this legislation.

Mr. CAMP of Michigan. At this time, Mr. Speaker, we reserve our time.

Mr. STARK. Mr. Speaker, could I inquire of the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from California has 22 minutes remaining. The gentleman from Michigan has 15 minutes.

Mr. STARK. Mr. Speaker, I am delighted to yield 1½ minutes to the distinguished gentleman from Georgia (Mr. LEWIS) who, like the Medicare Rights Center, knows if this bill becomes law, lower prescription drug prices will help millions of Medicare beneficiaries.

□ 1230

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the chairman of the Health Subcommittee of the Ways and Means Committee for yielding.

Mr. Speaker, our seniors are still paying too much for lifesaving prescription drugs, and today we must ease that burden.

Seniors should not have to choose between paying for their medicines and paying to heat their homes or putting food on their table, and that is still a decision that too many of our seniors have to make. Seniors saw their premiums go up and their drug prices go up. People living on fixed incomes cannot afford these increases.

The big drug companies are the big winners under the prescription drug plan. They are getting a great deal, but the seniors are getting a bad deal, a raw deal. The drug companies' profits increased over $8 billion in the first 6 months of the prescription drug plan, $8 billion, while our seniors and taxpayers pay the bill. It is wrong and it is unnecessary; and today it is our duty, our obligation and a mandate to change that and bring down drug prices.

It is common sense to negotiate with drug companies to get lower drug prices. It is very simple. It is not that difficult. The VA does it and HHS has already done it too.

It is our duty to our seniors and to the taxpayers to lower drug prices. To do anything less is unfair to our seniors and a waste of money and a gift to the drug companies.

Mr. CAMP of Michigan. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Iowa (Mr. LATHAM).

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

Mr. LATHAM. Mr. Speaker, I rise in strong opposition to H.R. 4.

Mr. Speaker, I rise in strong opposition to H.R. 4, a misguided policy that threatens to destroy the positive benefits provided to seniors through Medicare Part D. Arguments in support of this bill completely ignore the fact that under Medicare Part D, drug plans currently negotiate with drug companies to offer lower prices and better benefits for seniors. Due to strong competition among drug plans, the average Part D premium is now 42 percent less than originally projected. CMS actuaries recently announced that in 2008, Part D will cost taxpayers 10 percent less than it did this year. That will be 30 percent less than originally anticipated. In addition, most beneficiaries are satisfied with Part D. National surveys place beneficiary satisfaction at approximately 80 percent or higher.

According to the Congressional Budget Office, there are no projected cost savings associated with H.R. 4. This is because the only way to squeeze any more savings out of the current system is to limit formularies and steer patients to certain preferred drugs on a nationwide basis, as the VA does. With H.R. 4 in place, this would be a fairly easy step to take in the future. However, the VA model is not one we should follow. While 38 percent of the drugs approved by the FDA during the 1990s are on the VA formulary, it includes only 19 percent of drugs approved since 2000. One million of the 3.8 million Medicare age veterans in the VA health system have signed up for the Medicare Part D benefit because VA coverage is not adequate.

In the U.S., 43 million Medicare recipients account for 40 percent of all drug spending. With this kind of market share, Federal Government "negotiation" is in reality price setting. In the past, Democrats as well as Republicans have rejected federal price setting for Medicare drugs.

Noninterference clauses were included in past Democrat sponsored drug benefit legislation, including President Clinton's 1999 Medicare reform proposal, and two prescription drug bills offered by House Democrats in 2000.

It is important to point out the Federal Employees Health Benefits Program, routinely cited as a model for its quality and efficiency, relies on private health plans to negotiate drug prices on behalf of federal employees and Members of Congress. If federal price setting is not good for us, then it is not good for Medicare beneficiaries.

Mr. Speaker, the bottom line here is that having competing drug plans negotiate drug prices—rather than the federal bureaucracy—is the best way to administer the Medicare drug benefit. The current system has been extremely successful in keeping costs low. Diverse formularies and cost sharing arrangements allow seniors to choose the plan that meets their needs at the lowest possible cost.

I urge my colleagues to reject the ill-advised and misguided policy proposed by House Democrats and vote "no" on H.R. 4.

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

Mr. STARK. Mr. Speaker, at this time I am happy to yield 1½ minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

The Medicare prescription drug program was controversial from the start in part because of the notorious way it was strong armed through the House in the middle of the night after holding the voting machines opened for hours. Our new rules will prevent that.

Part of the controversy was the huge cost of a new unfunded entitlement with generous, probably unnecessary, subsidies and a prohibition on bargaining for a better price.

This better price is important because total drug costs for seniors, premiums and drugs, are going up. A review of drug company balance sheets where advertising and profit dwarfs basic research shows room to lower prices without undue stress on their research budget or their profit.

Competition and bargaining power combined with the Secretary's bully pulpit can probably save billions of dollars for seniors, hundreds, perhaps thousands, for individuals because these costs, remember, for most seniors are still going up.

Our action today is just a first step, a signal and a tool. The program is not set in stone. We are committed to the best treatment for our seniors and all taxpayers. This is a tool for the administration that, if they will use it, can save money and improve the program. It is a start on a longer and critical process to provide cost-effective quality health care for our seniors and ultimately for all Americans.

Mr. STARK. Mr. Speaker, at this time I am delighted to yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I am astonished today. It is only government interference when the little guy gets some help from the government. It is not government interference when corporations get subsidies and royalties from taxpayers. That is a different story. Well, it is a different story after November 7.

This legislation will require the Secretary of Health and Human Services to negotiate lower drug prices on behalf of those who enroll in the Medicare prescription drug plans. The current Medicare prescription drug law explicitly prohibits the Secretary from using the market power. The former Secretary wished he had it, under the Bush administration, this power for the 43 million beneficiaries. This power is splintered now among numerous private plans, and we have headed down the slippery slope of privatization of what were guaranteed benefits at one time.

The prices charged by Medicare plans are rising more than twice the rate of overall inflation, and many beneficiaries are seeing substantial premium increases, some as much as sixfold.

During the first 6 months of the program, the price for brand-name drugs rose 6.3 percent. For an average senior who relies on four drugs a day, this translates into an increase of 30 percent in prescription drug therapy for 1 year.

The simple fact is that part D is doing nothing to truly control the high cost of prescription drugs. In the past year, the average price of 20 top-selling prescription drugs rose 3.8 percent. Following suit, the average private plan price increased 3.7 percent. That means even with part D, Medicare beneficiaries still foot the entire bill for escalating drug prices.

Mr. STARK. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentlewoman from Nevada (Ms. BERKLEY), who agrees with the American Nurses Association that the direct negotiation authority in this bill is a commonsense means of improving access to needed prescription medications.

Ms. BERKLEY. Mr. Speaker, I represent the fastest growing senior population in the United States. Many of the seniors that I represent have no other income than their Social Security check. Many need multiple medications. Many cannot afford the medications that they need.

It never made any sense to me that we had a Medicare system that enabled seniors to go to a doctor but, when the doctor prescribed the medication that they needed, many seniors were unable to afford the medication that the doctor prescribed. So I was a great advocate for a prescription medication benefit for older Americans.

The Republicans' prescription medication so-called benefit that was passed at 6 o'clock in the morning as we sat here or stood here watching in horror as arms were twisted and threats were made on the other side of the aisle in order to garner enough votes to pass this dog of a piece of legislation, it has never benefited enough seniors that were in desperate need of affordable medication. So if it didn't benefit our seniors, whom did this legislation benefit? It benefited the pharmaceutical industry.

The bill that was passed was so bad that it is hard to point out the worst part of it. But if I were a betting woman, and coming from Vegas I am a betting woman, I would say that the worst, the absolute worst, section was the one that prohibits our government from negotiating with drug companies for lower drug prices for our seniors. It doesn't take a genius to know that allowing the government to negotiate drug prices will lower the cost. It is common sense. The VA has been negotiating for years, and it saves our veterans millions of dollars.

We should be encouraging our government to negotiate lower prices instead of allowing our drug companies to increase the costs.

Mr. CAMP of Michigan. Mr. Speaker, at this time I yield 2 minutes to a distinguished member of the Ways and Means Committee and the Health Subcommittee, the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, for all the efforts of the proponents of H.R. 4 to confuse this issue, it truly is a simple one, basically a choice between hot-air promises and real-life facts.

Today, some people are claiming we need government negotiation in order to increase the pool of Medicare beneficiaries trying to buy affordable drugs. Well, unfortunately, that math just doesn't add up. The pharmacy benefit managers negotiating drug prices on behalf of seniors enrolled in part D are the very same PBMs going to bat for tens of millions of the under-65 population, including those of us enrolled in the Federal Employee Health Benefit Plan. So if we took the Medicare population out from under that huge umbrella, they actually lose bargaining power, not gain it.

Another claim that is being made is that the Secretary will not have to limit the formulary in order to achieve promised savings. Mr. Speaker, if you believe that, I have got some ocean-front property in Arizona I would like to sell you.

Let us take a look at the VA plan as an example since it is being touted as a stellar illustration of government negotiating. The VA formulary has 1,300 drugs compared to more than 4,000 for Medicare.

And all the Medicare plans protect drugs for the most vulnerable, including drugs that treat cancer, AIDS, and mental illness. That is why H.R. 4 is opposed by the National Alliance on Mental Illness, the ALS Association, and others.

Finally, some are saying this bill will provide outstanding savings. Not to let the facts get in the way of a good story, but our own Congressional Budget Office says the effects of this bill will not save money.

Drug prices have fallen every year of part D's existence because of one thing: competition. And it is working great. As we say in Texas, ''If it ain't broke, don't fix it.''

This debate boils down to a choice between government promises and free market results. I urge Members to vote against H.R. 4.

Mrs. EMERSON. Mr. Speaker, I yield myself 15 seconds.

I would simply say that it is important for my colleagues to know that the same pharmacy benefit managers whom we have entrusted to negotiate the price of our own seniors' drugs are now being investigated in over 25 States for questionable business practices.

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

Mr. STARK. Mr. Speaker, I am happy to yield 1½ minutes to the distinguished gentleman from Wisconsin (Mr. KIND), who agrees with the National Senior Citizens Law Center that H.R. 4 is an important step toward making the prescription drug benefit simpler, more affordable, and reliable.

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

Mr. KIND. Mr. Speaker, I thank my good friend and colleague for yielding to me and commend him on his leadership on this issue.

Mr. Speaker, let us be clear on what we are trying to do here today. We are trying to help you. We are trying to help find some cost savings on what was the largest expansion of entitlement spending in the last 40 years that was passed under your rule, with no ability to pay for it, all deficit financing, no cost-containment measures.

All we are saying here today with H.R. 4 is let us give the Secretary of Health and Human Services the ability to go out and negotiate a better deal for the American taxpayer. And I, for the life of me, don't understand why any Secretary, with all due respect to Secretary Leavitt's article in the papers yesterday, would not want to have this negotiating authority in their arsenal. In fact, the last outgoing Secretary of Health and Human Services, Tommy Thompson, during a moment of unguarded candor, said after his resignation that the one thing that he regretted while serving as Secretary of Health and Human Services was ''I would have liked to have had the opportunity to negotiate.'' And he based that on his success in negotiating better prices for Cipro and FluMist.

The VA system is already negotiating better prices. It is working well. No one in this Congress is proposing any change or repeal with the VA system. And except for the administration's penchant for no-bid contracts, there is no other product or service in this country where we specifically prohibit the Federal Government from going out and negotiating a better price for the American taxpayer. We can change that today with passage of H.R. 4.

Let's give it a shot. Let us give the Secretary of Health and Human Services the discretion to negotiate better prices for our consumers.

In Wisconsin, there currently exist several programs that allow the state to negotiate with pharmaceutical companies for lower drug costs. For instance, Badger Rx Gold is a public-private sector partnership between the State and Navitus Health Solution that on average saves participants 23 percent on prescriptions. SeniorCare is another program that has successfully negotiated lower drug costs for seniors in Wisconsin. Since enrollment in Medicare Part D began in May of 2006, there has been an increase in the number of participants in SeniorCare from 85,000 to over 110,000.

According to an analysis by AARP Wisconsin, more than 94 percent of SeniorCare participants are better off under SeniorCare than they would be under Medicare Part D because the co-payments are lower and the coverage is more comprehensive. Therefore, it is critical that the Secretary of Health and Human Services also have the authority to negotiate for lower drug costs so all seniors in our country can benefit.

Mr. Speaker, having clearly seen the success of negotiating lower drug costs at both the state and federal level, I enthusiastically support the legislation before us today, and I urge my colleagues to support H.R. 4.

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

Mr. STARK. Mr. Speaker, I am delighted to yield at this point 1½ minutes to one of the authors of the bill, the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, I thank the gentleman from California for yielding.

I am a proud sponsor of this bill. My interest in this bill is both professional and personal. I have worked in senior centers for years and watched seniors struggle with insurance companies and pharmaceutical companies. And then I watched my father struggle, through three major illnesses, with insurance companies and pharmaceutical companies. My father would have been delighted to have somebody come from the Federal Government and say, I am here to help you, because my father needed that help, and so do all the other seniors in this country. And do not believe for a moment that things are better now, because my mother also receives prescription drugs and struggles with the cost and worries about what is happening to the money that she has left.

□ 1245

I urge my colleagues to please support this bill. It is a beginning. It is the voice of the people, the voice of the taxpayers.

Who sits at the table right now with the insurance companies and the pharmaceutical companies while they negotiate? We don't. The taxpayer cannot sit at the table. But if my colleagues pass this bill, the American taxpayer, the seniors and all those who require these drugs will finally be represented.

Mr. CAMP of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, the distinguished member of the Ways and Means Committee, Mr. BRADY.

Mr. BRADY of Texas. Mr. Speaker, I am a member of the Ways and Means Committee, proud to have helped create the Medicare prescription plan; it is really helping a lot of our seniors in Texas, especially those who are very poor and have some of the most expensive illnesses.

I think we can do more to improve the Medicare prescription drug plan, we ought to work better together; but I oppose directing the Federal Government to interfere with the successful Medicare prescription drug plan.

If you look closely, this is a senior scam. I am warning my mom, who is on Medicare, that this is just another senior scam. It sounds fantastic, but when

you read the fine print, you realize the only savings you get is, if you just restrict the drugs that she can get, you limit where she can go to get them, and every expert says this won't save a dime. Sure, I can save everyone in this room costs on their medicines. I am just going to, like the VA does, I will tell you, you can't have those medicines and you can't get them where you need them.

Our seniors, my mom has a choice of 4,000 drugs, if she was in the VA, she would get a choice of a thousand, most of them generics. Now she has 55,000 pharmacies, hopefully she won't go to all of them; with VA, she would get to go to 300 of them. If she tried to find the drugs she needs, a one out of four chance she would find the one she really needs.

The truth of the matter is that we ought to be working together to help improve Medicare. We ought not be trying to score political points. We ought to be helping seniors lower their drug costs.

This is a scam; and I predict it will not ever become law because this scores political points rather than helping seniors with their medicines. Let's find a way we really can work together for our seniors.

Mr. STARK. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Connecticut (Mr. MURPHY), who concurs with Consumers Union that government-priced negotiations on behalf of consumers could cut pharmaceutical drug prices roughly in half.

Mr. MURPHY of Connecticut. I thank my good friend from California.

Mr. Speaker, I rise today in support of H.R. 4.

The average guy out there doesn't ordinarily pay much attention to the minute details of Federal prescription drug law. You have to screw up pretty bad to create a grassroots movement centered around a one-line sentence buried deep in the depths of the Medicare Act, but that is exactly what happened here.

For those of us who are coming here anew, we have spent the last 2 years talking to our seniors and our taxpayers about the horrors of this bill. As the cost of this program skyrocketed, as premiums increased, as the donut hole expanded, seniors suffered and drug companies prospered.

And guess what? The American people started to notice that little sentence buried deep in that Medicare Act that seemed so out of place and so unnecessary.

My presence here today is a living example of this popular discontent which those on the other side of the aisle seem so eager to ignore. And even if this bill doesn't fix that Medicare drug program overnight, it is an unmistakable signal to the people that I represent back home that this House is no longer a place where industry can profit off of a desperately needed social program; it is a place now where common sense comes first.

Mr. STARK. Mr. Speaker, I am delighted to yield 1 minute to the distinguished gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, it is with great honor that I stand as a co-sponsor of this bill that is sponsored by Chairman DINGELL, Chairman RANGEL and others.

One of the major issues I heard during my campaign from seniors was how much it cost them to buy drugs and how it is essential for their life and well being.

This weekend we will be celebrating, on Monday, the birthday of Dr. Martin Luther King, observing his birthday. Dr. King knew there was economic and social justice, both. Dr. King said equality means dignity, and dignity means that you can afford some health care, and you don't have to spend every penny on the utility bill and on drug prices and you run out of money.

WWMLK, what would Martin Luther King do today? He would vote for this bill. I ask everybody else to do it in honor of Dr. King.

Mr. STARK. Mr. Speaker, I am delighted to yield 1½ minutes to the distinguished member of our Ways and Means committee, the gentleman from New York (Mr. CROWLEY), who agrees with Families USA, the national voice of health care consumers, that H.R. 4 is an important first step in improving part D.

Mr. CROWLEY. I thank my friend from California for yielding such time.

Mr. Speaker, I rise in strong support of H.R. 4, bipartisan legislation that will correct a glaring flaw in the prescription drug law.

This commonsense bill will require the Federal Government to negotiate for lower drug prices for American seniors and people with disabilities in the Medicare program.

It sounds like common sense, right? But the Republicans actually wrote into law language explicitly prohibiting the government from negotiating for lower prices for American seniors. Instead of using the bully pulpit of the Secretary of Health and Human Services to lower costs, they put a muzzle on him, banning any negotiations.

There has never been legislation passed in law prior to that that strictly prohibits any agency from negotiating. From war planes to medical equipment, the Federal Government has always been able to negotiate.

Furthermore, 85 percent of respondents in a recent Kaiser Family poll support legislation to allow the government to negotiate lower drug prices.

The ability to require the Secretary of Health and Human Services to negotiate the cost of prescription drugs purchased through the Medicare program has the potential to constitute a tremendous savings for recipients, and therefore for all taxpayers.

I am pleased that within the first 100 hours of Democratic control of Congress, we are moving to help alleviate the high price of prescription drugs on our seniors.

America is going in a new direction, and that direction is forward.

Mr. CAMP of Michigan. Mr. Speaker, I would like to place into the RECORD four letters, from the American Legion, the Lou Gehrig's Association, the National Alliance on Mental Illness and the American Autoimmune Association, all opposed to H.R. 4, concerned about its effect on the prescription drug benefit for seniors.

THE AMERICAN LEGION,
Washington, DC, January 11, 2007.

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

DEAR SPEAKER PELOSI: The American Legion urges you and your colleagues to reevaluate the ''noninterference'' provision of Chairman Dingell's proposed legislation, H.R. 4, The Medicare Prescription Drug Price Negotiation Act of 2007. It would amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries.

Each time the Federal government has enacted pharmaceutical price control legislation, the Department of Veterans Affairs (VA) has experienced significant increases in its pharmaceutical costs as an unintended consequence. A fundamental principle in the price negotiation process so that the ''lowest price'' establishes the baseline. By simply raising the baseline, it sustains or possibly increases the corporate bottom line based on the projected increased volume in sales. An increased baseline minimizes the margin in future price negotiations.

The American Legion strongly urges you and your colleagues to seriously consider the collateral damage that would result from listing the current ''noninterference'' provision in section 2 of H.R. 4 on VA's formulary and the Federal Supply Schedule. This ''noninterference'' provision is not in the best interest of America's veterans and their families. VA is a health care provider, whereas Medicare is a health insurer. Any possible Medicare savings would likely result in a reciprocal cost to VA.

Sincerely,

PAUL A. MORIN,
National Commander.

THE AMYOTROPHIC
LATERAL SCLEROSIS ASSOCIATION,
Washington, DC, January 4, 2007.

DEAR MEMBER OF CONGRESS: I am writing on behalf of The ALS Association to express our strong opposition to legislation that would eliminate the noninterference provision of the Medicare Modernization Act (MMA). Legislation that authorizes the federal government to negotiate Medicare prescription drug prices will significantly limit the ability of people with ALS to access the drugs they need and will seriously jeopardize the future development of treatments for the disease—a disease that is always fatal and for which there currently are no effective treatment options.

The ALS Association is the only national voluntary health organization dedicated solely to finding a treatment and cure for amyotrophic lateral sclerosis (ALS). More commonly known as Lou Gehrig's disease, ALS is a progressive neurodegenerative disease that erodes a person's ability to control muscle movement. As the disease advances, people lose the ability to walk, move their arms, talk and even breathe, yet their minds remain sharp; aware of the limitations ALS has imposed on their lives, but powerless to

do anything about it. They become trapped inside a body they no longer can control.

There is no cure for ALS. In fact, it is fatal within an average of two to five years from the time of diagnosis. Moreover, there currently is only one drug available to treat the disease. Unfortunately, that drug, Rilutek, originally approved by the FDA in 1995 has shown only limited effects, prolonging life in some patients by just a few months.

The hopes of people with ALS—those living today and those yet to be diagnosed—are that medical science will develop and make available new treatments for the disease; treatments that will improve and save their lives.

However, The ALS Association is deeply concerned that the elimination of the MMA's noninterference provision will dampen these hopes and will result in unintended consequences for the thousands of Americans fighting this horrific disease. The potential impacts are significant and include:

LIMITS ON INNOVATION

While reducing the cost of prescription drugs is an important goal, it should not be done at the expense of innovation. Unfortunately, eliminating the MMA's noninterference provision will limit the resources available to develop new breakthrough medicines. This is especially troubling for a disease like ALS, for the development of new drugs offers patients their best, and likely only, hope for an effective treatment.

Additionally, by establishing price controls, Congress will undermine the incentives it has established to encourage drug development in orphan diseases, like ALS. As resources available for research and development become more scarce, there will be even less incentive to invest in orphan drug development.

LIMITS ON ACCESS

The elimination of the noninterference provision will have particularly cruel consequences for people with ALS. It means that even if a new drug is developed to treat ALS, many patients likely will not have access to it. That's because price controls can limit access to the latest technologies. Proponents of government negotiated prices cite the Department of Veterans Affairs as a model for how the government should negotiate prices for Medicare prescription drugs. Yet under that system, patients do not have access to many of the latest breakthrough treatments. For example, two of the most recently developed drugs to treat Parkinson's and Multiple Sclerosis, neurological diseases like ALS, are not covered by the VA due to the government negotiated price. Ironically, those drugs currently are covered by Medicare Part D.

Given this scenario, we are deeply concerned that any new drug that is developed for ALS will not be available to the vast majority of patients who need it. Instead they either will be forced to forgo treatment, or only will have access to less effective treatment options—ones that may add a few months to their lives, but not ones that will add years or even save their lives.

PEOPLE WITH ALS RELY ON MEDICARE

A significant percentage of people with ALS rely on Medicare, and the newly established prescription drug benefit, to obtain their health and prescription coverage. In fact Congress recognized the importance of Medicare coverage for people with ALS by passing legislation to eliminate the 24-month Medicare waiting period for people disabled with the disease. This law helps to ensure patients have timely access to the health care they need. With the establishment of the Part D benefit, Congress also has now helped to ensure that people with ALS have access to coverage for vital prescription drugs.

Yet this improved access is threatened by short-sighted and inappropriately cost driven efforts to remove the noninterference provision. If Congress makes this change, they will undo what the MMA sought to ensure: access to needed prescription drugs.

While the ALS Association appreciates attempts to improve access to affordable prescription drugs, we believe that Congress must consider the implications of its actions on coverage, access and the advancement of medical science. We fear that in an effort to control costs, Congress may limit treatment options, discourage innovation, and extinguish the hopes of thousands of Americans whose lives have been touched by ALS and who are fighting to find a treatment and cure. On behalf of your constituents living with Lou Gehrig's disease, we urge you to oppose legislation to eliminate the noninterference provisions of the Medicare Modernization Act.

Sincerely,

STEVE GIBSON,
Vice President,
Government Relations and Public Affairs.

NATIONAL ALLIANCE ON MENTAL ILLNESS,
Arlington, VA, January 9, 2007.

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

DEAR SPEAKER PELOSI: On behalf of the 210,000 members and 1,200 affiliates of the National Alliance on Mental Illness (NAMI), I am writing to express concerns regarding H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. As the nation's largest organization representing individuals with severe mental illnesses and their families, NAMI is concerned about the potential impact of H.R. 4, and repeal of the so-called ''non-interference'' provision in the Medicare drug benefit, on critical access protections for the most vulnerable Medicare beneficiaries living with severe mental illness.

As you know, the ''non-interference'' protection was a part of numerous legislative proposals for extending a prescription drug benefit in Medicare going back nearly a decade. Legislative proposals that were put forward by members of Congress on both sides of the aisle, and by both the Clinton and Bush Administrations, included this restriction on the Secretary negotiating a single price and formulary structure given the diverse treatment needs of the Medicare population. In NAMI's view, this restriction is an important part of ensuring that beneficiaries can work with their doctors to access the treatment that works best for them. While NAMI strongly supports the shared goal of making prescription drug coverage affordable for all Medicare beneficiaries, we also want to ensure that this is properly balanced against the need to ensure broad access to all covered Part D drugs—especially for the most vulnerable beneficiaries.

NAMI would like to offer the following concerns regarding H.R. 4 and its potential impact on the Medicare Part D benefit for individuals living with severe mental illness.

(1) H.R. 4 and its Mandated Negotiation Requirement Jeopardize the CMS Formulary Guidance Allowing for Broad Coverage of Psychiatric Medications in Medicare

For the 2006 and 2007 plan years, CMS has put in place guidance to all Part D Prescription Drug Plans (PDPs) and Medicare Advantage (MA) plans requiring coverage of ''all or substantially all'' of the medications in 6 protected classes: anti-neoplastics, immunosupressants, antiretrovirals, anti-convulsants, anti-depressants and anti-psychotics. Of these 6 protected classes, 3 are essential to effective treatments for mental illness: anti-convulsants (commonly prescribed as mood stabilizers for bipolar disorder), anti-depressants (commonly prescribed to treat major depression) and anti-psychotics (prescribed for both schizophrenia and bipolar disorder).

CMS put this ''all or substantially all'' coverage requirement in place on top of the basic statutory provision in the MMA for 2 drugs per class. The separation of these 6 drug classes is based on the reality that the medications in these categories are not clinically interchangeable and that a limit in formularies of only 2 drugs would pose a dangerous risk to the most vulnerable and medically fragile Medicare beneficiaries.

It is important to note that this requirement for ''all or substantially all'' coverage is NOT delineated in Section 1860D4(b)(3), the statutory requirements for formularies. As a result, this guidance is not part of the Part D regulations. Instead, it is ''sub-regulatory'' guidance given annually to PDPs and MA plans and must be renewed each year. As such, its existence is subject to the discretion of the Secretary and would certainly be displaced by any mandate imposed by Congress to negotiate directly with manufacturers on price.

Further, it is almost certain that the Secretary's ability to demand ''discounts, rebates or price concessions'' as required in H.R. 4 would be undermined by maintaining this guidance (i.e., the Secretary would have little or no leverage to demand discounts or rebates). NAMI is extremely concerned that placing this new legal mandate on the Secretary would directly result in loss of the ''all or substantially all'' guidance in the 6 protected classes, and therefore poses a significant risk to Medicare beneficiaries with mental illness.

(2) The Formulary Protections in H.R. 4 are Vague and Could Allow Imposition of a Single Preferred Drug List (PDL) for all Part D Plans as in Medicaid.

Currently under Medicaid, most states include their pharmacy benefit a requirement for physicians to prescribe off a limited PDL. This PDL is typically distinct from a larger formulary that includes a broader list of available medications. Medications on this preferred list are typically chosen on the basis of manufacturers who are willing to pay higher supplemental rebates (deeper discounts) to the state—NOT on the basis of clinical superiority. For years, NAMI has been concerned about the proliferation of such policies in Medicaid and we fought to create and maintain exemptions from these PDLs for medications to treat mental illness.

NAMI is extremely concerned that the language in H.R. 4 that is intended to prevent a single national formulary in Part D (page 2, lines 19–22) would still allow the Secretary to establish a national PDL for all Part D plans. The rule of construction in the bill speaks only to ''a particular formulary,'' not a PDL. Further, the second rule of construction (page 2, line 23) appears to merely restate the existing formulary standards in Section 1860D4(b)(3). If mandatory price negotiation by the Secretary were to follow the pattern established in Medicaid, use of a national PDL is likely a tool that HHS would be forced to employ—and the language in H.R. 4 would not prevent it.

(3) The Experience of the VA and Medicaid Raise Concerns About Direct Government Negotiation and its Impact on Access.

Advocates for repeal of the ''non-interference'' protection cite both the Department of Veterans' Affairs and Medicaid as examples of how the government has used negotiation to deliver deep discounts from manufacturers. At the same time, both Medicaid and the VA have also placed significant

restrictions on access for individuals with mental illness. For example, as noted above PDLs are prevalent across state Medicaid agencies—any of which limit the choice of available anti-psychotics to as few as 2 medications.

Further, in recent years, Medicaid programs have been increasingly relying on step therapy and ''fail first'' requirements. Likewise, the VA's single national formulary completely excludes a number of anti-depressants that now included in all Part D formularies. Finally, the VA imposes a policy that permits individual VISN clinical directors to require a veteran with a mental illness prescribed an anti-psychotic to first go on one of the older 1st generation ''typical'' agents before being able to access a second generation ''atypical'' agent. NAMI is certainly troubled by references to both Medicaid and VA as viable alternative models to the current Part D program.

Conclusion.

NAMI understands that H.R. 4 is being brought to the full House without the benefit of hearings in the Energy & Commerce and Ways & Means Committees where the impact of repeal of the ''noninterference'' protection on access to medications for the most vulnerable Medicare beneficiaries could be explored in greater detail. Likewise, repeal of the ''non-interference'' clause was never voted on by the House in the 109th Congress. NAMI will certainly press the issues related to patient access when H.R. 4 reaches the Senate.

NAMI shares the goal of all House members to ensure that the Part D program reaches its full potential of meaningful and comprehensive prescription drug coverage. There are a range of legislative changes to Part D that are needed to make the program work better for beneficiaries living with mental illness including codifying the status of the 6 protected therapeutic classes, allowing coverage of benzodiazepines, exempting certain non-institutionalized dual eligibles from cost sharing, repealing the asset test for the Low-Income Subsidy (LIS) and permitting private prescription assistance programs to provide free medications in the ''doughnut hole'' coverage gap. NAMI looks forward to working with you and your colleagues to move these needed reforms forward in 2007.

Sincerely,

MICHAEL J. FITZPATRICK,
Executive Director.

AMERICAN AUTOIMMUNE
RELATED DISEASES ASSOCIATION, INC.,
East Detroit, MI, January 9, 2007.

Hon. JOHN D. DINGELL,
House of Representatives
Washington, DC.

DEAR CHAIRMAN DINGELL: My letter to you today is to urge you to support the Medicare/Medicaid prescription drug benefit as established by the Medicare Modernization Act of 2003 (MMS) and to oppose efforts to repeal the non-interference provision. All of our feedback from patients is that the current program is working well and that they are satisfied. I am deeply concerned that efforts to give the government responsibility for negotiating drug prices will ultimately lead to a loss of choice and access for patients with serious, disabling autoimmune diseases.

The American Autoimmune Related Diseases Association (AARDA) is the only national organization dedicated to addressing the problem of autoimmunity—the major cause of chronic illness. AARDA is dedicated to the eradication of autoimmune diseases and the alleviation of suffering and the socioeconomic impact of autoimmunity through fostering and facilitating collaboration in the areas of education, research, and patient services in an effective, ethical and efficient manner.

As a group, Medicare/Medicaid beneficiaries are particularly vulnerable to the devastating personal and financial effects of autoimmune diseases. Disabling autoimmune diseases can significantly diminish the quality of life and it can entail thousands and thousands of dollars in treatment costs over the course of the illness. For most autoimmune disease sufferers, prescription drugs are the chief and best source of treatment, particularly as newer medications, such as monoclonal antibodies, have been developed that not only work better, but can inhibit the progression of diseases such as rheumatoid arthritis.

The Medicare/Medicaid prescription drug benefit has been a godsend for thousands of disabled persons struggling with autoimmune-related chronic illnesses. For the first time, they are able to achieve substantial savings on their treatment costs. Even with the so-called ''doughnut hole,'' beneficiaries are saving an average of $1,200 per year.

Of even greater concern than the costs involved, however, is the likelihood that turning negotiations over to the government will reduce patient access to a wide variety of medications, particularly the newest and most effective medications. Autoimmune disease patients who were with the Veterans' Plan have opted-out because of the difficulties in obtaining the drugs they need.

The program currently provides Medicare/Medicaid beneficiaries with a choice of plans, enabling them to select the coverage that best meets their needs. For someone with a chronic autoimmune disease, access not just to medication, but to the right medication, is critical. Just as the same autoimmune disease will afflict each individual in a unique way, the same medication will have varying degrees of effectiveness for each patient. Two people with rheumatoid arthritis, multiple sclerosis, or lupus, for example, can take the same medication and have completely different experiences. That is one key reason the element of choice is such a crucial component of the Medicare/Medicaid prescription drug program: Beneficiaries are better assured they can select a plan that will cover medication they and their physician have determined is best for them—rather than being limited to the medications the government may decide to cover. Congress should not do anything that would undermine the success of the program and its benefits for seniors and disabled persons. I believe that repealing the noninterference provision would do just that.

I have seen firsthand the dramatic difference the Medicare/Medicaid prescription drug benefit is making in the lives of people with autoimmune diseases. This program is a bright example of a government effort that works, and works well. I again urge you to support, protect, and expand it, and oppose any measures (particularly government interference in price negotiations) that would limit its potential to help Medicare beneficiaries and improve their lives.

Thank you for taking the time to consider the concerns of AARDA and its members. I look forward to hearing from you regarding this issue.

Sincerely,

VIRGINIA T. LADD,
President and Executive Director.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER), a distinguished member of the Ways and Means Committee.

Mr. WELLER of Illinois. I thank the gentleman from Michigan for yielding me time.

Mr. Speaker, I rise today in opposition to H.R. 4. Clearly this legislation is a solution in search of a problem, an example of politics prevailing over good policy, and frankly one of my disappointments as a member of the Ways and Means Committee is it was a bill rushed to the floor without hearings and without action in the Ways and Means Committee. I believe that is a bipartisan concern for all of us today.

If you look at the record, the system set up in the Medicare Modernization Act used the power of competition, and it has been successful. Competition is working. Today, a senior's average monthly premium for their prescription drug plan is only $22 a month, down from $23 this past year. My own parents were expecting a $35 a month premium. Today they are enjoying that $22 a month premium and seeing real savings. I note that seniors across the board are seeing real savings. There are 23 drug plans in the district I represent that have a zero premium for low-income seniors. There are 34 drug plans in the district I represent with zero deductible. And on average, in the 11th Congressional District of Illinois, seniors are saving an average of $1,200 over their previous medicine expenses because of Medicare part D. It is working. At the same time, seniors have more choices. We have seen a 13 percent increase in the number of medications they have available, again because of Medicare part D. That is why 80 percent of seniors say they like Medicare part D. They like the plan they have. That is why so many are concerned about those who want to have the government interfere in the health of our seniors, who want to get the government into our medicine cabinets.

My Democrat friends claim that this legislation will repeat practices used by the Department of Veterans Affairs, but if you look at the record, not only is that approach harmful to Medicare beneficiaries, it has been harmful to our veterans. Every time Congress has enacted pharmaceutical price control legislation, the Veterans' Administration has experienced significant increases in its pharmaceutical costs. That is why groups like the Military Order of the Purple Heart and the American Legion have said H.R. 4 is not in the best interest of America's veterans and their families. That's right. Let's join our veterans' organization and vote ''no'' on H.R. 4.

Mr. STARK. Mr. Speaker, before recognizing the next speaker, I would like to concur with the remarks of the gentleman from Illinois. Many of us on this side of the aisle shared his concern with the rapidity with which we had to bring this to the floor. I want to commend both the ranking member and the chairman of the Ways and Means Committee as well as the ranking member of the Health Subcommittee for attempting to have as much time as we could for Members on both sides of the aisle to work on this bill before its coming to the floor today, but I do concur with his statement.

Having said that, I would like to recognize the gentleman from Connecticut (Mr. COURTNEY) for 1 minute.

Mr. COURTNEY. Mr. Speaker, in 1991, as chairman of the Connecticut House Human Services Committee, I brought out to the floor of the Connecticut Assembly legislation which created a manufacturer's rebate for the State's Medicaid and Connpace prescription drug programs that provide coverage to seniors. The rebate gave the State an 11 percent discount off the average wholesale price of medications purchased by Connecticut. At the time we heard all the same arguments in opposition that are being used today, that rebates were price controls, they stifle R&D, that the State would be left with a restrictive formulary denying needed medications for the elderly. We went ahead and passed that bill, and I can say with pride today that this measure has saved Connecticut taxpayers tens of millions of dollars yearly and resulted in no, I repeat no, harm to Connecticut's seniors or the State's pharmaceutical industry.

I point this history out not to pat myself on the back, although I am proud of that legislation, but rather to confirm that H.R. 4's plan for price negotiations is not just a theory but, rather, legislation that is grounded in real life, empirical, successful experience.

For those of us who have fought this battle at the State level, this debate is like Yogi Berra's ''deja vu all over again.'' For the fiscal health of Medicare and for the physical health of our seniors, let's vote for H.R. 4.

Mr. CAMP of Michigan. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

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

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong opposition to this legislation which I would suggest is simply a politically motivated attempt by some to punish a vital, particularly American industry.

I come from a State that celebrates thousands of discoveries by pharmaceutical researchers for treatments and cures for debilitating illnesses such as heart disease, juvenile and adult diabetes, Alzheimer's, Parkinson's and HIV that really affects the lives of millions of men, women and children. I am very supportive of an industry that directly employs over 70,000 of our State's residents and nearly half a million Americans nationwide. They don't need to be punished nor have their lives, their livelihoods controlled by Big Brother.

This proposal will drive jobs out of my State and our Nation to Europe, the Pacific Rim, to China and India. Instead of protecting American ingenuity, this proposal will stifle innovation and be a death knell for profound medical research advances that were unthinkable a decade ago and which we now stand on the threshold of achieving.

Mr. Speaker, what is more important, the Medicare drug benefit is working. The best way to foster innovation, keep prices low and, most importantly, ensure seniors have access and choices for their medicines is through competition. Competition works.

Mr. Speaker, I rise in strong opposition to this legislation, which I would suggest, is simply a politically motivated effort by the Some to punish a vital, particularly American industry.

Coming from a State that celebrates thousands of discoveries by pharmaceutical researchers for treatments and cures for debilitating illnesses such as heart disease, juvenile and adult diabetes, Alzheimer's, Parkinson's, and HIV that really affect the lives of millions of men, women, and children, I am very supportive of an industry that directly employs over 70,000 of our State's residents and nearly half a million Americans nationwide.

This legislation makes not only drug manufacturers, but also may I add, our local pharmacists and their drug dispensing fees, subject to government price controls, endangering the very research and development that makes my State the ''Medicine Chest'' of the world.

This proposal will drive jobs out of my State and our Nation to Europe, the Pacific Rim to India and China. Instead of protecting American ingenuity, this proposal will stifle innovation and be a death knell for profound medical research advances that were unthinkable a decade ago and which we now stand on threshold of achieving.

And, what is far more important, my colleagues, the Medicare Drug benefit is working. Nearly 20 million seniors who previously had no coverage at all now have access to comprehensive prescription drug coverage. The average senior is saving $1,200 a year on their prescriptions and 9 milion low-income seniors pay nothing for drug coverage. Half a million seniors who never had coverage in New Jersey now have it.

For the past year, we have heard politically inspired promises from my Democratic colleagues that they would introduce legislation to close the Medicare ''donut hole'' for the few seniors who fall into it. To achieve this goal I have heard over and over again from my colleagues on the other side that the Veterans Administration system should serve as a national model for lowering prices. However, as most know, the VA decides which drugs patients receive. Patients do not have a choice and neither do their physicians.

I would then ask my colleagues to point to the provision in this legislation that sets aside funds to fill the donut hole for those seniors. However, no one can show me this provision because no such provision exists. Filling the donut hole carries a price tag of at least $450 billion and this bill will not produce anywhere close to that kind of savings.

Actuarial experts from both the Congressional Budget Office and outside, independent groups have stated that there is no ability to negotiate lower prices without the government approving and rejecting which drugs a physician can prescribe a patient.

Like Hugo Chavez in Venezuela, the new majority heads in the direction of nationalizing drug companies, establishing price controls, devaluing patents, and disemboweling critical research and development.

Mr. Speaker, the best way to foster innovation, keep prices low and ensure seniors have access and choices for their medicines is through competition. Competition works.

Mr. Speaker, I urge a ''no'' vote on this bill.

Mr. STARK. Mr. Speaker, I am delighted to recognize the distinguished gentleman from Illinois (Mr. HARE) for 1 minute and comment that, before joining us, he served for 24 years as Mr. Lane Evans' district director, a man who is known on both sides of the aisle for his support for veterans' issues.

Mr. HARE. I thank the gentleman for yielding.

Mr. Speaker, recently I was at a pharmacy in my district. A man in his late seventies went to the counter to pay for his prescription and found that he had hit the donut hole. The prescription was $350. The people that were there with him passed the hat, and we collected $350. It was enough to pay for 5 days of medication for this man. For him and for the countless other seniors in my district, I rise today in strong support of H.R. 4, the Medicare Prescription Drug Negotiation Act. H.R. 4 would require the Department of Health and Human Services to negotiate with pharmaceutical companies for lower drug prices for Medicare beneficiaries.

□ 1300

Estimates indicate that drug prices would go down by 35 percent by the year 2025, and lower prices would prevent millions of seniors from paying out of pocket for their medications.

Fighting for affordable health care is the reason that I ran for Congress, and I start that fight today by voting for H.R. 4.

Mr. CAMP of Michigan. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.R. 4, which would provide less choice and no savings. I think my friends on the other side of the aisle failed to mention some of the negative aspects of the veterans drug plan, which they are now highlighting as a model for government negotiation.

I know they haven't highlighted the fact that many widely used drugs, including Lipitor, the most widely used drug in America, isn't even available through the VA plan. I wonder if my friends on the other side of the aisle are prepared to tell their seniors why they can't get Lipitor.

Are they prepared to tell them they can't go to their local pharmacy, but have to go to a VA pharmacy, which could be hundreds of miles away, or they have to order their drugs through the mail? I wonder why one-third of the veterans have already moved to the part D plan.

Personally, I know my seniors would want to be able to choose a drug plan that gets them the best deal for the drugs they use. They don't want to be locked into a one-size-fits-all plan that

doesn't cover their drugs, especially since the CBO says it won't save them any money.

Mr. Speaker, I urge opposition to this bill.

Mr. Speaker, I rise in opposition to H.R. 4, which would provide less choice and no savings.

This morning, as I reviewed all of the letters of support and opposition on this bill, I was struck by the lack of patient group support for this legislation. I could not find a single letter from the American Cancer Society, any diabetes group, or the American Heart Association supporting government negotiation under Medicare Part D.

What I did find was a letter from the Alliance for the Mentally Ill of Greater Chicago, in opposition to the bill, which I think represents the views of all these groups.

It states, and I quote, "To date, government interventions in prescription medication pricing, at the federal and state levels, have resulted in policies restricting access to medications."

Mr. Speaker, I ask unanimous consent that the full text of this letter be included in the RECORD.

In addition, I think my friends on the other side of the aisle have failed to mention some of the negative aspects of the Veterans Drug Plan they are now highlighting as the model from government negotiation. I know they haven't highlighted the fact that many widely used drugs—including lipitor, the most used drug in America—aren't even available through the VA Plan. I wonder if my friends on the other side of the aisle are prepared to tell their seniors why they can't get their lipitor or why they need to fail on a less costly drug first. Are they prepared to tell them that they can't go to their local pharmacy or that they need to order their drugs through the mail?

Personally, I know my seniors want to be able to choose a drug plan that gets them the best deal on the drugs they use. They don't want to be locked into a one-size-fits-all plan that doesn't cover their drugs.

And then there is the other issue nobody on the other side of the aisle wants to talk about. According to the Congressional Budget Office, the legislation we are considering today won't save seniors any money and won't save the government any money. So why should seniors give up their drug coverage if it won't even save them money?

Mr. Speaker, I oppose this legislation because it threatens to limit the drug choices of America's seniors without saving them or the government any money. Currently, there are 54,575 seniors in my district that utilize the Medicare Part D program, and they save on average $1,200 a year. Costs to seniors are already less than originally projected and they are expected to fall further. Let's let the program continue to work.

Mr. STARK. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for the purpose of a unanimous consent request.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 4, the "Medicare Prescription Drug Negotiation Act of 2007," a bill that will require the government to negotiate for lower drug prices for Medicare beneficiaries and people with disabilities in the Medicare program.

Mr. Speaker, I would like to pay special tribute to my good friend, Chairman JOHN DINGELL, for his lifetime of devoted service to the cause of affordable health care for all Americans. I also thank the Democratic leadership, led by Speaker PELOSI, making affordable prescription drugs for Medicare beneficiaries a central issue in the last election, which saw the voters return the Democrats to the majority in this chamber for the first time in twelve years. Democrats promised to chart a new direction for America if given the chance to lead. Today, we take another giant step toward fulfilling that promise.

Mr. Speaker, under the current law, which was passed in the dead of night with little time for members of Congress to review the hundreds of pages of text involved in such a complex proposal and was written largely by and for the pharmaceutical industry, Medicare is explicitly prohibited from negotiating lower prices. It is past time for Congress to repeal this provision and put the needs of the American people before those of special interests.

Allowing the government to negotiate for lower prescription drug prices puts the interests and well-being of ordinary Americans first by making health care more affordable for Medicare beneficiaries, who include millions of our country's most vulnerable citizens, seniors and individuals with disabilities. Our seniors and individuals with disabilities should not be forced to choose between buying medications and paying for rent or food. Lower prescription drug prices could go a long way to eliminate this Hobbesian choice.

The ability to negotiate the cost of prescription drugs purchased through the Medicare program also will generate tremendous savings to the taxpayers. We have a duty to the taxpayers to get the best return on their hard-earned money, especially on costly pharmaceuticals for which the federal government facilitates purchases in such large quantities.

Drug prices under the Medicare prescription drug plan are more than 80 percent higher than prices negotiated by other agencies in the federal government and more than 60 percent higher than prices in Canada. In 2007, many beneficiaries in private drug plans will see their premiums increase by an average of ten percent, and some premiums will rise more than six-fold if they stay in the same plan.

We cannot afford to stay with the same faulty plan but must change direction to reflect the will of the American people. The American people overwhelmingly support having the Secretary of HHS negotiate for lower prescription drug prices on behalf of Medicare. The bill also has the support of a number of organizations including the AARP, the National Committee to Preserve Social Security and Medicare, the Consumer's Union, the AFL–CIO, and Families USA.

We have heard the voice of the American people and we must not ignore our duty to act in their best interests. Allowing the federal government to negotiate for lower drug prices for Medicare beneficiaries is merely a start to our fulfilling that duty.

Mr. Speaker, the Medicare Prescription Drug Negotiation Act of 2007, represents a win-win situation. Medicare beneficiaries will be able to obtain needed prescription drugs at prices they can afford and the taxpayers will get a greater return on their dollars by taking advantage of economies of scale. I urge all members to vote for H.R. 4, which will enable the federal government to negotiate for lower drug prices for Medicare beneficiaries.

Mr. STARK. Mr. Speaker, I am delighted to yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE), one of the cosponsors and coauthors of the bill.

Mr. ALTMIRE. Mr. Speaker, I rise today in strong support of this bill, which gives the HHS Secretary the ability to negotiate group discounts with drug companies.

I have to admit that I am amazed that we are even having this debate. How could anyone possibly oppose negotiating group discounts to reduce the cost of prescription drugs for Medicare beneficiaries? We already do it in the VA, and it has worked. Why not allow Medicare beneficiaries the same savings? I can't believe anyone would oppose such a measure. I find it absurd that Congress would prevent a Federal agency from exploring ways to reduce costs for seniors and save the American taxpayers money.

The truth is, Mr. Speaker, that this bill would lower the cost of prescription drugs for seniors and save money for the American taxpayers. I urge my colleagues to side with our Nation's Medicare beneficiaries and support this bill.

Mr. CAMP of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I rise with great concern. I rise with great concern about H.R. 4, which actually removes the negotiating process from the private sector and places it in the public sector. I rise with concern because H.R. 4 will not reduce prices. It will reduce choice. I also rise with concern because our current premiums are actually 42 percent lower than expected.

Mr. Speaker, the private sector is doing well in this, and I don't think we should tamper with that. Should one have to forfeit their personal choices to the lowest bidder?

As a representative of the great State of Nebraska, I rise in concern over H.R. 4. There are 208,040 Medicare prescription drug beneficiaries in the third district which I represent. Everyone wants to make sure that seniors get the prescription drugs they need at the lowest possible price. But, H.R. 4 will not reduce their prices, it will reduce their choices. The government should not be choosing one drug over others.

According to estimates by actuaries in the Congressional Budget Office and the Department of Health and Human Services, H.R. 4 would not provide substantial savings to the government or Medicare beneficiaries. The reality is that with market based principals governing Medicare Part D, premiums are actually 42 percent lower than expected levels.

I disagree with H.R. 4 in a fundamental philosophical way. H.R. 4 would have the government making decisions for consumers. The government would end up picking one drug over others.

I believe that doctors and patients should consult with each other on what medications will best address patients' needs.

I urge my colleagues to vote against H.R. 4. Constituents of Nebraska's Third District and throughout the United States deserve to have their doctor's choices of prescription medication protected. Should one have to forfeit their personal choices to the lowest bidder?

Mr. STARK. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE) for the purpose of a unanimous consent request.

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

Mr. ETHERIDGE. I thank the gentleman, Mr. Speaker, and I rise in support of H.R. 4.

Mr. Speaker, nearly 4 years ago, I voted against the legislation that created Medicare Part D when the then-Republican Majority passed it in the dead of night.

I rise today in support of H.R. 4 to correct one of its most fundamental flaws. H.R. 4 would simply remove the provision of law that prohibits the U.S. Secretary of Health and Human Services from negotiating the price of prescription drugs to lower costs for Medicare beneficiaries. I have never supported price fixing or rationing, and I am confident that this legislation is a good first step toward more comprehensive Medicare reform.

Mr. Speaker, many of my constituents work at America's pharmaceutical manufacturing companies, and I think it is important to take note of the many contributions these employers make to the betterment of our communities. Indeed, many of the biotechnology firms in North Carolina are among our best corporate citizens, providing employment opportunities, investing in America's health and well-being, growing the local tax base, providing essential services to our neediest constituents and giving back to our communities.

For example, GlaxoSmithKline offers the free GSK Orange Card savings program to help more than 175,000 low-income seniors to save 20 percent to 40 percent off the usual price for outpatient GSK medicines. A coalition of eight companies offers the free Together Rx Card to poor and uninsured Americans, which has helped more than 1.4 million seniors to save more than $600 million on their medicines. In addition, U.S. pharmaceutical companies annually invest billions of dollars in biotechnology research to develop medicines to treat and cure terrible diseases and relieve human suffering.

Mr. Speaker, I rise in support of H.R. 4 and call on this Congress to work with the private sector as we move forward to reform Medicare to lower prices for beneficiaries while providing vital health care products and services.

Mr. STARK. Mr. Speaker, I am honored to yield 1 minute to the gentlelady from Hawaii (Ms. HIRONO), a lady for whom I serve as an honorary district representative on the island of Lanai.

Ms. HIRONO. Mr. Speaker, I thank the gentleman for yielding this time.

Mr. Speaker, I rise today in strong support of H.R. 4. Talk about an all-American concept, using our purchasing power to lower our costs, something big companies do all the time. This is why I am so pleased that one of the first pieces of legislation before us will help our seniors, our kapuna, as we say in Hawaii, lower their prescription drug costs. I am proud to say that in 2002 Hawaii enacted a law creating a similar program to allow negotiating for lower prescription drug costs.

Thousands of American families spent countless hours studying the Medicare part D process. My family was one of those. I sat with my 82-year-old mother as we worked our way through the confusing plans. Unfortunately, many of the families' efforts were not rewarded with the desired outcome, affordable prescription drugs.

America can do better for our seniors. By giving Medicare negotiating authority, we will take an important step in the right direction. Mahalo.

Mr. CAMP of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, this is a hugely important issue. I know all Members are listening intently, and I hope the American public is listening. I want to remind them what a few of my colleagues on the other side of the aisle had to say.

One of their Members earlier in the debate basically said there was a philosophic, fundamental difference between them and us. They believe that government should control health care; we believe that the private sector should do it. Amen. The private sector should do it.

Another of their Members stood up and said he couldn't believe that the current Secretary of HHS doesn't want to have the requirement of negotiated price controls. Well, I will tell you why he doesn't, because he is not a typical bureaucrat. He believes, as Ronald Reagan believed, that you need to step out of the way; government needs to get out of our lives and not be in our medicine cabinet.

Finally, the gentlelady from Nevada said if she were a betting woman, she would bet that these price negotiations would lower the price even further. Well, I want to say to her that she is betting on the last 10 percent, Mr. Speaker. This is a wonderful program, it is working well, and she is about to hang an albatross around the neck of the program and hurt our needy seniors, including my mom.

Vote ''no'' on this piece of bad legislation.

Mr. STARK. Mr. Speaker, at this time I am delighted to yield 1 minute to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, there is something wrong when we have our seniors paying record high drug prices and drug companies reporting record profits. Our seniors deserve nothing less than access to affordable medicine, which they have earned through a lifetime of hard work. This legislation helps us achieve this by opening the door for the Secretary of the Department of Health and Human Services to negotiate lower drug prices.

Twenty-two million Americans would benefit from this proposal. Ninety-two percent of Americans support us providing this negotiating authority.

Mr. Speaker, let's be clear: This proposal is intricately linked to ethics reform. Last week we enacted historic changes, and now we are putting our seniors first and removing special interests from the picture.

The minority had a chance when they were in the majority to put forth a drug bill that helped seniors with the high cost of medicine. Instead, with backroom meetings, they choose to help the drug companies increase profits.

I am pleased as a cosponsor of this bill that we act today to help our seniors and keep our commitment to put their interests first.

Mr. CAMP of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I rise in opposition to H.R. 4, the Medicare part D Government Interference Plan, which is what the Democrats have today.

Mr. Speaker, our colleagues on the other side have made it very clear: They believe that price controls will beat what the marketplace has done, and yet the Congressional Budget Office has clearly said that is not true, there would be no savings.

What would their plan do, Mr. Speaker? They talk about the important part of what the VA does. Of over 3.8 million Medicare eligible beneficiaries enrolled in the VA, over 1 million have opted to participate in part D because it provides more flexibility and choice for the drugs that they want and they need.

Only 38 percent of the drugs that were approved by the FDA in the 1990s and only 19 percent since 2000 are available on the VA formulary. The Democrats want this for our seniors.

Mr. Speaker, I believe that doctors and patients should control the medicines that are available, and I think they should be available to every single senior. We want to make sure that continues. I oppose this bill.

Mr. STARK. Mr. Speaker, I am delighted to yield 1 minute to the gentleman from California (Mr. BACA), who agrees with the National Community Pharmacists that the non-interference clause has directly disadvantaged independent pharmacies throughout the implementation of part D.

Mr. BACA. Mr. Speaker, the rising cost of prescription drugs has become a serious problem for millions of our national seniors. Forty-three million are enrolled in Medicare. In fact, more than 20 percent of seniors in Medicare are minorities: 3.9 million are African Americans, 3.1 million are Latinos, and 1.7 million are other racial and ethnic minorities. Many of them are already

on fixed income. Many of these high prices are forcing them to choose between medicine and paying for their rent or doing without something else.

What Republicans pushed through in the Medicare drug program promised to bring the drug prices down. Yet they have gone up. Yet they plan to protect the rich drug companies' profits and do not go far enough to lower these expenses that are affecting a lot of our minorities. I know firsthand because I have experienced that.

It is clear that this legislation has failed to bring down the drug prices. Giving the Secretary the authority to bargain with the drug manufacturers will result in lower costs for 22 million Medicare enrollees in part D. I ask that we support H.R. 4. This is commonsense legislation.

Mr. CAMP of Michigan. Mr. Speaker, I would include in the RECORD a letter from the Congressional Budget Office saying that CBO estimates H.R. 4 would have a negligible effect on Federal spending.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 10, 2007.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: At the request of your staff, the Congressional Budget Office has reviewed H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007, as introduced on January 5, 2007. The bill would revise section 1860D–11(i) of the Social Security Act, which is commonly known as the ''noninterference provision'' because it prohibits the Secretary of Health and Human Services from participating in the negotiations between drug manufacturers, pharmacies, and sponsors of prescription drug plans (PDPs) involved in Part D of Medicare, or from requiring a particular formulary or price structure for covered Part D drugs.

H.R. 4 would require the Secretary to negotiate with drug manufacturers the prices that could be charged to PDPs for covered drugs. However, the bill would prohibit the Secretary from requiring a particular formulary and would allow PDPs to negotiate prices that are lower than those obtained by the Secretary. The bill would also require the Secretary to report to the Congress every six months on the results of his negotiations with drug manufacturers.

CBO estimates that H.R. 4 would have a negligible effect on federal spending because we anticipate that the Secretary would be unable to negotiate prices across the broad range of covered Part D drugs that are more favorable than those obtained by PDPs under current law. Since the legislation specifically directs the Secretary to negotiate only about the prices that could be charged to PDPs, and explicitly indicates that the Secretary would not have authority to negotiate about some other factors that may influence the prescription drug market, we assume that the negotiations would be limited solely to a discussion about the prices to be charged to PDPs. In that context, the Secretary's ability to influence the outcome of those negotiations would be limited. For example, without the authority to establish formulary, we believe that the Secretary would not be able to encourage the use of particular drugs by Part D beneficiaries, and as a result would lack the leverage to obtain significant discounts in his negotiations with drug manufacturers.

Instead, prices for covered Part D drugs would continue to be determined through negotiations between drug manufacturers and PDPs. Under current law, PDPs are allowed to establish formularies—subject to certain limits—and thus have some ability to direct demand to drugs produced by one manufacturer rather than another. The PDPs also bear substantial financial risk and therefore have strong incentives to negotiate price discounts in order to control their costs and offer coverage that attracts enrollees through features such as low premiums and cost-sharing requirements. Therefore, the PDPs have both the incentives and the tools to negotiate drug prices that the government, under the legislation, would not have. H.R. 4 would not alter that essential dynamic.

I hope this information is helpful to you. The CBO staff contacts for further information are Eric Rollins and Shinobu Suzuki.

Sincerely,

DONALD B. MARRON,
Acting Director.

Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, is the question to negotiate or not negotiate? Is that the question? No, that is not the question. The question is, will the government do the negotiating, or will the private companies do it. And what will the result be?

Well, we already know. We don't have to speculate. In Alabama, we have 17 companies that have negotiated and provide over 2,000 drugs to Alabamians under the present plan. Under the VA, they negotiate and they provide less than 1,300 drugs. We have all heard about Lipitor. Look at the drugs in Alabama that VA seniors cannot get. They are the most modern drugs, they are the cutting-edge drugs, they are the drugs that most seniors want.

CBO says it won't bring down the cost, but it might inhibit the delivery of new drugs. You need to read that before you vote.

The question is not about cost; the question is about choice. And I can tell you in Alabama, with the VA, the veterans don't have the choices our seniors have.

Mr. STARK. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentleman from Massachusetts (Mr. LYNCH).

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

Mr. LYNCH. Mr. Speaker, I rise in support of H.R. 4, to give seniors someone to negotiate on their behalf for lower-price drug prices.

We all know how in 2003, in the middle of the night, after twisting arms and making threats, Congress passed a flawed Medicare prescription drug bill. By actually forbidding the Medicare program to negotiate directly with drug companies to get the best price for seniors' prescriptions and save money, the Republican Congress simply put profits for the drug companies ahead of Medicare beneficiaries.

The medicare drug benefit actually is designed to ensure that pharmaceutical and insurance companies maximize their profits.

By prohibiting Medicare from directly negotiating drug prices with the pharmaceutical industry like the VA does, many drugs within Medicare are more than twice as high as the prices paid by the VA.

Since the industry is already making a profit at the price for which it sells drugs to the VA, the higher price paid in Medicare is pure profit for the drug industry.

That's why I encourage my colleagues to join me in supporting the Medicare Prescription Drug Price Negotiation Act.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentlelady from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise in support of H.R. 4.

Three years ago, during the debate on the Medicare Modernization Act, I stood on this floor and told my colleagues that we can do better, that we can do better with a bill for our seniors; and today's vote will bring us one step closer to providing seniors with affordable and reliable prescription drug coverage by allowing the Health Secretary to negotiate drug prices.

As we move forward with H.R. 4, we can and we will safeguard future innovation and support lifesaving therapies befitting the 21st century.

□ 1315

Representing a district with a vibrant biotech community, I applaud the leadership's effort to ensure that our seniors have choices. This summer, one of my constituents named Judy wrote me, and I quote, ''I have reached the doughnut hole and must now come up with the money for my high blood pressure, diabetes, thyroid, and cholesterol medications.'' The question she asked is, ''which one will I stop taking? I cannot afford all of them.''

We can do better for seniors like Judy, and today, Mr. Speaker, we will.

Mr. CAMP of Michigan. Mr. Speaker, at this time I yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, once again, the Democrats are telling us that somehow bureaucrats in Washington can do more to lower the cost of prescription drugs than free market competition. To paraphrase President Reagan, ''There they go again.''

The Congressional Budget Office has already opined that the Secretary of HHS would not be able to negotiate prices lower than those that are already negotiated by prescription drug plans under current law.

Let us be very clear: Price negotiations are already taking place on behalf of seniors. And for 200 years, it has been market competition, not government edict, that has given us the goods that we want at the lowest possible price.

Now, our colleagues on this side of the aisle continue to hold up the VA as the model, the model where you cannot choose your doctor, cannot choose your pharmacist, and they only cover a third of the drugs that Medicare does. They do not cover Lipitor, Crestor or Nexium.

So, Mr. Speaker, I would like to personally invite Speaker PELOSI to come

to Athens, Texas, and tell one of my constituents, 80-year-old Hazel Heard, why she is going to take her Lipitor away. Hazel will not be happy. And I am told she has a big dog.

Mr. STARK. Mr. Speaker, I am pleased to recognize the distinguished gentlewoman from Connecticut (Ms. DELAURO), who agrees with the Center for Medicare Advocacy Assessment that H.R. 4 will keep drug prices from skyrocketing. And I yield to the gentlewoman for 1 minute.

Ms. DELAURO. Every family in America, every business struggles in some way with the rising cost of health care. The key to driving those health care costs down is getting control of skyrocketing prescription drug prices. It starts with negotiating better prices on behalf of Medicare beneficiaries, something the previous majority expressly and senselessly prohibited when the Medicare prescription drug law was passed in 2003.

Now, this legislation is not about establishing formularies, setting price controls, or picking and choosing on behalf of seniors. It is about empowering the government to act on behalf of consumers and seniors. And, yes, that is a proper role for government, particularly when we have drug companies reporting double-digit profit increases while raising prices on top-selling medicines.

We can get our health care crisis under control. Allow government to negotiate drug prices as private insurance plans do for their customers and the VA does so successfully for our Nation's veterans.

Support this bill. Let us for a change do something for the public interest rather than continually doing something for the special interests.

Mr. CAMP of Michigan. Mr. Speaker, at this time I yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I thank the gentleman for recognizing me.

Today, I rise in opposition to H.R. 4. When I first ran for Congress, this was one of the largest issues, prescription drug plans, for seniors. Sixty percent of the senior women in America are on Medicare right now, and they have available to them a prescription drug plan that they have never had in the past. Congress delivered this plan, and people in my district are pleased. Over 80 percent of the seniors on part D are pleased with this plan, and 91 percent of West Virginia seniors are now participating.

The prescription drug plan is one of the rare government programs that is actually costing less than anticipated, both for the government and for the seniors. One reason is that seniors have access to the drugs and pharmacy of their choice. Yet, today, my colleagues on the other side appear to be willing to sacrifice that access to their drugs and their pharmacies.

Yesterday, the Director of the West Virginia Chapter of the American Diabetes Association wrote and asked that I personally oppose this legislation because of its potential to decrease access to important medications for such diseases as diabetes, one of the most deadly and far-reaching diseases in this country.

I oppose this. I think it will result in higher prices for our seniors.

Mr. STARK. Mr. Speaker, I am delighted to yield our remaining 1 minute to the gentlewoman from Ohio (Mrs. JONES) to close for our side. She recognizes that the Center for Diabetes is a front group for PhRMA.

Mrs. JONES of Ohio. Mr. Speaker, I am pleased to stand on behalf of the Democratic majority in the House of Representatives this afternoon to say we are going to pass a prescription drug change in the benefit given to seniors last year. And it is not going to take us 3 hours and any arm twisting, because this is our opportunity to say to seniors across this country that you ought to have your Secretary of Health and Human Services be able to negotiate the lowest price.

Right now it is going great, but we need to put in place in the law an opportunity for the Secretary to make a change when the winds of time change, because they will change. It is important that our seniors understand that they do have a benefit, but the benefit can be improved.

It is always interesting to me that they dump on the Veterans' Administration when they want to tout it all the time as not a good health care plan. If it ain't a good health care plan for the veterans, change it. Make it better for the veterans. They are over there fighting and losing their lives.

A prescription drug benefit is such a significant opportunity for our seniors, and so I am glad to stand on behalf of all the Democrats and those good-thinking Republicans in the House of Representatives. Pass H.R. 4.

Mr. Speaker, I rise today in strong support of H.R. 4, which will require the Secretary of Health and Human Services to negotiate for lower drug prices for people enrolled in Medicare prescription drug plans.

As drug prices soar, this issue is becoming more important for Medicare recipients and their families.

According to a recent AARP study, between 2002 and 2005, prices for the most widely used brand-name prescription drugs increased an average of 6.6 percent per year.

That is more than twice the 2.5 percent average inflation rate for that same period of time.

It is not fair to expect American families to keep paying such price increases for their prescription drugs.

In my home state of Ohio, we have about 1.8 million Medicare beneficiaries who stand to benefit from the lower prices that could result if the Secretary of HHS is given the power to negotiate.

Of those 1.8 million Ohioans, 625,000 are already enrolled in Part D and would immediately see the benefits of lower drug prices.

Congress should no longer stand in the way.

We need to require the HHS Secretary to negotiate for lower drug prices and soften the health and economic burden that millions of American families currently experience.

This would not be anything new.

Right now, government-funded health programs, such as Medicaid and the Department of Veterans Affairs, are able to negotiate with drug companies and reach agreements that offer their participants low drug prices while still rewarding drug companies for the valuable research they conduct.

According to the Government Accountability Office, the VA achieves savings of between 30 and 50 percent for their patients through negotiation.

This same level of saving can also be achieved for Medicare beneficiaries.

Moreover, the result of not allowing the HHS Secretary to negotiate lower drug prices puts a disproportionate burden on senior citizens and retirees, who are those that need affordable drugs the most.

Drug companies deserve applause for the advances they have made for the good of all people, but we also owe it to the American people to ensure they receive the medication they need at a fair price.

With rising health care, housing, and energy costs, a decrease in drug prices would go a long way to helping middle class Americans meet their needs.

Support H.R. 4.

Mr. CAMP of Michigan. Mr. Speaker, for the purposes of a unanimous consent request, I yield to the gentleman from Florida.

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, as we conclude debate this afternoon on H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007, I want to include for the benefit of my colleagues today's editorial from my hometown newspaper The St. Petersburg Times that warns the House to be careful with the passage of this legislation.

In Rx: dose of reality, the editors say "that Democrats should walk away from this fight. House Democrats may think they can heal the Medicare drug program in one easy congressional dose, but their Senate counterparts are wise to take more time. Seniors have had enough of empty political promises already. They deserve affordable coverage."

Indeed, I support making prescription drugs more affordable for all Americans, and in particular older Americans who are enrolled in the Medicare Part D program. If this legislation did that, I would be the first to support it. But as the editorial I have cited as well as the nonpartisan Congressional Budget Office has found in analyzing H.R. 4, this bill will result in no meaningful savings to consumers or to taxpayers.

Following my remarks, I will include a letter from the Congressional Budget Office dated January 10, 2007 which says that H.R. 4 would have a "negligible effect" on federal spending and drug prices because the federal government would not have the authority required to negotiate lower drug prices. The primary reason the Congressional Budget Office found is that "without the authority to establish a formulary, we believe that the Secretary

would not be able to encourage the use of particular drugs by Part D beneficiaries, and as a result would lack the leverage to obtain significant discounts in his negotiations with drug manufacturers.''

If, in fact, this legislation had given the Secretary of Health and Human Services the authority to limit the availability of certain prescription drugs or even broad classes of prescription drugs, I also would have opposed it. Doctors should determine the best medicine for their patients, not Congress or the Secretary of Health and Human Services.

Mr. Speaker, there may have been a way to amend this legislation to solve some of these problems so we could have achieved the goal of lower drug prices while at the same time not limiting the range of covered drugs. However, under the procedures we consider this legislation today, there is no opportunity to amend this bill. We only have the option of voting yes or no. Given that option, I believe the best vote today is against H.R. 4 with the hope that we can reject this bill and send it back to the committee with the goal of fixing some of the flaws identified by The St. Petersburg Times and the Congressional Budget Office.

[From the St. Petersburg Times, Jan. 12. 2007]

RX: DOSE OF REALITY

Democrats who thing they've found a simple fix for the nation's costly, convoluted Medicare prescription plan need to be careful. They are entering a pharmaceutical quagmire full of restrictive formularies, big-ticket coverage gaps and institutional resistance.

The fight is a worthy one, and the precipitous veto threat by President Bush only underscores the stakes. But Democrats won't win with campaign rhetoric. The bill set to move through the U.S. House today provides little more than an edict that the secretary of health and human services ''shall negotiate'' lower drug prices, as though the government itself is the one buying. Unfortunately, drugs are bought and dispensed under the 2003 Medicare law by a maze of some 1,875 private drug plans.

The Democratic plan is, at best, incomplete. The current law does, absurdly, outlaw any negotiation of drug prices, which has the principal effect of fattening pharmaceutical bank accounts. But the kind of savings the Department of Veterans Affairs has been able to negotiate for its prescription drugs is not merely the result of its collective bargaining power. The VA, which filled some 120-million prescriptions last year, also restricts the kinds of medicines that are available to patients.

As James R. Lang, former president of Anthem Prescription Management, told the New York Times: ''For this proposal to work, the government would have to take over price negotiations. It would have to take over formularies. You cannot do one without the other. There's no leverage.''

Democrats are not being honest about the tradeoffs, and the possible need for some restrictive formularies to help reduce costs. They are also offering a misleading pledge to eliminate the so-called ''doughnut hole.'' To save money, Republicans created a peculiar gap in coverage that nabbed as many as 4-million seniors last year. Under the coverage gap, Medicare recipients pay 100 percent of drug costs each year after the total has reached $2,400 until they pay an additional $3,850 out of pocket.

During the midterm elections, House Speaker Nancy Pelosi was among the prominent Democrats promising that the savings from lower drug prices would be plowed back into the program. ''We will use that money to fill the doughnut hole,'' she said at one campaign stop, ''so that seniors will have affordability, they will have reliability, and will not be caught in this trap of the doughnut hole.''

The Congressional Budget Office has projected, however, that eliminating the coverage gap would cost roughly $450-billion over 10 years. Few, if any, Democrats are now claiming those new costs can be offset purely by savings from price negotiation. An estimate of drug price reductions prepared by Rep. Henry A. Waxman, D-Calif., pegged the 10-year savings at roughly $96-billion.

The point here isn't that Democrats should walk away from this fight. The current Medicare prescription plan is indeed incomplete, needlessly complex and indefensibly profitable to the pharmaceutical industry. But the plan is also in effect and generally well-received by many seniors. Problems of this magnitude won't be fixed just by ordering a Bush administration bureaucrat to negotiate.

House Democrats may think they can heal the Medicare drug plan in one easy congressional dose, but their Senate counterparts are wise to take more time. Seniors have had enough empty political promises already. They deserve affordable coverage.

Hon. JOHN D. DINGELL,
Chairman,
Committee on Energy and Commerce,
U.S. House of Representatives,
Washington, DC

DEAR MR. CHAIRMAN: At the request of your staff, the Congressional Budget Office has reviewed H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007, as introduced on January 5, 2007. The bill would revise section 1860D–11(i) of the Social Security Act, which is commonly known as the ''noninterference provision'' because it prohibits the Secretary of Health and Human Services from participating in the negotiations between drug manufacturers, pharmacies, and sponsors of prescription drug plans (PDPs) involved in Part D of Medicare, or from requiring a particular formulary or price structure for covered Part D drugs.

H.R. 4 would require the Secretary to negotiate with drug manufacturers the prices that could be charged to PDPs for covered drugs. However, the bill would prohibit the Secretary from requiring a particular formulary and would allow PDPs to negotiate prices that are lower than those obtained by the Secretary. The bill would also require the Secretary to report to the Congress every six months on the results of his negotiations with drug manufacturers.

CBO estimates that H.R. 4 would have a negligible effect on federal spending because we anticipate that the Secretary would be unable to negotiate prices across the broad range of covered Part D drugs that are more favorable than those obtained by PDPs under current law. Since the legislation specifically directs the Secretary to negotiate only about the prices that could be charged to PDPs, and explicitly indicates that the Secretary would not have authority to negotiate about some other factors that may influence the prescription drug market, we assume that the negotiations would be limited solely to a discussion about the prices to be charged to PDPs. In that context, the Secretary's ability to influence the outcome of those negotiations would be limited. For example, without the authority to establish a formulary, we believe that the Secretary would not be able to encourage the use of particular drugs by Part D beneficiaries, and as a result would lack the leverage to obtain significant discounts in his negotiations with drug manufacturers.

Instead, prices for covered Part D drugs would continue to be determined through negotiations between drug manufacturers and PDPs. Under current law, PDPs are allowed to establish formularies—subject to certain limits—and thus have some ability to direct demand to drugs produced by one manufacturer rather than another. The PDPs also bear substantial financial risk and therefore have strong incentives to negotiate price discounts in order to control their costs and offer coverage that attracts enrollees through features such as low premiums and cost-sharing requirements. Therefore, the PDPs have both the incentives and the tools to negotiate drug prices that the government, under the legislation, would not have. H.R. 4 would not alter that essential dynamic.

I hope this information is helpful to you. The CBO staff contacts for further information are Eric Rollins and Shinobu Suzuki.

Sincerely,

DONALD B. MARRON,
Acting Director.

Mr. CAMP of Michigan. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, you know, negotiation sounds good, but what happens when the government negotiates? It doesn't mean negotiate; it means price-fixing, the setting of prices decided by the government. That is the only thing that will be allowed. This will, by its very design, decrease the number of medications available to seniors and ultimately to all Americans.

This isn't just about Medicare's prescription drug program. This is a philosophical question about who ought to be making medical decisions, government bureaucrats or patients and physicians. We believe, as a matter of principle, it ought to be patients and physicians.

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

Mr. Speaker, this noninterference language that we have been talking about, that has been in legislative proposals for both Democrats and Republicans for the last decade, actually stops the Secretary of Health and Human Services from negotiating drug prices. And the reason that this has been part of bipartisan legislation for so long and was actually a part of the motion to recommit in 2000 that more than 200 Democrats voted for is because it was important to structure a plan that allowed beneficiaries to work with their doctors, not with the government, to determine the best access to treatment and the best treatment that worked for them. That is why you have seen so many coalitions come out against this proposal, particularly those that work with the most vulnerable of the Medicare beneficiaries.

I would urge a ''no'' vote on H.R. 4.

Mrs. EMERSON. Mr. Speaker, 80 million baby boomers are getting ready to retire, and yesterday the General Accountability Office's comptroller David Walker said, ''If there is one thing that is going to bankrupt America, it is health care.'' Adding that the Medicare

prescription drug benefit alone has added $8 trillion, $8 trillion in government obligations, more than all of Social Security over the past 6 years.

I would like to remind my friends that this is government obligation because Medicare is a government-run program. It is not a private-sector program.

But H.R. 4, Mr. Speaker, won't create price controls, it will not limit choice, and it will not force pharmacies out of business, which is why the National Community Pharmacists Association endorses H.R. 4. It could add more competition, more opportunity to lower drug costs for our seniors, keeping them out of the doughnut hole just a little while longer.

Let us not solely entrust the negotiations of drug prices, Mr. Speaker, to the very companies who profit from the sales of these drugs. The American public has entrusted us with their hardearned tax dollars. Let us show them that we honor that trust and use every tool possible to lower the costs of the Medicare prescription drug program.

Each of us was elected, Mr. Speaker, to represent our constituents, not big PhRMA, not the pharmacy benefit managers who prey on our community pharmacists. Support H.R. 4 and bring more competition to this position.

The SPEAKER pro tempore. The Chair would advise that at this time all time has expired for the previous managers. We are now back to the gentleman from Michigan (Mr. DINGELL) with 5 minutes remaining and the gentleman from Texas (Mr. BARTON) has 4 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, may I inquire as to who has the right to close?

The SPEAKER pro tempore. The gentleman from Michigan will have the right to close.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume to close for the minority side.

Mr. Speaker, I am not sure where the Majority Leader's clock is, whether we are at the end of the 100-hour period or the beginning or the middle. I do know that I have been very confused by this process.

I understand the effort to bring the minimum wage bill back to the floor. Our new majority, for whatever purpose, didn't feel like they got a fair shake on that issue in the last several Congresses. So I can understand that.

The stem cell bill we voted on yesterday is the identical bill from the last Congress, with the exception of the change in the dates and the reversal of the names from Castle-DeGette to DeGette-Castle. I understand that. I even voted with the new majority on that one.

But on this one I am puzzled. We have a program that is working. We have a program that has 75 percent approval of the group we are trying to help, which is higher than most of our approvals in our congressional districts and certainly higher than most of our reelection rates. We have a program that the new majority even admits isn't going to really save any money. We certainly have an issue that there have been no hearings on and there have been no amendments made in order.

In fact, we don't even have a Rules Committee yet established. If my good friend Mr. DINGELL said, Mr. BARTON, I will support you on that amendment, there is no place to amend it. We are operating under martial law, and maybe they did it this way in the war between the States; I don't know. I can tell you that in the 12 years that I was in the majority, we always had a Rules Committee you could go to. Now, maybe you didn't get your amendment made in order, but at least you could go to it. So this one is a puzzlement to me.

Now, we know that the President has promised to veto this if it should somehow get through the Senate in its current form and come to his desk.

□ 1330

In all likelihood it will never come out of the Senate, so this as far as it is going to get. So maybe that is what this is all about is just a political exercise. And I know, and everybody in this Chamber knows, when it comes to the vote, the new majority is going to win. They should win. They won an election. They have a right to bring issues and they have a right to win some. But that doesn't mean it is right and that it is going to be a win for the American people.

I hope that once we get this foolishness out of the way, that Mr. RANGEL and Mr. DINGELL and myself and Mr. MCCRERY can work together as the leaders of the Energy and Commerce Committee and the Ways and Means Committee on a bipartisan basis, actually hold some hearings. If there is really something wrong with the current Medicare part D prescription drug benefit program, let's work together to fix it. But if there is really not anything wrong with it, and it ain't broke, there will be no need to fix it.

So I hope that we vote this down today. I am not myopic, though. I can count how many Democrat votes there are and how many Republican votes. So it will probably pass, and it will probably go to the Senate and it will probably die there, which will be a nice benign death. And then we can get back to being responsible.

So, Mr. Speaker, I hope that the bill fails today and that the Democrat 100-hour political program fizzles, and then in the next 2 weeks we get down to the serious, bipartisan business of working together for the American people.

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

Mr. DINGELL. Mr. Speaker, I yield myself the balance of our time over here.

Mr. Speaker, I can understand how my Republican colleagues are distressed about this legislation. But I would remind them, first of all, that we are simply taking steps to correct earlier abuses of the most outrageous sort.

This legislation part D was crafted in the dark of night, and it was done by Republican Members and by lobbyists for the insurance companies and the pharmaceutical houses. That is why it is here. And now I can understand why my Republican colleagues are so distressed, because we are going to take all of those wonderful goodies away, or some of them, from the drug houses that so carefully saw that they got them without a single Democratic Member appointed by our then-Republican Speaker to appear here in the Capitol to address the question of what went into that.

Now, we have been getting a lot of excuses from our Republican colleagues. They tell us the bill is working well. Simple fact of the matter is it is not. One Federal program pays 60 percent more than other Federal programs for procurement of prescription pharmaceuticals, that is, part D pays more than the VA pays for the same prescription pharmaceuticals. But the reason is no one is able to negotiate on behalf of the citizens. You have got a bunch of good-hearted or cold-hearted prescription pharmaceutical people who have written this legislation and who are fixing the prices that are paid by senior citizens.

This says that the Secretary of HHS, a servant of the American people, will negotiate prices on prescription pharmaceuticals so that the senior citizens can get something other than excuses from our dear Republican friends and the insurance companies about why we ought to disregard what our common sense tells us, and that is that 43 million people can have the purchasing power to perhaps encourage these drug houses to give the government and the American retirees a better price.

Now, let's take a look at that. That is a chance to do real good for the people. I would tell you that we are tired of the excuses on these matters. Consumers, and particularly those who are living on disabled or fixed or limited incomes, watch their pennies. They have to. We should watch them too because we owe that to the people.

Now, the Secretary says it isn't going to save money. CBO says it isn't going to save money. But the reason is because they know full well that this Secretary probably won't negotiate on their behalf.

But I will tell you one thing. On this side, we will see that this Secretary does negotiate for better prices for our people. We will have him up before the committees, and we will give him and the others in the administration the oversight which they have lacked for 6 years.

Now, who is in favor of this legislation?

Before I say that, the people opposed are the Republicans, the administration, the drug houses and the insurance

companies, certainly a logical collection of opponents to a proposal of this kind.

Who favors it? AARP, the National Committee to Preserve Social Security and Medicare, Medicare Rights Center, the Alliance for Retired Americans. It is also supported by organizations representing people with disabilities. The National Council on Independent Living, AIDS Action, Breast Cancer Action.

Consumer groups support it. Consumers Union, Families USA, U.S. PIRG. No insurance companies support it, but that is no surprise.

Provider organizations support it. The National Community Pharmacists Association, people who work with the recipients of this. The American Nurses Association, the American Medical Association. The doctors say this is the thing that we should be doing. The Association of Community Pharmacists.

And, of course, organizations representing tens of millions of hard-working Americans. The American Federation of Teachers, the National Education Association, SEIU, United Steelworkers, the AFL–CIO, and the UAW.

Some say part D is working well. And for a few lucky folks, that is true. The insurance companies are cutting the fat hog on this. And the pharmaceutical houses are able to do just what they want on their pricing.

It is time that we correct this. Let's pass this legislation and do what we should have done before to protect our senior citizens.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. Currently, the federal government is prohibited from directly negotiating with pharmaceutical companies for lower prescription drug prices for individuals enrolled in the Medicare program. This legislation will repeal this prohibition. In doing so, it will require that the Secretary of Health and Human Services negotiate for lower prescription drug prices for the millions of senior citizens who are Medicare beneficiaries.

Today, senior citizens enrolled in Medicare Part D are paying higher prices for prescription drugs that are negotiated solely by market forces and pharmaceutical companies. Many senior citizens are also left without Medicare assistance once their annual prescription drug costs reach the threshold amount placing them in the coverage gap known as the "doughnut hole." The Secretary of Health and Human Services has the leverage and the bargaining power of millions of Medicare beneficiaries with which to negotiate prescription drug price discounts. We should agree to H.R. 4 in order to empower the Secretary to use this leverage and bargaining strength for the benefit of Medicare beneficiaries.

I fully support the innovated research and development conducted by the pharmaceutical industry. Advancements made as a result of these research and development processes have eradicated diseases and alleviated suffering for countless individuals around the world. The decreased revenue from the lower drug prices should not necessarily nor directly lead to a decrease in investment toward research and development by pharmaceutical companies. I acknowledge the many contributions made by the pharmaceutical industry toward developing medicines that have improved the lives of so many. In no way do I believe that this legislation will impede the industry's ability to continue to provide great medical advancements for the American people and others.

I represent the territory of Guam. Three prescription drug plans from a single insurance company are offered today to Guam's Medicare beneficiaries who are enrolled in Medicare Part D. Opponents of H.R. 4 argue that the private sector can and will adequately negotiate for lower prescription drug prices for Medicare beneficiaries lest the seniors transfer to a different, less expensive plan. Unfortunately, in my district, where only one insurance company currently provides plans under Medicare Part D, there is no private competition and limited choice among plans. Medicare beneficiaries deserve to have access to the lowest prescription drug prices possible. I therefore urge my colleagues to vote in favor of H.R. 4 and in favor of providing affordable prescription drugs for our senior citizens.

Ms. WATERS. Mr. Speaker, I rise in strong support of H.R. 4, which requires the Secretary of Health and Human Services to negotiate with drug companies for lower drug prices for Medicare beneficiaries.

American seniors are not getting the best possible prices for the drugs that keep them alive and in good health. A study by Families USA shows that the median drug prices among Medicare plans for the top 20 drugs prescribed for seniors is increasing at a rate of 7.4 percent per year. That's more than twice the rate of inflation. These price increases are passed on to seniors in the form of higher premiums and out-of-pocket expenses.

Clearly, the Medicare prescription drug program has not resulted in the lowest possible prices for seniors. But it has resulted in record profits for drug companies. In November, the New York Times reported that the Medicare prescription drug program has proven to be a bigger financial windfall for big drug companies than even the most optimistic of Wall Street predictions.

The Veterans' Administration already negotiates with drug companies for lower drug prices for American veterans. In the Families USA study, the lowest price charged by Medicare prescription drug plans for all 20 of the top drugs was always higher than the lowest price obtained by the Veterans' Administration.

I am a great defender of our Nation's veterans. They have served our country with honor, and they deserve the lowest possible prices for their drugs. But so do our Nation's seniors. There is no reason why the U.S. Government should negotiate lower drug prices for veterans and not for seniors.

I urge my colleagues to support this bill, and I urge the Secretary of Health and Human Services to negotiate in good faith for lower prescription drug prices for American seniors.

Ms. BEAN. Mr. Speaker, I rise today to speak in support H.R. 4, The Medicare Prescription Drug Price Negotiation Act.

I strongly believe Medicare should ensure seniors have access to the drugs and treatments that they need. In response to that need, Congress passed H.R. 1, The Medicare Modernization Act, in 2003. Today, H.R. 4 will take a step further by allowing the Secretary of Health and Human Services the ability to negotiate with pharmaceutical manufactures for drugs covered under Medicare Part D. By removing the noninterference provision of the Medicare Modernization Act, we are providing another tool to help lower drug prices and make medicine more affordable for seniors.

This bill would require the HHS Secretary to submit a report on the negotiations this June, and every six months thereafter. It does not call for a national formulary, stifle competition, or limit consumer choice.

When members of the 108th Congress wrote The Medicare Modernization Act, they did so with the intention of using market competition to contain drug prices. In fact, in its first year, Medicare Part D has witnessed bids that are ten percent lower in 2007 than 2006.

The market is working, and we should not remove competition that helps lower drug prices and reduces consumer options. Innovation and R&D into future medications, vaccines, and treatments require profitable, healthy drug companies that are able to navigate through the arduous approval process. So we must balance cost savings with continuing to encourage the creation of innovative new drugs.

Therefore, I encourage my colleagues to support H.R. 4 but to avoid additional proposals that could be unduly harmful to future, life-saving discoveries.

Mr. CLAY. Mr. Speaker, I rise today in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. I commend Congress for doing everything possible to make prescription drugs more affordable and accessible to Medicare beneficiaries. I wish to congratulate my dear friend and colleague from Missouri, Congresswoman JO ANN EMERSON, for working tirelessly in a truly bi-partisan fashion to enable the Secretary of the Department of Health and Human Services to negotiate lower drug prices for seniors.

My support for this bill is unwavering and it is my sincere hope that the conference report assures patient's access to all life saving medicines. My constituents deserve nothing less than the best coverage available at the lowest price. I am dedicated to improving the Medicare prescription drug program and will continue working to advance the critical goal of decreasing out of pocket costs for seniors.

Mr. Speaker, I commend you along with my colleagues Representatives RANGEL and DINGELL for your leadership in helping seniors gain access to affordable medicines.

Mrs. KAPTUR. Mr. Speaker, I rise today in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007.

Although the bill before us today does not go as far as it needs to go, it is an incremental step towards a long-overdue solution, a solution that continues to be blocked by moneyed pharmaceutical interests that are more interested in the profits their medications can bring than in the good their medications can do. The American people deserve better, and that is why I continue to say that if we are to achieve real reform in this institution, we need to start with campaign finance reform.

In my view, Medicare represents a covenant between the U.S. government and its citizens. During my tenure in the House of Representatives, I have always supported Medicare and Social Security as important lifelines for seniors in our country.

As part of these efforts, I have advocated fair, affordable, easy-to-use prescription drug coverage for seniors under Medicare. Unfortunately, the Medicare Modernization Act falls far short of these goals. Ever since its inception, the MMA has been a nightmare both for legislators and, more importantly, for the seniors who must try to navigate it.

Under this law, the government is prohibited from using its buying power to negotiate lower prices for America's 30 million seniors. I object strongly to this provision because I believe firmly that something must be done to bring down the cost of prescription drugs in America.

In fact, when the MMA was first being developed and passed through the House, I attempted to offer an amendment that would have allowed the Secretary of Health and Human Services to negotiate drug prices under the auspices of the Medicare program.

Unfortunately, after being kept waiting until the wee hours of the morning, while the Rules Committee met far from the watchful eye of the American public and even most Members of Congress, I was not allowed even to offer my amendment for consideration.

Therefore, I am glad that today we are debating a bill that will accomplish my goal, and under a system that has already worked to save our veterans money under the VA's healthcare system. H.R. 4 will begin to save money for beneficiaries both through lower drug costs at the pharmacy counter and lower plan premiums.

Lower prices will also slow entry into the donut hole, when beneficiaries must pay the full price of their medicines. And since taxpayers fund more than three-quarters of the cost of the drug benefit, we will be saving them money, too.

This bill does not, however, prevent the prescription drug plans from getting deeper discounts. And the bill does not allow the HHS Secretary to establish a national formulary or otherwise restrict access to medicines.

Mr. Speaker, our nation's seniors, members of the ''greatest generation,'' deserve better than having to choose between buying food or buying life-sustaining and often, life-saving medications.

I am pleased today to support this legislation which represents a first step in eliminating that cruel choice and helping to ensure that seniors can live their lives in good health and with dignity.

Mr. INSLEE. Mr. Speaker, I rise today to express my support for H.R. 4, the Medicare Prescription Drug Price Negotiation Act.

I strongly believe Medicare should ensure seniors have access to the drugs and biologics they need. In the past, my reluctance to support this kind of legislation has stemmed from the hope that we might find an alternative solution to the fact that our citizens, including our seniors, are subsidizing the research and development for drugs and biologics for the rest of the developed world, which has traditionally not paid its fair share of these costs. It is with the recognition that such a remedy is not forthcoming that I cast my vote today in favor of H.R. 4.

I applaud the Democratic Leadership's desire to ensure that this legislation continues to prohibit the HHS Secretary from requiring a particular formulary or list of covered drugs to be used by Medicare prescription drug plans or limiting access to any prescription medication. As a Member that represents a district with a strong biotechnology sector, I believe that America's continuing leadership and innovation in developing new treatments would make this particularly inappropriate.

Small, emerging biotech companies are researching and developing cures for cancer, Alzheimer's, multiple sclerosis and other devastating diseases. The overwhelming majority of biotech companies are small companies without approved products, highly reliant on the public and private capital markets. It is important that as we seek to ensure that our seniors are receiving the best care possible under Medicare, we must not take action that hinders this important research, which is estimated to cost $1.2 billion and can take over 10 years. Research and development that is the lifeblood of the biotechnology industry, and we must guard against taking action that would result in fewer breakthrough therapies.

Mr. KILDEE. Mr. Speaker, I rise today in strong support of H.R. 4, The Medicare Prescription Drug Price Negotiation Act of 2007.

This legislation fixes a serious flaw in the Medicare prescription drug program that currently prohibits Medicare from negotiating drug prices with pharmaceutical manufacturers.

The Department of Veterans Affairs and state Medicaid-programs are already able to use their buying power to negotiate lower prices on prescription drugs and this has greatly lowered their prescription drug costs.

Medicare prices for the top 20 drugs prescribed to seniors are 58 percent higher than those available through the VA. The Government Reform Committee found that Medicare negotiating drug prices just 25 percent lower would save more than $60 billion over the next decade.

Seniors need a prescription drug benefit under Medicare that is affordable, comprehensive, guaranteed and does not harm those retirees that are currently covered under private insurance plans.

This is an important first step in improving Medicare Part D prescription drug coverage and I urge my colleagues to support H.R. 4.

Mr. PAUL. Mr. Speaker, H.R. 4 gives the Secretary of Health and Human Services the authority to engage in direct negotiations with pharmaceutical companies regarding the prices the companies will charge Medicare when the companies provide drugs through the Part D program. Contrary to the claims of its opponents, this bill does not interfere with a free market by giving the government new power to impose price controls. Before condemning this bill for creating ''price controls'' or moving toward ''socialized medicine,'' my colleagues should keep in mind that there is not, and cannot be, a free market price for a government-subsidized good.

Members concerned about preserving a free market in pharmaceuticals should have opposed the legislation creating Part D in 2003. It is odd to hear champions of the largest, and most expensive, federal entitlement program since the Great Society pose as defenders of the free market.

The result of subsidizing the demand for prescription drugs through Part D was to raise prices above what they would be in a free market. This was easily foreseeable to anyone who understands basic economics. Direct negotiation is a means of ensuring that the increase in demand does not unduly burden taxpayers and that, pharmaceutical companies, while adequately compensated, they do not obtain an excessive amount of Medicare funds.

The argument that direct negotiations will restrict Medicare beneficiaries' access to the prescription drugs of their choice assumes that the current Part D system gives seniors control over what pharmaceuticals they can use. However, under Part D, seniors must enroll in HMO-like entities that decide for them what drugs they can and cannot obtain. My district office staff has heard from numerous seniors who are unable to obtain their drugs of choice from their Part D providers. Mr. Speaker, I favor reforming Medicare to give seniors more control and choice in their health care, and, if H.R. 4 were a threat to this objective, I would oppose it.

Federal spending on Part D is expected to grow by $100 billion in 2007. It would be fiscally irresponsible for this Congress not to act to address those costs. I recognize that giving the Department of Health and Human Services the authority to engage in direct negotiations neither fixes the long-term problems with Medicare nor does empowers senior to control their own health care. However, we are not being given the opportunity to vote for a true pro-freedom, pro-senior alternative today. Instead, we are asked to choose between two flawed proposals—keeping Part D as it is or allowing the Department of Health and Human Services to negotiate prescription drug prices for the Part D program. Since I believe that direct negotiations will benefit taxpayers and Medicare beneficiaries by reducing the costs of prescription drugs, I intend to vote for this bill.

Mr. CRAMER. Mr. Speaker, I rise in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. I applaud our leadership's efforts to lower the price of drugs for seniors and other Medicare Part D beneficiaries.

In addition to achieving the lowest possible costs for drugs, I strongly believe Medicare should ensure seniors have access to the drugs they need. Therefore, it is critical that price negotiations by the Secretary of the Department of Health and Human Services not lead to government price controls, or any restrictive formularies that could limit seniors' access to critical medicines.

Further, we must not take action that hinders medical research and development by the biotechnical and pharmaceutical industries. Government price controls could potentially lead to fewer breakthrough treatments for diseases such as cancer, Alzheimer's, multiple sclerosis, amyotrophic lateral sclerosis, ALS, and other devastating diseases.

Ms. ROYBAL-ALLARD. Mr. Speaker, on behalf of the millions of seniors and individuals with disabilities, I rise in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. And I thank our Speaker NANCY PELOSI for making this issue one of the first priorities of the 110th Congress.

The Medicare Prescription Drug benefit that passed in the 108th Congress was supposed to help control the rising costs of prescription drugs. But it has failed. According to a Families USA study, during the first 6 months of 2006, the median price for the top 20 drugs prescribed for seniors among Medicare drug plans actually rose by 3.7 percent.

What that means is that over the course of the full year, drug prices increased by as

much as 7.4 percent, more than twice the rate of inflation. The Medicare Prescription Drug benefit that was passed in 2003 is simply not controlling the escalating prices of life saving medications for our seniors and those with disabilities.

An even more tragic consequence of the current drug benefit is that last year millions of Americans reached what is known as the ''donut hole gap'' in coverage. Many are from my own district in Los Angeles.

This gap means that in addition to having to continue to pay their premiums without the benefit of their coverage, they are required to spend almost $3,000 out of their own pocket for their medications before their benefits are restored.

The result has been that many of our Medicare beneficiaries have been forced to choose between paying for the multiple medications they need to keep them healthy and alive or paying their rent or other necessary household expenses.

The fact is, Mr. Speaker, that the 108th Congress did a grave injustice to our seniors and those with disabilities when it passed the Medicare prescription drug bill.

Instead of helping this vulnerable population, the current law simply replicates the same private market practices that have resulted in exploding prescription drug costs. Sadly, these costs are increasingly borne by patients.

Pharmaceutical companies, like other industries, grant discounts in exchange for volume and market share. It stands to reason, then, that our federal government should be given the power to negotiate the best price possible for the 22 million people whose medications it now purchases.

However, this is not possible because the structure of the Medicare prescription drug program expressly forbids our government from doing so.

Instead of relying on the administrative efficiency of a single large purchaser, the current Medicare Prescription Drug plan relies on thousands of stand-alone plans to separately negotiate with each drug manufacturer.

The benefit of our government being able to negotiate directly with drug manufacturers is best exemplified by the U.S. Department of Veteran Affairs. The VA uses the volume of its purchasing needs to negotiate up to 47 percent lower costs on frequently prescribed drugs for the thousands of veterans in its care. By contrast Medicare, the single largest prescription drug purchaser in the United States, has no power to lower high or unfair drug costs. This is not only bad business practice; it is also an unconscionable waste of taxpayers money which results in undue hardship for those it is intended to help.

Recent polls by the Kaiser Family Foundation and Newsweek have shown overwhelming bipartisan support among Americans for allowing our government to negotiate prescription drug prices for the Medicare program. Negotiating drug prices is also favored by the AARP, the Consumers Union, and the AFL–CIO.

Mr. Speaker, I urge my colleagues to join with me today in ending the prohibition for Medicare negotiation authority for prescription drugs. Let us make one of the first acts of this 110th Congress a Medicare Prescription Drug program that truly works for those most in need, our seniors and those with disabilities.

Mr. ORTIZ. Mr. Speaker, it was a dark day when this House strong-armed and bribed members into passing a prescription drug benefit for Medicare that served the pharmaceutical industry—rather than serving the seniors unable to afford prescription drugs.

Finding the way to fix the entire program will take us a while longer . . . but I am proud that today we are attacking one of the most egregious parts of that law, the portion that was designed as payback for the pharmaceutical industry. Paying the full cost of the prescription drugs makes the cost for this program astronomical; and the fact the law prohibits the government from negotiating for lower prices was particularly galling.

Now, in the first 100 legislative hours of the 110th Congress, we are passing this bill to cut the cost of health care and improve access to medicines by requiring HHS to negotiate with drug companies or lower drug prices for Medicare beneficiaries. This bill we consider today will certainly save millions of dollars taxpayers now pay to have a prescription drug benefit

Mr. Speaker, I am incredibly proud to stand today with you, with our colleagues, and with millions of seniors and U.S. taxpayers as we ensure that Medicare's drug component serves senior citizens, not the pharmaceutical lobby.

Mr. KIRK. Mr. Speaker, I am voting for H.R. 4 because I believe that the Medicare prescription drug program can be improved. And one improvement is allowing the Secretary an opportunity to negotiate lower drug prices.

At the same time, my support for H.R. 4 is contingent upon the principle that this legislation will not allow restrictions imposed by the Federal Government on patients' access to medicines. I firmly believe that every patient must have access to the medicines their doctors prescribe, without government intervention. I interpret this legislation to mean Medicare beneficiaries are protected against all types of government-imposed restrictions on patients' access to the medicines they need, and that no such restrictions will be allowed under the Medicare Modernization Act as amended by H.R. 4.

Seniors should pay less for prescription drugs, and Medicare should have more tools to achieve savings for our Nation's elderly. But these savings should not come at the expense of seniors ability to discuss with their doctors which drugs are best for their health and to have access to these drugs in the Medicare Part D program. I am disappointed that H.R. 4 was rushed to the floor today without any hearings or amendments allowed. I hope the Senate will take a more thoughtful approach when considering Medicare Part D reform to add more protections for our seniors.

Mr. CONYERS. Mr. Speaker, I rise in strong support of H.R. 4, which would allow the government to negotiate prescription drug prices on behalf of our senior and disabled citizens.

Aside from the bipartisan group of Members, an overwhelming majority of Americans favor allowing the government to negotiate prescription drug prices for the Medicare program. Eight-five percent of the 1,867 adults polled in a survey conducted by the Kaiser Family Foundation this past week, revealed they were in favor of such negotiations, including majorities of Republicans, Democrats, and independents.

I along with many of my Democratic colleagues promised to repeal this provision in the 2003 Medicare drug benefit law that prevents the government from engaging in drug price negotiations. Our time has come to do so.

The administration refused to take action on behalf our citizens desperately in need of affordable health care, offering them little hope for quality health care. Requiring the government to negotiate drug prices on behalf of our citizens requires some more details which can easily be sorted out through the experts at HHS.

Under the current Medicare Part D Prescription Drug Program, which enrolled 22.5 million people this year, dozens of private insurers offer Medicare drug plans in every state, competing on monthly premiums, choice of drugs and access to pharmacies. This has placed tremendous financial pressure on insurers, through their pharmacy benefit managers, to negotiate the best prices they can with drug companies and pharmacies, a fact confirmed by experts within the system.

There is no reason why the government cannot sort out difficulties, to mimic the few programs that are providing affordable drugs through pre-negotiated drug prices, such as the Department of Veterans Affairs. This department by law receives a mandatory discount on drugs, and also negotiates effectively to secure better prices for the 4.4 million veterans who use its drug benefit. With as many as 43 million beneficiaries, Medicare will have the ability to do the same.

Therefore I strongly support H.R. 4.

Mr. CUMMINGS. Mr. Speaker, I rise today in strong support of the Bipartisan Medicare Prescription Drug Price Negotiation Act of 2007, H.R. 4.

H.R. 4, despite the protestations to the opposite, does not require price controls, does not hamper research and development, does not require the Secretary of HHS to adopt the pricing structure of the Veterans Affairs system and does not require a national formulary.

What H.R 4 does require is for the Secretary of HHS to leverage the power of our 43 million Medicare beneficiaries to negotiate with pharmaceutical companies to get the best possible drug prices for our seniors and disabled under Medicare Part D.

There are still some of my colleagues who say this legislation is not necessary, but the facts indicate otherwise. Manufacturer prices for brand-name drugs rose 6.3 percent in the 12 months ending June 2006, more than one and one-half times the 3.8 percent rate of general inflation over the same period. In 2006 alone, this increase translated to an additional $283 for the typical American senior—an increase many can ill-afford.

We know that these prices are only likely to further increase and we need to repeal this prohibition now to help our seniors and disabled.

I urge my colleagues to support this critical legislation.

Mr. PORTER. Mr. Speaker, I rise today in opposition of H.R. 4, the Democrat Drug Price Control.

Simply put, this measure will limit choice and access to prescription drugs for seniors in Medicare. H.R. 4 changes the new Medicare prescription drug benefit program by requiring government employees to directly negotiate drug prices with manufacturers, instead of retaining the current system that gives seniors wide choices and uses multiple competing health plans and drug benefit managers to deliver benefits. This is not what is best for our seniors.

Though Democrats are promising lower drug prices, the potential trade offs for Medicare beneficiaries are too risky to gamble. By stripping the Medicare Modernization Act of the non-interference language, we would put the current choice and access that seniors deserve and enjoy in jeopardy. Instead, this bill opens the door to government bureaucrats picking and choosing what drugs and which pharmacies seniors could use.

Because of the new Medicare prescription drug benefit, thousands of seniors currently don't have to choose between groceries and the life saving medicine they need. In my district alone, roughly 87,000 seniors have enrolled and are saving an estimated $1,100 per year according to the Centers for Medicare and Medicaid.

The Veterans' Administration, VA, which relies on direct government negotiation, currently excludes nearly 30 of the top 100 drugs used by seniors from its one national formulary. By comparison, the most popular Medicare Part D and Federal Employee Health Benefits Program plans provide coverage for more than 99 percent of the most widely used drugs. Similarly, Medicare and FEHBP enable patients to obtain prescriptions at nearly all private pharmacies while the VA requires patients to either go to VA facilities to get their drugs or obtain them through mail order. Currently, more than 75 percent of VA prescriptions are fulfilled via mail.

Additionally, in 1990, the Democratic 1991 budget reconciliation measure which passed Congress gave the Medicaid program access to the low prices achieved by VA. Drug manufacturers, faced with mandated discounts to Medicaid, 15 percent of the market, decided to end deep discounts to VA, 1 percent of the market. In some cases the VA saw 300 percent price increases. Congress had to pass legislation to correct this problem in 1992. Let's not make the same mistake twice.

I urge my colleagues to oppose H.R. 4, Democrat drug price control.

Mr. LAMBORN. Mr. Speaker, I rise in strong opposition to H.R. 4 which was hastily drafted without proper committee consideration or any by the minority party.

Democrats are fond of citing the Department of Veterans Affairs as evidence that Medicare officials could squeeze lower prices out of drug makers if the government merely used its negotiating clout.

However, what they don't tell you is this program from the early 90s resulted in a stark increase in VA prices for drug purchases.

Additionally, independent experts at the Congressional Budget Office have said that government involvement in price negotiation will not lead to lower costs for seniors and could lead to significant restrictions in access to necessary drugs.

Our seniors can not afford either price increases or restrictions on the drugs they need to stay healthy, both of which are likely if this measure becomes law.

That is something I cannot support and I urge opposition to H.R. 4 today.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of H.R. 4, the Prescription Drug Price Negotiation Act of 2007.

This is the perfect capstone to an extremely productive week.

I came to Congress to help our seniors gain access to benefits they need and deserve, so I thank Chairman DINGELL and the new Democratic leadership of the House for bringing this vitally important bill to a vote during the first 100 hours.

In 2003, I voted against the prescription drug bill because, among other things, it did not provide adequate benefits to our seniors and did nothing to contain the rising costs of drug prices.

Current law states that the Secretary of Health and Human Services, unlike the Veterans' Administration, is expressly prohibited from negotiating the best drug prices on behalf of the 43 million seniors and others in Medicare who desperately need the lowest price available.

Price data show that Part D plans are not delivering on the promise that competition would bring prices down and that the use of market power has not resulted in drug prices that are comparable to the low prices negotiated by the VA.

H.R. 4 cuts the cost of healthcare and improves access to medicines by requiring HHS to negotiate with drug companies for lower drug prices for Medicare beneficiaries and greater savings for our taxpayers.

It's commonsense, it's good business sense, and it makes sense for our seniors.

Negotiations that lower prescription drug prices will help many consumers avoid the doughnut hole by preventing them from ever hitting the coverage gap where they have to pay thousands of dollars of out-of-pocket expenses for medications while still paying their monthly insurance premiums.

H.R. 4 does not dictate to the HHS Secretary how to negotiate but instead provides the Secretary with broad discretion on how to best implement the negotiating authority and achieve the greatest price discounts for Medicare beneficiaries.

The bill also ensures that Congress is able to closely monitor the administration's progress by requiring HHS to report to Congress every 6 months on drug price negotiation.

Under the current system, the pharmaceutical companies are the ones who benefit at the expense of our seniors, many of whom are forced to choose between paying for their prescription drugs and putting food on the table.

H.R. 4 seeks to help those who need it most. Older Americans are watching us today, waiting to see if we will act to make their prescription drugs more affordable and more accessible.

I am proud to cast a vote in support of America's seniors and urge my colleagues to do the same.

Vote ''yes'' on H.R. 4.

Mr. KING of Iowa. Mr. Speaker, I oppose this legislation, because I believe it will make seniors pay higher prices for their drugs and will restrict their access to the drugs they need.

Earlier this week, I met with Dr. Mark McClellan, the former administrator for CMS. Dr. McClellan pointed out to me, while no program is perfect, Part D has proven to be very successful. Premiums seniors pay for the basic drug benefit have fallen over 40 percent from the expected premiums. CMS reports that, on average, beneficiaries are saving nearly $1,100 a year on their drug costs, with many seniors and their doctors having more drugs to choose from under Part D than they did before. Also, Part D cost nearly $13 billion less than expected in 2006, and 10-year costs have been lowered by approximately $180 billion.

In order to make drugs cheaper, the Secretary will have to refuse coverage for a number of drugs that are regularly prescribed to seniors. When Medicare's list of covered drugs is shortened, either doctors will be forced to choose cheap drugs which could hurt the welfare of their patients, or seniors will be forced to pay out-of-pocket for many of the important, life-saving medications they need.

I urge a ''no'' vote on this harmful legislation.

Mr. YARMUTH. Mr. Speaker, I used to spend weekends at my father's used car lot and among other things, I saw a lot of haggling. There was a sticker price, but that was just a starting point for negotiation. If you wanted to drive the price down really low, your family would buy two cars at once. Three cars would really sweetened the deal. If the neighborhood had been really smart, they would've all come in at once and bought up the whole lot.

I tell you this, Mr. Speaker, because Medicare Part D is buying up the whole lot of prescription drugs and still paying sticker price.

Last year, this institution offered a plan intended to save seniors from paying the exorbitant cost of prescription drugs. Now most of them feel cheated by an overly complicated system, many of them aren't saving any money, and a good number of them are actually paying higher prices than they were before. And because we aren't negotiating on their behalf, we can't even tell our struggling Americans that we're doing the best we can.

Medicare part D was written for drug companies, by drug companies, and it should be no surprise, it's benefiting drug companies. This policy has yielded windfall profits for big pharmaceuticals, at the expense of our older Americans.

We can do better. America expects better. And our seniors deserve better.

I urge my colleagues to pass this common sense measure.

Mr. BOYD of Florida. Mr. Speaker, I rise today to express my support for H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. I commend the Leadership's efforts to curb prescription drug costs for the neediest in our country. As a Representative from the state of Florida, I represent a large number of seniors who rely on Medicare to help with medical costs, I am proud to be a supporter of this bill.

In 2003, when Congress passed the Medicare Part D Prescription Drug Bill Act, I was one of the few Democrats who voted for it. Many of us who supported the bill also supported giving the Secretary of Health and Human Services the power to negotiate drug prices. I believe that by allowing the Secretary to negotiate drug prices with biotech and pharmaceutical companies, we will lower prices for seniors who find themselves in the gap between stages of coverage when they have to pay the full price for the medications they need.

Not only do seniors need help coping with rising healthcare costs, but they greatly benefit from the development of treatments, from research and development, and from biologics. It is my intention as the Representative of the people of North Florida to see that people get

the medical treatment they need, while also ensuring that this change in the Medicare Part D program is not the first step toward government price controls, stifling innovation, or corrupting the core design of our free market system.

We need to ensure that Congress is striking a balance between providing the aid that seniors need, and providing an environment where a healthy market can flourish. Madam Speaker, thank you again for allowing me to speak on this issue, and for making our nation's senior citizens a priority in this first week of the new leadership.

Mr. WEXLER. Mr. Speaker, I rise in strong support of H.R. 4, which mandates the Secretary of Health and Human Services to negotiate lower drug prices for seniors. America's seniors deserve the best possible health care that this government can offer. Unfortunately, we have failed to live up to this expectation under the new Medicare Part D program.

It is unconscionable that the Republicans who drafted the Medicare drug bill actually prohibited the Secretary from obtaining lower prices for seniors. In fact, under Medicare Part D, seniors are paying as much as 10 times more for the most commonly prescribed drugs than patients being treated by the Veterans Administration, and drug prices have consistently risen since the bill's enactment. Community pharmacists, who have witnessed first hand the difficulties seniors face with ever increasing drug prices, endorse this important legislation.

Today, Congress has the opportunity to empower the Secretary to act in the best interest of America's seniors. I strongly urge my colleagues to vote in favor of this bill.

Ms. WOOLSEY. Mr. Speaker, one learns the useful lesson of ''strength in numbers'' from an early age, but it seems some of us could use a refresher. The more people you have on your side, the better the chances of success.

Well, there are approximately 43 million Medicare beneficiaries in this country—more than enough, I'm sure, to throw some considerable weight behind the drug price negotiations we're debating today.

Now let's make one thing clear. The only real beneficiaries of the Medicare modernization act were the insurance companies and the drug companies whose profits continue to soar.

Meanwhile, seniors who have worked a lifetime to earn the peace of mind our drug program should be have been sacrificed for handouts to these industries. Furthermore, they remain responsible for paying a majority of their often astronomical prescription drug costs.

Well today the tides are turning. I'm proud to join my colleagues in support of this long-awaited, urgently needed measure that will finally bring seniors savings on their prescription drugs.

On behalf of beneficiaries in Marin and Sonoma counties, I urge you to support the seniors in your districts, by voting for H.R. 4.

Mr. UDALL of Colorado. Mr. Speaker, I am going to vote for H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. I support making changes to the Medicare Part D plan to make it more accessible, affordable and easier to understand.

H.R. 4 repeals the part of the current law that prohibits the Secretary of Health and Human Services from negotiating with drug companies for lower prices for those enrolled in Medicare drug plans. The bill would instead require the Secretary to conduct cost-saving negotiations, and in conducting these negotiations, the Secretary may not restrict access to certain medicines in Medicare, for example by requiring a formulary to be used by Medicare Advantage plans. Finally, the bill would require the Secretary to submit to Congress a report on the negotiations conducted no later than June 1, 2007, and every six months thereafter.

I am voting for this legislation because I hear from seniors in my district about how they are struggling to pay for the medicines their doctors tell them they need to take. No senior should be faced with the decision of cutting their pills in half, or pay their drug bill or their electric bill.

However, I have some doubts that this negotiation will actually result in lower prices than what private plans are already achieving for seniors enrolled in Medicare Advantage plans. The nonpartisan Congressional Research Service issued a report on January 5, 2007, titled ''Federal Drug Price Negotiation: Implications for Medicare Part D,'' which says that the bill ''may not necessarily lead to lower costs for beneficiaries.'' The report also says the bill could affect the number and types of drugs that would be available to seniors and the amount of research and development and innovation by pharmaceutical companies. Nonetheless, H.R. 4 gives the Secretary of HHS great latitude in how negotiations will be conducted, and it is my hope that the Secretary will enter into these negotiations in a way that won't harm seniors' access to medicines or negatively impact new drug research and discoveries. Large employers, states and large pharmacy chains all use their bargaining clout to obtain lower prices for their consumers; Medicare should have the same opportunity to bargain for lower prices for America's seniors.

Mr. Speaker, I think we need to try dfferent approaches to make lifesaving medicines available to our nation's seniors so I'll vote for this bill. I will continue to work on a prescription drug program that meets the needs of our nation's seniors.

Ms. CORRINE BROWN of Florida. Mr. Speaker, last August I held six (6) Town Hall Meetings throughout my district on the new Medicare Part D Prescription Drug program, and I would encourage my colleagues to do the same. Not only did it give my constituents a chance to get help and get their questions answered, it gave me an opportunity to really find out how the new program is working.

I've been an elected official for 25 years, and I have never seen a program that penalizes somebody for the rest of their life if they didn't sign up right away.

This current Medicare Part D bill was written by and for the Insurance and Pharmaceutical industry without the needs of our seniors in mind.

This bill allows the private drug plans to take drugs off their approved list, and even charge more for drugs throughout the year, while seniors are locked in and cannot change plans until the next year.

Incredibly, the Republican Leadership wrote a bill that specifically prevents the Secretary of Health and Human Services from negotiating the price of drugs. Even though both the Secretary of Veterans Affairs and the Secretary of DoD are negotiating their drug prices right now.

Could you imagine if we told Wal-Mart that they couldn't get a reduced price by buying in bulk? Every member of the Republican Party would be on this floor screaming bloody murder, but when it's needed drugs for our senior citizens, there is deafening silence.

This is another perfect example of the Republicans talking out of both sides of their mouth. They stand on the floor every day demanding that we save the taxpayers money, but when we try to do that with the companies that fill their campaign coffers, they say we are hurting business. But the real truth is that the drug companies are making record profits while seniors and taxpayers are paying higher drug prices.

And one of the most troubling aspects of this bill and one that most people don't know about is the ''donuthole'' where no coverage is provided after you spend $2,250 until your costs reach $5,100. That's $3000 in out of pocket costs that few if any of our seniors can afford.

I encourage my colleagues to do the right thing for our parents and grandparents and allow the secretary to negotiate bulk prices for these needed drugs.

Mr. KUCINICH. Mr. Speaker, on one hand we hear from the opposition that this bill will not save seniors money. But then we hear that Medicare's negotiation of prices is tantamount to price controls. To make that argument, one has to assume money will be saved. Which is it? Will it save money or won't it? The answer is that of course it will save money.

It's particularly interesting that Pharma's response is to threaten to reduce innovative new drug research by withholding research funding. Pharma will not reduce their lobbying army that outnumbers Members of Congress. They will not reduce their profits which average almost $5 billion dollars among the top 8 Pharma companies in 2006 alone. They will not reduce their army of salespeople dedicated to influencing the prescribing habits of doctors. They will not stop paying scientists to influence clinical trial data that is supposed to be the basis for impartial judgment of a drug's efficacy and safety. No, they are threatening to cut research funds, which they claim will affect innovation. But they will not tell you that the number of truly innovative drugs they are producing has been declining since 1999 according to the Government Accountability Office. Why? Because they are instead spending their money on making minor changes to existing drugs in order to extend their highly profitable patent life. And by asking us to reject negotiation of prices for Medicare, they are asking us to fund not only their sub-par research agenda but their entire influence industry. I'm not buying it.

Mr. CROWLEY. Mr. Speaker, I rise in support of the H.R. 4 to allow the Secretary of Health and Human Services to negotiate the price of drugs for our nation's seniors.

This legislation would require the Secretary of Health and Human Services to negotiate with pharmaceutical companies, and would also require the Secretary to report back to Congress on his negotiations, effectively giving us the right of oversight.

But I support this legislation because it has the ability to save our nation's seniors millions of dollars in drugs they use every day.

There is evidence to show that this bill could potentially save our seniors significant savings

on their prescription drugs. According to Families USA, the average senior could potentially save 58 percent on their drugs.

Additionally, according a Kaiser Family Foundation poll, eighty-five percent of respondents feel that the government should be given the ability to negotiate lower prices for senior citizens.

However, this bill, while a step in the right direction is by no means the end to this debate. Congress should hold hearings, and briefings to further discuss how to lower prices for medication without eliminating access to vital medications for our nation's seniors.

In order to accomplish more access to medications, and an over all improvement in the healthcare system, the answer does not lie in pointing fingers at each other, but rather the un-obstructed dialogue between constituents, elected officials on both sides of the aisle, and all interested parties.

I know that I am willing to work with all parties in this debate if it helps my constituents obtain much needed medicine, and access to doctors.

Let's stop blaming each other, and prohibiting each other from trying something new. Instead, let's attempt something that could possibly be revolutionary. Former President Franklin Delano Roosevelt once said "It is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something."

I agree with him, prevail or not, at least we can say we tried to make a difference in the lives of millions of Americans.

I urge all my colleagues to work together to get this legislation passed, both in Congress and out.

Mr. TANNER. Mr. Speaker, I join my colleagues in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act.

We all share the goal of adequate access and reasonable prices for prescription drugs for our nation's seniors. I believe that the Medicare prescription drug program can be improved and one improvement will be to allow the Secretary an opportunity to try to negotiate for lower prices.

While I do support this legislation, I want to make it clear that I do not support any government-imposed restrictions on patients' access to their medicines. Nor do I support government price controls on prescription drugs. Each patient must have access to their doctor prescribed medicines without a government bureaucrat blocking that access. I also do not support the imposition of government price controls that might restrict access to medicines and the development of new medicines needed by those with conditions like Alzheimers, ALS and cancer.

I believe that provisions in H.R. 4 that protect against government imposed formularies is the right policy. In supporting H.R. 4 today, I am saying Yes to negotiation, No to government-imposed restrictions on patient access to the drugs prescribed by their doctors and No to government price controls.

Mr. SHAYS. Mr. Speaker, I am opposed to H.R. 4. Despite the rhetoric we're hearing on this issue, the fact is seniors are already realizing significant savings from negotiated prices. With plenty of competition between Medicare prescription drug plans driving prices lower, the free market is working. Why fix something when it's working?

Seniors should understand the government isn't in charge of negotiating prices because the government doesn't administer the benefit. Private plans do. The negotiation takes place through private carriers who provide this service already for prescription drug beneficiaries like the United Automobile Workers of America.

Most prescription drug plans use pharmacy benefit managers, or PBMs, to negotiate drug prices for them. These PBMs already negotiate drug prices for private insurers, and now, with the added market power of Medicare beneficiaries, PBMs are getting lower prices not only for Medicare beneficiaries, but for everyone on whose behalf they are negotiating.

I noted with interest the Congressional Budget Office report on this legislation, which stated that the federal government lacks the leverage to achieve savings over what private plans are already negotiating. Furthermore, the CBO report notes because Medicare prescription drug plans bear substantial financial risk, they already have strong incentives to negotiate deep discounts on prescription drugs.

I think it is unfortunate on an issue of this importance, we haven't had a single committee hearing or considered a single amendment to this legislation, despite significant evidence the legislation will not do what its proponents claim it will.

I share the bill's proponents support for lowering drug prices, but H.R. 4 is the wrong solution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have serious reservations about H.R. 4. I am not convinced this provision will do anything to really help lower the price of prescription drugs. I will reluctantly vote for H.R. 4 because it is a priority for the Speaker.

I would like to submit an article into the RECORD published yesterday morning in the Washington Post.

The article points out the faulty approach in comparing the Veterans Administration with Medicare Part D, when it comes to drug price negotiations.

While the V.A. is able to offer significant savings in drug prices, it offers a limited formulary. Also, the VA—by law—receives an automatic 24 percent discount from the average price that wholesalers pay.

Comparing Medicare Prescription Drugs to the V.A. system is apples to oranges. I have not seen convincing evidence that the proposal will be effective.

Mr. Speaker, we must do better. We must do more.

In my opinion, this bill (H.R. 4) leads the seniors to believe that we are doing something for them. If we are serious, we would address the "donut hole."

Again, I urge my colleagues to review this article, that helps to make my point, and I submit it for the RECORD.

[From the Washington Post, Jan. 11, 2007]

EXPERTS FAULT HOUSE BILL ON MEDICARE DRUG PRICES

(By Christopher Lee)

Democrats are fond of citing the Department of Veterans Affairs as evidence that Medicare officials could squeeze lower prices out of drugmakers if the government merely used its negotiating clout. But that comparison ignores important differences between the two systems, experts say.

Unlike Medicare, VA by law receives an automatic 24 percent discount from the average price that wholesalers pay. Its prices are also low because VA, which prescribes medications for 4.4 million veterans annually, has a relatively narrow formulary, or list of approved drugs. The agency secures big discounts from the manufacturers of a few drugs in each class by promising not to offer competing drugs. The Centers for Medicare an Medicaid Services (CMS) is prohibited by law from adopting such a list for the year-old Medicare drug benefit, in part because seniors enrolled in what is known as Part D want to have a wide range of drug choices.

The legislation that House Democrats hope to pass tomorrow to require the Bush administration to negotiate drug prices for Medicare would neither permit a formulary nor require an automatic discount. It would simply require the secretary of health and human services to pursue negotiations and report back to Congress in six months.

That is part of the reason that many experts do not expect the measure to deliver significant savings even if it overcomes opposition in Congress and escapes a possible presidential veto.

In fact, the nonpartisan Congressional Budget Office said yesterday that the House bill would have a "negligible effect" on federal Medicare spending because without a formulary the HHS secretary probably could not obtain better drug prices than those negotiated by the many private insurers who offer Medicare drug plans.

"The federal government can get lower prices, but only if it's willing to exclude a certain number of drugs from the formulary," said Robert Laszewski, a nonpartisan health policy consultant in Washington. "And that's a huge political leap that I would be very surprised if this Congress took. I don't think they are going to give CMS any teeth."

"The VA is really a different animal than Medicare Part D," said Robert B. Helms of the American Enterprise Institute, who was an assistant secretary of health and human services in the Reagan administration.

But Democrats and their allies say that the gulf between drug prices under the VA system and those under Medicare is too large to ignore, and that requiring the government to negotiate prices for Medicare would help narrow the gap significantly.

On average, prices are 58 percent higher in Medicare than in the VA system for the 20 drugs most commonly prescribed for seniors, according to a study released Tuesday by the nonprofit advocacy group Families USA. The lowest price for a year's supply of 20–milligram pills of the cholesterol-lowering drug Lipitor, for instance, was $1,120 in Medicare and $782 in the VA system, the report said.

"These high prices are devastating seniors," said Ron Pollack, the group's executive director.

Rep. Frank Pallone Jr. (D–N.J.), chairman of the House Energy and Commerce subcommittee on health, called eliminating the current prohibition on government negotiations a "no-brainer."

"It makes absolutely no sense to say that the administration should not be able to negotiate prices for all these seniors," Pallone said. "There's no way it's not going to save a significant amount of money."

Pallone said Medicare could obtain prices similar to the VA system's even without a formulary. "I have every reason to believe that there is enough persuasion power, with different things that could be implemented by the secretary, that could get down to those levels," he said. He added that Democrats will consider further changes down the road.

Energy and Commerce Committee Chairman John D. Dingell (D–Mich.), lead sponsor of the House bill, discounted the importance of the CBO analysis. "Common sense tells you that negotiating with the purchasing

power of 43 million Medicare beneficiaries behind you would result in lower drug prices,'' he said.

Critics of the VA comparison note that some of VA's costs are buried in overhead. The department employs the doctors and nurses who write the prescriptions, and it operates the mostly mail-order pharmacies through which 76 percent of veterans' prescriptions are distributed. Medicare does not have that kind of infrastructure, and seniors have demonstrated a preference for retail pharmacies, CMS officials say.

CMS officials also note that about a quarter of the 3.8 million Medicare beneficiaries who get VA health-care benefits are also enrolled in Part D, in which the choice of drugs is broader.

''It's apples to oranges,'' former CMS administrator Mark B. McClellan said of the comparison. ''The VA is a closed health-care system relying on mail order and a tighter formulary than Medicare beneficiaries have shown they prefer.''

Mr. WELDON of Florida. Mr. Speaker, the legislation before us today is very different from the campaign promises that were made just a few short months ago by the Democrats. Counter to the arguments made today by Democrats in support of their bill, experts in the field, including the Democrats' own past and present budget directors, say that this bill will not save seniors or the government money. The bottom line is that this bill is more about politics and partisanship than it is about partnership and lowering prices for prescription drugs.

Rather than the ''Medicare Prescription Drug Price Negotiation Act,'' a more appropriate name for this bill might be, ''The Government Price Control and Limited Access to Drugs Act.'' Price controls, which supporters of this bill advocate, lead to shortages and denial of access to many drugs.

Robert Reischauer, appointed by Democrats as the Director of the Congressional Budget Office (CBO) from 1989 through 1995, had this to say recently about the Medicare Prescription Drug plan and the Democrats' proposed legislation (H.R. 4):

People said it's going to cost a fortune. And the price came in lower than anybody thought. Then people like me said they're low-balling the prices the first year and they'll jack up the rates down the line. And, lo and behold, the prices fell again. And the reaction was, ''We've got to have the government negotiate lower prices.'' At some point you have to ask: What are we looking for here?

In other words, Mr. Reischauer, who now works for the liberal-leaning Urban Institute, says that we have already achieved in the current plan what the Democrats say they want to achieve with H.R. 4.

Further undermining the Democrats' claim is the January 10, 2007, cost estimate and analysis of their bill by the CBO concluding that H.R. 4 would not save seniors or the government money. The Democrats had hoped to use any savings for additional government spending. The problem is CBO says there will be no savings. Quoting from that analysis:

. . . the Secretary would be unable to negotiate prices across the broad range of covered Part D drugs that are more favorable than those obtained by PDPs under current law. [PDPs are the current private plans available to seniors under Part D.] [T]he Secretary . . . would lack the leverage to obtain significant discounts in his negotiations with drug manufacturers. . . . [P]rices for covered Part D drugs would continue to be determined through negotiations between drug manufacturers and PDPs. . . . PDPs have both the incentives and the tools to negotiate drug prices that the government, under the legislation, would not have.

CBO, economists and Republicans understand basic economics: When you have no tools at your disposal at the negotiating table, you have no leverage and no ability to achieve your goals. The Democrats removed from their bill the most important tool in lowering prices. This is the very tool that PDPs have used very effectively—their ability to establish a formulary for their plan that includes some drugs while excluding others. Absent the ability to exclude some drugs from their prescription drug plan, the government has no leverage to achieve lower prices. When seniors were told that the Democrats were planning to establish a plan that excluded some drugs, 89 percent of seniors said they would object to such a plan. It was this strong reaction from seniors that led Democrats to drop this plan.

It is this ability to exclude hundreds of drugs that enables the Dept. of Veterans Affairs (VA), Dept. of Defense (DOD) and Medicaid to negotiate prices with manufacturers. The VA also saves money by requiring that over 80 percent of VA prescriptions be filled by mail order and by limiting access to local pharmacies. The VA approved drug list includes less than 40 percent of drugs approved by the FDA since 1990, and less than 20 percent of drugs approved by the VA since 2000. VA drug prices also do not include the costs of administering the program or paying for pharmacy services. The tradeoff for those in these programs is that they have access to far fewer than the 4,300 drugs currently available to seniors across the Medicare drug plans. Eighty-nine percent of seniors do not want the government to apply such restrictions to Medicare.

The good news for seniors is that currently there is negotiation for drug prices by those who have the leverage and tools at their disposal to secure better prices for seniors and the government. The various Medicare Part D [PDP] plans do negotiate with drug manufacturers for drug prices and they do so in a vigorously competitive environment. Each of these plans has a drug formulary (list of drugs available to enrollees in that plan) and manufacturers know that if they do not provide Part D plan with a reasonable price, their drug will not be offered in that plan resulting in the loss of drug sales for their drugs. These Part D private plans have the ability to leave the negotiating table and exclude drugs from their plan and this has lowered drug costs significantly. Medicare recently released a study showing that estimated costs of the Part D program have fallen by over $100 billion, primarily due to the ability of plans to negotiate savings.

Under the current program, once these plans have completed their negotiations, seniors are able to review the plans to see which plan best meets their needs in terms of drugs, including copayments, deductibles, and other factors. My constituents in Florida District 15 have dozens of different plans from which to choose.

There is a saying that, ''You don't fix what ain't broken.'' Given that over 80 percent of seniors are satisfied with their current plan, it is safe to assume that it isn't broken. Unfortunately, for Part D beneficiaries, the Democrats' bill amounts to choosing partisanship over partnership. Now-Speaker PELOSI said of the Republican Medicare Drug Plan back in 2003: ''The Republican plan is a plan to end Medicare. I urge my colleagues to reject this raw deal for America's seniors.'' Contrary to her dire prediction, it has turned out to be a very good plan for seniors as the average senior is saving hundreds of dollars per year.

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, I support H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007, and its goal of reducing prescription drug prices for both the Medicare program and its beneficiaries.

Just like any new program, the current Part D benefit has its flaws. Make no mistake, however, the current Medicare prescription drug benefit has gone a long way in providing desperately needed assistance to seniors in Tennessee and across America in paying for their prescription drugs. Though far from perfect, the original bill passed in 2003 represented a breakthrough and an important milestone in the Nation's commitment to strengthen and expand health security for current beneficiaries and future generations. As a representative of an extremely rural district, the provisions that directly impacted my rural constituency were too good to vote against. Had I voted against the legislation, I would have essentially voted against my constituents, and I was elected to protect them.

Tennessee's Fourth District has a little over 27,000 elderly individuals with incomes less than 150 percent of the federal poverty level. The current benefit has directly assisted them in scaling down the cost of medicine and, as a result, has provided much needed assistance for low-income individuals. In fact, as of November, over 50,000 Tennesseans had been deemed eligible for the low-income subsidies provided by the original legislation.

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 has directly impacted each of the 435 congressional districts in a unique way. While there is room for improvement, no one can deny that Part D has made great strides in helping our seniors to afford prescription medications. I applaud the program, but like my colleagues, I am committed to strengthening the benefit.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support for the Medicare Prescription Drug Price Negotiation Act of 2007, H.R. 4.

This legislation is long overdue. Quite simply, H.R. 4 repeals the provision in current law that prohibits the Secretary of Health and Human Services (HHS) from negotiating with drug companies for lower prices for those enrolled in Medicare prescription drug plans and instead requires the Secretary to conduct such negotiations. As it stands right now, Medicare is the only entity in this country that cannot bargain for lower drug prices. The states, Fortune 500 companies, large pharmacy chains, and the Veterans' Administration (VA) all use their bargaining clout to obtain lower drug prices for the populations they serve.

It is quite astonishing that the current law prohibits Medicare from negotiating for lower prices while the VA is able to negotiate for lower prices for veterans. By not allowing Medicare to negotiate for lower drug prices, the responsibility for moderating drug prices is in the hands of the private drug plans that participate in Medicare. With the failure of private plans to deliver lower drug prices, Medicare

beneficiaries end up paying higher out-of-pocket expenses. This failure is also a burden on taxpayers, as they pay approximately three-fourths of the costs of the Part D program.

We simply cannot rely solely on private market competition to secure lower drug prices for Medicare beneficiaries. In fact, a recent report conducted by Families USA found that Medicare Part D drug prices are much higher than those obtained by the VA. This comprehensive study determined that for half of the top 20 drugs prescribed to Medicare Part D beneficiaries, the lowest price charged by Part D insurers is at least 58 percent higher than the same drugs provided to veterans by the VA. It is obvious that the pharmaceutical companies participating in Medicare Part D have failed to achieve what former CMS Administrator Mark McClellan claimed, ''the best discounts on drugs.'' We can, and must, do better in lowering drug prices in the Medicare Part D program.

We must stand up for seniors and people with disabilities and give Medicare the ability to get the lowest possible prices for its beneficiaries. America's seniors and taxpayers will benefit from this legislation. I urge my colleagues to support the Medicare Prescription Drug Price Negotiation Act of 2007.

Mr. SIRES. Mr. Speaker, I rise in support of H.R. 4, the Medicare Prescription Drug Negotiation Act of 2007. A bidding process exists for contracts and other goods and services at every level of government. As a former Mayor, my experience tells me that bidding and negotiations almost always leads to lower prices, which in turn saves the government and, ultimately, the taxpayers money.

Today we have the opportunity to allow the government to negotiate and follow a purchasing process that is similar to the ones used by local and state governments as well as the Federal Government. Having already allowed Veterans Affairs this type of negotiation authority, there is no reason why Medicare should not have the same authorization.

I do not believe this authority is going to limit the choices for Medicare beneficiaries as some of my colleagues on the other side of the aisle have suggested. This legislation will not force the Secretary of Health and Human Services to restrict formularies and will not alter any of the current prescription drug plans. Rather H.R. 4 will help seniors get lower prices on prescription medications under Medicare and that is why I will vote for this bill today.

Mr. Speaker, I urge all of my colleagues to support H.R. 4.

Mr. MARKEY. Mr. Speaker, I rise today in support of H.R. 4, The Medicare Prescription Drug Price Negotiation Act.

We've heard about how Wal-Mart reduces costs through the purchasing power of their ''Sam's Clubs.''

Well today we are establishing ''Uncle Sam's Club'', a smart way of pooling the enormous purchasing power of the Medicare program and enabling the Secretary to drive down the cost of prescription drugs through negotiation.

Fortune 500 companies and large pharmacy chains all across the country negotiate for better drug prices on behalf of their patients.

It is now time for the Secretary of HHS to do the same on behalf of millions of seniors in the Medicare program.

When the Republicans passed their prescription drug bill, they explicitly prohibited the Secretary of HHS from negotiating with the pharmaceutical industry to get better drug prices for seniors.

They seem to have forgotten that the government is supposed to work for the public interest, not the special interests. Unfortunately, it has become necessary to remove that giveaway to the special interests and remind the Secretary of his public interest obligations. In this bill we require the Secretary to work on behalf of seniors and people with disabilities to make sure they get the best possible deal on prescription drugs.

The Republican's prescription drug bill has failed to get the cost of prescription drugs under control. Last year drug prices rose at twice the rate of inflation.

The Medicare Prescription Drug Act was supposed to help seniors pay for their prescription drugs, but instead it became a means to keep drug prices and company profits at record high levels.

It is long past time for the Secretary to use his negotiating power to help seniors avoid choosing between buying the drugs they need and paying for their rent or food.

Vote for your constituents for a change. It is good medicine. Vote for H.R. 4.

Mr. HASTERT. Mr. Speaker, in 2003, for the first time in history, this Congress was able to pass historic legislation providing comprehensive prescription drug coverage under the Medicare program. When we debated this legislation we heard from our Democrat colleagues on how it won't work. It will be too complicated, confusing, frustrating for seniors and they will pay high premiums and deductibles for minimal benefits.

Then Part D went into effect. Again we only heard from the other side of the aisle with tales of unsatisfied seniors who had no help to guide them through the process.

Now just a little over a year after Medicare Part D was implemented we find ourselves talking about this program again. So let's talk about Part D Mr. Speaker. Let's talk about the 22.5 million seniors who just over a year ago had no prescription drug coverage. Let's talk about recent polls that show 80 percent of those covered say they are in fact satisfied with the program and the benefits they are receiving. And we know they are satisfied because they are spending far less money out of pocket. On average, seniors are paying less than half of what they were just a year earlier when they had no drug coverage at all, many are saving even more.

In fact Mr. Speaker, I recently received an email from a constituent of mine in Elgin, Illinois, Mr. Ted Whittington. Ted just wanted to thank the Congress for their leadership in providing the prescription drug plan because of what it meant for his family. See Ted's mother takes medication that cost them nearly $700 a month placing a great deal of financial strain on the family. When they enrolled her in Part D it immediately reduced those monthly costs to $170—cutting costs 70 percent. This is just one of the many success stories I have had the pleasure of hearing about from my constituents back home in Illinois.

Before us today is a bill that will take Medicare Part D in the wrong direction by removing the free-market tools which are keeping prices low. H.R. 4 would replace the free market with price controls. Price controls didn't work with gasoline in the 70s and isn't the answer for Part D. It won't help seniors. It won't help taxpayers.

In fact, CBO confirms price control mechanisms aren't practical for Part D. Just this week they reported to Congress once again that giving power of price control to the Secretary would have a negligible effect on lowering prices. Our Democrat colleagues know this, standing before this House time after time voting against the very price controls they seek to pave the way for today. They did so for one simple reason—price controls do not work.

In nearly every way, H.R. 4 undermines the thriving Medicare Part D program that is helping millions of seniors. A price control system will limit the amount of drugs available to seniors while keeping them from being able to get their prescription filled when and where they want. And these changes would be far-reaching, increasing drug costs for veterans, slowing the course of new drugs available on the market, and diminishing the health and well being of those it seeks to help.

Mr. Speaker, my Democratic colleagues refuse to admit the truth to the American people—Medicare Part D is working. For seniors, Part D simply means affordability and access to their prescription drugs. From community pharmacies to mail order, seniors around the country get the prescriptions they need at prices they can afford. Instead of giving credit for a job well done and reaching across the aisle to build off the successes of this Republican-led program, the new House leadership would rather play politics and dismantle the Medicare Part D program.

Mr. Speaker I urge my colleagues to vote ''no'' on H.R. 4 and let us get to work on solving problems—not creating new ones for the American people.

Mrs. TAUSCHER. Mr. Speaker, I rise today to speak on behalf of America's senior citizens.

We in the Congress have a duty to provide the Secretary of Health and Human Services with all the tools necessary to grant seniors continuous access to affordable prescription drugs.

This legislation, which I support, helps move in that direction.

However, we must be careful that our actions do not restrict seniors' access to medicines prescribed to them by their doctors.

And we must be careful to ensure that any changes to Part D do not diminish the ability of life sciences and biotechnology companies to continue innovation—innovation on the drugs that are extending and improving the quality of life for countless people around the globe, and innovation on future research that holds limitless promise.

I also firmly believe that limiting formularies is not the way to go because it has a direct impact on limiting choice to seniors.

We also need to address the donut hole created by the Republican-authored Medicare bill.

It is wrong that we provide seniors help with their drugs, and then suddenly—that help stops. Coverage needs to be continuous.

I look forward to working with my colleagues to rectify this problem. Our seniors deserve it.

Mr. HONDA. Mr. Speaker, I rise today in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. I commend Speaker PELOSI and Representative

DINGELL for bringing this important legislation to the floor for consideration.

I strongly believe that Medicare should ensure that seniors have access to the drugs and biologics they need. I applaud the leadership's effort to avoid the use of government price controls and restrictive formularies, while broadening the effort to make medication more affordable for our seniors.

It is critical that the Secretary structure the negotiation process so that the result does not limit seniors' access to both proven and new therapies.

Small, emerging biotechnology companies are researching and developing cures for cancer, Alzheimer's, multiple sclerosis and other devastating diseases. The majority of these companies are small companies without approved products, which are highly reliant on the public and private capital markets.

As Medicare negotiates prices, we must be careful to protect this important research, which is costly and takes a long time to come to fruition but has added much to our quality of life.

I believe that this legislation is an important first step in achieving important cost savings for our seniors and urge my colleagues to support it.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to Section 510 of House Resolution 6, the bill is considered read and the previous question is ordered.

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. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BARTON of Texas. I very certainly am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Barton of Texas moves to recommit the bill H.R. 4 to the Committees on Ways and Means and Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

In subsection (i) inserted in section 1860D-11 of the Social Security Act (42 U.S.C. 1395ww-111) by section 2(a) of the bill, redesignate paragraphs (3) and (4) as paragraphs (5) and (6), respectively, and insert after paragraph (2) the following:

''(3) ASSURING CONTINUED ACCESS TO COVERED PART D DRUGS AND PHARMACY NETWORKS.—In carrying out paragraph (1), the Secretary shall not (directly or indirectly) restrict or otherwise limit any of the following:

''(A) ACCESS OF BENEFICIARIES TO COVERED PART D DRUGS.—The access of part D eligible individuals enrolled under prescription drug plans or MA–PD plans to any covered part D drug, such as any oral cancer drug, any antiretroviral therapy for individuals with the human immunodeficiency virus or acquired immune deficiency syndrome (HIV/AIDS), any drug for a mental health illness, any drug to treat a neurological disorder (such as Alzheimer's disease or Amyotrophic Lateral Sclerosis), or any immunosuppressant drug to safeguard organ transplants.

''(B) ACCESS OF BENEFICIARIES TO NETWORKS OF CHAIN AND COMMUNITY PHARMACIES.—The access of such individuals enrolled under such plans to networks of chain and community pharmacies that provide convenient and timely delivery of covered part D drugs, whether or not such restriction or limitation is in the form of restricting delivery of such drugs to mail order, imposing increased cost-sharing, restricting the quantities of such drugs to be dispensed, or lowering the dispensing fees paid to such pharmacies.

''(4) PROTECTION AGAINST INCREASING DRUG PRICES FOR VETERANS.—In carrying out paragraph (1), the Secretary shall not thereby increase prices for prescription drugs for any identifiable group of citizens of the United States.''.

Mr. ROSS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

Mr. BARTON of Texas. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read the motion to recommit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion to recommit.

Mr. BARTON of Texas. Mr. Speaker, I want to apologize to Mr. ROSS if he thought I was being rude to him. I wasn't.

We only have 5 minutes on motions to recommit, and I wanted the Members to hear the motion and hopefully others that may be following the proceedings, because it is very short and it is also very simple.

We have already heard from the Congressional Budget Office, which is nonpartisan, that the bill before us is not going to save any money in its current form. Having said that, since it is not going to save money, it could still do irreparable harm, if in these negotiations, if they were ever to occur, the Secretary, in trying to save money, would have to look at the following areas:

First, he would have to look at some of the very expensive drugs that serve small segments of our population like the HIV drugs and some of those type of drugs. We don't want that to happen, so we explicitly preclude that.

He would also have to look at access. The VA program that has been touted as an alternative to Medicare part D, in spite of the fact that over a third of the veterans choose Medicare part D, it achieves many of its savings, number one, by restricting the formulary; and, number two, requiring that most of the drugs be delivered via mail order. In other words, you don't have that local pharmacy point of access. So this motion to recommit explicitly says you have to maintain that access.

It also says you can't impact groups like the veterans or any recognizable group that may have a group plan, because we don't want to squeeze, if you start trying to save money somewhere else, you may squeeze them and raise their prices.

So this is a very straightforward motion to recommit. We simply say if you are going to give the Secretary of HHS all this negotiating authority, let's be careful that, in doing that, we don't hurt all these other segments of our population.

Mr. Speaker, we have heard a lot of political rhetoric today. That is not surprising because the Democrats have made this a political debate and not a debate on substance. That is unfortunate because this issue is too important to too many Americans.

There has been a lot of discussion about what this bill does and does not do; the truth of the matter is we don't really know. This bill has been the subject of no hearings; we have heard from no witnesses; we have had no subcommittee or full committee markups; we have had no opportunity to debate or even offer amendments. In fact, the Energy and Commerce Committee didn't even have its first meeting until 2 days ago.

Mr. Speaker we do know something about the successes of Medicare part D. We know that tens of millions of our seniors have access to prescription drug coverage for the first time; we know that tens of millions more are saving money when they buy prescription drugs. We also know that seniors can choose from competing plans, have access to the approximately 4300 prescription drugs available, filled at pharmacies of their choice.

Proponents of H.R. 4 claim that it will have no impact on beneficiaries' access to pharmacies or to the range of drugs they may take. If that is true then they should all vote in favor of the Motion to Recommit.

The motion is simple but critically necessary. The motion guarantees seniors access to all drugs that are available under the current program; the motion ensures that seniors suffering from cancer, ALS, Alzheimer's, and other debilitating diseases get the drugs they need. The motion guarantees that our seniors have access to new and innovative treatments as they become available.

The motion ensures that the government cannot limit or restrict beneficiary's access to their local pharmacies; seniors should be able to get their prescriptions filled at pharmacies of their choice.

Finally, the motion ensures that the legislation will not end up increasing the cost of drugs for veterans or any other group of Americans.

I urge all Members to vote in favor of preserving access to drugs and local pharmacies. Vote in favor of the Motion to Recommit.

Mr. Speaker, I would like to yield to the distinguished ranking member of the Ways and Means Committee (Mr. MCCRERY) for 2 minutes.

Mr. MCCRERY. Mr. Speaker, I don't believe, based on the evidence, that the Democrats' plan can reduce prescription drug prices without reducing seniors' prescription drug choices, or without devastating local pharmacies, or without raising drug prices for our veterans.

Now, they claim that won't happen. They claim they can reduce prices without doing all those things. Well, the motion to recommit gives them a

chance to put their vote where their mouth is.

One of the things we should be most proud about in the part D program is that it mandates that drugs for certain terrible illnesses be available. Our motion is simple. It would require that whatever government-negotiated plan emerges from this Democratic legislation must also ensure continued access to medications for those illnesses.

The Republican motion says that for cancer, HIV/AIDS, mental illness, Alzheimer's, ALS, or Lou Gehrig's disease, you have got to have those drugs in those plans. You can't restrict them.

The second part of our motion deals with community pharmacies. In the VA system, 80 percent of prescriptions are filled by mail, and the rest of them are gotten at VA centers, veterans hospitals and the like. How many people in this Chamber are willing to ask seniors to give up talking to their pharmacists?

□ 1345

If you aren't, and I suspect most of you aren't, then vote for the Republican motion to recommit. We guarantee that they will be able to talk to their local pharmacists.

Third part of our motion seeks to protect America's veterans. This motion would ensure that requiring the HHS Secretary to negotiate Medicare prescription drug prices would not directly result in increasing drug prices for veterans, because as we have seen in the past, when the government gets involved in setting prices in other areas, prices to veterans go up. This motion to recommit won't allow that to happen with prescription drug prices for veterans.

So if those things are what you believe, and what you want, just vote for the Republican motion to recommit, and you will ensure that those guarantees are in the legislation.

Mr. BARTON of Texas. Mr. Speaker, may I inquire, do I have any additional time?

The SPEAKER pro tempore (Mr. BOSWELL). The gentleman has 30 seconds.

Mr. BARTON of Texas. Mr. Speaker, I would yield that to Mr. STEARNS of Florida, 30 seconds.

Mr. STEARNS. I thank the chairman.

Mr. Speaker, the motion to recommit will mean that under section 4, the Secretary's actions shall not result in drug price increases paid by veterans. This means, my colleagues, includes the Department of Veterans' Affairs or veterans themselves.

Certainly what both distinguished chairmen have mentioned is clear. I think that all Members should understand that. I support the motion to recommit.

H.R. 4 will most certainly increase VA drug prices. (1) This happened in 1990, Congress gave Medicaid access to VA, shooting up some VA drug prices 300 percent. (2) Next, when the Clinton Administration's Office of Personnel Management tried to expand VA's discounts to a group within FEHBP in 2000, Clinton's own VA balked, as did a witness from Disabled American Veterans. (3) Just recently former Clinton Administration VA Acting Secretary Hershel W. Gober, wrote in a 2004 issue of DAV Magazine that VA estimated in 1999 "extending discounted government prices to Medicare would increase VA's annual drug costs by $500–$600 million".

Please don't turn your back on the brave men and women who defend our Nation. Support this motion to recommit in order to ensure that H.R. 4 will not adversely affect drug prices for veterans.

Mr. ROSS. Mr. Speaker, I rise in opposition to this motion to recommit.

The SPEAKER pro tempore. The gentleman from Arkansas is recognized for 5 minutes.

Mr. ROSS. Mr. Speaker, I don't really know where to begin. My wife is a pharmacist. We own a family pharmacy back home in Prescott, Arkansas. Just minutes ago she shared with me by telephone that she had to turn her television set off because she has heard so many untruths and misinformation coming from the Republican side of the aisle during this debate here today.

But let me be clear about this: A "yes" vote for the motion to recommit is a vote for the big drug manufacturers, and a "no" vote on the motion to recommit is a vote for America's seniors. Now, today we are trying to correct a wrong that occurred back in 2003. Let us reflect back for a moment.

We passed the so-called Medicare part D prescription drug benefit back in 2003, some 500 pages, gave us less than a day to read it and somewhere around 50 or 60, they actually, the Republican leadership actually put language in the bill that says the Federal Government shall be prohibited from negotiating with the big drug manufacturers to bring down the high cost to medicine for America's seniors.

That is in the bill, and that is what today we are fixing, and then, to be sure the big drug manufacturers would not have to lower their prices, the Republican leadership back in 2003, they decided that they would spread all 43 million Medicare beneficiaries, over 30 companies, offering more than 1,200 private plans, so no plan and no company would be able to negotiate on behalf of very many seniors. That is what they did.

Now we know, Mr. Speaker, now we know why back in 2003 the vote on this occurred at 3:00 in the morning. Now we know why the vote took 3 hours for passage.

Today, Mr. Speaker, we are letting the sun shine on our seniors, and on the way we conduct business in this Chamber as we hold the big drug manufacturers accountable and bring down the high cost of medicine for America's seniors.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY) for 2 minutes.

Mr. BERRY. I thank the gentleman, my colleague and friend.

Mr. Speaker, as I have listened to this debate, and I am the only registered pharmacist in the 110th Congress. I can tell you one thing for certain, my distinguished colleagues across the aisle, while well meaning, absolutely don't know turnip greens from butter beans about what they are talking about.

They have claimed to be concerned about our seniors. They have claimed to be concerned about our neighborhood pharmacies. Their bill, passed in 2003, assaulted our seniors and our neighborhood pharmacies.

I assure you, that bill has done more to threaten those small businesses and the health care and well being of our senior citizens more than anything that is ever been done by this United States Congress, and they should be ashamed of themselves. They should be running to punch the green light as we come to the conclusion of this debate.

It was their party that held the vote open for 3 hours just for the opportunity to perform this assault on our seniors and on our neighborhood drugstores.

If they were concerned, they would not have passed that bill. They would not have made it possible for the PBMs to rob our neighborhood pharmacies and our senior citizens.

I can tell you this, our pharmacists provided millions of dollars in medicine out of the goodness of their hearts and a moral obligation to see that the senior citizens of this country were taken care of when this plan was implemented.

They did some wonderful humanitarian work. They deserved to be treated better than what this Medicare modernization act did. They are the victims, along with our seniors. The Republican motion to recommit is nothing more than charade intended to prevent Medicare from providing lower drug prices to our senior citizens.

I urge everyone in this House and everyone that cares about our senior citizens and the cost of prescription drugs to vote "no" on the motion to recommit and to vote "yes" on H.R. 4.

Mr. ROSS. Mr. Speaker, I would inquire, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman has 30 seconds remaining.

Mr. ROSS. Mr. Speaker, reclaiming my time, I now yield the remainder of my time to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, let me take this opportunity first of all on the charges that were made on the other side indicating that the prices for the veterans would rise is false and not correct. H.R. 4 does not require that the manufacturers extend the VA prices to Medicare.

Why we are here today is to make sure that our seniors are well taken care of, to make sure that they are having the same opportunities that our veterans would have. What's wrong with allowing our taxpayers to have a better rate? What's wrong with allowing our seniors to have better rates?

Those are the most vulnerable of our communities. I ask you to vote ''aye'' on this bill.

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 noes appeared to have it.

Mr. BARTON 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 196, nays 229, not voting 10, as follows:

[Roll No. 22]

YEAS—196

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)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
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)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
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
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
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
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—229

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
Carson
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
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
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
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
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
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOT VOTING—10

Buyer
Gillmor
Hastert
Levin
Loebsack
McHugh
Miller, Gary
Norwood
Radanovich
Wu

□ 1414

Mr. EDWARDS, Mr. ABERCROMBIE, Ms. CORRINE BROWN of Florida, Mr. SCOTT of Georgia, Ms. HOOLEY, and Mr. FATTAH changed their vote from ''yea'' to ''nay.''

Mr. BURTON of Indiana changed his vote from ''nay'' to ''yea.''

So the Motion to Recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 22, on Motion To Recommit With Instructions (H.R. 4), had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. BOSWELL). 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. BLUNT. 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 255, noes 170, not voting 10, as follows:

[Roll No. 23]

AYES—255

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
Buchanan
Burton (IN)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes

Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—170

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)
Brown (SC)
Brown-Waite, Ginny
Burgess
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (MI)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Rehberg
Reichert
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 (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—10

Buyer
Gillmor
Hastert
Kirk
Levin
Loebsack
McHugh
Miller, Gary
Norwood
Radanovich

□ 1422

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KIRK. Madam Speaker, on rollcall No. 23 I was unavoidably detained. Had I been present, I would have voted "aye."

Stated against:

Mr. NORWOOD. Madam Speaker, on rollcall No. 23, on passage of H.R. 4, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. LOEBSACK. Madam Speaker, due to a death in the family I missed two votes on Friday, January 12, 2007. Please note in the appropriate place in the CONGRESSIONAL RECORD that had I been present, I would have voted as noted below.

Rollcall Vote 22: "nay."

Rollcall Vote 23: "aye."

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. EMANUEL. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 60) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 60

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. Cummings (to rank immediately after Ms. Giffords).

(2) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Ms. Matsui (to rank immediately after Mr. Lipinski).

Mr. EMANUEL (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I yield to the majority leader, Mr. HOYER, for a discussion of next week's schedule.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

On Monday, Mr. Speaker, the House will not be in session so that Members can join with their communities in observance of the birthday of Martin Luther King, Jr.

On Tuesday, the House will meet at 12:30 p.m. for morning hour debate and at 2 p.m. for legislative business. We will consider several bills under suspension of the rules. You will be getting notice of those, hopefully, by the end of the day. We will consider several bills under suspension. There will be no votes before 6:30 p.m., as has been our practice.

On Wednesday and the balance of the week, the House will meet at 10 a.m., although let me say to my friend that I may well be requesting again, as I did for today, unanimous consent that we meet at 9 on Friday. It has historically been the practice to wait until about May, the middle of May, when we get into heavy legislative business, to meet at 10 on Fridays if we were in on Fridays. My view is, however, and I want to say to all the Members, that it will be my intent to make every effort possible to have us adjourn on Fridays prior to or no later than 2 p.m. in consideration of Members' need to get back to their districts where they have events that are going on where they need to be. I want to tell my friend that we will, therefore, quite possibly ask for unanimous consent to come in at 9 rather than 10 next Friday.

In addition to other Suspension Calendar business, and all suspension bills, as I said, will be announced later today, the House will consider H.R. 5, a bill to cut in half the interest rates on student loans; and H.R. 6, a renewable energy bill.

In addition to that, I want to give notice to the House, and I have discussed this with Mr. BLUNT and have discussed it with the leader, Mr. BOEHNER, that NANCY BOYDA of Kansas is introducing a bill which will provide that Members who commit felonies while Members of Congress and in the course of their duties will be precluded from receiving pensions.

□ 1430

If they are receiving pensions, they will have those pensions discontinued.

That is obviously legislation which I think is appropriate. We have passed similar legislation that the majority proposed in the past. I believe this will pass with bipartisan support.

Mr. BOEHNER and I and Mr. BLUNT all agree we need to look at this carefully, even though it has already passed, and so we have talked to Ms. SLAUGHTER from the Rules Committee, and we will speak to Mr. DREIER and give him notice. I have not personally spoken with Mr. DREIER. But they will be considering this legislation on Wednesday, and we expect to have this bill on the floor next Friday.

In addition, it is quite possible again the House Administration Committee, and I am perhaps anticipating Mr. BLUNT's question, has jurisdiction over the Page Board, we will also have, we hope, on the floor on Friday legislation that will deal with the Page Board, oversight of the page system, and the various procedures we can put in place to make sure that our pages are protected and treated with the respect and care that they deserve and that their parents expect.

I tell my friend, that is the anticipated schedule for next week. As I said, we will make every effort and it will be my very strong commitment to the Members that every effort will be made to adjourn on Friday no later than 2 p.m.

Mr. BLUNT. I thank my friend for the information he has provided. It does raise a number of questions, and I will try to keep them in mind as you answer them a few at a time.

One, I think it is only fair to say that while we did discuss these two issues, the last two bills you mentioned, it was only in moments before the colloquy, and I think our leader only received notice these things were coming up within a few minutes of coming to the floor.

So more notice, as the former minority whip would know, more notice is always a good thing. Particularly, my good friend, on these issues, issues that affect Members and their families, notice, appropriate hearings, and we did pass similar legislation on the issue of the access to pensions for people who had committed a felony, we passed that in the last session. It did go to committee. It had a chance to be amended. We debated it on the floor, but this is a new Congress with many Members who were not part of that process.

In the case of the last Congress, I believe that issue went to both House Administration and the Rules Committee and possibly the Committee on Government Reform before it came to the floor. I think you are telling me next week you anticipate only the Rules Committee would see and have a chance to look at this legislation before the floor, and even the Rules Committee ranking Republican is getting that notice as we are talking right now, that that important issue is coming up next week?

Mr. HOYER. If the gentleman would yield, it is an important issue; you are correct. I believe a number of committees have already considered this legislation carefully. The issue is not new. What we want to ensure, Mr. Whip, is that the legislation is properly drawn and drafted because obviously it is an important piece of legislation with serious consequences, and we want to make sure that it is done properly.

The Rules Committee, in answer to your second question, we do believe that the Rules Committee can consider this and will consider the work that has been done by other committees because again this subject matter is something we have already considered. We believe it is important to move this matter early in the session so the public has confidence that there are consequences. There are not only consequences in terms of criminal convictions which we have seen, but also consequences in terms of the pensions that are earned during the performance of your duties, and that the American taxpayer is not happy with pensions being paid to those who have abused their oath of office and their responsibilities to the American public.

But the gentleman is correct, we have just given notice; but we do have Saturday, Sunday, Monday, Tuesday and Wednesday. Wednesday we will consider that, and then you will have another 48 hours or thereabouts before it comes to the floor.

I am hopeful that we will work together on this. I think we share the view that this is not a partisan issue. This is an issue about making sure that Members comport themselves properly; and if they do not, that there are consequences. And I think then we can assure the taxpayer that they will not be subsidizing, through pensions, wrongdoers who fail to meet their duties under the Constitution.

Mr. BLUNT. I appreciate that information. I share your sense this is an important issue. We dealt with it on our side of the building in what I expect will be a highly similar way in the last Congress. I say that not to defend the idea that it is not going through committees this time but to suggest it is not a new idea. It is something that we have dealt with. I expect there to be a significantly bipartisan debate here, depending on what the legislation says.

I would say, however, to my friend that while we haven't been really passive about these first six bills that haven't had a chance to have amendments, haven't had a chance to have debate in committee, they were six things, some of which we had dealt with, but the six things that the majority talked about in the last election, and at some point the suggesting that this is such an important issue that we need to move forward without the regular progress begins to wear pretty thin on our side of the building and I think on the public generally. I would hope that we don't have many more of those instances.

Apparently the House Administration Committee will not have a chance in this Congress to look at the intricacies of the pension issue.

I know this week we brought a bill to the floor dealing with minimum wage and then find out that while this is supposed to be an expansive minimum wage proposal that includes everybody, whether they were ever included before or not, that American Samoa is somehow left out. I have a feeling that if that would have gone to committee, there is a great chance that would have been pointed out. I don't know if the majority intends to go back and put American Samoa in the minimum wage package or not.

My friend who has been here longer than I have loves this institution and knows better than anybody the benefit of regular order. I hope we are nearing the end of us being asked to accept the fact that we can't do regular order on this issue for some extraordinary reason. Both the Page Board issue and any misconduct by Members are critically important issues, but so is the opportunity for every Member of the 110th Congress to be involved at their committee level and every other level.

I might ask about that American Samoa question. Do we expect to see that oversight taken care of in upcoming legislation?

Mr. HOYER. If the gentleman would yield, let me say with respect to the specific question on American Samoa, as the gentleman undoubtedly knows, the minimum wage in American Samoa, unlike the Marianas or Guam, is set by the Department of Labor and Industry Committee so that it is determined in a different way than the others, including our States.

So it was not an oversight to that extent; it has historically been not treated. Having said that, I can tell the gentleman, I have talked to Mr. MILLER, the chairman of the committee that dealt with the minimum wage bill, and he is going to look at that to make sure that American Samoa is consistent with, and that does not mean exactly the same wage scale, but consistent with our concerns that were incorporated in the minimum wage bill, which received, as you know, 82 votes on your side and all of the votes on our side; a very bipartisan bill.

But American Samoa has been treated in a way different in the past. So it was not an oversight. But the question has been raised by people on your side and our side, and so Mr. MILLER and the people on his committee will be looking at that. So the answer to your question is, yes.

Mr. BLUNT. Reclaiming my time, I just make the point that if the committees had looked at this in advance, that oversight might have been eliminated. There is a reason for the committee process, which leads to my other question which is, what time does the majority believe that we will be organizing the committees in a way that the work of the committees of the Congress can get started?

Mr. HOYER. Many of the committees are already organized, as the gentleman probably knows. I don't have a list which committees have completed their organizational structuring, but many have and are ready to do their business.

I am confident that all committees will be organized, and they may not have every member because there are still some Members that have not been finally assigned to committees, but by the middle of next week, we are confident that all committees will be organized to do business.

I would like to comment on the second part of your question. I want you to know that although we believe that the two bills that I have discussed that may well be on the floor on Friday, I want Members to have notice of that, are dealing with ethics and the safety of our pages, both issues are of substantial concern, and I would suggest immediacy. While they will be considered, I want you to know on both sides of the aisle, there is a desire for and a commitment to regular order. The points the gentleman makes with respect to considered judgment being given are well taken, and I agree with him, and we hope to proceed in that manner.

Mr. BLUNT. I thank the gentleman for that commitment to begin to move forward as quickly as possible. I look forward to the time when there is actually legislation on the floor that has

gone through a committee and had a chance to be amended and discussed before it got here.

I believe fewer than a handful of committees are actually organized at this point. None of the committees that had work on the floor this week have yet been organized to the point they have had a meeting. I would like to point that out.

The other thing, in waiving points of order, another issue of the regular order of the House, on every bill that came to the floor this week, the majority waived points of order on anything that was in the bill but maintained points of order on the one chance we had to say anything at all about the bill in an official way which was the motion to recommit.

Again, I hope we are getting to the point where the things that the majority has talked so much about, and PAYGO would be an example of that, won't continue to be waived in every rule waiving points of order on the bills that do come to the floor.

I yield to my friend to respond.

Mr. HOYER. I thank the gentleman for his comment.

Let me say that none of the bills that we adopted this week violated the PAYGO rule, as I think the gentleman is aware. The 9/11 bill was an authorization subject to appropriation. Those programs will be paid for within the budget, we believe. We are committed to doing that.

The student loan bill will comply with the PAYGO rule. And the energy bill will raise revenues. That clearly complies with the PAYGO rule.

But the gentleman's point that they did not go to committee is accurate. When we adopted the rule, that was debated fully. The rule was adopted. We had a commitment as you know on our side to do those. We had a commitment to do those in the first 100 hours. That is what we are doing. We believe that they are overwhelmingly supported by the American public, and we are very pleased there was substantial bipartisan support for these bills as well.

Mr. BLUNT. I would say on the significant portions of those bills that we voted on in the last Congress and passed, virtually every Member of the majority then, the minority now, voted for 39 of the 41 9/11 provisions. We voted for increasing the minimum wage, though we thought with a more helpful balance, and we hope to continue to work for that balance so that the wage producer is not affected, the job creator, doesn't stop creating these important entry level jobs into the workforce.

I would also say, on the PAYGO issue, I believe in the 9/11 bill and perhaps in the other bills, but in the 9/11 bill, I think the authorization was more often than not such sums as necessary. I don't know how that doesn't trigger some thought about cost in the future. I do know we were told it would be at least 3 weeks before we could get a score on what the bill would cost. So whether it violated a PAYGO provision or not, we are 2 weeks and 5 days from knowing the answer to that question.

But I am expressing some of my concerns as we move forward. I do sympathize with the leader's job of having a schedule that works for Members, not only their events at home but their families at home.

□ 1445

As the year progresses, I suspect the challenge of that will progress.

I yield to the gentleman to make a response.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman yielding to me one additional time.

I am constrained to say with all the charity in my heart that, of course, you didn't violate the PAYGO rule, you eliminated the PAYGO rule. So it was not an issue on your side.

We have reinstated the PAYGO rule, which was adopted, as the gentleman knows, in a bipartisan way, and supported again in 1997, overwhelmingly adopted by the bipartisan Republicans and Democrats in this House and in the Senate. We hope that the PAYGO rule will lead us back from the abyss of what we believe to be a fiscally dire situation to a point that we were in 2001, where we had the President of the United States, President Bush, projecting a $5.6 trillion surplus. We are now, for various reasons, in part because we did not comply with and didn't have a PAYGO rule, confronted by a deficit in excess of $3 trillion.

So I say to my friend, I share his view that we need to comply with the PAYGO rule. We adopted a PAYGO rule, we intend to comply with it, and we intend to move towards restoring the fiscal discipline that we had. I think, working together, we can do that.

Mr. BLUNT. Mr. Speaker, I thank my friend for the information he has provided. I would just again say this is not the place, I suppose, to have the debate on PAYGO for taxes or the PAYGO for spending or all the PAYGOs, but you do have the PAYGO rule.

Maybe I was inarticulate suggesting not to debate the merits of the rule, but if you are going to have the rule, my view is you should apply the rule. Waiving the points of order on that rule as a routine of rules for the last week hopefully does not become any kind of routine item in this Congress. I am sure that is not the gentleman's intention; particularly, though, when the rules are waived, the points of order are waived for the majority, but on the one small attempt that the minority has to improve a piece of legislation, we have every point of order still against us. The balance of that seems even more out of balance.

If you want to have PAYGO that is in our rules now, we need to have PAYGO, we need to have enough time to know what we are paying for, so we can really have that debate on the floor.

ADJOURNMENT TO TUESDAY, JANUARY 16, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday next for morning hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

APPOINTMENT OF MEMBER TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the Commission on Security and Cooperation in Europe:

Mr. HASTINGS, Florida, Chairman.

TRIBUTE IN MEMORY OF DARRELL NORMAN FOR HIS HONORABLE SERVICE TO THE HOUSE

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

Ms. NORTON. Mr. Speaker, yesterday the House lost one of its own. It is with great sadness and heavy heart that I rise today to honor the memory of Darrell Norman and his service to the House of Representatives.

Mr. Norman collapsed on these premises and died yesterday. Darrell Norman lived in the District of Columbia and served the institution with distinction and excellence as a senior technical support representative for more than 20 years. His colleagues tell us that they will miss his infectious smile and spirit. His daughter, Monea, actually interned in my office for part of 2004.

Kindhearted, professional, and dedicated are words used by Darrell's colleagues to describe him. He is known throughout the House as a person you can rely on to do whatever it takes to get the job done. He has earned the reputation as a person with calm demeanor, steady work ethic, and respect for everyone.

Darrell's kindheartedness and drive to serve others was reflected in his work and set a tone for collegial comradery with customers and colleagues.

His service to the House is respected by the Members, chairmen, officers, and staff that have benefited from his unwavering disposition and willingness to serve in any role needed.

Darrell was always willing to volunteer his time to assist others. His participation on the House emergency preparedness and response teams as a critical staff member was above and beyond his daily responsibilities.

Energy and enthusiasm were his trademark characteristics and earned him recognition as a "CAO All Star" for his "can do" attitude and living his philosophy to never say no. You could always count on Darrell.

Admired by the people who knew him and appreciated by those he served, Darrell was an exceptional role model. He received the CAO award for distinguished service in acknowledgement of his consistent and selfless service to the U.S. House of Representatives.

Keeping the House an important part of his life did not eclipse Darrell's pride in his children. His eyes would light up and his chest expanded every time he spoke of his daughter and son. Darrell is survived by his mother, Mary Norman, his younger sister Dorita Norman Smith, his younger brother Jeffrey Norman, his daughter Monea Hendricks and his son Darrell Norman, Jr.

It is a privilege to pay respects to a man who lived the spirit of unconditional service. On behalf of the entire House community, we extend our condolences to Darrell's family, friends and colleagues in mourning the loss of a special man.

CONGRATULATING ANNIE WORK FOR HER RETIREMENT FROM KWCH–TV IN WICHITA, KANSAS

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

Mr. TIAHRT. Mr. Speaker, I rise today to congratulate Annie Work for her retirement from KWCH–TV in Wichita, Kansas. She has been a loyal employee since her first day in April 1986.

In this fast-paced media world where people are rushed and feel rushed, one could always count on walking into Channel 12 and being greeted by Annie's warm and friendly face. I knew that every time I entered the station, I would be greeted with a hearty welcome and then fall easily into conversation with her.

One of our favorite topics was golf. Her enjoyment of the sport and excitement she brings into the conversation about it is contagious.

Although I know she enjoys her job as the welcoming face for Channel 12, I am sure that Annie would say her proudest accomplishment is being the mother of five daughters. Every parent enjoys watching their family expand, and Annie has had the pleasure of welcoming into the world several grandchildren.

While Annie will be leaving the television station, I hope she will continue to publish the Urban News. This monthly newsletter founded by, published, edited and circulated by Annie helps the community keep aware of events occurring around them.

Again, I congratulate Annie Work on her invaluable contribution to KWCH, our community, and the Fourth District of Kansas. I know she will be missed by the rest of the Channel 12 staff, and I will miss having the opportunity to speak with her during my visits to the station.

I wish her all of the best in her retirement and all of her future endeavors.

TOUGH, PRACTICAL, EFFECTIVE COMPREHENSIVE IMMIGRATION REFORM PACKAGE NEEDED

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

Ms. GIFFORDS. Mr. Speaker, I rise today to speak for the very first time in this distinguished Chamber representing the Eighth District of Arizona.

Mr. Speaker, we have made some major accomplishments this week, but one area that particularly pertains to my district and to the State of Arizona has not been addressed, and that is the crisis in illegal immigration.

For too long, Congress and Washington have failed to act. We must secure the border now. My district and the State of Arizona have paid a heavy price for this burden. We know it in our schools, our hospitals and our law enforcement agencies.

We must move this year with a sense of urgency to pass a comprehensive immigration reform package that is tough, effective, and practical. We need to increase border security using modern-era technology, radar, drones, electronic surveillance. There must be more Border Patrol agents and more support for those Border Patrol agents.

We also need tough employer sanctions for those employers who are knowingly hiring people illegally, and a guest worker program, so that people can come in and work legally, safely, and return back to their home countries.

Working to pass such measures will be my priority in this 110th Congress, and I look forward to working with Members on both sides of the aisle on this important issue.

TUNAGATE

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

Mr. MCHENRY. Mr. Speaker, there is something fishy going on here. The Washington Times reported yesterday that "the Democrats' minimum wage legislation exempts American Samoa, a Pacific island territory, that would be the only U.S. territory not subject to the Federal minimum wage."

The article goes on to say: "The loophole pleases StarKist Tuna, one of the two packaging plants that employ over 5,000 Samoans, or nearly 75 percent of the island's workforce.

"StarKist's parent company, Del Monte, is headquartered in San Francisco."

Now, after these press reports came out, the Democrats want to include American Samoa in this legislation, 2 days after it passed this House. Why? Because the American public found out about this special interest scheme.

This is a clear abuse of power for a hometown company. Indeed, Mr. Speaker, Madam Speaker, indeed, this is an abuse of power, and there is something definitely fishy going on here.

STANDING UP FOR SENIORS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the body that we stand in is the people's House. It is our obligation to address the grievances of the people who petition us. Thank goodness today, by reforming the prescription drug benefit part D, H.R. 4 addressed the grievances of millions and millions of seniors and small pharmaceutical companies or pharmacies.

Seventy-five percent of the drug program is paid by taxpayers. Thank goodness that we worked today on behalf of seniors who have suffered for years facing that terrible doughnut hole. Thank goodness we are negotiating a cheaper price. Thank goodness we are doing like the veterans hospitals are doing for veterans. Thank goodness we have corrected that 6-hour open vote of sheer despair, of pressuring all of the Members of Congress to vote the way our Republican friends wanted them to do, which is vote the worst prescription drug benefit program we have ever had in America. We did a disservice to Medicare. Today we fixed it.

I am glad for seniors we stood up so they could be heard.

LEARNING ABOUT PROMISES

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

Mr. GOHMERT. Mr. Speaker, my mother taught for most of her adult life, and she used to say, One of the things I like about you, Louie, is that you are teachable. And I am learning, Mr. Speaker.

I have learned that you can make a promise for years and years: We are going to have the most open government; we know that legislation is better if there is opportunity to amend it and debate it, because 100 percent right doesn't lie in one person, so we are going to do that.

Whoops, we have a shot in being in the majority. What can we do? Oh, I know, we can make a different promise. Well, we are people of our word, so we promise we are not going to do any of that stuff for the first 100 hours.

Well, that is 4 days and 4 hours. Whoops, we want to keep violating our first promise, so, well, we are promising that 100 hours means the clock only runs when we have the ball.

Mr. Speaker, I am learning.

□ 1500

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE COMMITTEE ON RULES, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Speaker, in accordance with Clause 2 of Rule XI of the Rules of the House, I respectfully submit the rules of the Committee on Rules for printing in the Congressional Record. On January 12, 2007 the Committee on Rules adopted by voice vote, a quorum being present the following attached rules:

RULES OF THE COMMITTEE ON RULES

RULE 1—GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

(d) The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE 2—REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

Regular meetings

(a)(1) The Committee shall regularly meet at 10 a.m. on Tuesday of each week when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the ''Chair''), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair.

Notice for regular meetings

(b) The Chair shall notify in electronic or written form each member of the Committee of the agenda of each regular meeting of the Committee at least 48 hours before the time of the meeting and shall provide to each member of the Committee, at least 24 hours before the time of each regular meeting.

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of—

(A) the bill or resolution;

(B) any committee reports thereon; and

(C) any letter requesting a rule for the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda a copy of—

(A) the bill, resolution, report, or materials relating to the other matter in question; and

(B) any report on the bill, resolution, report, or any other matter made by any subcommittee of the Committee.

Emergency meetings

(c)(1) The Chair may call an emergency meeting of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has made an effort to consult the ranking minority member, or, in such member's absence, the next ranking minority party member of the Committee.

(2) As soon as possible after calling an emergency meeting of the Committee, the Chair shall notify each member of the Committee of the time and location of the meeting.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting was a regular meeting.

Special meetings

(d) Special meetings shall be called and convened as provided in clause 2(c)(2) of rule XI of the Rules of the House.

RULE 3—MEETING AND HEARING PROCEDURES

In general

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 4 of rule XI of the rules of the House (which are incorporated by reference as part of these rules).

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

Quorum

(b)(1) For the purpose of hearing testimony on requests for rules, five members of the Committee shall constitute a quorum.

(2) For the purpose of taking testimony and receiving evidence on measures or matters of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(3) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B), or of taking any other action.

Voting

(c)(1) No vote may be conducted on any measure or motion pending before the Committee unless a majority of the members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of any member.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) A record of the vote of each Member of the Committee on each record vote on any matter before the Committee shall be available for public inspection at the offices of the Committee, and with respect to any record vote on any motion to amend or report, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

Hearing procedures

(d)(1) With regard to hearings on matters of original jurisdiction, to the greatest extent practicable:

(A) each witness who is to appear before the Committee shall file with the committee at least 24 hours in advance of the appearance a statement of proposed testimony in written and electronic form and shall limit the oral presentation to the Committee to a brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the statement of proposed testimony provided in written and electronic form a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or sub grant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(2) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each member of the Committee has had an opportunity to question the witness.

(3) The provisions of clause 2(k) of rule XI of the rules of the House shall apply to any hearing conducted by the committee.

Subpoenas and oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

RULE 4—GENERAL OVERSIGHT RESPONSIBILITIES

(a) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts flaws, the subject matter of which is within its jurisdiction.

(b) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform, in accordance with the provisions of clause 2(d) of House rule x.

RULE 5—SUBCOMMITTEES

Establishment and responsibilities of subcommittees

(a)(1) There shall be two subcommittees of the Committee as follows:

(A) Subcommittee on Legislative and Budget Process, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive Branch.

(B) Subcommittee on Rules and Organization of the House, which shall have general responsibility for measures or matters related to process and procedures of the House, relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of measures and matters to subcommittees

(b)(1) In view of the unique procedural responsibilities of the Committee, no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee.

(2) The Chair shall refer to a subcommittee such measures or matters of original jurisdiction as the Chair deems appropriate given its jurisdiction and responsibilities.

(3) All other measures or matters of original jurisdiction shall be subject to consideration by the full Committee.

(4) In referring any measure or matter of original jurisdiction to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(5) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of subcommittees

(c) The size and ratio of each subcommittee shall be determined by the Committee and members shall be elected to each subcommittee, and to the positions of chairman and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the full committee shall designate a member of the majority party on each subcommittee as its vice chairman.

Subcommittee meetings and hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

Quorum

(e)(1) For the purpose of taking testimony, two members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the members of a subcommittee.

Effect of a vacancy

(f) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

Records

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee necessary for the Committee to comply with all rules and regulations of the House.

RULE 6—STAFF

In general

(a)(1) Except as provided in paragraphs (2) and (3), the professional and other staff of the Committee shall be appointed, by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional, and other staff provided to the minority party members of the Committee shall be appointed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 9 of rule X of the Rules of the House.

Associate staff

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the ranking minority member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Administration under clause 9 of rule X of the rules of the House.

Subcommittee staff

(c) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the rules of the House, ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the ranking minority member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

Compensation of staff

(d) The Chair shall fix the compensation of all professional and other staff of the Committee, after consultation with the ranking minority member regarding any minority party staff.

Certification of staff

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the direct supervision and direction of the Chair, the Member of the Committee who supervises and directs the staff member's work shall file with the Chief of Staff of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the member of the Committee with respect to the month in question met the requirements of clause 9 of rule X of the rules of the House.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made—

(A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and

(B) on his own responsibility to the extent the staff is under the Chair's direct supervision and direction.

RULE 7—BUDGET, TRAVEL, PAY OF WITNESSES

Budget

(a) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

Pay of witnesses

(c) Witnesses may be paid from funds made available to the Committee in its expense resolution subject to the provisions of clause 5 of rule XI of the rules of the House.

RULE 8—COMMITTEE ADMINISTRATION

Reporting

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or acting Chair shall report it to the House or designate a member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

Records

(b)(I) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the Members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and

distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the rules of the House. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee publications on the internet

(c) To the maximum extent feasible, the Committee shall makes its publications available in electronic form.

Calendars

(d)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each member of the Committee with a list of all bills or resolutions (A) reported from the Committee but not yet considered by the House, and (B) on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the Chairman of a committee which has reported a bill or resolution (or a member of such committee authorized to act on the Chairman's behalf):

(A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and

(B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

Other procedures

(e) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees in a manner consistent with these rules.

RULE 9—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed, in the same manner and method as prescribed for the adoption of committee rules in clause 2 of rule XI of the Rules of the House, but only if written notice of the proposed change has been provided to each such Member at least 48 hours before the time of the meeting at which the vote on the change occurs. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after their approval.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NATION'S LOOMING FINANCIAL CRISIS NEEDS A BIPARTISAN SOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, last spring I took a trip to Antietam National Battlefield. As I walked along Bloody Lane, the site of one of the most vicious battles of the Civil War, I was struck by how many individuals made the ultimate sacrifice.

September 18, 1862, was the bloodiest day in American history. There were more than 23,000 casualties, nine times as many Americans killed or wounded in World War II's D-day on June 6, 1944. More soldiers were killed and wounded at the Battle of Antietam than the deaths of all Americans in the Revolutionary War, the War of 1812, the Mexican War and the Spanish-American war combined.

I also visited the site of the George Washington's crossing of the Delaware in anticipation of the Battle of Trenton. Washington was down to only 3,000 soldiers and the war was almost lost. Yet with great courage and sacrifice, Washington and his forces were successful in changing the direction of the American Revolution.

I also think of the tremendous sacrifice being made by thousands of men and women serving today not only in Iraq and Afghanistan but around the globe. Their families at home are also making great sacrifices.

After those visits and the lessons in history they brought, I began reading about the looming financial crisis on the Nation's horizon with the impending retirement of the baby boom generation. That information was chilling.

In less than a year, the baby boom generation will begin trickling into retirement. A few years later, that trickle will become a flood. And within 5 more years, it will become a tsunami that will begin to wreak havoc on the Social Security and Medicare systems.

Medicare, Medicaid and Social Security consume 40 percent of the budget in 2006, but will consume 51 percent in 2016, which is just the tip of the Democratic iceberg.

There is near unanimous consent by all who have looked at this issue. Social Security and Medicare are amassing huge deficits, and we are ill prepared for the coming flood of new baby boom retirees. When our retirement security programs like Social Security and Medicare were established, the ratio of workers supporting each retiree was more than 10 times the number supporting retirees today. In 1945, there were 42 workers for each retiree. Last year, the ratio dropped to three workers for each retiree and is expected to drop to just two workers for each retiree in 2030.

In reading about the coming financial emergency, my mind kept going back to Antietam and Washington's crossing and all the substantive examples of sacrifice for country by Americans. I asked myself, what kind of financial security as a Nation are we passing on to those who are coming after us?

While there never is a convenient time to make hard decisions, the longer we wait, the more dramatic the remedy will be that is required.

According to the Government Accountability Office, balancing the budget in 2040 necessitates one of two alternatives: Cutting total Federal spending by 60 percent, and this place will never do that; or raising Federal taxes by two-and-a-half times today's level. Either of these options would devastate our economy.

But if we can summon the resolve to begin these difficult conversations now, and make hard choices on the front end, we can change the current course. Abraham Lincoln, one of our greatest Presidents, said ''you cannot escape the responsibility of tomorrow by evading it today,'' yet that is precisely what we are doing in avoiding our responsibility to future generations by passing on a broken system in the form of unfunded Social Security, Medicare and Medicaid.

That is why next week Senator GEORGE VOINOVICH in the Senate and I in the House will join to introduce identical legislation to establish a national commission that will put everything, everything, entitlement benefits and all other Federal programs, as well as our tax policies, on the table and to require, require Congress to vote up or down on its recommendations in their entirety, similar to the base realignment and base closure commission, BRAC.

This commission would be called the SAFE Commission, to secure America's future economy. We first introduced the SAFE Commission last summer. Since that time, the proposal has received strong support from across the political spectrum, including the Heritage Foundation, the Concord Coalition, former Members of Congress on both sides of the aisle, and former Congressional Budget Office directors. It is being endorsed by major newspapers across the country, including the Dallas Morning News, the Orlando Sentinel and syndicated columnist David Broder.

It is in the hope of building a consensus on this very difficult issue that we will again offer this legislation. One of the most critical responsibilities of the Commission will be explaining the crisis we face and listening to the American people about how to get the country back on sound financial footing.

It will also develop a strategic plan for the future. It will look beyond the beltway for solutions, holding at least 12 hearings, one in each Federal Reserve district, over the span of 12 months in order to hear directly from the American people.

After its 12-month listening tour, the commission will present to Congress a report describing the long-term fiscal problems, public

suggestions and views expressed during the town meetings and policy options available to ensure Federal programs and entitlements are available for future generations.

With a bipartisan three-fourths majority vote, the commission will send to Congress a legislative package to implement the commission recommendations no later than 60 days after the interim report. The administration and Congress will have 90 additional days to develop actuarially equivalent proposals to achieve the same cost savings.

Essentially, no later than 16 months from the organization of the commission, Congress would be required to vote—up or down—on each proposal.

We have put in the legislation procedures for expedited consideration of the commission's legislation to ensure that the Congress acts. I do not want this to simply be another blue-ribbon commission whose findings end up on a bookshelf somewhere only to collect dust and never be acted upon.

The SAFE Commission will be comprised of 16 voting members, four appointed by the Senate Majority Leader, three by the Senate Minority Leader, four by the Speaker of the House, and three by the House Minority Leader.

Four of the 14 Congressional appointments must be sitting Members of Congress. Additionally, the Director of the Office of Management and Budget as well as the Secretary of the Treasury will serve as voting ex-officio members.

The Congressional Budget Office and the Comptroller General of the United States will be appointed as non-voting ex-officio members of the commission to lend their expertise. The President will have the ability to appoint bipartisan co-chairs from among the 10 voting members appointed by Congress.

As a father of five and grandfather of 12, the challenge posed by the pending retirement of baby boomers strikes me as much more than a routine policy discussion. Without action, just what kind of future are we leaving to our children and grandchildren?

I also deeply believe there is a moral component to this issue that goes to the heart of who we are as Americans. By that I mean, I wonder if we have lost the national will to make tough decisions that may require sacrifice?

Moreover, have we lost the political courage to reject the partisan and special interest demands and do what is best for our country?

If we remember the legacy we have inherited—the sacrifices of Washington's crossing and Antietam and so many other examples from the over two centuries of our Nation's history—and the debt we owe to previous generations—our grandparents and our parents and the sacrifices they made to make our country what it is today—I believe we all will be moved to do our duty.

I have heard criticism that such weighty decisions on the Nation's financial future are the responsibility of Congress. I couldn't agree more. The SAFE Commission has two provisions to protect congressional prerogatives. First, of the 14 members appointed to the commission, four must be sitting Members of Congress. Second, if Congress enacts significant legislation aimed at addressing this looming crisis, the SAFE Commission would terminate and cease to exist.

The SAFE Commission should be embraced by both sides of the aisle. This is a national issue; not a Republican issue or a Democrat issue. I am open to suggestions about the legislation from members of both parties. We also welcome a forthright national dialogue.

Only by working together in a truly bipartisan manner will we be able to secure America's future economy. I believe most Americans will welcome it as well, especially considering we all want what is best for our children and grandchildren.

We must heed the cautionary words of George Washington's 1796 farewell address: "We should avoid ungenerously throwing upon posterity the burden of which we ourselves ought to bear."

I look forward to working with my colleagues to enact this legislation.

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.)

SOLVING THE INSURANCE CRISIS FACED BY KATRINA VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, on behalf of the people of South Mississippi, I want to thank my fellow Americans for the incredible generosity they have shown the people of south Mississippi in the wake of Hurricane Katrina. Literally within hours of that storm, fellow Americans who were National Guardsmen, who were Coast Guardsmen, in the Armed Forces, the Army, the Navy, the Air Force and Marines. They were there helping the people of south Mississippi recover.

Since that time, the people of America dug into their pockets as taxpayers. They dug into their pockets as individuals. They sent Christmas presents, and they donated their time. From school kids to senior citizens, they all came to south Mississippi to help.

It seems like for a while everyone was trying to help south Mississippi, and then the harsh reality was that not everyone really was going to help; that there was actually an element in corporate America that thought they could use this storm as a way to make a lot of money. I am referring to the property and casualty business that insured many of the people in south Mississippi.

Mr. Speaker, almost as soon as the roads were cleared of trees and power lines and dead animals and all the things, we found, unfortunately, in the wake of Katrina, representatives of property and casualty companies were showing up on people's lots, what was left of their homes, and telling them that they had found a reason in the fine print of their policies not to pay.

Even before I made my way back to Congress, and it took about 2 weeks after the storm for me to get here, they were already working the lobbies, buying steak dinners, buying lobster dinners, buying champagne and telling my colleagues, well, you are going to hear from those people in Mississippi; and, you know, yeah, we denied them, but they are not very smart. They didn't have enough insurance. They built their houses too close to the ground, and they flood all the time, and that is why we had to tell them no.

So, Mr. Speaker, we need to change that. But before I tell you why we need to change it, before I need to tell you what we need to do, I want to give you a couple of examples.

Remember they said they are not very smart? This was the home of John and Molly Hadden. John has a Master's in business from Tulane University. They said their home was too close to the ground. As you can see, it was about 11 feet off the ground, or 22 feet above sea level. They said they were underinsured. If you had gone down Beach Boulevard in Bay St. Louis, Mississippi, a week before Katrina, this is what you would have seen. A beautiful home, less than 10 years old, and built to all the current standards. If you would have gone down that same road, when you could go down that road, a couple weeks after the storm, this is what you would have seen.

John Hadden, being an MBA, a pretty good businessman, knew that to replace this, should something bad happen, would cost a lot of money. He had a $650,000 insurance policy, to which the folks from State Farm, 16 months later, have given him nothing.

If you had gone a little farther down that street before the storm you would have seen approximately a 130-year-old house owned by Joe and Betty Benvenutti. Joe is himself in the insurance business. This house had been there and survived no telling how many hurricanes, five in my lifetime, and many more prior to that. Joe, being in the insurance industry, knew the importance of being properly covered. So for this beautiful classic historic home, Joe and Betty had $586,000 worth of insurance. Yet 16 months later, their carrier, State Farm Insurance Company, has paid them nothing, and this is what they found after the storm, by the way: a couple of their kids' trophies, a couple of bricks, maybe a toy or two laying around where the foundation used to be.

Next door to the Benvenuttis we have Mike and Eileen Chapoton. Mike is the head of the trust department of the Whitney Bank, a very, very large regional bank, a job of incredible responsibility. Again, a good businessman who thought he had done all the things you are supposed to do with all the people you are supposed to do it with to protect his home in case something bad should happen. Mike purchased $236,000 worth of insurance through State Farm, and 16 months after the storm, he has been paid nothing.

Mr. Speaker, what State Farm says is, well, you weren't there when it happened, so we don't know how it happened. So unless you can prove to me that it wasn't a flood, we are not going to give you a dime.

Now, this leads to a couple of things. Why should a person have to stay in their home during a hurricane to get some fairness. I thought we put satellites in the sky. I thought we put buoys at sea, I thought we had the hurricane hunters fly planes into hurricanes to give us the warning to get the heck out of there. To encourage people to stay behind is only to encourage people to die. And yet the only people in south Mississippi who really got fairness from the insurance companies were the ones who stayed behind and miraculously lived, because they were an eye witness.

So we need all-perils insurance throughout our country.

The second thing. The insurance industry that told the Chapotons and the Haddens and the Benvenuttis now have the privilege of calling each other up; State Farm could call Nationwide, and say, you know what, I am not going to pay; don't you pay. And it is perfectly legal because they are exempt from the antitrust laws. That needs to change.

Lastly, because there is zero Federal regulation of the insurance industry, at this time there is absolutely nothing that I or any other Member of Congress can do about this. It is my hope that in the coming weeks we will fix all three of those problems.

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.)

MEDICARE PRESCRIPTION DRUG BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, I first want to congratulate the Speaker for the opportunity he has to preside today. Congratulations.

Mr. Speaker, 3 years ago, Congress passed a Medicare bill that for the first time created an opportunity for many seniors to have access to strong, valuable and persistent prescription drug coverage. Although the legislation was a compromise, and in places an imperfect one, this program has proven to be a success, working for seniors with a range of circumstances and particularly valuable resource for seniors of the most limited means, many of whom are in my district.

It falls on us in this Congress to consider ways that we can further strengthen this benefit. Unfortunately, the legislation that we have debated today, H.R. 4, is a huge and real step back and is less of a policy than a bumper sticker.

As a member of the Ways and Means Health Subcommittee, which has jurisdiction over this program, I am deeply disappointed that we had no hearings, no discussion and no opportunity for amendments to produce a real pricing reform bill with teeth and with nuance. While part D is not perfect and can be improved, it is our fundamental responsibility to put in place a policy that might build on the successes of the program, and they are substantial.

Independent estimates for the Medicare part D prescription drug benefit for the fiscal year 2008 budget cycle show that net Medicare costs are 30 percent less, about $190 billion lower than were originally predicted when the benefit was created in 2003.

□ 1515

In addition, based on strong competitive bidding by health care plans for 2007, average monthly premiums will be approximately $22 for beneficiaries, down from $23 in 2006 if enrollees remain in their current plans. The initial estimate for 2006 premiums was $37. CMS has indicated that beneficiaries are saving on the average of $1,200 annually on their drugs, and these are achievements that must be preserved.

Many people in my district like the idea of the legislation which the House Democrats put forward today. I understand how they feel. I have long felt that we could improve on the existing policy and the existing process. But what I found was that the Democrats' plan is more of a political stunt than a solution. And it isn't at all a prescription for real reform, and it is, at best, a placebo, but one that could actually reduce the benefits and the coverage for many individual seniors. To understand why, we need to recognize how much this proposal has been criticized. Even leading liberals like Urban Institute president Robert Reischauer and Brookings Institution senior fellow Alice Rivlin have expressed real qualms about an initiative that limits choices for seniors by putting government bureaucrats in charge of setting prices for prescription drugs. Reischauer recently said to The Washington Post: ''People were worried no private plans would participate. Then, too many plans came forward. Then people said it's going to cost a fortune and the price came in lower than anyone thought. Then people like me said that they are low-balling the prices the first year. They will jack up the rates down the line. And lo and behold, the prices fell again. And the reaction was, we have got to have the government negotiate lower prices. At some point you have to ask, what are we looking for here?''

Rivlin stated: ''It's not clear that a government, particularly this government, would get a better deal from the drug companies by direct negotiations than the drug plans can get on their own, and it might have some negative consequences.''

We also want to recognize that the new majority has claimed that their proposal will provide significant savings, when, in fact, the CBO, nonpartisan, has announced that H.R. 4 would in their view have no budget savings and a negligible effect on Federal spending.

The reasons why I felt, as an advocate and caretaker for this program, obliged to oppose H.R. 4 are clear: one, this measure is not going to generate savings for the consumer; two, government price-setting will only drive drugs out of the program and reduce seniors' access to critical drugs that may be central to their treatment as individuals.

This plan could potentially, three, limit seniors' access to their community pharmacies. For many seniors, advice from their pharmacist is a critical service that they need to have access to to coordinate their drug uses and find the best coverage.

And, four, finally, this plan could lead to increased drug prices for America's vets.

Mr. Speaker, I believe we could improve on this legislation, and I will speak next week about some further ideas. I believe that there is a significant difference between the plan we have and the VA plan; and if we don't recognize those differences, we are going to shortchange seniors, and this bill that we voted on today will generate no savings. And I hope when it comes back from the Senate, that there will be an opportunity to substantially correct it, put teeth into it and create a real nuanced policy that will add to the successes of our part D program.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

OPPOSITION TO THE RENOMINATION OF ROBERT HOGLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I want to express my concern this afternoon and my opposition, indeed, to the renomination of Robert Hogland by the Bush administration as U.S. Ambassador to Armenia. And I also want to take this opportunity to thank my colleague from New Jersey, Senator MENENDEZ, for his continued opposition to the nomination.

This makes no sense, Mr. Speaker. The Senate Foreign Relations Committee reviewed the nomination of Mr. Hogland, had hearings, asked extensive

written questions as followup in the last session of Congress, and it was clear that Mr. Hogland's nomination could not pass the Senate. In fact, could not even pass the Senate Foreign Relations Committee. It was essentially sent back to the administration at the end of the lame duck session. And I am, frankly, surprised that the President has renominated Mr. Hogland under the circumstances.

The problem continues to be, on the one hand, that the administration has not offered any meaningful explanation of the reasons for firing the last U.S. ambassador to Armenia, John Evans. We all know the reason why Mr. Evans was terminated. It is because he articulated the fact that the Armenia genocide occurred. Historically. The U.S. policy has been to, basically, announce and accept the fact that the tragic events of the Armenian genocide occurred. But when anyone within the administration actually calls it genocide, immediately they are seen as a bad actor, and consequences follow from that.

And Ambassador Evans came to the United States. He was out in California. He was involved one afternoon or evening in a discussion about the tragic events that occurred between 1915 and afterwards, and he used the term ''genocide.'' It may sound like no big deal to anybody else, a historical fact that almost every government in the world recognizes, that the U.S. has historically acknowledged. But the very fact that he used that term incurred tremendous opposition from the Turkish Government. And from that day on, his days were numbered as the ambassador to Armenia, and eventually he was terminated and Mr. Hogland was nominated in his place.

Now, last session, the Senate Foreign Relations Committee considered Mr. Hogland's nomination. Mr. Hogland failed to adequately respond to the questions asked by the Senators and, I would add, this is on a bipartisan basis. This isn't a Democrat or Republican issue. This is on a bipartisan basis. The members of the Senate Foreign Relations Committee asked him a number of questions and Mr. Hogland would not clarify the U.S. policies denial of the Armenian genocide. In many instances he did not respond to specific Senators' questions, and he diverted his answers by responding with what seemed like prepared talking points and went to extreme lengths to avoid using the term ''genocide.''

Additionally, in response to a written inquiry from Senator JOHN KERRY concerning Turkey's criminal prosecution of journalists for writing about the Armenian genocide, Mr. Hogland referred to these writings as allegations.

Now, let me say, the U.S. has historically taken a leadership role in preventing genocide and human rights. But the Bush administration continues to play word games by not calling evil by its proper name in this case. Instead, they refer to the mass killings of 1.5 million Armenians as tragic events. That term, Mr. Speaker, should not be substituted for genocide. The two words are simply not synonymous. There are historical documents that show that the genocide cannot be refuted. But somehow the Bush administration continues to ignore the truth in fear of offending the Turkish Government.

Now, again, I don't think that our Nation's response to genocide should be denigrated to a level acceptable to the Turkish Government. And it is about time that this administration started dictating a policy for Americans, not for a foreign government like Turkey. This lack of honesty, in my opinion, by the Bush administration is simply not acceptable. The American people and this Congress deserve a full and truthful account of the role of the Turkish Government in denying the Armenian genocide.

Now, let me just say one more thing before I conclude this afternoon, Mr. Speaker. There is no way, in my opinion, that Mr. Hogland is going to be confirmed because of his policy, because of the fact that he continues to articulate a policy of denial. And I fear, myself, that it would make no sense to send an ambassador from this country to Armenia who cannot articulate the genocide. So I simply ask that this nomination be opposed again in the Senate, and the Bush administration realize that it can't submit it, and that they simply withdraw the nomination.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PASSAGE OF H.R. 4

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, I believe we have an obligation to ensure that our Nation's seniors have access to the world-class prescription drugs which have been developed to improve their quality of life and, in some cases, to save those lives. That is why I thought that the previous Congress did a disservice to our Nation's seniors when the flawed prescription drug benefit was created.

I want Medicare part D to work as well as possible for America's seniors, and that is why Congress needs to address the gap of drug coverage that occurs when a senior enters the so-called doughnut hole and does not get financial help.

I want Medicare part D to work as well as traditional Medicare, which does work well. I will soon reintroduce legislation to help those who have experienced the predicament of being stuck in the doughnut hole by increasing the types of expenses that are counted toward their total out-of-pocket costs. This will help seniors get through the doughnut hole.

Now, today, the House passed legislation to give seniors access to affordable medicines. I supported this legislation because I think we need to act to improve the drug benefit and ensure that our Nation's seniors are properly taken care of.

I am pleased that the legislation maintains the prohibition on formularies contained in the original 2003 drug benefit legislation. It seems to me that national formularies, to limit available medicines, would do more to undermine patient health than to lower costs and, therefore, should not be imposed.

I remain concerned that there is no such language concerning price controls. I don't think the government can effectively establish prices. The marketplace is the best place to set prices that will help ensure the continuing pipeline of lifesaving and life-improving drugs. Historically, price controls have proved to be an awkward, clumsy way to allocate goods and services under ordinary circumstances.

But I want to talk for a moment about the great research that is being done at a number of different pharmaceutical companies in my district, in my State and across America. Research and development is the lifeblood of America's economic growth. Let me repeat: research and development is the lifeblood of America's economic growth.

I am proud to be the founder and cochair with the gentlelady from Illinois (Mrs. BIGGERT) of the Congressional Research Service and Development Caucus.

Now, every time this House acts, we should make sure that we protect the vibrant, path-breaking research that is occurring in the United States.

Now, there is a reason that we had a debate today on the prescription drug bill. We had the debate and the vote on this because the pharmaceutical research has been extraordinarily effective. Pharmaceutical companies have produced medicines that are not only very good for keeping people alive, improving their lives and reducing suffering, but medicines that were even inconceivable a decade or two ago. These medicines are truly a matter of life and death, and we would not be having this debate, but for the success of the pharmaceutical companies.

I don't want today's debate to leave anyone with the impression that this body wants to demonize the industry and make them stop doing their lifesaving work. None of the drugs we hear about were created overnight. They took years of effort by thousands of talented researchers and scientists. Starting with maybe half a million chemical compounds after years of basic research, a company might end

up with, say, 10 safe and effective compounds. The best one, after 8 more years of clinical trials, might receive FDA approval. And then, and only then can they begin to bring this medication to market.

This research is costly, but vitally important. At every step along the process the research might prove to be noneffective, and the process would have to start over again. It is not easy; it is not cheap. These companies spend more money on research and development than any other industry.

I often point out that we in the United States fail to invest sufficiently for research and development in every sector of our economy, with the possible exception of pharmaceuticals.

□ 1530

Let us not punish these companies for their very success and research that will be to the possible benefit of nearly every person in America.

While we must ensure that all Americans get the full benefit of that research, and that is part of what today's legislation was about, it is essential that we do everything in Congress we can to ensure that America maintains its innovative edge and continues to grow as a leader in research and development.

The SPEAKER pro tempore (Mr. KLEIN of Florida). Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

(Mr. TIAHRT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING DR. MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. AL GREEN) is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, I would like to thank the Speaker of the House, Speaker NANCY PELOSI; our leader, STENY HOYER; our whip, JIM CLYBURN; our chair, RAHM EMANUEL; and our vice chair, JOHN LARSON, for allowing us this time to commemorate the life of Dr. Martin Luther King.

Mr. Speaker, like Dr. King, I love America. I love the ideals expressed in the Declaration of Independence, all persons are created equal; and the Pledge of Allegiance, liberty and justice for all; and the Constitution, government of the people, by the people, for the people.

So today, Mr. Speaker, I stand here in the well of the United States House of Representatives as a proud American, and I pay tribute to a great and noble American, Dr. Martin Luther King.

Dr. King was born in Atlanta, Georgia, in 1929, at a time when some Americans could buy a hat but they couldn't try it on; at a time when some Americans had to step off the sidewalk so that other Americans might pass; at a time when of the people, by the people, for the people did not include all of the people; at a time when liberty and justice for all did not include all; at a time when all persons are created equal, but some people were more equal than others.

So I thank God for Dr. Martin Luther King, because he refused to use the back door. He refused to sit in the balcony. He refused to drink from a colored water fountain. He refused to allow his name to be ''Boy.'' He was a man among men.

He stood up for the least, the last and the lost. He stood for the least, those who were born into a legacy of poverty; the last, those who were the last hired and the first fired; the lost, those who were lost in poverty in a land of plenty.

I owe a debt of gratitude to Dr. King and the many others who made it possible for me to be here. Because, you see, they fought for and secured the Voting Rights Act. Before the passage of the Voting Rights Act, we had five African Americans in Congress. This includes the House and the Senate. Now we have 43. We had four Hispanic Members of Congress. Now we have 30. We had three Asian Americans in Congress. Now we have nine.

Because of Dr. King and others, Congressman CHARLIE RANGEL has Ways and Means; he is the Chair of Ways and Means. Because of Dr. King and so many other countless faces, Homeland Security is securely in the hands of Congressman BENNIE THOMPSON. Because of Dr. King and those who fought for civil rights, Intelligence is intelligently chaired by Congressman SILVESTRE REYES, and the Judiciary Committee is in the hands of Congressman JOHN CONYERS.

Because of Dr. King and the great sacrifices that were made by the civil rights workers, women have made great strides, because the House is not only a woman's place, it is a place where a woman can be speaker. Congresswoman NANCY PELOSI is the Speaker of the United States House of Representatives.

So I thank God for Dr. King. I thank God that he was born, and I understand that had he been born in Europe, he could have been Pope. Had he been born Muslim in the Middle East, he could have been a prophet. In another time, he could have been President. I thank God that he was born when he was, however, because had he not been born when he was, I would not be in the United States House of Representatives.

Thank God for Dr. Martin Luther King.

THE DEMOCRATIC AGENDA

The SPEAKER pro tempore. The gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes.

Mrs. BLACKBURN. Mr. Speaker, I appreciate the time, and I appreciate the leadership, our House Republican leadership designating the time for us to be able to use today. We want to continue our discussion with the American people and put the emphasis on what has happened since we gaveled in for the 110th session of Congress.

It is going to be such an interesting Congress, we know that. There is a lot of work to do, and our constituents are depending on us to get the job done for them. We all look forward to that. We are excited about representing our constituents.

What we are not real excited about are some of the things that the majority has pushed forward and the way in which they have gone about it this week. What was to be openness, what was to be transparency, has devolved into a Rules Committee not being put into place, our regular order not being recognized, bills not going to committees, opportunities to amend those bills not being given, and it has made for quite an interesting 54 hours and 48 minutes as of this morning.

I am joined by a couple of my colleagues, and they are going to give some of their thoughts. I would like to recognize first, Mr. DAVIS from Tennessee, who is new to the House this year. He is a Member of the freshman class. He served in the Tennessee General Assembly, and we are so delighted that he did.

When I was in the State Senate in Tennessee, he served in the State House, and he has given to the process of open government, and to government reform and was a leader on those issues in this State.

At this time I yield to the gentleman from Tennessee (Mr. DAVID DAVIS), for some comments.

Mr. DAVID DAVIS of Tennessee. Thank you, Congresswoman BLACKBURN, thank you for your leadership, your friendship through down through the years. You have been a great friend of mine in the State General Assembly, and it is an honor to be on this distinguished floor with you tonight.

Mrs. BLACKBURN. Good to share the floor with you.

Mr. DAVID DAVIS of Tennessee. It is a great opportunity. As we get ready to conclude this second week of the 110th Congress, I look back over this time, and I think of the elections. We look

back at the elections that took place, and I think the American people voted for change. I think there has been a change, as the majority changed, but I am not sure it is the change that the American people voted for.

I tell you what I heard back in my district about change: Government had gotten too big. I think the American people voted for change to make sure that we brought some responsibility to the government.

If I look back over what has taken place in the last 2 weeks, we are not going towards the change the American people voted for; we are going just the opposite. I don't think the American people are going to be happy with that type of change.

One of my roles in life as a Tennessee State representative was to work with the Democratic majority in Nashville to open up government. When I first went in to the Tennessee legislature, I went in and I found out that you could go on to the House floor, in the committee system, the subcommittees, and take votes, and those votes were not even counted. That is just wrong.

I thought it is going to be nice and refreshing to go to Washington, where we have an open process, and we have a party that has just taken over the majority, and they tell us, it is going to be even better than it was.

When I look back at Tennessee, you could cast a vote in committee or subcommittee, and you could tell the speaker, Mr. Speaker, don't worry about me, I am with you. Then you could go back to your home district and say, don't worry about me, I am with you, and be talking about two different things.

I was hoping it was going to be different as I came to Washington. It was, until last week.

Last week, one of our first votes on the House floor was to close the House of Representatives and the Rules Committee to the American people. That is not openness. That is not transparency. That is just wrong. That is exactly where we have come to in this House of Representatives. We have come to a situation where Rules Committee Members can go in and decide on the American people's business and not have their votes counted. That is not right.

Then we look at some of the other things we have voted for on the House floor. Again, as we recall, the American people voted for change, and in my district, the first district, the beautiful mountains of east Tennessee, I think they were telling me, and I think as we saw change coming across the United States, they wanted the government to be more responsible.

What I found the first week we are here, we actually removed the rule that took a three-fifths majority to increase taxes, and we lowered that threshold in the majority rule down to a simple majority.

Now, Mrs. BLACKBURN, I don't know about you, but I certainly believe it will be much easier to raise taxes. I don't believe that rule would have been changed had they not have foreseen a tax increase coming down the road.

That is not what the people of Tennessee want, I can tell you that. I think what it leads to is bigger government, bigger bureaucracies, somebody has to pay. Money comes from the people, and it comes from small business owners. It comes from people that are willing to work hard.

Another vote we have taken in the first two weeks, well, I don't know exactly where the first 100 hours starts or when it stops, but in the first 2 weeks, we passed a bill on this floor, without my vote, that threatens the life of the unborn.

I think we have done it under some deception, because if you look at embryonic stem cells, they have been researched for a number of years; it was not illegal. The bill that was passed on this House floor did not change that law. It was about taxpayer funding of destruction of human life. I don't think that is what the people of the First Congressional District wanted. I don't think that is the change the American people wanted.

Another bill we dealt with was a bill that would put our national security under control of the United Nations. I certainly don't believe that is what the people of the First Congressional District or the people of America wanted. We are a sovereign Nation, we should be able to protect ourselves without the approval of the U.N.

In my opinion, bigger government is not always the answer. At times, oftentimes, it is the problem.

What I find as I talk to real people back in my district and what I believe deeply in my soul is that the answers to American problems come from our families; they come from our State legislatures, our local governments, our business owners. Big government in Washington is not always the answer. Oftentimes it is the problem.

With that, I yield back and welcome your comments.

Mrs. BLACKBURN. I thank the gentleman from Tennessee. I welcome his comments. He is on target, Mr. Speaker, and just as he always has been in the General Assembly of Tennessee. Government is not the solution to many problems. Government many times itself causes the problem.

We all know that when you have a situation out there that if you put government into that mix to solve that problem, you don't get a private sector or a not-for-profit solution to that problem. You get a taxpayer-funded bureaucracy that is guaranteed to grow, guaranteed to grow, because they never go back to dollar one to build that budget. They go back to what is called baseline budgeting. Baseline budgeting says you take what you had last year and you build on it.

I tell you what, one of my constituents the other day, they were talking about this, compounding, and compounding interest in order to build a retirement nest egg, and what a wonderful concept compounding interest is.

It came to mind, as he said, you know, that is what the liberals have been doing with that Federal budget. It is compounded spending, because every year you take what you had and you add to it, and you grow it a little more and spending always grows.

□ 1545

As the gentleman from Tennessee said, in their PAYGO rules, what they have done is make it easier to raise taxes without you knowing about it, without the American people knowing about it.

So the 110th Congress is going to be the hang-on-to-your-wallet Congress, because it is coming at you. They are after your wallet, and they are going to take more and more of your wallet, your money that you have earned, and they are going to give it to the government, to the bureaucrats, to solve your problems in a way you don't want. So hang on, it is coming.

But in order to get some help, we have got some great Members here on our side of the aisle who are going to be fighting for the American people every single step of the way. One of those great Members is the former lieutenant governor from the State of Oklahoma, and she joins us this year as a member of the freshman class. She has been such a stalwart for conservative ideas and for helping Oklahoma set its course toward a State that is dynamic, even developed some pretty good football players along the way, and we are absolutely delighted to have the gentlewoman from Oklahoma join us and share her thoughts on her first couple of weeks here in Washington.

I yield to the gentlewoman.

Ms. FALLIN. Mr. Speaker, I appreciate that very kind introduction. It is a pleasure to be here with you today.

As a newly elected Member of Congress, I am very humbled by the opportunity to be able to serve in this esteemed body and to represent the people of Oklahoma. I have had the great opportunity to serve as a member of the Oklahoma legislature and, as the gentlewoman mentioned, as the lieutenant governor of Oklahoma for the past 12 years until I took this position. I have had the opportunity to work in a bipartisan manner with both sides of the aisle. In fact, when I was in the legislature and as lieutenant governor, there were many times that my Democrat colleagues helped me on various piece of legislation, even served as the author of some of the reform efforts that I led in our State. And I believe that many of those that ran for office this year ran on a platform of coming to Washington, coming to Congress and solving problems and making things happen and working on issues that we could find consensus on and doing good things for the people of America. And we also campaigned on platforms of transparency and openness and letting

the people of our States' voices be heard here in Washington, D.C.

I have to tell you that I think this past week, in the very short time that I have been a Member of this body, that we have missed some real opportunities here in Congress, and that is to let all the Members' voices be heard, all the voices of the people that we each represent, and to let the many talents and the knowledge and the expertise and life experiences that are shared among this body be allowed to participate in the process.

I have to be honest that after having the opportunity to be sworn in this past week and also participating in a historic moment of seeing our first woman speaker selected and elected as the leader of this body, I have been disappointed. I have been disappointed that many of our Republican Members have been excluded. Well, I guess you could say all of them have been excluded from many of the processes of this House and their voices were not heard.

I heard a debate or discussion a moment ago between our two leaders about our committee meetings and organizational meetings and that there have been a few organizational meetings held so far; yet, I ask if there had been any Members who had attended on our party's side any organizational meetings and couldn't find anyone yet who has been invited to attend one. And I know, as a freshman member, I haven't been invited to attend any of our organizational meetings yet.

Yet, I also heard the leader of the other side say that they are hopeful that we can all work together. I guess I just have a hard time understanding how you can work together when you don't allow amendments, discussion, when you don't allow the minority party's voice to be heard during a crucial time at the beginning of an opening session of Congress, especially when there are so many critical issues that are important to the American people being discussed. And, frankly, I think my years of experience in Oklahoma, 16 years in office, and along with the expertise of all the other Members represented in this body have a lot to contribute. And I felt like I was slighted of that opportunity, to not be able to contribute like the minority party should have been.

So I guess I just say that the public has asked us to have transparency, to have openness in government. I know I heard Speaker PELOSI say in her opening statements that she wanted three things: accountability, openness, and honesty. And I hope that as we move forward next week that all Members of this body will be allowed to have those things; that we will be allowed to have openness in our discussion, that we can get back to a routine, a process to where voices are heard in committees, where legislation is discussed, where amendments can be made to, where we will be honest with the American people about what is really transpiring in this body and how we are going to administer this body, and that we will be fair and respectful and professional in how we operate in this Congress.

Mrs. BLACKBURN. I thank the gentlewoman from Oklahoma, and I thank her for the contribution and the insight that she is bringing.

One of the things that we have to realize with legislation that we pass is it is a partnership effort, whether it is the local, the State, and the Federal levels working together. And her expertise, with 16 years of State government, as a legislator, as a lieutenant governor, helping the State chart a new way forward into the 21st century, that is so vital to the work that we do to be certain that we don't gather in the power and keep it here in Washington; that we send it to the States.

And the gentlewoman speaks so eloquently of missed opportunities, of wanting to bring that expertise to bear, not only for the benefit of her constituents, but for the benefit of all Americans, to be certain that we respect this Nation, we respect this House, and that we respect the sovereignty which each and every one of us hold so very, very dear.

You know, my colleagues have mentioned some of the things that have taken place this week. And as I said at the outset, the Democrats brought forward what would be their 100-hour agenda, and they have talked about the things that they had wanted to pass. And we have heard some in the 5-minute and 1-minute presentations and the speeches on the floor that we have got some creative clock keeping going on around these parts. But, Mr. Speaker, I will tell you, when I was in school in the 1950s and 1960s, they weren't teaching new math, so I just know how to do it the old way. And going by the old clock, it is 54 hours, 48 minutes, as of the time we gaveled in this morning, that had passed off the clock.

Now, the American people may be interested to know some of the things that have transpired in this 54 hours, 48 minutes. As I said, this is kind of the hang-on-to-your-wallet Congress, because it is expensive. And what we are seeing that they are doing in the first half of this 100 hours is passing legislation that our small businesses have told us, that the associations that work with many of these small businesses, the chambers, the independent business organizations have said would be crippling to businesses that create three out of every four new jobs in this country.

Now, you know, somebody may say, well, that doesn't sound that bad. You know what? When you go back to 2003 and you look at the fact that we have had nearly 7 million new jobs created since 2003, that is a lot of jobs. When you look at the fact that personal wages have increased over 9 percent in the past couple of years, that is a lot of money in the take-home paycheck. Then you see it makes a difference. Creating jobs, creating better jobs, creating 21st century jobs is so vitally important to have a robust economy that is going to work. And the body, the majority chose to pass a minimum wage bill that was an unfunded mandate on small business.

Now, I didn't come up with the total of what this is going to cost small business. I went to the Congressional Budget Office. The Congressional Budget Office says it is going to be $5 billion to $7 billion in unfunded mandates on small businesses to meet this one piece of legislation alone.

Now, I tell you, my constituents in Tennessee's Seventh District aren't willing to fork over another $5 billion to $7 billion out of their paychecks. They want first right of refusal on their paychecks. They don't want the Federal Government getting first right of refusal on their paychecks. The Federal Government takes too much as it is. And we all know government doesn't have a revenue problem. Goodness gracious, government has brought in more revenue than ever before in the past couple of years, and it happened because of tax reductions. Government has a spending problem, and it has a spending problem because of programs that have been put in place from the new deal, put in place from the Lyndon Johnson years, programs that have grown and grown and grown and have never been reduced. That is why we have a spending problem. And I have said many years, the bureaucracy in this town is a monument to the Democrats. They are the ones that built it through the 1940s, through the 1950s, through the 1960s, and it is like that plant in Little Shop of Horrors: Feed me, Seymour. Give me more money. It is what it is going to take to keep it going. So it is an expensive, expensive 54 hours, 48 minutes.

My colleague from Tennessee mentioned a little bit about the tax and spending, and I pulled an article out of the Wall Street Journal. There again, not the opinion of me, but the opinion of some of those that are watching this process. And he spoke a little bit about making it easier to raise taxes and the provision that was adjusted in the rules package. And I think this is so important for our constituents to know.

We have had a rule went into place in 1994 with Speaker Gingrich that provided that a three-fifths majority of the House was required to raise taxes. Well, our friends, our colleagues across the aisle have decided to put a loophole that you could drop that or waive that rule with a simple majority. That is very unfortunate. Very unfortunate. And it is disappointing.

The way we are going to reduce the size of government is to reduce the size of spending. And as my colleagues have said, that is what the American people want. Government is too big, too bureaucratic, too arrogant and too unresponsive. We saw it in Katrina. We see it any time we try to get through to a Federal agency and dial a number and

get put on hold and told to punch another number and then told to select a language we want to hear it in. Those are the problems that frustrate every single one of us, and the way we address it is to reduce what government has to spend. As I said, crippling small businesses with the legislation that they have passed, making it easier to raise taxes.

Also the majority party refused to acknowledge morally sound proven life-saving stem cell treatments that are going to spend your tax dollars. They are going to spend your tax dollars. American people, I hope you hear this one. They are going to spend your tax dollars on ethically controversial research that has never produced results. That is in our stem cell legislation. And then today we have had a vote on the Medicare part D. They are voting to revamp a very successful, highly popular Medicare part D, has over a 75 percent approval rating, and they have voted to revamp that.

And in the midst of all of this, we have Tunagate. And the Speaker had I understand has retracted her comments or has said that she is going to have this provision addressed. But we had the Del Monte Corporation that owns StarKist Tuna involved in this, and it seems that American Samoa is where they have their plant. And, Mr. Speaker, it was brought to our attention that they were exempted from the minimum wage law.

□ 1600

We do hope that that is addressed. But I have pulled a sheet, again, not my thoughts but this is coming out of Congress Daily, and I just wanted to read a comment that was in the article discussing this employer from the Speaker's district with the work that they do over in American Samoa with tuna. And they are talking about the competitiveness of the tuna industry and why they don't need a raise in the minimum wage.

And it was so very interesting to me because this company and this delegate is saying, well, we don't want the minimum wage raised because it would hurt our competitiveness. Now, I guess, Mr. Speaker that it is fine for Del Monte Corporation or for American Samoa to say that but it is not fine for my small business owners in the Seventh District of Tennessee to say that. It is not fine for small business owners around the country to say that. But I guess the majority thinks it is fine to vote for $5 billion to $7 billion, with a ''b,'' worth of unfunded mandates on small businesses.

Now, these were the comments from the delegate from American Samoa today regarding the minimum wage, and I am quoting from Congress Daily: ''The truth is the global tuna industry is so competitive that it is no longer possible for the Federal Government to demand mainland minimum wage rates for American Samoa without causing the collapse of our economy and making us welfare wards of the Federal Government.''

Mr. Speaker, every single business we have in this country is subject to global competition. It does not matter if we are in hardwoods or if we are in softwoods. If we are in hardwoods and producing furniture, we have got global competition. If we are in softwoods and we are producing pulp, we have got global competition. If we are in California growing tomatoes, we have got global competition. If we are a citrus producer and farmer in Florida, we have got global competition. If we are a shrimp farmer in Mississippi, we have got global competition.

Mr. Speaker, if it is good for American Samoa not to have a minimum wage, maybe we need to think about what we are doing to other small businesses and small business manufacturers. Do we really, really, really want to pass $5 billion to $7 billion worth of unfunded mandates on the producers of our Nation's jobs, three out of every four jobs, 7 million new jobs in the past couple of years? Mr. Speaker, I would submit to you that that is a failed policy. It is a failed policy.

What we need to be doing is continuing to do what the Republicans as a majority did in this House, which was looking after the American taxpayers' pocket and making certain that they kept more of that paycheck at the end of the month; making certain that small businesses enjoyed tax relief, increased expensing, increased opportunities for depreciation; making certain that they had the ability to grow those small businesses and invest in those small businesses because that, Mr. Speaker, is how you grow an economy and that is how you grow jobs.

And as I said earlier, we have seen it play out, that when you reduce those taxes, when you leave that money with the taxpayer, they reinvest it, they grow those jobs, and guess what. The Federal Government ends up with more revenues. We had record years in 2005 and 2006 in Federal Government revenues, and it happened because of good tax policy that left more money with the taxpayer.

I mentioned also that the Democrats had refused to acknowledge morally sound, proven, lifesaving stem cell treatments and they are wanting to use your tax dollars on controversial treatments.

At this time I would like to yield to Dr. WELDON, the gentleman from Florida, who is, indeed, one of our foremost authorities on this issue. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentlewoman for yielding, and I commend her for calling this Special Order.

We have concluded now the first complete week under the Democrat majority rule, and I think it is worth talking about what their accomplishments have been. And I am very glad you brought up the issue of stem cells.

I am a physician, as you pointed out. I practiced medicine for 15 years before coming to the House. Indeed, I still see patients. Internal medicine. Many of my patients had Alzheimer's disease and Parkinson's disease, the diseases that these folks claim they are going to cure with embryonic stem cells.

And to me I think it is really very unfortunate what they have been doing. It is really creating what I feel is false hope. Indeed, it is a deception to tell people that embryonic stem cells have that kind of potential.

And the reason I say that is embryonic stem cells have never been shown to be safe in animal studies. They have never really been studied in humans, whereas adult stem cells and umbilical cord blood stem cells have not only been shown to be safe in clinical therapeutics, but they have also been tested not only in animals and shown to be safe, but they have been given to human beings and shown to be effective and to work; whereas embryonic stem cells have a chronic problem, you might say. They form tumors, a specific type of tumor called the teratoma, in every animal study in which they have been used. And before embryonic stem cells could ever be used in any clinical application whatsoever, they have to first be shown to be safe. And for them to be shown to be safe, somebody has to turn off this property that they have to form tumors. And yet we saw person after person parading down to the floor saying these embryonic stem cells are going to cure this and cure this and cure that. And lo and behold, it is quite possible they will cure absolutely nothing.

Indeed, what is very, very interesting, and this just came out this past week, the week that the Democrats, in my opinion, are putting this deception forward on the American people, is it has been shown that amniotic fluid is filled with stem cells that have all of the properties of embryonic stem cells. They can do all the things and they behave just like embryonic stem cells, but they do not form tumors. And, of course, these cells are plentiful. They are noncontroversial. You don't have to kill a human embryo, which is what you have to do to get embryonic stem cells. You have to kill a human life. You have to kill a human embryo at its earliest stages to get those stem cells out, whereas amniotic fluid-derived stem cells behave just like the embryonic stem cells. They do all the things the embryonic stem cells do, but they don't form tumors. So they have tremendous potential application in clinical therapeutics.

So to me it was unfortunate, the deceptive messaging that went out from this body. And, indeed, it seemed to me like the bulk of the American press corps buys it hook, line, and sinker that these cures are around the corner. But in reality science is moving to a place where embryonic stem cells are not going to be used.

And the other thing is they have been studied for 25 years. There were many people who came to the floor and

said this research is just beginning. The Journal of Science had a cover story about 6 months ago on embryonic stem cells. ''Twenty-Five Years of Study'' was the cover. It was not 8 years. It is not a new field of study. It is actually an old field of study, and it is a field of study that, in my opinion, may yield knowledge and you may be able to write a Ph.D. thesis based on the material that you discover or learn from embryonic stem cells.

And, of course, we are funding it. We are funding it through the NIH right now. We are increasing funding each year, embryonic stem cell research, on the cell lines that exist at the NIH. And really all this study did was just to prove the destruction of more embryos, and that is really what the bill is all about. And this is a critical line in the sand, you might say, that our Nation's research establishment is moving across. We are now going to say that it is okay to take these forms of human life and exploit them in the lab, destroy them for therapeutic purposes, and we have never gone down that path before.

And that is not where it will end. They are saying now it is the ''excess embryos'' from the fertility clinics. They will come back next and say, well, there really wasn't that many available in those clinics and we really need to create human embryos for research purposes and we need to specifically create them through a process called cloning. They want to do human cloning. That is creating human life through the process of cloning for their ''research,'' and this is what they always do in all the arguments, saying what it will cure.

So before I yield back, I just want to say they were deceptive not just in their stem cell arguments. You were talking about taxes when I came to the floor. To me it was so ironic, or deceptive, almost like a culture of deception, in my opinion. They passed PAYGO and said no more are we going to pay for things if we don't have the funds to do it, and then the next day they waived PAYGO on their homeland security bill. I mean they get up and they say they are going to do all these things, and the very next day they waived that rule requirement in their homeland security bill. Furthermore, they had absolutely no explanation of how we were going to fund the provisions in their bill.

The Washington Post, a liberal Democrat newspaper, speculated that the cargo-screening requirements that they put in that bill, which the industry says is unnecessary, could end up costing our economy hundreds of billions of dollars. That is the Washington Post. An anti-Republican newspaper said that. They put that in there, and they have no explanation of how they are going to pay for it.

And, of course, I guess the ultimate irony was all the talk about doing away with earmarks and then they pass a minimum wage bill through the House that has a special earmark that was placed in there by somebody that benefited a company in Speaker PELOSI's congressional district, which, to me, is absolutely unbelievable.

But, anyway, I have covered a lot of territory. I really came to talk about stem cells, and I thank the gentlewoman for yielding.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman.

And if you will yield for a question, I want to be certain that I understood a couple of the comments that you made pertaining to stem cells and pertaining to the research because you have been such a leader on this. And I think we both would commend Dr. BURGESS, the gentleman from Texas, who crafted our motion to recommit yesterday and worked diligently on that to be certain that cloning could not possibly take place.

But I want to be certain that we are clear on this and my constituents are clear on what you were saying because finding answers to some of the debilitating illnesses that many of our family members and friends have is important to each and every one of us and it is something that we are committed to.

And the gentleman has practiced medicine for so many years. I have spent many volunteer hours working on different boards, not for profits, for health care associations, whether it is the Arthritis Foundation or the Lung Association or the Cancer Society, and all of them are interested in this issue.

But I want to be certain that I understood you correctly, that according to the Journal of Science, they have documented 25 years' worth of research that has been done on different types of stem cell research and stem cell therapies and that much of this is taking place at the NIH and that we are, indeed, funding much of that research at the NIH. And I think that is important for people to understand.

And I will yield to the gentleman.

Mr. WELDON of Florida. Well, you are absolutely right. Adult stem cell research in humans has been funded for about 25, maybe even 30 years. Embryonic stem cell research in the mouse began about 25 years ago.

□ 1615

In the mid-1990s, the House and Senate passed and President Clinton signed into law a provision that said no Federal funds would go to any research that involved the destruction of a human embryo.

Shortly after that a doctor by the name of Jamie Thompson, I think it is, at the University of Wisconsin was successful in extracting embryonic stem cells from a human embryo. People had been doing that in the mouse, but I guess nobody had either the technique or the hutzpah, as my Jewish friends like to say, to actually destroy a human embryo in his lab. But he did that. He successfully isolated the human embryonic stem cell. And then researchers wanted to get Federal funding. This has always been about Federal funding.

We don't have a law restricting embryo research. People can do it. I think a lot of it is unethical, but there is no law barring it. This is all about getting the government to fund it.

Under the Clinton policy, because we had a law in place saying you can't get funding if you are destroying an embryo, what the Clinton people did is they destroyed the embryos in an outside lab, and then sent the embryonic stem cells over to the NIH and they funded the research. I and several other Members wrote the Clinton administration a letter saying you may not be violating the letter of the law, but you are certainly violating the spirit of the law. That is what President Bush inherited in 2000 when he became President of the United States.

What President Bush said, which I think is a reasonable thing, all of these embryos have been destroyed and all of these cell lines are being studied at the NIH. We don't want to throw them away. The embryos have been destroyed, but we don't want to keep destroying embryos, so we will continue to fund research on these embryos, we just won't destroy any more embryos. That is really what this debate has been about. The people on the other side of the debate have been saying this has so much incredible promise so we have to fund it. Even though, by the way, the biotech industry won't fund it; venture capitalists won't fund it. We want Uncle Sam and taxpayers to fund it, 50 percent of whom are pro-life and are opposed to this kind of research, because it ''has so much promise,'' quote/unquote, is what they have been arguing.

When you actually look at the data, it really doesn't bear up to scrutiny. That is the fundamental point of my argument. If you look at the science, the science shows a lot of potential with adult stem cells, cord blood stem cells, and now these new amniotic fluid derived stem cells. The embryonic stem cells form tumors. Their potential application to therapeutics, I think, is very small, remote, unlikely. You have to turn off their ability to form tumors before they can be used.

Mrs. BLACKBURN. I appreciate the gentleman's comments. This is something that has been funded here. There is funding that is there for the adult stem cell lines, the cord blood lines, and the amniotic fluid lines with the research that was presented last week from the scientists and researchers from Wake Forest and Harvard that are all proven. They are proven with results.

I thank the gentleman for the clarification on that and for the excellent work that he does for this body in making certain that the deception is peeled away and people realize where the commitment of the Republicans, the minority in Congress, lie in being certain that we protect the American taxpayers and we protect the morals

and values on which our Nation stands. I thank the gentleman.

Now I want to talk about the Medicare vote that took place today. There is a saying when I was growing up, Mr. Speaker, if it ain't broke, don't fix it.

This is a program our seniors will tell us over 75 percent are fine with this. If any of my colleagues were to say I get 75 percent of the vote when I go to the polls, that would be a landslide of monumental, monumental proportions.

But they want to take this program and change it for the sake of changing it. They have been asked by the American Legion not to do this, by the ALS Association not to do this. Epilepsy, don't change this, it is working. It is working.

The thing that I thought was so unfortunate was with our veterans and changing the pricing and price controls going into place, we have to realize the VA system is very different from the Medicare system. The VA system, it is comparing apples and oranges. The VA system is a direct provision of those health care services. Medicare Part D is an insurance plan, and we know that the prices come down on that. Some States have plans that are under $20 a month. The plan is about $200 billion less than was estimated when it first went into place.

So it is so interesting that the Democrats decided they wanted to change this plan. Let me just read some of the quotes from some of the groups that oppose the price controls that were put in place today. Groups that oppose, and I have heard estimates as high as $750 million extra that it is going to cost VA on this plan. Let me read the comments from some of these groups.

The American Legion, a group everybody knows, it is a veterans service organization, has nearly 3 million members and yesterday they sent out a letter opposing H.R. 4 asking for a ''no'' vote saying, ''It is not in the best interest of America's veterans and their families.''

Again quoting, ''Every time the Federal Government has enacted pharmaceutical price control legislation, the Department of Veterans Affairs experiences significant increases in its pharmaceutical cost as an unintended consequence.''

Mr. Speaker, those are not my words, those are the words of the American Legion on behalf of the 3 million veterans they represent asking that this not be done.

So in addition to passing $5 to $7 billion of unfunded mandates on to the Nation's small businesses, in addition to passing hundreds of billions of dollars worth of extra cost to our shippers because of the homeland security provisions, you also are going to put nearly three-quarters of a billion of extra cost onto the Veterans Administration health services.

I tell you what, as I said, Mr. Speaker, this is hang-onto-your-wallet Congress because in the first 54 hours and 48 minutes that is where we have gotten. It is a lot of money, and the tote board just seems to be adding right on up.

The ALS Association, Lou Gehrig's disease, voiced strong opposition to H.R. 4 saying, ''Legislation that authorizes the Federal Government to negotiate Medicare prescription drug prices will significantly limit the ability of people with ALS to access the drugs they need, and will seriously jeopardize the future development of treatments for the disease.'' Those are not my words, that is the ALS Association in their opposition to the legislation that this body passed.

Epilepsy Foundation, and I am quoting from their letter, ''Access to the right medications for epilepsy can make the difference between living in the community, being employed, and leading a healthy and productive life. The consequences of denying the appropriate medication for an individual with epilepsy can be life threatening and can include injury, emergency room visits, hospitalization or other types of costly medical interventions.''

Mr. Speaker, that is the Epilepsy Foundation asking that the bill the majority passed today, H.R. 4, not pass because of the implications for those who suffer with epilepsy in securing the medications that they need.

Now here is the National Alliance for Mental Illness. They have had reservations and concerns about this legislation. I am quoting from their letter, ''NAMI is extremely concerned that placing this new legal mandate on the secretary would directly result in loss of the all or substantially-all guidance in the six protected classes and therefore poses a significant risk to Medicare beneficiaries with mental illness.''

Mr. Speaker, these again are not my words. They are concerns that have been expressed. They have been expressed by individuals that were concerned about what they saw happening in the first 100 hours in this administration.

What people thought they were going to see was transparency. They thought they were going to see openness. They thought they were going to see a willingness to step towards bipartisanship.

Mr. Speaker, it is unfortunate that what we have seen is missed opportunities. We have seen a closed process. The Rules Committee has not functioned. Legislation has gone straight to the floor. No debate in committee. No open process, and that has been unfortunate for the people of this Nation.

As I close, I will once again say that one of the things that does concern us is the impact on the American taxpayer and figuring out who is going to pay for this. Mr. Speaker, it does appear, it absolutely does appear that it is going to be the American taxpayer that is going to see government grow, government expand and government is going to continue to expand in the 110th Congress.

THE AMERICAN DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am always delighted to have the opportunity to follow my distinguished colleague from Tennessee. She has a breadth of assessment that provides insight, but I respectfully disagree with much of the commentary that has been spoken to in the last hour.

That challenge that the American people gave to us on November 7, 2006, was to go in a new direction. It was to fix the broken and improve the conditions of livelihood and life for the American public.

So I thank Speaker PELOSI and Majority Leader HOYER, Majority Whip CLYBURN and Chairman EMANUEL and Vice Chairman Larson for recognizing that for almost 4 years large populations of individuals, your parents, your grandparents, have languished in the confusion of Medicare Part D, when they have fallen, sunken into a hole, and the enormous cost has overtaken them.

The veterans know that we have stood fast on their behalf. Therefore, any disparity, disparate treatment to our veterans will be immediately fixed.

I know that it was the Democrats who fought consistently to ensure that veterans hospitals were not closed by promoting, if you will, the veterans health care bill that was passed in order to give the veterans' hospitals more money.

So I am grateful of this democracy. And I came to the floor to cite the leadership of a giant of an American whom we will honor on Monday. This Congress in a Special Order that I will lead will honor him again on Tuesday evening, January 16, for Members to join us in commemorating and celebrating the life and legacy of Dr. Martin Luther King.

□ 1630

I raise his name in the context of my good friend from Tennessee, because his whole legacy, although not admired during the time he was working, was to try and help America, to promote America's conscience.

I am reminded of his letter from a Birmingham jail, and I encourage my colleagues to join us in the third hour on Tuesday, the 16th, when he was in essence thrown into jail for his work of advocacy in Birmingham. Bull Connor ruled, dogs and hoses were used to attack human beings, and the clergy of America wrote and asked why this pastor had gone to Birmingham to be disruptive.

This is both eloquent, but biblically grounded, but really secularly teaching words that he said. He said, ''I am taking the time to write this letter to you because I knew it was important. Moreover, I am cognizant of the interrelatedness of all communities and states. I

cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly. Never again can we afford, never again can we afford, to live with the narrow, provisional, outside agitator idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds.'' And lastly he said, ''Like Paul, I must constantly respond to the Macedonian call for aid.''

Dr. King was arrested repeatedly. But he left America the direction and the instruction of rendering aid, and as Members of the United States Congress, it is our challenge to render aid to America and to all of her citizens, to ensure that we provide them with the life and the dignity and the justice and the freedom promised by our Constitution.

I look forward to joining with my fellow Members as I lead a special order on Tuesday, January 16th, to truly account for his life. But I also am grateful this week for the minimum wage and prescription drug benefit reform and 9/11 reforms and a number of other issues we are looking forward to, will in fact honor the legacy of Dr. Martin Luther King.

30–SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. ALTMIRE). The gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House, and I will concur with my colleague, Ms. SHEILA JACKSON-LEE, in honoring the legacy and memory of Dr. Martin Luther King and his contributions, and I must add Ms. Coretta Scott King and the entire King family and the King Institute in Atlanta, Georgia. This country will be forever grateful for the contributions of the King family and those who carry their memory.

Many of us know that Ms. JACKSON-LEE is going to have a special order on Tuesday. Many of us know that service is the way the King family wanted us to address this upcoming Monday, being able to carry out not only public service, which is random acts of goodwill throughout the country and your community where you live, but especially the day that we recognize his birthday. For his birthday to have birth here on this House floor and in this Congress is recognized as a Federal holiday, is something that this Congress should always hold on to.

I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me compliment the gentleman for beginning his special order with the reference to Dr. King. Might I just add how excited I am that Members are going home to their districts to be able to commemorate this holiday.

Might I just cite, for the first time in Houston, Council Member Ada Edwards and many other elected officials and myself will be walking silently. We love parades, and we will be commemorating that, but we will be walking silently. I want to pay tribute to that.

The AFL–CIO will be in Houston, its national officers and representatives, the Reverend Al Sharpton, commemorating.

Finally, we will have what we call the Frontiersmen breakfast, an annual event, for corporate Houston. I only cite that not to highlight Houston, but to say all over America, different representations, different communities, will be celebrating and commemorating his holiday, which shows the broadness of his legacy.

I thank you for allowing me to speak and I thank the King family as well.

Mr. MEEK of Florida. Thank you so much, Ms. JACKSON-LEE. I know that many Members of Congress hopefully on both sides of the aisle will be joining you during your special order in recognition of the contributions of Dr. King and the entire King family, including Ms. Coretta Scott King.

Mr. Speaker, I want to take an opportunity to come down, and I have already given comments on the memory and legacy of Dr. King and the entire family for the record, and I know that that will be entered. I wanted to come to the floor just to sum up this week.

As you know, those of us in the 30–Something Working Group, we work to not only let the Members know what the Congress is doing and what we are leading in the direction of that the American people would like for us to go in in all areas, need it be defense, need it be standing up on behalf of our most vulnerable members of our society, our children and our elderly, those that have put forth opportunities so that we would have a better America. When we think about and reflect just on the last few hours here in the House and we reflect on what happened last week and the beginning of this week, I can't help but what we say in the Baptist Church, since I am Baptist, testify for a moment.

I have been in Congress now two terms. I believe we have done more in the last week and one or two days than we have done in a very long time as it relates to the 109th and 110th Congress.

I come today to report, because I know that some would say that while everything is happening and everything is going in reverse and people are not being included and goodness gracious, why didn't we have 10,000 hours of committee work, well, I would just say for everything that has passed, it seems like the American people are happier and pleased with the way this Congress is moving with its work.

I just want to make sure, because you can't say it enough, because it is important that the record is correct. When Members come to the floor, it is important that Members reflect on what they say before they come to the floor.

This is America. You are elected from your district. You can come and voice your opinion, not only of your constituents, but of all Americans, but I think it is important when we look at the CONGRESSIONAL RECORD that we are as accurate as possible.

Historians will look back at this time and say, let me see what took place during that time in this country's history. I think it is important that the American people know that even though we represent individual districts, like I represent Miami Dade County and Broward County in Florida, I have to make sure that I carry not only the will of the people from that district, but also the American people. That is the reason why we have to make sure that the Members are informed of what actually took place, in case some forgot, and that the American people know what is going on. I say all of that to lay the facts out, and the facts are the facts.

The fact is that in the last Congress, the 109th Congress and the Congress before that one, the American people were very disappointed in what was not taking place, Mr. Speaker. It so great we have a 30-Something Working Group in this U.S. House of Representatives. I think I said the last time we were on the House floor, I believe just the night before last, we said we didn't create this 30-Something Working Group just to get in the majority. We didn't create the 30-Something Working Group, thanks to the Speaker, who then was minority leader at that time. We wanted to make sure the American people and the Members of this Congress knew that we wanted to work in a bipartisan way towards tackling the issues that the American people wanted us to tackle and represent them and not the special interests.

Now, there are some folk that are still on the other side of the aisle that are disappointed that the American people are getting what they have been asking for, need it be polling or what have you. I can tell you, some of my friends on the other side, a lot of my friends on the other side agree with us, and when I say ''us,'' I am saying the Members on the Democratic side, on issues that are bipartisan.

Mr. Speaker, I think it is important for us to reflect on the fact that there are some Members on the majority side that have been asking for that all along. A majority of the Members on the minority side have been asking for bipartisanship. Now we have it.

Now you have the minority party, or the minority leadership, I must add, on the Republican side, they are so concerned that so many of their Members are working in a bipartisan way. It is not because they like the Democratic Members on the majority side. It is because they are voting on behalf of their constituents.

Well, what is wrong with that? I came down to the floor because, you know, I was with my daughter and we are in the office, it is the end of the

week, we are about to get some things together, and I said, you know, I want to continue to have the minority spirit that I had in the 108th and the 109th Congress, to say that this is historic in recent times, and working in a bipartisan manner.

Now, if I wasn't serious about bipartisanship and if the Democratic leadership wasn't serious about bipartisanship, I wouldn't be here. We are serious about this. We have got work to do. We don't have time to sit around here and say, I come here with a donkey hat on and say I am a Democrat and hail to the Democrats, whatever, you know. Bow down, what have you. We are in charge, and, you know, walking around here and looking important and not saying ''hello'' when I walk by people in the hall. That is not what this is about.

This is about working in a bipartisan way on behalf of the American people. I am so glad the Democratic leadership has embraced that. I am so glad that all Democrats here on this floor have embraced that.

I am also very pleased and glad that many of the Republicans have embraced that. Maybe not their leadership, because as far as I am concerned, on many of the issues that we passed on this floor a good number of Republicans have voted for it in this past week, Mr. Speaker and Members, but the Republican leadership are not voting for it.

Why? They want to show the difference between us and them. Well, we are not in the business of us and them anymore. And I think it is important that the American people and the Members understand that there is a public out there that is paying attention. There is a public out there. We have an escalation of troops out there now.

Well, we are going to separate the Members of Congress from the followers. Members are going to have to have a choice in what they want to be. We have to stand up on behalf of the people that have elected us and federalized us to serve in this U.S. House of Representatives on their behalf.

Mr. Speaker, case in point. I will just make my point with this, and I would move on to other things. I think it is important that we understand in adopting the rules of the 110th Congress, there were many carrying on and saying, well, why do we have to do that? We have a new set of rules and we want to be better than you, when the Republican leadership had an opportunity to set those rules.

Mr. Speaker, I hold in my hand four pages of how under Republican control on more than 14 or 15 or even 20 examples, as a matter of fact, it is not four pages, it is six pages, of how Democrats were blocked, how Democrats weren't even allowed to offer amendments. House votes were held open for 3 hours, making U.S. history on behalf of special interests while they twisted arms. That is the past.

I got it right here. If any Member wants to come down on the floor and debate me on this, we can get a time and talk about this, because, you know something, we are right on this one. The people are right.

So, if you want to talk, these are the facts. The CONGRESSIONAL RECORD, you can go and cite it, because we in the 30-Something Working Group on this side of the aisle, we don't talk fiction, we talk fact, because that is the only thing that will hold up; not only the test here on this floor but the test of the American people, that challenge.

I want to commend some of the Republicans and all of my caucus for voting for some of the good things. The rules of the House, like I was mentioning, 232 Democrats with one Democrat not voting because they weren't here on the rules of the House.

Forty-eight Republicans joined us on PAYGO, which brought about the kind of accountability that we needed in this House to be able to stop the out-of-control spending that the Republican Congress has built up. That was this chart. There are so many people that are familiar with this. The record, $1.05 trillion that was spent under Bush and the Republican Congress in just 4 years, that trumped 42 presidents and 224 years of history. $1.01 trillion.

□ 1645

That vote started moving this in reverse, Mr. Speaker, saying that we would no longer spend, and I wouldn't even say the Federal tax dollars because we borrow from all of these countries to carry out that out-of-control spending, which we put together this chart to show all of the countries that we owe because of reckless spending and not living under PAYGO rules, pay-as-we-go rules. And so I think that is important for the Members to know and reflect upon. So if it was so bad, Mr. Speaker, why did 48 Republicans vote for it?

Now, I can tell you right now, I am pretty sure there are Members on the other side saying I am not voting with Democrats just to vote with Democrats. They are voting because that is what their constituents want. And if we are to work in a bipartisan way, I think it is important for them to continue to join us on great ideas. There will be times when there will be partisan votes on this floor, but they should be few, especially when it comes down to issues of the Federal Treasury.

Mr. Speaker, on implementing the recommendations of the 9/11 Commission, we were here on this floor talking time and time again about following the bipartisan commission report on making America safer. What is wrong with screening containers coming into this country before making it to U.S. ports? What is wrong with making sure we carry out all of the 9/11 recommendations? This was 9/11. We went to the war in Afghanistan, running after al-Qaeda and doing away with the Taliban because of 9/11.

Now, 9/11 Commission members and the American people, Democrats, Republicans and independents, are happy that we voted on this. Again, all the Democrats voted for it, with 68 Republicans voting for it. Mr. Speaker, that is the reason why we have some Members on the other side of the aisle running to the floor complaining. They are not complaining because they happen to be upset with us, and when I say us, I mean the Democrat majority, they are complaining because their Members are voting for their constituents.

I am sure there are Republican Members that are saying, I am a member of the Republican Caucus, I am not trying to caucus with the Democrats, but they are trying to represent their constituents. So let them. And so for the 68 Republicans who voted on behalf of the 9/11 recommendations, why not? It is protecting their constituents in America. Good for you.

So much work has been done, very little talk but so much work, on the minimum wage. Mr. Speaker, I cannot say enough about this. We have the charts from the 109th Congress, because I think it is important that Members don't get amnesia. We have a lot of new Members trying to figure out how to get around the office buildings here in Washington, D.C. I have been here now going on my third term, and I am still trying to figure out a few things myself, but I think it is important when it comes down to the business of the House, and you want to stay in the House and you want to have this honor to represent not only the people in your district but the American people, and you want to do right on behalf of the American people, then it is important, Mr. Speaker, that we share this good information not only with the new Members but the present Members that have been here, because the American people have spoken.

Let me share these figures. These are the pay increases of Members of Congress. In 1998, $3,100; in 2000, $4,600; 2001, $3,800; 2002, $4,900; 2003, $4,700; 2004, $3,400; 2005, $4,000; and 2006, $3,100.

Now, here is the point that is very, very important, Mr. Speaker and Members. I am not here to say that, well, you know, this is not justified. Just as a Member who is financially challenged, like myself, I will tell you there are some Members here, this cost-of-living adjustment, whatever the case may be, maintaining two households, I don't want to make an argument there. But if Members felt it was important to give themselves a raise and at the point when you start getting in the back years, the Democrat leadership made the decision that we will not give ourselves a pay raise unless the American people get it because we are tired of fighting for a pay raise for them, yet when it comes to Members of Congress, please join us in making sure we get a cost-of-living adjustment.

We put our foot down. And now, this week, Mr. Speaker, we were able to

give the American people a pay raise. Not because Republicans said we should do it. It is because we have a Democratic controlled Congress. And that is the problem that some Members on the minority side have with progress on behalf of the American people.

It is going to be $7.25 that people are going to be making now. Believe it or not, we are going to get it passed in the Senate and the President will hopefully sign it. We had 82 Republicans that joined, and all the Democrats on this side of the aisle, in voting to increase the minimum wage. What we called the fair Minimum Wage Act. But, Mr. Speaker, the Republican leadership voted against it.

How do you jump on top of the head of somebody making $5.15 an hour? How do you stand on top of their head and say, well, you know, we can't do it because it is gonna hurt somebody. CEOs are making, oh, boy, they are making more than the minimum wage worker would make in their entire lifetime, Mr. Speaker. In some instances, in a month. Yet we have Members here standing on top of the head of folks making $5.25 an hour and still carrying on about the vote.

If it is so bad, Mr. Speaker, why did 82 Republicans join Democrats in voting for what was right? Why? Because they were representing their constituents. So I commend all my Democratic colleagues that have been waiting for an opportunity to vote on the floor on the minimum wage, and I commend the chairman, Mr. GEORGE MILLER. I am glad he lived long enough to see this happen there in the Education and Labor Committee.

But 82 Republicans joined Democrats in that. And that is good and that is bipartisan and it was the right thing to do, and I am glad they did it. But I want to make sure, Mr. Speaker, while we are here setting the record straight, not only talking about the vision of the Democratic leadership and caucus but also talking about bipartisanship, because that is the reason why I came to the floor today, to talk about bipartisanship. That is the record.

I don't care what anyone else says. And I say again, these Republicans voted for this Democratic movement to raise the minimum wage because it was a part of our six in 2006 plan. Now, some may say, well, let's have a committee meeting. Well, goodness, let me just show you this, six pages, six pages where we did not have committee meetings. In the 108th Congress I saw with my own eyes a bill filed in the morning, went to the Rules Committee, and was on the floor and passed by 2 p.m., and then passed in the Senate and went to the White House the next day. For one person I watched it happen.

So don't come to the floor, especially when it comes down to something like the Federal minimum wage that will help workers throughout this country and start raising a ''yeah, but.'' It is progress. I think the people like it. I think that is why they elected us to come to Congress, to get something done.

Here is another point. The Medicare Prescription Drug Price Negotiation Act. Why is the Republican minority so scared of this? I can't understand it. Well, I look at companies, and I look at HMOs, and I look at other folks that have price negotiating opportunities and they are trying to drive down the price with their little group that they are dealing with. And now we are saying, the Federal Government, let's get the Secretary to try to see if he or she can make this happen. What is the problem? I can tell you what the problem is, it is that 24 Republicans voted with all Democrats to make that happen. What is wrong with that?

While I talk about the fact that my Republican colleagues are joining us in bipartisanship, you have to commend the Democratic leadership on this side of the aisle for having the gumption to do what they said they would do. Now, that may seem like something very small in American households throughout the country, because usually when you say you are going to do something, you do it. You know, I tell my mother, I tell a family member that I am going to do something, I try my best to do it. But when I make a promise, I have got to do it.

We made a promise, and it is not a secret, that the minimum wage would be raised in the first 100 hours. We made a promise we would pass a package on ethics. We made a promise that we would make sure that we have price negotiations for prescription drugs. We made a promise, Mr. Speaker, that we would reverse royalties and other tax breaks to large oil companies and make sure that we have innovation in alternative fuels. We made a promise, Mr. Speaker, that we would reduce the student loan package; making sure that we reduce what the Republican Congress did, taking money to give to the super wealthy in this country a tax break.

We promised we would do these things. We promised, Mr. Speaker, that we would do this in the first 100 hours. Everyone knew it. It wasn't a secret. We promised that we would make sure we wouldn't de-fund the troops when they are in harm's way. The troops. Then all of a sudden you get this escalation in troops.

What is about to happen, Mr. Speaker, and I think the administration knows, and I think the minority party knows that we are about to have some committee meeting in a few minutes. We have just organized this Congress and we are going to start asking some of the tough questions. Where did this money go? Why was this company over here able to abuse this contract and nothing was said? Why are they still receiving Federal dollars? Why are these eight brigades of Army reservists going back to Iraq for a fifth term? Why don't we have other coalition partners joining us? Why won't we take the training wheels off the Iraqi government? All of these questions have to be answered.

I like the bipartisan spirit that is going through the floor as a Congress now, or in the halls of Congress. I think it is important that we continue to encourage that, Mr. Speaker and Members. And I think it is important that Members realize that, especially when they come to the floor to start talking about issues that are facing the American people. During the 109th Congress, one of the most partisan Congresses, which passed no bipartisan votes, this week we passed bills with 60, 70, 80 Republicans joining us on these votes.

So I think it is important, Mr. Speaker, that, again, we let the facts roll out. Again, I challenge my colleagues. And the reason why I can stand here with great confidence, Mr. Speaker, and the reason why I can even challenge some of my Republican colleagues or those outside of this great institution of ours, the House of Representatives, the people's house, is that I speak of the truth. If I wasn't speaking the truth, and if I wasn't citing the CONGRESSIONAL RECORD, you know, this notebook is just not a page on the top and newspaper in the middle. These are facts.

So as we move forth in this 110th Congress in a bipartisan way, and making America stronger and better for our children and grandchildren, let that happen. The Republican leadership can say whatever they want. We are in the majority. But you know something, we still have a minority spirit. The minority spirit is making sure that we fight on behalf of those who need representation in this House. Not the special interests.

The special interests have their representation, or they had it here in this House. And those that continue to carry the water on behalf of the special interests that are totally against or versus the American people, Mr. Speaker, because it is right, they will lose. And that is just where it is.

So when we start talking about the integrity of the U.S. House of Representatives, we start talking about the things we would like to do on behalf of the American people, then we are serious about it. Now, if folks want to be serious about coming and representing special interests against the will of the American people, have at it, because there are Members of this Congress, or former Members of this Congress, who did that. And guess what? They are reading what the Congress is doing in the newspaper when it is dropped on their front door.

I am not going to be a part of that group. I am here to make sure we represent the folk that sent us up here to represent them.

□ 1700

I think it is important that we remember that. Have faith in the American will. If every Member was to carry

themselves in the way the night that they were elected or the day that they were elected, of all the things they said they wanted to do before they got here, then this would be a better country. I think it is important, Mr. Speaker, that while we have that spirit, bipartisanship, let's continue it. Let's continue the spirit. It's not about being in the majority and we just want as a strategy to keep you in the minority, no, it's not a strategy to keep the Republicans in the minority. It's just representing the American people. They have had their opportunity to do it. They had the last 12 years to do it. They can't come here and say, we balanced the budget. All they can say is that we have deficits as far as the eye can see.

What did we do? First order of business, Mr. Speaker, not only passing a new rules package that cut out a lot of the stuff that went on in the 109th Congress, the 108th Congress, the 107th Congress, but we also passed the pay-as-you-go rule to make sure that we say we're going to spend it, we show how we're going to pay for it.

I can tell you right now, that is a paradigm shift coming from this side of the aisle that we have the only record in Congress in balancing the budget. We on this side of the aisle are the only party that can say that without one Republican vote that took place. When that happens again, Mr. Speaker, as we work through trying to dig out of the ditch that the Republican leadership put the American people in, we want to do it in a bipartisan way. We don't want history to repeat itself without one Republican vote we balanced the budget. We don't want that to happen.

When we deal with Social Security again, we want it to happen just like when Tip O'Neill was sitting in that seat, Mr. Speaker, and Ronald Reagan was in the White House. They got together in a bipartisan way and said, let's save Social Security together. We don't need to run around here with a flag that says Democrat and says, we did it and they didn't. Let's work together. Let's work together in making that happen. That is why it is very, very important, Mr. Speaker, that we work in this bipartisan spirit as we move forward.

Mr. Speaker, as we reflect on the past, I just wanted to come down to the floor and make sure that we set the record straight that there are a lot of things that happened and did not happen in the 109th and 108th Congress. I am only speaking for the Congresses that I have been here for. My mother before me served in the five Congresses before that, so there was a lot of dining room table talk about what was going on here in Congress or what wasn't going on here in Congress. But I can tell you as it relates to the Democratic side of the aisle and even the Republican side of the aisle, Members voting common sense, Members voting on behalf of their constituents back home, I like what I see. The American people like what they see. If we didn't like the bipartisanship, Mr. Speaker, there would be no reason to come to the floor and share ideas and plans with the Republican Members of the House because we said, well, we just want all the credit for what's happening right now. No, we share that in a bipartisan spirit and we stand on the mountain of bipartisanship in this new 110th Congress.

The Republican leadership is trying not to stand on that mountain of bipartisanship. They want to stand on the mountain of us against them. Well, this is the U.S. Congress. This is us. It's not us against them. That is a debate for somewhere else. But these major, major, major, major issues that I outlined here in the last 30 minutes, Mr. Speaker, are bipartisan issues that we should be able to join elbow to elbow and lock in together and work together on these issues. I look forward to dealing with this, working with not only the American people on these issues but also Members of Congress on dealing with this issue of doing away with this issue of partisanship on major issues.

I wanted to let my Democratic colleagues and leadership know that we are on the right track. We are on the right track and the reason why we are here in the U.S. Congress. We are on the right track in working on behalf of the American people, all of us. If someone tries to pull you away from voting otherwise, against your constituents, you need to share with them that you love being a Member of the U.S. Congress, want to continue being a Member of the U.S. Congress, because those who voted against the will of their constituents are no longer Members of Congress. That's something to take into consideration.

As we have talked about the minimum wage, Mr. Speaker, I am so glad to be joined by my colleague who represents the American Samoa islands. I want to thank him for being here. We have worked together over the last two Congresses. Before that he worked with my mother who was here. They are good friends. I am so glad you came down to the floor to join me.

Mr. FALEOMAVAEGA. I thank my colleague and dear friend for allowing me to intervene in this special order and I really appreciate the courtesy extended to me to discuss the issue of H.R. 2 which was recently passed by this body yesterday. As you know, one of the specific provisions of the bill provides for the application of the Federal Labor Standards Act to the Northern Marianas territories. I do want to say that in a response to recent comments made by our colleague, the gentleman from North Carolina (Mr. MCHENRY), saying to the effect that something is fishy about this proposed legislation, I would suggest that before he starts spouting off his mouth, perhaps he should get the facts first before expressing an opinion to this issue.

The fact of the matter is the Fair Labor Standards Act does apply to American Samoa, my district, since 1938. So this whole idea that American Samoa has received a special exemption and the Fair Labor Standards Act not being applicable to my district is totally wrong and erroneous. The fact of the matter is since 1956, the Congress amended the Fair Labor Standards Act requiring at that time most of the territories, who are very difficult in terms of economic development and in the process the other territories went on their own ways and the Federal minimum wage law became applicable, except for my district.

The fact of the matter is under the Fair Labor Standards Act, the U.S. Department of Labor every 2 years would constitute a committee composed of those who were members of the labor union, someone representing management, someone representing the local government officials and for a whole week we would conduct hearings in trying to determine what is the economic status of the territory relative to its ability to provide what is considered fair and equitable salaries and wages for both government workers as well as the private industry workers.

It so happens that rather than being called a banana republic, I am a tuna republic because that is our main industry. I happen to have the two largest tuna canning facilities in the world. We export almost $500 million of canned tuna to the United States and provides 5,000 workers employment opportunities. I have in my district Starkist Corporation that was owned by Heinz Corporation, is now owned by Del Monte, whose headquarters are based in San Francisco, and Chicken of the Sea's headquarters is based in San Diego.

The fact of the matter is I wanted to note for my colleagues, the gentleman from North Carolina (Mr. MCHENRY) and also the gentlewoman from Tennessee (Mrs. BLACKBURN), that the reason why this provision is to include Northern Marianas is because the Northern Marianas is not included in the Fair Labor Standards Act.

I might also want to note the fact that our colleague, GEORGE MILLER, for years has been very concerned about the garment industry that developed out of the Northern Mariana islands. And who were the best patrons of the problems that we have in the Northern Marianas? A fellow by the name of Jack Abramoff and former Congressman Tom DeLay. And every time we talk about sweat shops, the way that expatriates were being hired, cheap labor and the real serious problems that we have had in the Northern Marianas, the Republican Congress did not take any action on the matter.

The fact of the matter is there is a fellow by the name of Willie Tan who was closely associated with Mr. Abramoff. After finding out that he had violated how many Federal labor laws, he paid up front $9 million, not even questioning whether or not that the investigators that went there to

find out if there were violations of labor laws, he went and he paid off on this.

What has happened is that the garment industry in the Northern Marianas has gone down. And where is Mr. Willie Tan now operating his garment factories? In China. I think it would be important for our Republican colleagues first to understand, we are not exempted under the standards of the Fair Labor Standards Act. I want to make that point clear and I really, really appreciate the gentleman allowing me to correct these sweeping statements made by our colleagues from the other side suggesting that our Speaker has made this special provision just to exempt one of her corporate constituency which happens to be Del Monte. This is not true. This is absolutely not true.

Mr. MEEK of Florida. There is so much going on right now that is working on behalf of the American people. There are some Members of the minority party that feel that they need to come to the floor and raise objection to that, with the blessings of the Republican leadership. Because when you come to the floor, you have to have the okay of the leadership of your side of the aisle. I went through earlier this afternoon about Republicans joining Democrats in these votes. This bipartisan spirit, that is the only way I can figure this out because the misinformation that is coming to the floor and that is being given out to the American people, Mr. Speaker, you represent the area that they are so concerned about and they don't even bother to pick up the phone and say, is this true or that true or even doing the research. You can look in the law.

Mr. FALEOMAVAEGA. Not even the courtesy, to my colleague from Florida, to make such statements and to say that the honorable Speaker from San Francisco is being hypocritical in saying that one of her constituent companies is being let off the hook in this exception for American Samoa because we have the presence of Del Monte through the Starkist Company that does the packing of canned fish in my district. It is right there. I wanted to be very plain and clear on this and wanted to note, also, that Mr. GEORGE MILLER for the last 15 years as the senior member of the House Education and Labor Committee has brought this to the attention of the Republican Congress how many times, to say something is going on that is wrong with the sweat shops that were developed out of some of these business people only to take advantage of the cheap labor.

I say that, yes, the beginning salaries of the workers that we have there is below Federal minimum wage. But there is a reason for it and that is the reason why the Federal Government through an act passed by the Congress since 1956, we followed that religiously for the last 2 years. I have disagreements also at times with the two major corporate companies that do business in my district, but that is part of the process and I have always advocated that we should get better, higher salaries for our workers. But in the process, the point that I wanted to make to our colleagues and friends in letting them know is that, yes, the Fair Labor Standards Act, the Federal law relating to Federal labor standards does apply to the territory of American Samoa. However, in the Northern Marianas there is nothing.

There is a real interesting question. Because the Northern Marianas came into this unique political relationship with the United States which is called a covenant relationship, there may be some provisions in there that are going to be questioned. It is my intention that I am going to call Chairman RAHALL as well as Mr. MILLER. We hope to have an oversight hearing on this issue as soon as we can at the earliest possibility, maybe sometime next month. We want to find out exactly the whole thing.

But for them to say that there is a double standard that our side of the aisle have taken is utterly not true. I want to make that firmly established in the RECORD. I will elaborate on this issue more specifically sometime next week when I take a special order, but I do want to thank my good friend and colleague from Florida for giving me this opportunity to clarify this, I wouldn't call it a misunderstanding but a misaccusation, I suppose, is a better word for saying it. But I do want to thank my good friend for allowing me to say this.

□ 1715

Mr. Speaker, I would like to submit some documentation to be made part of the RECORD.

WASHINGTON, DC,
January 10, 2007.

FALEOMAVAEGA COMMENTS ON MINIMUM WAGE BILL NOW BEFORE CONGRESS

Congressman Faleomavaega announced today that in response to articles by the Washington Post and inquiries by the Washington Times he is speaking out about the minimum wage bill recently introduced by the House leadership.

''Despite recent claims made by the Washington Post which suggest that American Samoa is exempt from the federal minimum wage process, I wish to set the record straight,'' Faleomavaega said.

''The Fair Labor Standards Act has applied to American Samoa since 1938. After enactment, Industry Committees were established to phase low-wage industries in to the minimum statutory wage making American Samoa, as well as all other US Territories, exempt from mainland minimums but bound by minimums determined by Special Industry Committees. At the time, Congress believed that application of mainland wages to territorial island industries would 'cause serious dislocation in some insular industries and curtail employment opportunities.'

''For this reason, since 1956, and in accordance with Sections 5, 6, and 8 of the Fair Labor Standards Act (29 U.S.C. Sections 205, 206, 208), the Wage and Hour Division of the US Department of Labor continues to conduct Special Industry Committees every two years in American Samoa to determine minimum wage increases.

''While these Industry Committees have been phased out in other US Territories due to their more diversified economies, American Samoa continues to be a single industry economy. In fact, more than 80 percent of our private sector economy is dependent either directly, or indirectly, on two U.S. tuna processors, Chicken of the Sea and StarKist.

''As has been repeatedly stated at our Special Industry Committees, a decrease in production or departure of one or both of the two canneries in American Samoa could devastate the local economy resulting in massive layoffs and insurmountable financial difficulties.

''For this very reason, I do not support efforts to apply mainland minimums to American Samoa at this time. The truth is the global tuna industry is so competitive that it is no longer possible for the federal government to demand mainland wages for American Samoa without causing the collapse of our economy and making us welfare wards of the federal government.

''However, I continue to believe it is a crying shame that for years StarKist's parent company, Heinz, paid its corporate executives over $30 million per year in salary and stock options and bonuses while workers in American Samoa have not been paid decent wages on scale with our local economy. This is why I have fought year after year for increased wages for our tuna cannery workers and I will continue to make my views known before Special Industry Committees which have been established by federal law.

''CNMI should follow suit and support Special Industry Committees which are in place to protect workers from labor rights abuses. Ten years ago, I suggested to CNMI leaders that they should come under the umbrella of federal law and support Special Industry Committees but CNMI failed to take action. In other words, unlike American Samoa, CNMI is operating outside of the scope and intent of the Fair Labor Standards Act and this has led to well-documented worker abuse. For this reason, my colleagues have taken a stand and said enough is enough and I support Chairman George Miller's actions.

''Finally, I am aware that some may point a finger at American Samoa as a result of labor violations at the Daewoosa garment factory. But, in response, let me say that I personally called for a federal investigation into the reported abuses and the federal government took immediate action. Consequently, the owner of the factory, Kil Soo Lee, was prosecuted in federal court and the factory was subsequently shut down. Since this time, American Samoa has had no further labor violations.

''While I understand that for partisan purposes some might like to compare American Samoa and CNMI in terms of the federal minimum wage debate, I conclude by emphatically stating that CNMI and American Samoa are not alike in terms of our political relationships with the United States. CNMI is under a 'covenant' relationship and American Samoa is an 'unincorporated' and 'unorganized' territory. Our situations involving minimum wage are entirely different. American Samoa complies with the provisions of the Fair Labor Standards Act as determined by Special Industry Committees.

''By terms of its covenant, CNMI is exempt from compliance. However, with the minimum wage bill now before Congress, there is some question as to whether or not CNMI should be brought under the purview of federal labor laws.

''Whatever Congress decides for CNMI, I am hopeful that Members of Congress will recognize that American Samoa is different

and that what Congress has established for our Territory is necessary for economic stability,'' Faleomavaega concluded.

[From the Saipan Tribune, Jan. 11, 2007]

WHY IS AMERICAN SAMOA EXEMPTED FROM WAGE HIKE?

WASHINGTON.—Republican leadership aides are accusing the Democrats of using a double standard by imposing the higher minimum wage on the Northern Mariana Islands—considered a Republican protectorate-while continuing to exempt a Democratic territory, American Samoa.

Under a Democrat-backed legislation that is now before the House of Representatives, employers on the Northern Mariana Islands would have to pay workers the federal minimum wage. American Samoa and the tuna industry that dominates its economy would, on the other hand, remain free to pay wages less than half the bill's new mandatory minimum.

Democrats have long tried to pull the Northern Marianas under the umbrella of U.S. labor law, accusing the island's government and its industry leaders of coddling sweatshops and turning a blind eye to forced abortions and indentured servitude.

Samoa has escaped such notoriety, and its low-wage canneries have a protector of a different political stripe, Democratic delegate Eni F.H. Faleomavaega, whose campaign coffers have been well stocked by the tuna industry that virtually runs his island's economy.

Faleomavaega has long made it clear he did not believe his island's economy could handle the federal minimum wage, issuing statements of sympathy for a Samoan tuna industry competing with South American and Asian canneries paying workers about 67 cents an hour.

The message got through to House Education and Labor Committee Chairman George Miller, D-Calif., the author of the minimum wage bill who included the Marianas but not Samoa, according to committee aides. The aides said the Samoan economy does not have the diversity and vibrance to handle the mainland's minimum wage, nor does the island have anything like the labor rights abuses Miller claims of the Marianas.

The wage bill coming to a vote this Wednesday (Thursday on Saipan) would raise the federal minimum from $5.15 an hour to $7.25 over two years, the first such increase since 1997. The 10-year stretch between wage increases is the longest since the mandatory minimum was created, and passage is expected to be overwhelming.

By including the Northern Marianas, Democrats say they hope to put an end to abusive sweatshops, especially in the garment industry. ''I have been trying to fix the deplorable situation in the Northern Marianas since I first held hearings on the issue in 1992, 15 years ago,'' Miller said. ''But under Republican control, the House never even held a hearing.''

American Samoa has had a smattering of its own negative publicity, and an Education and Labor Committee aide said Monday that Miller probably will seek a review of the island's labor relations.

Last month, the U.S. District Court for the District of Hawaii upheld the conviction of a Korean sweatshop owner, who held 17 workers in involuntary servitude in American Samoa, imprisoning them in his garment factory compound.

But in American Samoa the tuna industry rules the roost. Canneries employ nearly 5,000 workers on the island, or 40 percent of the work force, paying on average $3.60 an hour, compared to $7.99 an hour for Samoan government employees. Samoan minimum wage rates are set by federal industry committees, which visit the island every two years.

Faleomavaega's aides said Monday that the delegate was in American Samoa for the opening session of the island's government and would not comment.

When StarKist lobbied in the past to prevent small minimum wage hikes, Faleomavaega denounced the efforts.

''StarKist is a billion dollar a year company,'' he said after a 2003 meeting with StarKist and Del Monte executives. ''It is not fair to pay a corporate executive $65 million a year while a cannery worker only makes $3.60 per hour.''

But after the same meeting, Faleomavaega said he understood that the Samoan canneries were facing severe wage competition from South American and Asian competitors.

Department of Interior testimony last year before the Senate noted that canneries in Thailand and the Philippines were paying their workers about 67 cents an hour. If the canneries left American Samoa en masse, the impact would be devastating, leaving Samoans wards of the federal welfare state, warned David Cohen, deputy assistant secretary of the interior for insular affairs.

Mr. MEEK of Florida. Thank you so very much. I am glad you came to the floor to share that. There is nothing like a representative of the American people that the Republican minority seems to be so concerned about all of a sudden, sharing misinformation, that the representative of the people comes to the floor to set the record straight.

The good thing about it is that we are in the majority right now, Mr. Speaker, and knowing that the issue will continue to receive the kind of attention it deserves, but making sure that mistruths are ironed out here in the CONGRESSIONAL RECORD, so that when we reflect on the facts, as I speak so fondly of, that we are on the right side of those facts.

I would also like to share with the Members, since we try to provide information to the Members, mainly, and hopefully we will get to the American people, we want to make sure that Americans stay tuned on behalf of the rest of this 100-hour agenda that we are carrying out right now, with the Student Loan Relief Act, which is on Wednesday; and repealing big oil subsidies, that will be coming up; and also investing in renewable fuels, that will be coming up.

All of this along these lines are going to make us a stronger America, a better America. These are issues, or issues that have been presented before Congress before, some of them passed on a committee level. Even some of them have passed in some amendatory form in a bigger package of legislation this House of Representatives, out of this House of Representatives. It should not be a surprise or a shock.

As I mention it here now, well before next week, I am pretty sure we will have some Members on the other side of the aisle who will come up and say, you know, I was walking down the hall and someone told me we were taking tax breaks away from the big oil companies. What happened to the hearing?

Well, I can tell you not only prior to the election, I know for sure I said it here on the floor in the last Congress, the 109th Congress, in the last Congress. If they did not know, if they did not know that this was going to take place, prior to the election, then I suggest you pick up a newspaper.

We notice that some people don't read the newspaper here in Washington D.C., but that is another commentary. But I am excited about the fact that we are getting some of these issues done.

We always encourage the Members to log onto www.speaker.gov. You can get any information that is coming up, if you want to learn more about the 100-hour agenda, but I would say if you want to e-mail the 30–Something Working Group, www.speaker.gov/30something, and you can send us information on things that you are concerned about or questions that you may have.

With that, Mr. Speaker, I wanted to thank the Democratic leadership for allowing me to come down to the floor. The 30–Something Working Group will be back on floor next week. We want to not only ask Members but also staff and all Americans to celebrate the memory and the legacy of Dr. King and his entire family along with Mrs. Coretta Scott King for their contributions, not only to this country but to the world.

As we carry out this day of service that the King Center for the Advancement of Nonviolence calls for every year, try to create some sort of public service project within your family of something that you can do for somebody else, because that is what his philosophy was all about.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEVIN (at the request of Mr. HOYER) for today.

Mr. MCHUGH (at the request of Mr. BOEHNER) for today on account of official business.

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. HOLT) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. TAYLOR, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WOLF) to revise and extend

their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, January 18.

Mr. WOLF, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. ENGLISH of Pennsylvania, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, January 16, 17, 18, and 19.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Tuesday, January 16, 2007, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

172. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cocoa Beach July 4th Fireworks Display — Atlantic Ocean, Cocoa Beach, FL [COTP Jacksonville 06-120] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

173. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Orange Park Independence Day Celebration Fireworks Display — St. Johns River, Orange Park, FL [COTP Jacksonville 06-128] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

174. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Freedom, Fanfare and Fireworks Display — St. Johns River, Jacksonville, FL [COTP Jacksonville 06-101] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

175. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patrick Air Force Base 4th of July Fireworks Display, Banana River, Patrick Air Force Base, FL [COTP Jacksonville 06-118] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

176. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Liberty Fest Fireworks Display, Atlantic Ocean, Jacksonville Beach, FL [COTP Jacksonville 06-098] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

177. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Florida Yacht Club and Timuquana Country Club Annual Fireworks Display — St. Johns River, Jacksonville, FL [COTP Jacksonville 06-100] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

178. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Celebration Fireworks Display, Atlantic Ocean, Flagler Beach, FL [COTP Jacksonville 06-096] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

179. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Celebration Fireworks Display — Halifax River, Ormond Beach, FL [COTP Jacksonville 06-095] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

180. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Palatka Independence Day Celebration Fireworks Display, St. Johns River, Palatka, FL [COTP Jacksonville 06-143] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

181. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Edgewater Fire Rescue Association Fireworks Display — Indian River, Edgewater, FL [COTP Jacksonville 06-099] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

182. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Intracoastal Waterway Mile Markers 284 — 285, Port Arthur, TX [COTP Port Arthur-06-017] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

183. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 322.1 to 323.1, Ashland, KY [COTP Ohio Valley 06-044] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

184. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River, Mile Markers 128.0 to 129.0, Clarksville, TN [COTP Ohio Valley 06-043] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

185. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Parker, AZ [COTP San Diego 06-086] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

186. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Crazy Horse Campground, Lake Havasu, Arizona [COTP San Diego 06-017] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

187. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou Perot, 250 yard radius from a point North 29 degress, 40 minutes, 59 seconds by West 90 degrees, 10 minutes, 58 seconds [COTP Morgan City-06-005] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

188. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Miles 791.5 to 792.5, Evansville, Indiana [COTP Ohio Valley-06-027] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

189. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-11-006] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

190. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River, Port Neches, Texas [COTP Port Arthur-06-010] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

191. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Vermillion River, from Lights 2 and 4 at the confluence of the Gulf Intracoastal Waterway to a point North 29 degrees, 47 minutes, 53 seconds by West 92 degrees, 8 minutes, 18 seconds, bank to bank [COTP Morgan City-06-002] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

192. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-06-009] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

193. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL [COTP St. Petersburg 06-127] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

194. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ft. Myers Beach, FL [COTP St. Petersburg 06-123] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

195. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Safety Zone; Tom Graves Memorial Fireworks, Port Bay, Wolcott, NY [CGD09-06-079] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

196. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Independence Day Fireworks, Manistee, Michigan [CGD09-06-077] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

197. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 265 to 266, and Kanawha River Mile 0 to 0.5, Point Pleasant, WV [COTP Ohio Valley 06-028] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

198. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Miles 171.3 to 172.6, Marietta, OH [COTP Ohio Valley 06-031] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

199. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Veterans Celebration Fireworks Display — Indian River, New Smyrna Beach, FL [COTP Jacksonville 06-090] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

200. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercises; Bodega Bay, CA [COTP San Francisco Bay 06-007] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

201. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fourth of July Fireworks, Calibogue Sound, Hilton Head, SC [COTP Charleston 06-134] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

202. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Fall River 4th of July Fireworks, Taunton River, Fall River, Massachusetts [CGD01-06-074] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

203. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fireworks Display, Morehead City Harbor, Morehead City, NC [CGD05-05-016] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

204. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 06-052] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

205. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Town of Manchester Fourth of July Fireworks Display, Manchester, Massachusetts [CGD01-06-085] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

206. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Town of Nahant Fourth of July Fireworks Display, Nahant, Massachusetts [CGD01-06-088] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

207. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cocos Lagoon, GU [COTP Guam 06-009] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

208. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Town of Hingham Fourth of July Fireworks, Hingham, Massachusetts [CGD01-06-035] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Boston Pops Fireworks — Boston, Massachusetts [CGD01-06-055] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Town of Marblehead Fourth of July Fireworks Display, Marblehead Harbor, Massachusetts [CGD1-06-001] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

211. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Independence Day Celebration, Ipswich, Massachusetts [CGD01-06-062] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself, Mr. COURTNEY, Mr. KILDEE, Mr. PAYNE, Mr. ANDREWS, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KUCINICH, Mr. WU, Mr. HOLT, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. BISHOP of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. ALTMIRE, Ms. CLARKE, Mr. HARE, Ms. HIRONO, Mr. LOEBSACK, Mr. SARBANES, Mr. SESTAK, Ms. SHEA-PORTER, Mr. YARMUTH, Mr. ACKERMAN, Mr. ALLEN, Mr. ARCURI, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Ms. BEAN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOREN, Mr. BOSWELL, Mr. BOUCHER, Mrs. BOYDA of Kansas, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARNAHAN, Mr. CARNEY, Ms. CARSON, Ms. CASTOR, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. COOPER, Mr. COSTA, Mr. COSTELLO, Mr. CRAMER, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. LINCOLN DAVIS of Tennessee, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DONNELLY, Mr. DOYLE, Mr. ELLISON, Mr. ELLSWORTH, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. GIFFORDS, Mrs. GILLIBRAND, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of New York, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HILL, Mr. HINCHEY, Mr. HODES, Mr. HOLDEN, Mr. HONDA, Ms. HOOLEY, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mrs. JONES of Ohio, Mr. KAGEN, Ms. KAPTUR, Mr. KENNEDY, Ms. KILPATRICK, Mr. KIND, Mr. KLEIN of Florida, Mr. LANGEVIN, Mr. LANTOS, Mr. LAMPSON, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mr. MAHONEY of Florida, Mrs. MALONEY of New York, Mr. MARKEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNERNEY, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. ORTIZ, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PERLMUTTER, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SALAZAR, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHERMAN, Mr. SHULER, Mr. SIRES, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SNYDER, Ms. SOLIS, Mr. SPACE, Mr. SPRATT, Mr. STARK, Mr. STUPAK, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WELCH

of Vermont, Mr. WEXLER, Mr. WILSON of Ohio, and Mr. WYNN):

H.R. 5. A bill to amend the Higher Education Act of 1965 to reduce interest rates for student borrowers; to the Committee on Education and Labor.

By Mr. RAHALL (for himself, Mr. RANGEL, Mr. MCNERNEY, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. TANNER, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mrs. JONES of Ohio, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mr. ACKERMAN, Mr. ALLEN, Mr. ALTMIRE, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of New York, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. BOSWELL, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARNAHAN, Mr. CARNEY, Ms. CARSON, Ms. CASTOR, Mr. CHANDLER, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. COOPER, Mr. COURTNEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. LINCOLN DAVIS of Tennessee, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. ELLISON, Mr. ELLSWORTH, Ms. ESHOO, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. GIFFORDS, Mrs. GILLIBRAND, Mr. GONZALEZ, Mr. GORDON, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HIGGINS, Mr. HILL, Mr. HINCHEY, Ms. HIRONO, Mr. HODES, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. KAGEN, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Ms. LEE, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mr. MAHONEY of Florida, Mrs. MALONEY of New York, Mr. MARKEY, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MEEHAN, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. REYES, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. SPACE, Mr. SPRATT, Mr. STUPAK, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WELCH of Vermont, Mr. WEXLER, Mr. WILSON of Ohio, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. YARMUTH):

H.R. 6. A bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, the Budget, and Rules, 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. REYNOLDS (for himself, Mr. WELLER, Mr. MCCOTTER, Mr. SAXTON, Mr. BARTLETT of Maryland, Mr. LINCOLN DIAZ-BALART of Florida, and Mrs. MUSGRAVE):

H.R. 432. A bill to allow seniors to file their Federal income tax on a new Form 1040S; to the Committee on Ways and Means.

By Mr. SNYDER (for himself, Mr. BOOZMAN, Mr. BERRY, Mr. ROSS, and Mr. DAVIS of Illinois):

H.R. 433. A bill to designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the ''Scipio A. Jones Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. CHABOT (for himself and Ms. VELÁZQUEZ):

H.R. 434. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 31, 2007, and for other purposes; to the Committee on Small Business.

By Mrs. MALONEY of New York (for herself, Mr. HINCHEY, and Mr. GRIJALVA):

H.R. 435. A bill to provide for a study by the National Academy of Engineering regarding improving the accuracy of collection of royalties on production of oil, condensate, and natural gas under leases of Federal lands and Indian lands, and for other purposes; to the Committee on Natural Resources.

By Mrs. BONO (for herself and Mr. RADANOVICH):

H.R. 436. A bill to restrict any State from imposing a new discriminatory tax on cell phone services; to the Committee on the Judiciary.

By Mr. CUELLAR:

H.R. 437. A bill to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the ''Lino Perez, Jr. Post Office''; to the Committee on Oversight and Government Reform.

By Mr. JACKSON of Illinois (for himself and Ms. LEE):

H.R. 438. A bill to prohibit an escalation in the number of members of the United States Armed Forces deployed in Iraq; to the Committee on Armed Services.

By Mr. CUMMINGS (for himself, Mr. GRIJALVA, Mr. GONZALEZ, Mr. WYNN, Mr. RUPPERSBERGER, Mr. WATT, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 439. A bill to establish a servitude and emancipation archival research clearinghouse in the National Archives; to the Committee on Oversight and Government Reform.

By Mr. BACA (for himself, Mr. CARNEY, Mr. TAYLOR, Mrs. MALONEY of New York, Ms. BORDALLO, Mr. MEEK of Florida, Mr. FRANKS of Arizona, Mr. ROGERS of Alabama, Mrs. NAPOLITANO, Mrs. MCMORRIS RODGERS, Mr. BOSWELL, Mr. MCGOVERN, Mr. SHULER, Mr. MORAN of Virginia, Mr. JONES of North Carolina, Mr. LYNCH, Mr. SIRES, Mr. FILNER, and Mr. ROSS):

H.R. 440. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Armed Services.

By Mr. BECERRA:

H.R. 441. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to coordinate the threshold requirement for coverage of domestic employees under Social Security with the amount required for a quarter of coverage; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 442. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. BERRY:

H.R. 443. A bill to suspend the antidumping duty orders on imports of solid urea from Russia and Ukraine; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 444. A bill to suspend temporarily the duty on certain plasma flat panel displays; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 445. A bill to terminate the limitations on imports of ammonium nitrate from the Russian Federation; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 446. 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; to the Committee on Energy and Commerce, and in addition to the Committee on Veterans' 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. FORTENBERRY:

H.R. 447. A bill to amend title 38, United States Code, to provide that World War II merchant mariners who were awarded the Mariners Medal shall be provided eligibility for Department of Veterans Affairs health care on the same basis as veterans who have been awarded the Purple Heart; to the Committee on Veterans' Affairs.

By Mr. GALLEGLY:

H.R. 448. A bill to prohibit a Federal agency from accepting a form of individual identification issued by a foreign government, except a passport that is accepted on the date of enactment; to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, House Administration, and Armed Services, 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. GOODE:

H.R. 449. A bill to designate Campbell County, Virginia, as a qualified nonmetropolitan county for purposes of the HUBZone programs of the Small Business Administration; to the Committee on Small Business.

By Mr. HASTINGS of Washington (for himself, Mr. INSLEE, Mrs MCMORRIS RODGERS, Mr. BLUMENAUER, Mr. SIMPSON, Mr. WU, Ms. HOOLEY, Mr. WALDEN of Oregon, and Mr. DEFAZIO):

H.R. 450. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Natural Resources.

By Mr. HINOJOSA (for himself, Mr. GUTIERREZ, Mr. HOLT, Mr. GRIJALVA, Mr. ORTIZ, Mr. FORTUÑO, Mr. SCHIFF, Mr. SCOTT of Virginia, Mrs. DAVIS of California, Mr. HARE, Mr. CUELLAR, Mr. REYES, Mr. GONZALEZ, Mr. DAVIS of Illinois, Mr. SERRANO, Mr. PASTOR, Mrs. CAPPS, Mrs. NAPOLITANO, Mr. BACA, Mr. SIRES, Mr. COSTA, Ms. LINDA T. SÁNCHEZ of California, Mr. BECERRA, Ms. ROYBAL-ALLARD, Ms. SOLIS, Mr. CARDOZA, Ms. VELÁZQUEZ, Mr. RODRIGUEZ, and Ms. LORETTA SANCHEZ of California):

H.R. 451. A bill to expand and enhance post-baccalaureate opportunities at Hispanic-Serving Institutions, and for other purposes; to the Committee on Education and Labor.

By Ms. MATSUI (for herself, Mr. DANIEL E. LUNGREN of California, and Mr. THOMPSON of California):

H.R. 452. A bill to direct the Secretary of the Interior to exclude and defer from the pooled reimbursable costs of the Central Valley Project the reimbursable capital costs of the unused capacity of the Folsom South Canal, Auburn-Folsom South Unit, Central Valley Project, and for other purposes; to the Committee on Natural Resources.

By Mr. MCDERMOTT:

H.R. 453. A bill to amend the Internal Revenue Code of 1986 to provide that oil and gas companies will not be eligible for the effective rate reductions enacted in 2004 for domestic manufacturers; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. FATTAH, Mr. LYNCH, and Mr. KUCINICH):

H.R. 454. A bill to amend the Haitian Refugee Immigration Fairness Act of 1998; to the Committee on the Judiciary.

By Mr. NADLER (for himself and Mr. HINCHEY):

H.R. 455. A bill to provide for the protection of members of the United States Armed Forces and for their withdrawal from Iraq by December 31, 2007; to the Committee on Armed Services.

By Mr. NEUGEBAUER:

H.R. 456. A bill to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Oversight and Government Reform, and in addition to the Committee on Small Business, 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. PAUL:

H.R. 457. A bill to amend the Internal Revenue Code of 1986 to provide credits against income tax for qualified stem cell research, the storage of qualified stem cells, and the donation of umbilical cord blood; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 458. A bill to repeal the requirements under the United States Housing Act of 1937 for residents of public housing to engage in community service and to complete economic self-sufficiency programs; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 459. A bill to amend the Internal Revenue Code of 1986 to deny the foreign tax credit and the benefits of deferral to companies doing business directly or through subsidiaries in Sudan until the Government of Sudan takes demonstrable steps to end genocide in Sudan; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 460. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate certain mandatory minimum penalties relating to crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG:

H.R. 461. A bill to ensure general aviation aircraft access to Federal land and to the airspace over Federal land; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS:

H.R. 462. A bill to request a study by the Federal Communications Commission on the interference caused by broadband internet transmission over power lines; to the Committee on Energy and Commerce.

By Mr. ROTHMAN (for himself, Mr. ALEXANDER, Mr. VAN HOLLEN, Mr. DEFAZIO, Mrs. MCCARTHY of New York, Ms. KAPTUR, Ms. WOOLSEY, Mr. BARTLETT of Maryland, Mr. BOUSTANY, Mrs. LOWEY, Ms. CORRINE BROWN of Florida, Mr. ALLEN, Mr. GRIJALVA, Mr. PATRICK MURPHY of Pennsylvania, Ms. MCCOLLUM of Minnesota, Mr. KUCINICH, Mr. WAXMAN, Mr. MOORE of Kansas, Mr. SCHIFF, Mr. WEXLER, Mr. BERMAN, Mr. HARE, Mr. DAVIS of Illinois, Ms. MATSUI, Ms. SCHWARTZ, Mr. DELAHUNT, Ms. SCHAKOWSKY, and Mr. CLEAVER):

H.R. 463. A bill to amend title 38, United States Code, to terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as ''Priority 8''); to the Committee on Veterans' Affairs.

By Mr. ROTHMAN (for himself, Mrs. BIGGERT, Mr. VAN HOLLEN, Mrs. TAUSCHER, Mr. MCDERMOTT, Mr. DINGELL, Mr. ENGEL, Mr. DICKS, Mr. MOORE of Kansas, Mr. KIRK, Mr. KENNEDY, Mr. STARK, Mrs. CHRISTENSEN, Mr. FARR, Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. GEORGE MILLER of California, Mr. WEINER, Ms. MCCOLLUM of Minnesota, Ms. LEE, Mr. ALLEN, Mr. SHAYS, Mr. PATRICK MURPHY of Pennsylvania, Mr. GRIJALVA, Mrs. DAVIS of California, Mr. MCHUGH, Mr. SCHIFF, Ms. HIRONO, Mr. CROWLEY, Ms. ZOE LOFGREN of California, Mr. BOUCHER, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. ISRAEL, Mr. BOSWELL, Mr. TIERNEY, Ms. DELAURO, Mr. INSLEE, Mr. OLVER, Ms. BERKLEY, Mr. DEFAZIO, Mr. MILLER of North Carolina, Mr. CUMMINGS, Mr. BERMAN, Mr. MORAN of Virginia, Mr. NADLER, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. CASTLE, Mr. WAXMAN, Mr. LARSEN of Washington, Mrs. MALONEY of New York, Mr. WYNN, Mr. HASTINGS of Florida, Mrs. CAPPS, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLT, Mr. LANTOS, Mr. SIRES, Ms. HARMAN, Mr. WEXLER, and Ms. MATSUI):

H.R. 464. A bill to provide for the provision by hospitals receiving Federal funds through the Medicare Program or Medicaid Program of emergency contraceptives to women who are survivors of sexual assault; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. SAXTON:

H.R. 465. A bill to reauthorize the Asian Elephant Conservation Act of 1997; to the Committee on Natural Resources.

By Mr. SHADEGG (for himself, Mr. GARRETT of New Jersey, Mr. FLAKE, Mr. HOEKSTRA, Mr. SOUDER, Mr. RYAN of Wisconsin, Mr. PITTS, and Mrs. WILSON of New Mexico):

H.R. 466. A bill to amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, 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. SIMPSON:

H.R. 467. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho; to the Committee on Natural Resources.

By Ms. SOLIS:

H.R. 468. A bill to make grants to carry out activities to prevent teen pregnancy in racial or ethnic minority or immigrant communities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUPAK:

H.R. 469. A bill to enable the Great Lakes Fishery Commission to investigate effects of migratory birds on sustained productivity of stocks of fish of common concern in the Great Lakes; to the Committee on Natural Resources.

By Mrs. WILSON of New Mexico:

H.R. 470. A bill to amend titles XVIII and XIX of the Social Security Act to provide for continuity of Medicare prescription drug coverage for full-benefit dual eligible individuals, for Medicare prescription drug coverage of benzodiazepines and off-label uses of certain prescription drugs and biological products, for optional Medicaid coverage of Medicare prescription drug cost-sharing for full-benefit dual eligible individuals, and for authorization to the Secretary of Health and Human Services to waive certain determinations denying Medicare prescription drug coverage; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. WILSON of South Carolina (for himself, Mr. HAYES, Mr. SENSENBRENNER, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. SOUDER, Mr. BARTLETT of Maryland, Mr. FORTUÑO, Mr. GARY G. MILLER of California, Mr. AKIN, Mr. PITTS, Mr. PAUL, Mr. HOEKSTRA, Mr. SNYDER, Mr. WAMP, Mr. KLINE of Minnesota, Mr. GILLMOR,

Mr. HALL of Texas, Mr. CRENSHAW, Mr. ROGERS of Michigan, Mr. GORDON, Mr. UDALL of Colorado, Mr. RANGEL, Mr. ISSA, Mr. GINGREY, Mr. TIAHRT, Mr. CASTLE, Mr. KING of New York, Mrs. MUSGRAVE, Mr. WOLF, Mr. MILLER of Florida, Mr. TERRY, and Mr. FORBES):

H.R. 471. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Ways and Means.

By Mr. JONES of North Carolina:

H.J. Res. 14. A joint resolution concerning the use of military force by the United States against Iran; to the Committee on Foreign Affairs.

By Mr. GEORGE MILLER of California:

H. Con. Res. 31. Concurrent resolution honoring the Mare Island Original 21ers for their efforts to remedy racial discrimination in employment at Mare Island Naval Shipyard; to the Committee on Education and Labor.

By Mr. MILLER of Florida:

H. Con. Res. 32. Concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia; to the Committee on Armed Services.

By Mr. LARSON of Connecticut:

H. Res. 56. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. WELLER (for himself, Mr. JOHNSON of Illinois, Mr. LIPINSKI, Mr. COSTELLO, Mr. KIRK, Mr. HASTERT, Mr. LAHOOD, Mr. HARE, Mr. GUTIERREZ, Mr. MANZULLO, Mr. ROSKAM, Ms. SCHAKOWSKY, Mrs. BIGGERT, Mr. JACKSON of Illinois, Mr. RUSH, Mr. SHIMKUS, Mr. DAVIS of Illinois, Mr. EMANUEL, and Ms. BEAN):

H. Res. 57. A resolution congratulating Illinois State University as it celebrates its sesquicentennial; to the Committee on Education and Labor.

By Ms. CARSON (for herself, Mr. YARMUTH, Mr. CONYERS, Mr. CUMMINGS, Mr. GRIJALVA, Mr. COHEN, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROYBAL-ALLARD, Mr. CLAY, Mr. BUTTERFIELD, Mrs. LOWEY, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. CLEAVER, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Mr. SERRANO, Ms. LEE, Mr. JOHNSON of Georgia, Mr. AL GREEN of Texas, Mr. MCGOVERN, Mr. THOMPSON of Mississippi, Mr. WATT, Mr. UPTON, Mr. PAYNE, Mr. JEFFERSON, Mr. BISHOP of Georgia, Mr. ELLISON, Ms. HIRONO, Mr. CHANDLER, Mr. CLYBURN, Mr. DAVIS of Alabama, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. MEEKS of New York, Mr. WYNN, Ms. CLARKE, Mr. BISHOP of New York, Mr. MEEK of Florida, Ms. KILPATRICK, Mr. SHAYS, Mr. SCOTT of Virginia, Ms. WATSON, Ms. WATERS, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. RUSH, Mrs. JONES of Ohio, and Mrs. MYRICK):

H. Res. 58. A resolution to honor Muhammad Ali, global humanitarian, on the occasion of his 65th birthday and to extend best wishes to him and his family; to the Committee on Oversight and Government Reform.

By Mr. LIPINSKI (for himself, Mr. INGLIS of South Carolina, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Mr. MCCOTTER, Ms. MATSUI, Mr. HINOJOSA, Mr. HOLT, Mr. FRANKS of Arizona, Mr. EHLERS, Mr. PETRI, Mrs. MCMORRIS RODGERS, Mr. MANZULLO, Mr. NEAL of Massachusetts, Mr. CARNAHAN, Mr. GORDON, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PICKERING, Mr. MCGOVERN, Mr. COSTELLO, and Mr. CALVERT):

H. Res. 59. A resolution supporting the goals and ideals of National Engineeers Week, and for other purposes; to the Committee on Science and Technology.

By Mr. EMANUEL:

H. Res. 60. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. LEWIS of Georgia (for himself, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Mr. BLUNT, Mr. EMANUEL, Ms. KILPATRICK, Mr. MCDERMOTT, Mr. BRADY of Pennsylvania, Mr. MCGOVERN, Mr. JOHNSON of Georgia, Ms. WATSON, Ms. CARSON, Mr. HOLT, Mr. GEORGE MILLER of California, Mr. HARE, Mr. NADLER, Ms. SCHAKOWSKY, Ms. DEGETTE, Mr. MOORE of Kansas, Mr. DOYLE, Mr. MEEK of Florida, Mr. SCOTT of Georgia, Mr. GENE GREEN of Texas, Mr. JACKSON of Illinois, Mr. LYNCH, Mr. SERRANO, Ms. MCCOLLUM of Minnesota, Mr. CLAY, Ms. MOORE of Wisconsin, Mr. LANTOS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mrs. DAVIS of California, Mr. FATTAH, Ms. WOOLSEY, Mr. RODRIGUEZ, Mr. VAN HOLLEN, Mrs. MCCARTHY of New York, Mr. SMITH of Washington, Mr. GRIJALVA, Ms. MATSUI, Mr. CLEAVER, Mr. MARSHALL, Mr. WAXMAN, Mr. MICHAUD, Mr. RYAN of Ohio, Mr. MURTHA, Ms. CORRINE BROWN of Florida, Mr. PASCRELL, Mr. RUPPERSBERGER, Mr. BACA, Mr. KUCINICH, Ms. CASTOR, Mr. LIPINSKI, Mr. SCHIFF, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. DINGELL, Mr. BLUMENAUER, Mr. MORAN of Virginia, Mr. SESTAK, Mr. DAVIS of Alabama, Mr. GUTIERREZ, Mr. MARKEY, Mr. HINOJOSA, Mr. SNYDER, Mrs. CAPPS, Mr. DOGGETT, Mr. MCINTYRE, Mr. DAVIS of Illinois, Ms. HARMAN, Mr. AL GREEN of Texas, Mr. FARR, Mr. PATRICK MURPHY of Pennsylvania, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Virginia, Mrs. MALONEY of New York, Mr. ETHERIDGE, Mr. CAPUANO, Ms. MILLENDER-MCDONALD, Ms. BORDALLO, Mr. BECERRA, Mr. LEVIN, Mr. CUELLAR, and Mr. ACKERMAN):

H. Res. 61. A resolution observing the Birthday of Martin Luther King, Jr., and encouraging the people of the United States to observe the Birthday of Martin Luther King, Jr., and the life and legacy of Dr. Martin Luther King, Jr., and for other purposes; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself and Mr. EHLERS):

H. Res. 62. A resolution congratulating the Grand Valley State University Lakers for winning the 2006 NCAA Division II Football National Championship; to the Committee on Education and Labor.

By Mr. PAUL (for himself and Mr. BARTLETT of Maryland):

H. Res. 63. A resolution amending the Rules of the House of Representatives to ensure that Members have a reasonable amount of time to read legislation that will be voted upon; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Ms. HARMAN and Ms. MATSUI.

H.R. 14: Mr. PAUL.

H.R. 16: Mr. GERLACH.

H.R. 17: Mr. ROSS, Mr. MARSHALL, Mr. LARSEN of Washington, Mr. BISHOP of Georgia, Mr. SALAZAR, Mr. BUTTERFIELD, Mrs. CAPITO, Ms. WATERS, Mr. CHANDLER, Mr. INSLEE, Mr. MCCOTTER, Mr. ETHERIDGE, Mr. BRADY of Texas, Mr. HARE, Mr. HAYES, Mr. BOSWELL, Mr. THOMPSON of Mississippi, Mr. HINOJOSA, Mr. FARR, Mr. TAYLOR, Mr. MCDERMOTT, Mr. HONDA, and Mr. GOODLATTE.

H.R. 22: Mr. MCHUGH and Mr. HALL of Texas.

H.R. 36: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 37: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 43: Ms. LEE, Mr. CUMMINGS, Mr. SERRANO, Ms. JACKSON-LEE of Texas, and Mr. FATTAH.

H.R. 44: Ms. LEE.

H.R. 45: Mr. PASTOR, Mr. MCNULTY, and Ms. JACKSON-LEE of Texas.

H.R. 60: Mrs. CUBIN and Mr. GENE GREEN of Texas.

H.R. 65: Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. NORTON, Ms. HARMAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CROWLEY, Mr. YOUNG of Alaska, Mr. PETERSON of Pennsylvania, Mr. LATOURETTE, Mr. KLINE of Minnesota, Mr. TANCREDO, Mr. LANTOS, Mr. LINDER, Mr. FRANKS of Arizona, Mr. CHABOT, Mr. BERMAN, Mr. THOMPSON of California, Mr. WILSON of South Carolina, Mr. SCHIFF, Mr. MURTHA, and Mrs. CAPPS.

H.R. 82: Mr. CANTOR, Mr. CAPUANO, Mr. COSTELLO, Mr. COURTNEY, Mr. DAVIS of Kentucky, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. DRAKE, Mr. FERGUSON, Mr. FILNER, Mr. GALLEGLY, Mr. GOODE, Mr. GOODLATTE, Mr. GORDON, Mr. GUTIERREZ, Ms. HARMAN, Mr. HOLT, Mr. LAHOOD, Mr. LARSON of Connecticut, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mr. MARSHALL, Ms. MATSUI, Mr. MELANCON, Mr. PAYNE, Mr. PLATTS, Mr. POE, Mr. PRICE of North Carolina, Mr. ROSS, Mr. ROTHMAN, Mr. SALAZAR, Mr. SCOTT of Georgia, Mr. SHIMKUS, Mr. SOUDER, Mr. UDALL of New Mexico, Mr. WELLER, Mr. WEXLER, and Mr. WILSON of South Carolina.

H.R. 86: Mr. LOBIONDO.

H.R. 111: Mr. DEFAZIO, Mr. SESSIONS, Ms. WOOLSEY, Ms. HERSETH, Mrs. JONES of Ohio, Mr. MARCHANT, Mr. PAYNE, Mr. BILBRAY, Mr. POE, and Mrs. CUBIN.

H.R. 119: Mr. FRANK of Massachusetts, Mr. WOLF, Mr. LARSEN of Washington, and Mr. MCNULTY.

H.R. 137: Mr. CLEAVER, Mr. COHEN, Mr. EMANUEL, Mr. KANJORSKI, Mr. PRICE of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. TERRY, Ms. SCHAKOWSKY, Mr. LYNCH, Mr. GUTIERREZ, Mr. CARNEY, Mr. STARK, Mr. DAVIS of Illinois, Mr. MCINTYRE, Mr. TIM MURPHY of Pennsylvania, Mr. SIRES, Mr. YOUNG of Florida, Mr. KLINE of Minnesota, Ms. SOLIS, Ms. SLAUGHTER, Mr. DENT, and Mr. ALLEN.

H.R. 161: Ms. JACKSON-LEE of Texas, Ms. BORDALLO, Mr. FORTUÑO, Ms. HIRONO, and Mr. BAIRD.

H.R. 185: Mr. CONAWAY.

H.R. 196: Ms. HERSETH, Mr. MOORE of Kansas, and Mr. ROSS.

H.R. 197: Mr. MCDERMOTT and Mr. BLUMENAUER.

H.R. 211: Mr. COHEN and Mr. PRICE of North Carolina.

H.R. 232: Mr. SOUDER, Mr. MARIO DIAZ-BALART of Florida, Mr. GARRETT of New Jersey, and Mr. BURTON of Indiana.

H.R. 241: Mr. REHBERG.

H.R. 248: Mr. SOUDER and Mr. SHULER.

H.R. 251: Mr. SENSENBRENNER, Mrs. SCHMIDT, Mr. REICHERT, Mr. FOSSELLA, Mr. DAVIS of Kentucky, and Mr. CALVERT.

H.R. 323: Mr. CASTLE, Mr. GARY G. MILLER of California, and Mr. DAVIS of Alabama.

H.R. 327: Mr. FRANK of Massachusetts, Mr. RENZI, Mrs. TAUSCHER, Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Mr. WAXMAN, Mr. TIERNEY, Mr. CAPUANO, Ms. BERKLEY, Mr. ALLEN, Mr. HARE, Mr. PERLMUTTER, Mr. PRICE of North Carolina, and Mr. KUCINICH.

H.R. 328: Ms. WATERS, Mr. ABERCROMBIE, Ms. ESHOO, and Mrs. CHRISTENSEN.

H.R. 344: Mr. KELLER.

H.R. 353: Mr. THOMPSON of California and Mr. OLVER.

H.R. 359: Mr. HINOJOSA, Mr. ORTIZ, Mr. SIRES, Mr. BACA, and Mr. GRIJALVA.

H.R. 369: Mr. FATTAH.

H.R. 370: Mr. ENGLISH of Pennsylvania and Mr. COSTELLO.

H.R. 391: Mrs. BIGGERT.

H.R. 402: Mr. EHLERS and Mrs. MILLER of Michigan.

H.R. 410: Ms. CORRINE BROWN of Florida, Mr. CLYBURN, Mr. CUMMINGS, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Ms. LEE, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MORAN of Virginia, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Mr. SCOTT of Georgia, Ms. SOLIS, Mr. THOMPSON of Mississippi, and Mr. WYNN.

H. Con. Res. 21: Mr. NORWOOD, Mr. CONYERS, Mrs. TAUSCHER, and Mr. JOHNSON of Georgia.

H. Con. Res. 23: Ms. SOLIS.

H. Con. Res. 25: Mr. VISCLOSKY, Mrs. MUSGRAVE, Mr. ROSS, Mr. MARSHALL, Mr. CUELLAR, and Mr. KUHL of New York.

H. Res. 18: Mr. KINGSTON, Mr. BACHUS, Mr. NORWOOD, and Mrs. MILLER of Michigan.

H. Res. 24: Mr. PUTNAM.

H. Res. 27: Mr. HILL.

H. Res. 29: Mr. RAMSTAD, Mr. MCDERMOTT, Mr. OBERSTAR, Mr. ROGERS of Michigan, Mr. KUCINICH, Mr. ISRAEL, and Mr. HINCHEY.

H. Res. 41: Mr. MCGOVERN, Mr. SMITH of Washington, Ms. KAPTUR, Mr. CAPUANO, Mr. OLVER, and Mr. NEAL of Massachusetts.

H. Res. 54: Mr. JOHNSON of Georgia, Mrs. MALONEY of New York, Mr. CROWLEY, Mr. HINCHEY, Mr. LAHOOD, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Mr. KING of New York, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. WALSH of New York.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

H.R. 5, the College Student Relief Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House Rule XXI.

OFFERED BY MR. CHARLES B. RANGEL

H.R. 6, the Creating Long-term Energy Alternatives for the Nation (CLEAN) Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. JOHN M. SPRATT, JR.

H.R. 6, the Creating Long-term Energy Alternatives for the Nation (CLEAN) Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY MS. LOUISE M. SLAUGHTER

H.R. 6, the Creating Long-term Energy Alternatives for the Nation (CLEAN) Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY MR. NICK J. RAHALL II

H.R. 6, the Creating Long-term Energy Alternatives for the Nation (CLEAN) Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, FRIDAY, JANUARY 12, 2007 No. 7

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray.

God of constant newness, in You all renewal abides and all hope originates. Help us to honor You with both our words and deeds. Give us the courage to help the less fortunate and to address the needs of those on life's margins. Make us unafraid to confront prejudice and pride, as You attune our spirits to Your truth and light.

Bless our Senators. Energize them until their presence radiates a light that no darkness can overcome. Give them wisdom and courage, vision and discipline for the right living of these days. Empower them to be kind to one another, forgiving and affirming each other.

We pray this in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RUSSELL D. FEINGOLD 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 12, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. OBAMA). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, as soon as we resume S. 1 in a few minutes, there will be a limited period of debate on two amendments—the Kerry amendment No. 1 relating to congressional pensions and the Vitter amendment No. 10 regarding civil penalties. These two amendments will be debated concurrently until 9:50 a.m.

The first rollcall vote will start at 9:50. We will have two rollcall votes this morning. If Members are interested in offering amendments today, I would suggest they talk to the bill managers during these votes, or Senator MCCONNELL.

I remind everyone Monday is a holiday. We will have our first vote Tuesday at 5:30. It appears at this time there will be a series of votes at 5:30. So I hope we can move on down the road on this matter this morning. I am going to have some consultations with the Republican leader in a few minutes to see if we can figure out a way to end this matter as quickly as possible.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

ETHICS AND LOBBYING REFORM

Mr. MCCONNELL. Mr. President, let me say, I echo the comments of the majority leader. We look forward to wrapping up this bill next week and passing it with a large bipartisan majority.

I yield the floor.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

Pending:

Reid amendment No. 3, in the nature of a substitute.

Reid amendment No. 4 (to amendment No. 3), to strengthen the gift and travel bans.

DeMint amendment No. 11 (to amendment No. 3), to strengthen the earmark reform. (By 46 yeas to 51 nays (Vote No. 5), Senate earlier failed to table the amendment.)

DeMint amendment No. 12 (to amendment No. 3), to clarify that earmarks added to a conference report that are not considered by the Senate or the House of Representatives are out of scope.

DeMint amendment No. 14 (to amendment No. 3), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

Vitter/Inhofe modified amendment No. 9 (to amendment No. 3), to place certain restrictions on the ability of the spouses of Members of Congress to lobby Congress.

Vitter amendment No. 10 (to amendment No. 3), to increase the penalty for failure to comply with lobbying disclosure requirements.

Leahy/Pryor amendment No. 2 (to amendment No. 3), to give investigators and prosecutors the tools they need to combat public corruption.

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

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Gregg amendment No. 17 (to amendment No. 3), to establish a legislative line item veto.

Ensign amendment No. 24 (to amendment No. 3), to provide for better transparency and enhanced Congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House.

Ensign modified amendment No. 25 (to amendment No. 3), to ensure full funding for the Department of Defense within the regular appropriations process, to limit the reliance of the Department of Defense on supplemental appropriations bills, and to improve the integrity of the Congressional budget process.

Cornyn amendment No. 26 (to amendment No. 3), to require full separate disclosure of any earmarks in any bill, joint resolution, report, conference report or statement of managers.

Cornyn amendment No. 27 (to amendment No. 3), to require 3 calendar days' notice in the Senate before proceeding to any matter.

Bennett (for McCain) amendment No. 19 (to amendment No. 4), to include a reporting requirement.

Bennett (for McCain) amendment No. 28 (to amendment No. 3), to provide congressional transparency.

Bennett (for McCain) amendment No. 29, to provide congressional transparency.

Lieberman amendment No. 30 (to amendment No. 3), to establish a Senate Office of Public Integrity.

Bennett/McConnell amendment No. 20 (to amendment No. 3), to strike a provision relating to paid efforts to stimulate grassroots lobbying.

Thune amendment No. 37 (to amendment No. 3), to require any recipient of a Federal award to disclose all lobbying and political advocacy.

Stevens amendment No. 40 (to amendment No. 4), to permit a limited flight exception for necessary State travel.

Feinstein/Rockefeller amendment No. 42 (to amendment No. 3), to prohibit an earmark from being included in the classified portion of a report accompanying a measure unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark.

AMENDMENTS NOS. 1 AND 10

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration en bloc of amendment No. 1 and amendment No. 10, and the time until 9:50 a.m. shall run concurrently on both amendments, with the time equally divided between the two leaders or their designees.

Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the quorum call be put in place with the time charged equally against each side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. 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. 1, AS MODIFIED, TO AMENDMENT NO. 3

Mr. KERRY. Mr. President, I call up amendment No. 1, please.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. SALAZAR, Mr. NELSON of Nebraska, and Mr. PRYOR, proposes an amendment numbered 1, as modified, to amendment No. 3.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

(Purpose: To amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses, and for other purposes)

At the end, add the following:

TITLE—CONGRESSIONAL PENSION ACCOUNTABILITY

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Congressional Pension Accountability Act''.

SEC. ___2. DENIAL OF RETIREMENT BENEFITS.

(a) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ''; or'', and by inserting after paragraph (2) the following:

''(3) was convicted of an offense described in subsection (d), to the extent provided by that subsection.''; and

(2) by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ''; and'', and by inserting after subparagraph (B) the following:

''(C) with respect to the offenses described in subsection (d), to the period after the date of conviction.''.

(b) OFFENSES DESCRIBED.—Section 8312 of such title 5 is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

''(d) The offenses to which subsection (a)(3) applies are the following:

''(1) An offense within the purview of—

''(A) section 201 of title 18 (bribery of public officials and witnesses); or

''(B) section 371 of title 18 (conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes an offense within the purview of such section 201.

''(2) Perjury committed under the statutes of the United States or the District of Columbia in falsely denying the commission of any act which constitutes an offense within the purview of a statute named by paragraph (1), but only in the case of the statute named by subparagraph (B) of paragraph (1).

''(3) Subornation of perjury committed in connection with the false denial or false testimony of another individual as specified by paragraph (2).

An offense shall not be considered to be an offense described in this subsection except if or to the extent that it is committed by a Member of Congress (as defined by section 2106, including a Delegate to Congress).''.

(c) ABSENCE FROM UNITED STATES TO AVOID PROSECUTION.—Section 8313(a)(1) of such title 5 is amended by striking ''or'' at the end of subparagraph (A), by striking ''and'' at the end of subparagraph (B) and inserting ''or'', and by adding at the end the following:

''(C) for an offense described under subsection (d) of section 8312; and''.

(d) NONACCRUAL OF INTEREST ON REFUNDS.—Section 8316(b) of such title 5 is amended by striking ''or'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ''; or'', and by adding at the end the following:

''(3) if the individual was convicted of an offense described in section 8312(d), for the period after the conviction.''.

SEC. ___3. CONSTITUTIONAL AUTHORITY.

The Constitutional authority for this title is the power of Congress to make all laws which shall be necessary and proper as enumerated in Article I, Section 8 of the United States Constitution, and the power to ascertain compensation for Congressional service under Article I, Section 6 of the United States Constitution.

SEC. ___4. EFFECTIVE DATE.

This title, including the amendments made by this title, shall take effect on January 1, 2009 and shall apply with respect to convictions for offenses committed on or after the date of enactment of this Act.

Mr. KERRY. Mr. President, parliamentary inquiry: How much time is divided up now?

The PRESIDING OFFICER. There is 7 minutes on the Senator's side.

Mr. KERRY. I thank the Chair.

Mr. President, my amendment is cosponsored by Senator SALAZAR, Senator BEN NELSON, and Senator PRYOR, and it is based on a bill Senator SALAZAR and I introduced that we hope will go some further distance in this effort we are engaged in now with ethics reform to reestablish the trust of the American people in their Government in Washington.

We do this by an effort to prevent Members of Congress who betray that trust from receiving their pensions. This is plain deterrence. It is an effort to try to make it clear there are serious consequences to betraying that trust.

In a sense, the trust is larger than perhaps the day-to-day relationship of most citizens in this country to the law. We take a special oath of office to uphold the Constitution of the United States. But, more importantly, when people elect you to high Federal office, or any office, they are putting a special kind of trust in you to represent their lives, their interests, their values—indeed, the highest level of aspiration of values that we all share in this country.

So this is done because there is something that grates in the notion that you can put the public's trust and the public's business up for sale and then walk away and have the people whom you betrayed turn around and pay for you to be able to have for the rest of your life a fat pension because of the level of service you had reached at their trust.

Let me be very specific about this. A few years ago, Congressmen Randy ''Duke'' Cunningham sat down at a cozy meeting with some lobbyists and he proceeded to betray the public trust.

He used his official congressional stationary to draft a series of quid pro quo deals.

Let me show you this blowup of the stationary itself: Here is the congressional seal. Here is Randy ''Duke'' Cunningham's name. Here is a list of the amounts of millions of dollars: $16 million; ''BT''—that is ''boat''—''140''—that was $140,000—$17 million; an additional $50,000; $18 million, $50,000. Once they paid about $340,000. The price of this service went down, and he charged only $25,000 for each million dollars of contract that he would award.

He was convicted of collecting approximately $2.4 million in homes, yachts, antique furnishings, and other bribes—including a Rolls Royce—from defense contractors. This disgraceful conduct—which is beyond the comprehension of any Member of this institution—earned him 8 years and 4 months in a Federal prison, and it has required him to also pay the Government $1.8 million in penalties but also some back taxes.

But under today's rules, the American taxpayer is going to continue to pay a Federal pension that is out of the reach of any American taxpayer, and that is disgraceful. Right now, only a conviction for a crime against the United States, such as treason or espionage, would cost a Member of Congress their pension. So we set a standard for the pension being held accountable, but it is only for two things. Surely we ought to put this moral bar higher than that.

Most Americans do not get a $40,000 a year pension. Those who abuse the public trust should not be allowed to exploit the Federal system at taxpayers' expense. The American people cannot afford to spend millions on pensions for politicians who steal from them. More importantly, Congress cannot afford to have a standard where it is willing to forgive and forget and betray that trust.

I have shown what the ''bribe menu'' was, which is a pretty extraordinary menu. Unfortunately, Congressman Cunningham was not alone. Last November, Representative Bob Ney resigned from the House of Representatives after pleading guilty to conspiracy and making false statements. In a plea agreement, former Representative Ney acknowledged taking trips, tickets, meals, and campaign donations from Mr. Abramoff in return for taking official actions on behalf of Abramoff clients.

In March 2002, Representative Ney inserted an amendment in the Help America Vote Act to lift an existing Federal ban against commercial gaming by a Texas Native American tribal client of Abramoff. In return, Representative Ney received all-expenses-paid and reduced-price trips to Scotland to play golf, a trip to New Orleans to gamble, and a vacation in Lake George—all courtesy of Mr. Abramoff.

Another former Congressman, Jim Traficant, currently enjoys a lavish taxpayer-funded lifetime pension worth an estimated $1.2 million, despite being thrown out of Congress and sent to jail.

So these examples are just three of at least 20 former lawmakers who were convicted of serious crimes and are still receiving a taxpayer-funded pension, some as high as $125,000 a year.

As I said earlier, we should hold ourselves to the highest standards. The principle is a simple one: Public servants who abuse the public trust and are convicted of ethics crimes should not collect taxpayer-financed pensions. This should serve, hopefully, as a bold deterrent that when any Member comes in here, they know they are putting their lives at greater risk than just the penalty they might pay on a short-term basis for their particular transgression.

This amendment denies Federal pensions—as soon as is legally possible—to Members of Congress who are convicted of white-collar crimes, such as bribery of public officials and witnesses, conspiracy to defraud the United States, perjury in falsely denying the commission of bribery or conspiracy, and subornation of perjury committed in connection with the false denial or false testimony of another individual.

It is my understanding there is some concern among a couple of Members about how this legislation might affect innocent spouses and children of Members of Congress who lose their pensions as a result of this legislation. Obviously, we are trying to set up an adequate deterrent to prevent people from that in the first place.

Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. KERRY. But after the legislation is enacted, the Member will still receive a refund of all of their personal contributions—those will not be taken away—into either the Federal Employees Retirement System or the Civil Service Retirement System, and they will retain all the benefits from the Thrift Savings Plan.

Also, the payment of spousal benefits is permitted in forfeiture cases when the Attorney General determines that the spouse cooperated with Federal authorities in the conduct of a criminal investigation.

This can significantly improve our Government by the way business is done. I hope my colleagues will join overwhelmingly in voting to prohibit sending pension checks to criminals. This amendment is a step in the right direction.

Mr. NELSON of Nebraska. Mr. President, I rise today as a cosponsor of the amendment introduced by Mr. KERRY and Mr. SALAZAR. I strongly encourage my colleagues to support this amendment.

When the ethics reform process began last year, I was quick to point out that, for the most part, our laws had worked the way we intended. Today, Jack Abramoff, Bob Ney, and Duke Cunningham have all been found guilty of the crimes they committed and have been punished accordingly. Last year, when we held our hearing in the Rules Committee, I remarked that Capitol Hill must be the only place in the world where, if someone breaks the law, we rush to change the law.

Well in this case, we have an opportunity to add to the law to correct a significant shortcoming. We take away the retirement benefits of those Members of Congress who violate the public trust by committing crimes while in office.

It is often said, ''If you do the crime, you do the time.'' Well, it seems that if you are a former Congressman or Senator, you do the crime, do the time, and continue to collect Federal retirement benefits paid for by the American taxpayer. That just doesn't seem right to me.

This amendment, the Congressional Pension Accountability Act, will bar Members of Congress from receiving taxpayer-funded retirement benefits after they have been convicted of bribery, conspiracy, perjury, or other serious ethics offenses. If we are serious about cleaning up Congress, we should approve this amendment and put our money where our mouth is—by saying that the public, who are the primary victims of crimes committed by elected officials, should not be required to pay benefits for those who are convicted of a breach of the public's trust.

I strongly believe that all Members of Congress must be held to the highest ethical standards and those who violate the public trust must be held accountable for their actions. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senate from California.

Mrs. FEINSTEIN. Mr. President, I commend the Senator from Massachusetts. I think this is an excellent amendment. I think it is long overdue. I am very hopeful it will pass the Senate this morning.

I yield the floor.

The PRESIDING OFFICER. The time of the majority has expired.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be laid aside so I can call up four amendments to the pending substitute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 31, 32, 33, AND 34

Mr. FEINGOLD. Mr. President, the four amendments—Nos. 31, 32, 33, and 34—are at the desk and I call them up at this time.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes amendments, en bloc, numbered 31, 32, 33, and 34 to amendment No. 3.

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

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

The amendments, en bloc, are as follows:

AMENDMENT NO. 31

(Purpose: To prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period)

On page 50, line 25, strike ''1995.'';'' and all that follows through page 51, line 12, and insert the following: ''1995.

''(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.''.

(3) in paragraph (6)—

(A) by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)'';

(B) by striking ''(A)'';

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) DEFINITION OF LOBBYING ACTIVITY.—Section 207(i) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' after the semicolon;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).''.

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

AMENDMENT NO. 32

(Purpose: To increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period)

On page 17, line 15, strike ''1 year'' and insert ''2 years''.

On page 50, line 25, strike ''1995.'';'' and all that follows through page 51, line 12, and insert the following: ''1995.

''(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.'';

(3) in paragraph (6)—

(A) by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)'';

(B) by striking ''(A)'';

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) DEFINITION OF LOBBYING ACTIVITY.—Section 207(i) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' after the semicolon;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).''.

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

AMENDMENT NO. 33

(Purpose: To prohibit former members who are lobbyists from using gym and parking privileges made available to Members and former Members)

On page 10, line 9, strike ''Leader.''.'' and insert the following: ''Leader.

''3. A former Member of the Senate may not exercise privileges to use Senate or House gym or exercise facilities or member-only parking spaces if such Member is—

(1) a registered lobbyist or agent of a foreign principal; or

(2) in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.''.

AMENDMENT NO. 34

(Purpose: To require Senate campaigns to file their FEC reports electronically)

At the end of subtitle A of title II insert the following:

SEC. 225. ELECTRONIC FILING OF ELECTION REPORTS OF SENATE CANDIDATES.

(a) IN GENERAL.—Section 304(a)(11)(D) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(D)) is amended to read as follows:

''(D) As used in this paragraph, the terms 'designation', 'statement', or 'report' mean a designation, statement, or report, respectively, which—

''(i) is required by this Act to be filed with the Commission; or

''(ii) is required under section 302(g) to be filed with the Secretary of the Senate and forwarded by the Secretary to the Commission.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 302(g)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)(2)) is amended by inserting ''or 1 working day in the case of a designation, statement, or report filed electronically'' after ''2 working days''.

(2) Section 304(a)(11)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(B)) is amended by inserting ''or filed with the Secretary of the Senate under section 302(g)(1) and forwarded to the Commission'' after ''Act''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any designation, statement, or report required to be filed after the date of enactment of this Act.

Mr. FEINGOLD. Mr. President, I want to very briefly discuss the amendments I have offered. I will be happy to debate them more fully at the appropriate time if necessary. All of these amendments are drawn from the bill I introduced this week with Senators OBAMA, LIEBERMAN, and TESTER, S. 230. I believe that several of the amendments have the support of the majority leader, but for a variety of reasons, they were not included in the substitute that is now before the body. I again thank him for his support of strong lobbying and ethics reform, and I look forward to the Senate's consideration of these amendments.

My first amendment, amendment 31, changes the universe of activities that former Members of Congress can engage in during their cooling off period after they serve in this body. Currently, they cannot personally lobby their former colleagues. This amendment states in addition they may not engage in lobbying activities, which is a defined term in the Lobbying Disclosure Act. They must refrain from running the show behind the scenes. They won't be able to strategize with and coordinate the lobbying activities of others who are trying to influence the Congress. Members who have just left Congress should not be capitalizing on the clout, access, and experience they gained here to lobby their colleagues, whether they are doing the lobbying themselves or instructing others.

My next amendment, amendment 32, is the same as the revolving-door amendment that I just described but also extends the ''cooling-off period'' for senior staff from one to two years. Under the bill, the ''cooling off period'' for Members of Congress is increased from 1 to 2 years. I believe that just as one year is not an adequate ''cooling off period'' for Senators, and the bill reflects that, it is not adequate for senior staff. Staff, of course, can lobby the other body after they leave, and my amendment would not subject them to the same lobbying activities prohibition that it seeks to apply to former Members. It simply will make them wait 2 years to lobby this body after they leave the Senate.

My next amendment, No. 33, ends Senate gym and parking privileges for former Members of Congress who are lobbyists. The underlying bill terminates floor privileges for Members turned lobbyists, and we should finish the job by making sure that other special privileges aren't available to these lobbyists just because they used to serve here.

My next amendment, No. 34, will finally bring Senate campaigns into the 21st century by requiring Senate candidates to file their FEC disclosure reports electronically. This amendment mirrors a bill that I, along with Senators COCHRAN, MCCAIN, and 20 of our colleagues from both sides of the aisle, introduced on Tuesday.

These amendments, along with amendments that have been offered by my partners on S. 230, Senators LIEBERMAN and OBAMA, and another to be offered by the junior Senator from Pennsylvania, will get us closer to completing the job of improving this bill and making it a product that we can be proud of. More importantly, we can make this a product that the American people will accept as real change. We are headed in the right direction on this bill, with the substitute

and the Reid amendment on gifts, travel, and corporate jets. But we need to keep pressing for the best reform possible. These amendments are offered for that purpose, and I urge the Senate to adopt them.

The PRESIDING OFFICER. Who yields time?

The majority leader.

AMENDMENT NO. 1, AS MODIFIED

Mr. REID. Mr. President, the hour of 9:50 having arrived, I ask unanimous consent that voting commence.

The PRESIDING OFFICER. Is there objection to yielding back the time?

Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1, as modified, offered by the Senator from Massachusetts.

Is there a sufficient second?

There appears to be a sufficient second.

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 California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH) and the Senator from New York (Mrs. CLINTON) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), and the Senator from Iowa (Mr. HARKIN) would each vote ''yea.''

Mr. LOTT. The following Senators were necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Nebraska (Mr. HAGEL).

Further, if present and voting, the Senator from Colorado (Mr. ALLARD) and the Senator from Minnesota (Mr. COLEMAN) would have voted ''aye.''

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

The result was announced—yeas 87, nays 0, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—87

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

NOT VOTING—13

Allard	Clinton	Harkin
Bayh	Coleman	Inouye
Biden	Dodd	Johnson
Boxer	Domenici	
Brownback	Hagel	

The amendment (No. 1), as modified, was agreed to.

AMENDMENT NO. 10

Mr. REID. Madam President, we yield back our time.

The PRESIDING OFFICER. The Senator from Louisiana has 1 minute.

Mr. VITTER. Madam President, this amendment is very simple and straightforward. It simply raises penalties with regard to lobbyists not following the lobbyist disclosure law. The maximum penalty would be $200,000. No. 1, that is the maximum. No. 2, they have an opportunity to cure the problem, so that would only be achieved in very serious, very egregious cases. No. 3, we raise the penalties on public officials. I think it is very appropriate that we set these new penalties, particularly considering the money made in lobbying. I commend it to your attention. Thank you.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent that an amendment by myself and the distinguished Senator from Arkansas, Mr. PRYOR, No. 2, be called up and passed by voice vote at this time. There will be no speeches.

I call up amendment No. 2.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. Reserving the right to object, and I shall not object, but there is a Senator who wants to check in on this amendment, and so I am protecting his rights. I ask that we voice vote this amendment after the next vote.

Mr. LEAHY. Madam President, that is fine with the Senator from Vermont.

Mr. BENNETT. I do not object, but there is a Senator who wants to take a look at this amendment and has asked that I preserve his rights.

Mr. LEAHY. Madam President, I ask for the regular order.

Mr. BENNETT. It is the pending amendment after this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana, amendment No. 10.

Mr. LOTT. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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 California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH) and the Senator from New York (Mrs. CLINTON) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), and the Senator from Iowa (Mr. HARKIN) would each vote ''yea.''

Mr. LOTT. The following Senators were necessarily absent. The Senator from Colorado (Mr. ALLARD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Nebraska (Mr. HAGEL).

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

The result was announced—yeas 81, nays 6, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—81

Akaka	Enzi	Nelson (FL)
Alexander	Feingold	Nelson (NE)
Baucus	Feinstein	Obama
Bennett	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Brown	Isakson	Rockefeller
Bunning	Kennedy	Salazar
Burr	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Sessions
Cardin	Kyl	Shelby
Carper	Landrieu	Smith
Casey	Lautenberg	Snowe
Chambliss	Leahy	Specter
Cochran	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Sununu
Corker	Lugar	Tester
Cornyn	Martinez	Thomas
Craig	McCain	Thune
Crapo	McCaskill	Vitter
DeMint	McConnell	Voinovich
Dole	Menendez	Warner
Dorgan	Mikulski	Webb
Durbin	Murkowski	Whitehouse
Ensign	Murray	Wyden

NAYS—6

Coburn	Hutchison	Lott
Hatch	Inhofe	Roberts

NOT VOTING—13

Allard	Clinton	Harkin
Bayh	Coleman	Inouye
Biden	Dodd	Johnson
Boxer	Domenici	
Brownback	Hagel	

The amendment (No. 10) was agreed to.

Mr. REID. Madam President.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I call for the regular order with respect to amendment No. 4.

The PRESIDING OFFICER. The amendment is pending.

AMENDMENT NO. 4, AS MODIFIED

Mr. REID. I send the amendment to the desk for a modification, incorporating the language of the McCain amendment No. 19.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 4), as modified, is as follows:

Strike sections 108 and 109 and insert the following:

SEC. 108. BAN ON GIFTS FROM LOBBYISTS AND ENTITIES THAT HIRE LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting ''(A)'' after ''(2)''; and

(2) adding at the end the following:

''(B) A Member, officer, or employee may not knowingly accept a gift from a registered lobbyist, an agent of a foreign principal, or a private entity that retains or employs a registered lobbyist or an agent of a foreign principal, except as provided in subparagraph (c).''.

SEC. 109. RESTRICTIONS ON LOBBYIST PARTICIPATION IN TRAVEL AND DISCLOSURE.

(a) PROHIBITION.—Paragraph 2 of rule XXXV is amended—

(1) in subparagraph (a)(1), by—

(A) adding after ''foreign principal'' the following: ''or a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal'';

(B) striking the dash and inserting ''complies with the requirements of this paragraph.''; and

(C) striking clauses (A) and (B);

(2) by redesignating subparagraph (a)(2) as subparagraph (a)(3) and adding after subparagraph (a)(1) the following:

''(2) Notwithstanding clause (1), a reimbursement (including payment in kind) to a Member, officer, or employee of the Senate from an individual other than a registered lobbyist or agent of a foreign principal that is a private entity that retains or employs one or more registered lobbyists or agents of a foreign principal for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee shall be deemed to be a reimbursement to the Senate under clause (1) if it is, under regulations prescribed by the Select Committee on Ethics to implement this clause, provided only for attendance at or participation for 1-day at an event (exclusive of travel time and an overnight stay) described in clause (1). Regulations to implement this clause, and the committee on a case-by-case basis, may permit a 2-night stay when determined by the committee to be practically required to participate in the event.'';

(3) in subparagraph (a)(3), as redesignated, by striking ''clause (1)'' and inserting ''clauses (1) and (2)'';

(4) in subparagraph (b), by inserting before ''Each'' the following: ''Before an employee may accept reimbursement pursuant to subparagraph (a), the employee shall receive advance authorization from the Member or officer under whose direct supervision the employee works to accept reimbursement.'';

(5) in subparagraph (c)—

(A) by inserting before ''Each'' the following: ''Each Member, officer, or employee that receives reimbursement under this paragraph shall disclose the expenses reimbursed or to be reimbursed and authorization (for an employee) to the Secretary of the Senate not later than 30 days after the travel is completed.'';

(B) by striking ''subparagraph (a)(1)'' and inserting ''this subparagraph'';

(C) in clause (5), by striking ''and'' after the semicolon;

(D) by redesignating clause (6) as clause (7); and

(E) by inserting after clause (5) the following:

''(6) a description of meetings and events attended; and'';

(6) by redesignating subparagraphs (d) and (e) as subparagraphs (f) and (g), respectively;

(7) by adding after subparagraph (c) the following:

''(d) A Member, officer, or employee of the Senate may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under subparagraph (a) for a trip that was planned, organized, or arranged by or at the request of a registered lobbyist or agent of a foreign principal, or on which a lobbyist accompanies the Member, officer, or employee on any segment of the trip. The Select Committee on Ethics shall issue regulations identifying de minimis activities by lobbyists or foreign agents that would not violate this subparagraph.

''(e) A Member, officer, or employee shall, before accepting travel otherwise permissible under this paragraph from any person—

''(1) provide to the Select Committee on Ethics a written certification from such person that—

''(A) the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

''(B) the source either—

''(i) does not retain or employ registered lobbyists or agents of a foreign principal and is not itself a registered lobbyist or agent of a foreign principal; or

''(ii) certifies that the trip meets the requirements specified in rules prescribed by the Select Committee on Ethics to implement subparagraph (a)(2);

''(C) the source will not accept from any source funds earmarked directly or indirectly for the purpose of financing the specific trip; and

''(D) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal and that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal, except as permitted by regulations issued under subparagraph (d), and specifically details the extent of any involvement of a registered lobbyist or agent of a foreign principal; and

''(2) after the Select Committee on Ethics has promulgated regulations mandated in subparagraph (h), obtain the prior approval of the committee for such reimbursement.'';

(8) by striking subparagraph (g), as redesignated, and inserting the following:

''(g) The Secretary of the Senate shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received.''; and

(9) by adding at the end the following:

''(h)(1) Not later than 45 days after the date of adoption of this subparagraph and at annual intervals thereafter, the Select Committee on Ethics shall develop and revise, as necessary—

''(A) guidelines on judging the reasonableness of an expense or expenditure for purposes of this clause, including the factors that tend to establish—

''(i) a connection between a trip and official duties;

''(ii) the reasonableness of an amount spent by a sponsor;

''(iii) a relationship between an event and an officially connected purpose; and

''(iv) a direct and immediate relationship between a source of funding and an event; and

''(B) regulations describing the information it will require individuals subject to this clause to submit to the committee in order to obtain the prior approval of the committee for any travel covered by this clause, including any required certifications.

''(2) In developing and revising guidelines under clause (1)(A), the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.

''(3) For purposes of this subparagraph, travel on an aircraft operated or paid for by a carrier not licenced by the Federal Aviation Administration to operate for compensation shall not be considered a reasonable expense.

''(i) A Member, officer, or employee who travels on an aircraft operated or paid for by a carrier not licenced by the Federal Aviation Administration shall file a report with the Secretary of the Senate not later than 60 days after the date on which such flight is taken. The report shall include—

''(1) the date of such flight;

''(2) the destination of such flight;

''(3) the owner or lessee of the aircraft;

''(4) the purpose of such travel;

''(5) the persons on such flight (except for any person flying the aircraft); and

''(6) the charter rate paid for such flight.''.

(b) REIMBURSEMENT FOR NONCOMMERCIAL AIR TRAVEL.—

(1) CHARTER RATES.—Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following: ''Fair market value for a flight on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding an aircraft owned or leased by a governmental entity or by a Member of Congress or a Member's spouse (including an aircraft owned by an entity that is not a public corporation in which the Member or Member's spouse has an ownership interest, provided that the Member does not use the aircraft anymore than the Member's or spouse's proportionate share of ownership allows), shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size (as determined by dividing such cost by the number of members, officers, or employees of the Congress on the flight).''.

(2) UNOFFICIAL OFFICE ACCOUNTS.—Paragraph 1 of rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

''(c) For purposes of reimbursement under this rule, fair market value of a flight on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size (as determined by dividing such cost by the number of members, officers, or employees of the Congress on the flight).''.

(3) CANDIDATES.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (42 U.S.C. 431(8)(B)) is amended by—

(A) in clause (xiii), striking ''and'' at the end;

(B) in clause (xiv), striking the period and inserting ''; and''; and

(C) by adding at the end the following :

''(xv) any travel expense for a flight on an aircraft that is operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or

hire, but only if the candidate, the candidate's authorized committee, or other political committee pays—

''(I) to the owner, lessee, or other person who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number of candidates on the flight) by not later than 7 days after the date on which the flight is taken; and

''(II) files a report with the Secretary of the Senate not later than 60 days after the date on which such flight is taken, such report shall include—

''(aa) the date of such flight;

''(bb) the destination of such flight;

''(cc) the owner or lessee of the aircraft;

''(dd) the purpose of such travel;

''(ee) the persons on such flight (except for any person flying the aircraft); and

''(ff) the charter rate paid for such flight.''.

(4) RULES COMMITTEE REVIEW OF TRAVEL ALLOWANCES.—Not later than 90 days after the enactment of this Act, the Senate Committee on Appropriations, Subcommittee on the Legislative Branch, in consultation with the Committee on Rules and Administration of the Senate, shall consider and propose, as necessary in the discretion of the subcommittee, any adjustment to the Senator's Official Personnel and Office Expense Account needed in light of the revised standards for reimbursement for private air travel required by this subsection, and any modifications of Federal statutes or appropriations measures needed to accomplish such adjustments.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

Mr. REID. Madam President, I think I have just revised my amendment to the substitute in a number of significant ways. This bill started bipartisanly by introduction. The minority leader and I jointly offered a substitute amendment as well. I want to keep this process bipartisan, so I am adopting a number of changes that reflect input and ideas from the Republicans and Democrats, and that is what is in this modification.

First, I have adopted an idea from the Senator from Oklahoma, Mr. INHOFE, to make sure it is clear that the new rules on private jets do not apply to Members who fly their own planes. Senator INHOFE has flown a one-engine plane all around the world, literally, and he flies back and forth to Oklahoma on a frequent basis. I think this is an important amendment and a fair amendment.

Second, I have adopted an idea from the Senator from Arizona, the senior Senator from Arizona, Mr. MCCAIN, to add a reporting requirement when Senators fly on private jets. Now, when people pay the charter rate, they will have to file that. I think that was the law before, but it really doesn't matter. It is something that I think will make things more clear.

Third, I have adopted an idea from a bipartisan amendment suggested by Senator FEINGOLD that instructs the Legislative Branch Appropriations Subcommittee to review the impact on the new rule on private jets on Members' travel spending. I think that is extremely important because the subcommittee is going to have to take a look at how this impacts States differently. If you are from the State of Rhode Island or Delaware, you don't have much of a problem flying around because you can drive around. But if you are from the State of Alaska, the State of Montana, the State of Nevada, Colorado, some of these very large area Western States, it is a problem. So I commend Senator FEINGOLD for being thoughtful in this regard.

Madam President, on another issue, I also want to say that I have spoken to Senator DEMINT on his earmarking proposal. We had a number of good conversations. I have spoken to the Republican leader. We prepared—and I have given a copy of the amendment to Senator DEMINT—a second-degree amendment which would strengthen the DeMint amendment that we talked about on the Senate floor yesterday. What our second degree would do would strengthen the definition of targeted tax benefits. Certainly, we want to make it one that is understandable, not rigid and narrow, and I have talked to the Senator from South Carolina about this.

Also, on the same piece of paper I gave the Senator from South Carolina, I have explained to my friend, Senator DEMINT, that we want to make sure the Duke Cunningham exception is in place. What Congressman Cunningham did is, he had earmarks in that bill, but he never mentioned the entity that got the money. What we would do is, in this amendment, you can't write your way around it. We think our suggestion to Senator DEMINT to strengthen his amendment is certainly something we need to do. You can't write your way around giving money to corporation X. If it limits that, it has to be listed.

Also, importantly, we have added a strengthening provision in the proposed second-degree amendment to list earmarks on the Internet 48 hours before. Now, I have told Senator DEMINT if he wants to make this part of his amendment, fine. If he wants us to offer the second degree, we will do that. I told him if he has any suggestions that he feels would improve what we are trying to do, we are agreeable to take a look at that. He has suggested that he wants a vote on that. We also want a recorded vote. I think that is important. So I hope we can work something out.

What I would like to do is have a number of votes set for Tuesday evening. After these agreed-upon votes on amendments, then we would move to invoke cloture on the airplane amendment and then, after that, on the substitute. I hope we can work on a bipartisan basis in the next hour or so to set up some votes that would occur before cloture on those matters about which I have spoken.

Yesterday was a rather difficult day, as some days are. There was a lot of confusion as to what people were trying to accomplish. I think that perhaps we should have given a little more time for explanations. We tend to get in a hurry sometimes when we shouldn't be. We tend to spend a lot of time doing things that accomplish nothing, and a lot of times limit time on things that do matter. So, personally, for the majority, we probably could have done a little better job of giving opportunities for people to speak. No one came forward wanting to speak, so that is a pretty good sign that people are ready to vote. But I think realistically maybe they were not.

But regardless of that, we are where we are, and we are going to try to move forward in a reasonable manner in the next 2 hours and complete this bill some time next week, we hope.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. I ask unanimous consent to proceed as in morning business.

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

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

Mr. MCCONNELL. 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. 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.

Mr. VITTER. Madam President, I ask for the regular order with regard to a Vitter amendment, amendment No. 9. I send a modification to the desk.

The PRESIDING OFFICER. It is not possible to call for the regular order for that amendment at this time because under the regular order the majority leader has called for the regular order for another amendment.

Mr. VITTER. I ask unanimous consent to go to regular order for amendment No. 9 for the exclusive purpose of sending a modification to the desk.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, reserving the right to object, I will not object, but I ask unanimous consent that after the Senator finishes his amendment, I be given unanimous consent to return to amendment No. 11.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving the right to object, and I will not, I will simply slightly expand my unanimous consent request to ask for up to 5 minutes to speak, and I offer that unanimous consent request. I certainly have no objection to the other business.

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

AMENDMENT NO. 9 TO AMENDMENT NO 3, AS FURTHER MODIFIED

Mr. VITTER. Madam President, I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 9), as further modified, is as follows:

On page 19, line 19, strike ''(b) In this'' and insert the following:

''(b) Members and employees on the staff of a Member (including staff in personal, committee, and leadership offices) shall be prohibited from having any official contact with any spouse of a Member who is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist.

''(c) The prohibition in subparagraph (a) shall not apply to the spouse of a Member who was serving as a registered lobbyist at least 1 year prior to the election of that Member to office or at least 1 year prior to their marriage to that member.

''(d) In this''.

Mr. VITTER. I want to spend a few minutes regarding this general debate to say I hope that we have, in the rest of this debate, an adequate opportunity to debate and address and vote on some of the key issues that are and should be at the center of this discussion. I think there is now a rush to cloture, quite frankly—specifically to cut off the opportunity to vote on some amendments. I hope we do not do that.

I commend the majority leader for the suggestion that we are going to have votes on many significant amendments on Tuesday. I ask him that that list be very inclusive, to include all significant amendments in which either side of the aisle is interested. I specifically highlight three.

One is the DeMint amendment, and I appreciate the words of the majority leader regarding working with Senator DEMINT on that amendment. I fully support that amendment. Much more importantly, that amendment has proved to have majority support on the floor of this body. There was a motion to table, and it lost. So that amendment has majority support, and clearly we need to vote and pass that amendment. It has already been proven that it has majority support.

The second amendment I would highlight is a Judd Gregg amendment with regard to spending and earmarks and waste. Again, that is very much at the heart of this discussion. Earmarks—earmark abuse, what that does to spending, how it inflates it—have been part of the abuses, unfortunately, that have come to light in the last several years. So that is absolutely at the heart of this debate. A lot of Members of the Senate are interested in that amendment, so we need a debate and a vote on that amendment.

Third, I would highlight my own amendment which I just modified, and that has to do with spouses of Members of the Senate lobbying. Again, this debate, this bill, is about two things: ethics and lobbying. I don't know how you come up with any argument that the issue of spouses lobbying, gaining unusual access, having the opportunity of being a conduit for large amounts of money to be deposited in the family bank account of Members from special interests, isn't at the heart of that debate. That is at the heart of the lobbying issue. That is at the heart of the ethics issue. It is foursquare in the center of this debate, and certainly we need an adequate debate and a vote on that idea.

I urge all Senators to support a full and open debate and a full and open airing and voting on important amendments, including but not limited to those three. I very much look forward to that next week. I certainly hope cloture is not invoked in an attempt, as many of us fear, frankly, to cut off certain significant and relevant amendments.

Mr. DURBIN. Will the Senator yield for a question?

Mr. VITTER. Certainly.

Mr. DURBIN. I am not finding fault with the Senator from Louisiana, but the fact is, we do not have a copy of the modification. The reason I raise that is later I am going to suggest a change in the Senate rules so that when you file an amendment or modification, copies will be given to both the ranking member and the Chair on the floor, as is the custom and rule of the House. That is a good way to make sure there is knowledge of what is being considered and debated as promptly as possible.

Going to the substance of the matter, does the Senator's modification change the original language in his amendment which makes this provision on spousal lobbying retroactive, not prospective? In other words, if there is some Member on either side of the aisle today who has a spouse lobbying at the Federal level, it is my understanding that the Senator would prohibit that in his original amendment unless that spouse was lobbying a year before the marriage or a year before the first election of Congress. Does the modification change that in any respect?

Mr. VITTER. No, it doesn't. I will tell you exactly what it does. First of all, I appreciate the question. Certainly I am eager to give the Senator and all Members a copy of it, which I will do immediately, and that will be well before any full debate and vote. But let me use the opportunity to explain what the modification does.

The modification is very simple. It moves the provision to the Senate rules, and it makes it apply to lobbying Members of the Senate only. I did the modification for one reason and one reason only—not because I think that limitation excluding activity on the House side is better but because it makes it germane to the bill and therefore guarantees me a vote.

So, to go to the question, the provision—it is only about lobbying the Senate. But in that context, there is an exclusion if the spouse lobbyist was an active lobbyist a year or more before the marriage or the first election. But there is no grandfathering clause other than that. I hope that answers the question of the Senator.

Mr. DURBIN. It does. I would like to ask the Senator from Louisiana, in the spirit of your amendment, would you consider an amendment which would make the 2-year prohibition on lobbying also retroactive, so that Senators who have not lobbied previously would be prohibited from lobbying for 2 years and it would be retroactive as well?

Mr. VITTER. I will be happy to consider that idea. I am not going to change my amendment to include that because I think it would lose votes from our amendment and I want first of all to pass my amendment, but I am completely open to that discussion and that idea. Without making a final decision, I am completely open to supporting that on the floor of the Senate if somebody were to bring it forward.

Mr. DURBIN. I thank the Senator.

Mr. VITTER. Madam President, I yield the floor.

The PRESIDING OFFICER. The amendment has been so modified.

The Senator from Illinois.

AMENDMENT NO. 44 TO AMENDMENT NO. 11

Mr. DURBIN. Madam President, pursuant to the unanimous consent request, it is my understanding that we now return to the DeMint amendment No. 11.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Madam President, I rise to offer a second-degree amendment to the DeMint amendment No. 11 which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes amendment numbered 44 to DeMint amendment No. 11.

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

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

The amendment is as follows:

(Purpose: To strengthen earmark reform)

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

SEC. 103. CONGRESSIONAL EARMARK REFORM.

The Standing Rules of the Senate are amended by adding at the end the following:

RULE XLIV

EARMARKS

''1. It shall not be in order to consider—

''(a) a bill or joint resolution reported by a committee unless the report includes a list, which shall be made available on the Internet to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

''(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list, which shall be made available on the Internet to the general public for at least 48 hours

before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

''(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list, which shall be made available on the Internet to the general public for at least 48 hours before consideration of the conference report, of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

''2. For the purpose of this rule—

''(a) the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

''(b) the term 'limited tax benefit' means—

''(1) any revenue provision that—

''(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

''(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

''(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

''(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

''3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

''4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

''(1) the name of the Member;

''(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

''(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

''(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

''(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

''(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee's or subcommittee's website not later than 48 hours after receipt on such information.''.

Mr. DURBIN. Madam President, yesterday there was a debate about the disclosure of earmarks. It was an interesting debate, and Senator DEMINT and Senator COBURN of Oklahoma offered an amendment.

I felt that amendment had several flaws in it. The purpose of my second-degree amendment is to address those flaws. It does not go to the heart of their argument about expanding the number of earmarks that would be subject to disclosure. In fact, if anything, it expands the number of earmarks subject to disclosure.

My amendment would strengthen the DeMint amendment in three ways: It retains the Reid-McConnell bipartisan language in the underlying bill. The DeMint amendment No. 11 now pending does not go far enough in terms of covering so-called targeted tax benefits. A lot of attention has been given to Duke Cunningham, the former Congressman from California, who was steering Department of Defense funds to certain contractors and benefiting from it personally. He paid dearly for this transgression and is currently in prison. That is an example of an egregious abuse of the appropriations process.

We understand, as well, there are decisions made by Congress outside of the appropriations process which can be just as beneficial, if not more profitable, to individuals and businesses. One of the categories would be in the area of targeted tax credits. However, it could be others, as well.

Even though my amendment does not go to this issue, consider the fact that the asbestos legislation pending before Congress 2 years ago would have benefited one of the corporations from Illinois to the tune of $1 billion had it passed. That figure was arrived at not by myself or anyone in Congress but, rather, by those who filed the annual report for that corporation. So you can understand that decisions made in the Senate and the House of Representatives can have a direct positive financial impact on businesses and individuals.

As we go after earmarks and try to change those because of the Duke Cunningham scandal and others, we should also be mindful of the fact that other decisions made by Congress can be just as beneficial, if not more so. They cry for transparency, too. Unfortunately, the underlying DeMint amendment has a restrictive view of targeted tax credits.

The Senator from South Carolina has said he has agreed to language considered by the House. In all honesty, as good as they are in the House of Representatives, what I am offering may be an improvement. Senator DEMINT's amendment covers revenue-losing provisions only that provide tax benefits to 10 or fewer beneficiaries or contain eligibility criteria that are not the same for other potential beneficiaries. This unnecessarily limits the definition of revenue-losing provisions instead of all revenue provisions. My amendment corrects this.

The DeMint amendment also allows for a loophole. Someone could easily write a provision that affects 11, 15, or 50 beneficiaries and be exempt from the disclosure requirements of the DeMint amendment. The Reid-McConnell definition, which I include in my second-degree amendment, says a tax earmark is anything which has the practical effect of providing more favorable tax treatment to a ''limited group'' of taxpayers when compared with similarly situated taxpayers. We do not come up with a number—10 beneficiaries, 20 beneficiaries—but, rather, keep it in the category of a tax benefit that is clearly designed to help a limited group of taxpayers of a certain number compared with others. This is a more flexible and more realistic standard to be applied than the language currently in the DeMint bill.

Moreover, the Reid-McConnell language is for the language that they, in fact, created. It is language that Senator JUDD GREGG, former chairman of the Senate Committee on the Budget, included in his line-item veto bill. Senator GREGG has found what I think is a sensible definition we ought to use and adopt as part of our reform and ethics changes we are currently debating. My amendment retains the concept of Reid-McConnell language, amends the DeMint provision to remove the limitation of ''10 or fewer beneficiaries'' and would cover ''any revenue provision that provides a Federal tax deduction, credit, exclusion, or preference, to a particular beneficiary or a limited group of beneficiaries.''

Finally, under the DeMint amendment, information about earmarks must be posted 48 hours after it is received by the committee. In the case of a fast-moving bill, it is possible that the information would be made public only after a vote on the relevant bill containing the earmarks. So there is a weakness in the DeMint language when it comes to this public disclosure. On the other hand, in the interest of full disclosure, the Reid-McConnell language requires the earmark disclosure information be placed on the Internet, available to the public 48 hours before

consideration of the bills or reports that contain the earmarks. Senator DEMINT's amendment does not have a similar provision. My amendment retains the stronger Reid-McConnell earmark disclosure language.

These are three important changes necessary to improve the DeMint amendment. As I noted yesterday, there are some positive elements of the DeMint amendment. In some instances it does not go far enough. I question the whole notion that committee report language should be treated the same as bill language. Those who have gone through the basics of legislation understand that bill language can be a law. Committee report language is never going to be a law. It is only a recommendation. Having said that, though, I don't address that issue in any way at all.

I urge my colleagues to support my secondary amendment to the underlying DeMint amendment. I believe it strengthens the DeMint amendment. I urge the DeMint amendment, with these changes, be agreed to, as well.

AMENDMENT NO. 36 TO AMENDMENT NO. 3

At this point I ask unanimous consent to set aside this pending amendment and call up amendment No. 36 which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 36.

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

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

The amendment is as follows:

(Purpose: To require that amendments and motions to recommit with instructions be copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader before being debated)

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS AND MOTIONS TO RECOMMIT.

Paragraph 1 of rule XV of the Standing Rules of the Senate is amended to read as follows:

''1. (a) An amendment and any instruction accompanying a motion to recommit shall be reduced to writing and copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader and shall be read before being debated.

''(b) A motion shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated.''.

Mr. DURBIN. Madam President, I welcome you to the Senate. I am glad you are presiding. I will describe one of the procedures in the Senate I discovered when I came over from the House that I did not understand. It is the fact that an amendment filed at the desk by a Member is then taken to the corridor, to a copy machine, copies are made and then brought back to the floor. Sometimes these amendments are large. Sometimes it takes a while to get copied. In the meantime, the debate is underway. So for those who want to engage in a real deliberation and debate, there is a mystery quality here for minutes, sometimes longer. You wait until you get a copy of the amendment.

There has to be a better way. The better way is obvious. Members who bring modifications to the floor should bring three copies, at least—one copy for the clerk, one copy for the Republican side, and one copy for the Democratic side—so that as they are filed, each side has the language in front of them. As the Senator who is moving the amendment is making the argument, those who want to follow the amendment have at least one copy on each side of the aisle to look at. That is the only way to have a meaningful debate.

There is a way to change this which is clumsy and awkward. As you probably heard me suggest earlier, I asked unanimous consent to suspend the reading of the amendment. I could have allowed them to read the amendment and hear it firsthand. But I think it is more valuable to have it in writing and have it in front of you.

I have suggested this change in the Senate rules since I arrived 10 years ago. It turns out to be one of the biggest challenges I have faced in the Senate, to have two additional copies of the amendment come to the Senate floor. This is a venerable institution. It prides itself on deliberation, but we operate in Senate years, as opposed to real years, or dog years, and sometimes things take a lot longer than they should, so I am offering this amendment.

I have already spoken to the ranking member, Senator BENNETT, about it. I have not spoken to Senator FEINSTEIN, the chairman of the Rules Committee. I hope it is the kind of noncontroversial amendment that makes life easier here, but, more importantly, will lead to a debate which, in fact, would be more meaningful.

I am going to, at some point, ask this be agreed to. I hope my colleagues will consider supporting it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have been in the Senate a little bit longer than the Senator from Illinois but long enough to discover that the Senate and its rules are superbly constructed to deal with the problems of the 19th century. I think perhaps we should recognize that we have moved beyond the 19th century into the 21st.

I cannot speak for any member of my caucus, but I will be happy to support this particular rule change. I think of all of the things that have been proposed, this is perhaps the most benign.

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

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

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as in morning business.

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

Ms. KLOBUCHAR. Thank you, Mr. President.

IRAQ

Mr. President, I want to briefly address the ethics bill before this Congress, but before I do that, I want to discuss an issue of paramount importance to my State, in light of the President's recent address, and that is the war in Iraq.

Sending more American troops is not the change of course the people of Minnesota and the American people called for in this past election, and it is not the change of course our military forces deserve.

We learned this week that 3,000 of the 22,000 troops added for the escalation are from Minnesota's National Guard. These Minnesota soldiers have already served honorably and well. They and their families were told they would be coming home in March. And I just talked to General Shellito, who heads up the National Guard in Minnesota. He said the hardest thing for them is they have been hanging on—in his words: ''hanging on''—through March. And now they are extended well into the summer.

These brave soldiers will be thrust even more deeply into the midst of Iraq's civil war. Haven't we asked our soldiers and their families to sacrifice enough?

The great burden on Minnesota and the rest of the country should remind us that what is needed is a surge in diplomacy and not a surge in troops.

With that, Mr. President, I would like to turn to the issue of ethics reform. I thank Senator REID and the other Senators for their leadership and for making ethics reform a real priority for this Congress.

When I arrived in Washington last week, we pulled up in our family Saturn, loaded with my husband's college dishes and a shower curtain I found in the basement from 1980. But we brought a little more than dishes and a shower curtain. We, also, brought a commitment for change, something the people of our State—Democrats, Independents, and Republicans, from Worthington to Moorhead to Duluth to Rochester—called for very clearly and loudly in November.

We also brought a Minnesota moral compass, grounded in a simple notion of Minnesota fairness—a notion that all people should be on equal footing in the Halls of Congress. But they cannot be on equal footing when their elected representatives are selling their votes for trips to Scotland or stashing away cash in the freezer. They cannot be on

equal footing unless this new Congress delivers real, meaningful ethics reform.

Ethics reform is an issue of great importance to the people of my State. Wherever I went, Minnesotans told me this was the kind of change that they wanted to see in Washington.

It is not an abstract political science issue. It affects real people in the real world. And today it comes out of the political science classrooms and into the Halls of Congress.

Ethics is woven into the very fabric of how our Government does business. Ethics reform goes to the very heart of our democracy, to the public trust and respect that is essential to the health of our constitutional system.

Recent scandals have cast a shadow over the legitimacy of the laws and policies that come out of Washington. The American public's receding faith in the integrity of our legislative process means that ethics reform is now central to every public issue that we will consider whether it is energy policy, health care reform, fiscal reform, or even homeland security.

The ability of Congress to deal credibly and forthrightly with these other issues depends on reforming our own ethical rules.

The long-term challenges that we face in this country are enormous. They include high energy prices and a growing dependency on foreign oil, health care costs that have spiraled out of control, global warming that threatens the future of our environment and our economy, a mounting national debt, and a growing middle-class squeeze.

I believe that there are solutions to these challenges. While not always immediate, these solutions are within our grasp. We can achieve energy independence by investing smartly and having some guts to take on the oil companies. We can get this country back on the right fiscal track and move forward to more affordable health care. We can deliver much needed and long overdue relief to the middle class. These are the things the people of Minnesota sent me to Washington to fight for. They sent me here because they have not yet seen the bold change of direction that we need to make these solutions happen. Instead, they have seen a Washington that too often serves big special interests at the expense of the middle class.

As a prosecutor, I learned firsthand how the well-connected and powerful do not face the same challenges as middle-class families. Every day, I would go into our courthouse in Minnesota with a mission to treat people the same no matter where they came from. When we prosecuted a wealthy, well-connected person for a white-collar crime, the courtroom was packed with his friends. I would get all kinds of calls. One of my favorites was, ''I know he stole $400,000 from a mentally disabled woman, but he is such a good guy; he shouldn't go to prison.''

But when we prosecuted someone who was poor or middle class, they were lucky if their mom could take the day off from work to stand behind them in the courtroom. My job was to even the playing field and to treat people the same no matter where they came from and who they knew.

That is still my job, and it is the job of this Congress. With that in mind, we need to change business as usual. Business as usual has created a playing field tilted toward special interests and against the middle class.

When our energy policy is drafted in secret meetings with the oil companies, we all end up paying more at the pump because they have failed to invest in renewable energy. When our health care legislation is written by the drug companies, we pay more because they have banned negotiation on prices. The people of this country know corruption when they see it. They saw this last November who was benefiting and who was getting hurt.

Business as usual doesn't only generate bad policy and wasteful spending, it also erodes public trust in the integrity of our Government institutions, our elected leaders, and the law-making process itself.

We the American people know what we want from Washington. It is this: a Government that is focused on doing what is best for our Nation and on securing a better and more prosperous future for the people.

There are so many people of good faith on both sides of the aisle who want to see this happen. Like me, they want to solve the great challenges of our day and to restore public faith in our Government. They know, as I do, that General Omar Bradley was right back in 1948 when he said that ''we need to start steering our ships by the stars, instead of the lights of each passing ship.''

The new leadership that took the helm last week has already begun that change in course. They have introduced the ethics reform package at issue today as the very first bill to be considered by the new Senate.

It has been an honor to work with Senator REID and with colleagues such as Senators FEINGOLD and OBAMA, and with a great class of freshmen that includes the Presiding Officer, as well as Senator TESTER who is here with me today, who share a passion for ethics reform. I am also pleased by the bipartisan support for this bill.

The proposals being offered will strengthen the original S. 1 in a number of important areas, including stricter travel rules, enhanced lobbying disclosure requirements, tougher restrictions on the revolving door between Capitol Hill and lobbying firms, and additional earmarking reform.

It is also my understanding that the Senate will thoughtfully address methods to improve ethics enforcement in debates and hearings over the next few months. Speaking as a former prosecutor, I have expressed to a number of Senators the great value of strong, sensible enforcement.

I am particularly gratified to see Senator REID's amendment No. 4 contain improvements to the Senate gift and meal rules. Under current law, anyone, including a lobbyist, is permitted to buy a gift or a meal for a Senator or a staff member up to a certain dollar amount. We need to make sensible changes to current law.

A decade ago, the Minnesota Legislature passed a strong, clear rule in this area. Lobbyists and those who employ them cannot give gifts or meals to State or local officials, subject to very limited exceptions that were meant to be just that—limited exceptions. For more than 10 years, our State officials have abided by these rules, which are rooted in Minnesota values. I followed them as county prosecutor, and the results have been greater fairness in our democratic process and greater faith in our Government.

A rule banning gifts and meals from both lobbyists and those who hire lobbyists worked in Minnesota, and it can work in Washington, DC.

I want to make clear that my support for this rule is no reflection on my colleagues who have humbled me with their good faith, honor, and integrity since I arrived in Washington. Instead, I support it because the urgency of our need to restore public faith in Government has convinced me that clear, bright line rules are best. Such rules don't impose unreasonable constraints and do not adversely affect citizens' rights to petition their Government. But it does send a strong, clear message and an important signal to the American people that we are focused solely on representing their interests.

Last week at my swearing in a number of people and Senators from both sides of the aisle came up to me remembering the great Senators who have come to Washington from the State of Minnesota. It is humbling to follow in the footsteps of people such as Hubert Humphrey and Walter Mondale and Paul Wellstone. I was reminded many times this past week of the great things they did and said.

On Humphrey's gravestone, there is an inscription, a quote from Humphrey himself. It says:

> I have enjoyed my life, its disappointments outweighed by its pleasures. I have loved my country in a way that some people consider sentimental and out of style. I still do. And I remain an optimist with joy, without apology about this country and about the American experiment in democracy.

Like Humphrey, Mr. President, I, too, remain an optimist about this grand experiment in democracy. I remain an optimist because the people in my State and across the country have spoken up for change. I remain an optimist because the people in this Chamber are devoted to getting things done, and getting them done the right way. I remain an optimist because this American experiment in democracy has worked best when we, the American people, without apology, have demanded accountability.

This past November was one of those times. The American people spoke out for change. We need to answer them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENTS NOS. 45 AND 46 TO AMENDMENT NO. 2

Mr. CORNYN. Mr. President, I send two amendments to the desk and ask unanimous consent that the pending amendment be set aside.

Mr. President, if I may clarify this, one of the amendments is a second degree to the Leahy amendment currently pending. The other is a separate, freestanding first-degree amendment.

The PRESIDING OFFICER. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 45.

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 46 to amendment No. 2.

The amendments are as follows:

AMENDMENT NO. 45

(Purpose: To require 72 hour public availability of legislative matters before consideration)

On page 7, line 13, strike ''conference report unless such report'' and insert ''legislative matter unless such matter''.

On page 7, line 16, strike ''48'' and insert ''72.''

AMENDMENT NO. 46

(Purpose: To deter public corruption)

On page 4, after line 5, add the following:

(e) DETERRING PUBLIC CORRUPTION.—

(1) APPLICATION OF MAIL AND WIRE FRAUD STATUTES TO LICENCES AND OTHER INTANGIBLE RIGHTS.—Sections 1341 and 1343 of title 18, United States Code, are each amended by striking ''money or property'' and inserting ''money, property, or any other thing of value''.

(2) VENUE FOR FEDERAL OFFENSES.—

(A) VENUE INCLUDES ANY DISTRICT IN WHICH CONDUCT IN FURTHERANCE OF AN OFFENSE TAKES PLACE.—Subsection (a) of section 3237 of title 18, United States Code, is amended to read as follows:

''(a) Except as otherwise provided by law, an offense against the United States may be inquired of and prosecuted in any district in which any conduct required for, or any conduct in furtherance of, the offense took place, or in which the offense was completed.''.

(B) CONFORMING AMENDMENTS.—

(i) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

''§ 3237. Offense taking place in more than one district''.

(ii) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

''3237. Offense taking place in more than one district.''.

(3) THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.—Section 666(a) of title 18, United States Code, is amended—

(A) in paragraph (1)(B), by striking ''of $5,000 or more'' and inserting ''of $1,000 or more'';

(B) in paragraph (2), by striking ''of $5,000 or more'' and inserting ''of $1,000 or more''; and

(C) in the matter following paragraph (2), by striking ''ten years'' and inserting ''20 years''.

(4) PENALTY FOR SECTION 641 VIOLATIONS.—Section 641 of title 18, United States Code, is amended by striking ''ten years'' and inserting ''20 years''.

(5) BRIBERY AND GRAFT.—Section 201 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking ''fifteen years'' and inserting ''30 years''; and

(ii) by adding at the end the following: ''If the official act involved national security, the term of imprisonment under this subsection shall be not less than 3 years.''; and

(B) in subsection (c), by striking ''two years'' and inserting ''10 years''.

(6) MAKING RICO MAXIMUM CONFORM TO BRIBERY MAXIMUM.—Section 1963(a) of title 18, United States Code, is amended by striking ''20 years'' and inserting ''30 years''.

(7) INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.—

(A) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''10 years''.

(B) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(C) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(D) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(E) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''10 years''.

(F) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(8) ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF PUBLIC MONEY OFFENSE.—Section 641 of title 18, United States Code, is amended by inserting ''the District of Columbia or'' before ''the United States'' each place that term appears.

(9) ADDITIONAL RICO PREDICATES.—Section 1961(1) of title 18, United States Code, is amended—

(A) by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records,'' after ''473 (relating to counterfeiting),''; and

(10) ADDITIONAL WIRETAP PREDICATES.—Section 2516(1) of title 18, United States Code, is amended—

(A) in paragraph (c), by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records,'' after ''section 224 (relating to bribery in sporting contests),'';

(B) in paragraph (r), by striking ''or'' at the end;

(C) by redesignating paragraph (s) as paragraph (t); and

(D) by inserting after paragraph (r) the following:

''(s) a violation of section 309(d)(1)(A)(i) or 319 of the Federal Election Campaign Act of 1971; or''.

(11) CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.—Subparagraphs (A) and (B) of section 201(c)(1) of title 18, United States Code, are each amended by inserting ''the official position of that official or person or'' before ''any official act''.

(12) AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.—

(A) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under sections 201, 641, 666, and 1962 of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by guidelines and policy statements.

(B) REQUIREMENTS.—In carrying out this subsection, the Commission shall—

(i) ensure that the sentencing guidelines and policy statements reflect Congress' intent that the guidelines and policy statements reflect the serious nature of the offenses described in subparagraph (A), the growing incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(ii) consider the extent to which the guidelines may or may not appropriately account for—

(I) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(II) the level of sophistication and planning involved in the offense;

(III) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(IV) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(V) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(VI) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(iii) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(iv) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(v) make any necessary conforming changes to the sentencing guidelines; and

(vi) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(13) CLARIFICATION OF DEFINITION OF OFFICIAL ACT.—Section 201(a)(3) of title 18, United States Code, is amended by striking ''any decision'' and all that follows through ''profit'' and inserting ''any decision or action within the range of official duty of a public official''.

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

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, will the Senator yield for a moment before he speaks?

Mr. ENSIGN. Yes.

AMENDMENT NO. 40 WITHDRAWN

Mr. STEVENS. Mr. President, I have tried to work out a problem dealing with our State regarding aircraft. It is my understanding that the agreed to

amendment has been modified. Apparently, the decision of the majority is that we should use more taxpayer money to meet our needs. I am not going to persist in my attempt to work out our problems in this manner.

It is my understanding that somebody talked about my jet amendment. It had nothing to do with jets until I modified it to accommodate some of the problems of majority members. I withdraw amendment No. 40.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

HONORING CHAMPIONS OF EQUALITY

Mr. ENSIGN. Mr. President, on January 15 we honor the legacy of a man who gave his life in the struggle for equality. Dr. Martin Luther King read the words to our Nation's Declaration of Independence and worked to ensure that they were lived that way:

> All men are created equal, that they are endowed by their Creator with certain unalienable rights . . .

Throughout history we have been fortunate to have leaders of unbelievable character and vision, such as Dr. King, who rose in power and worked to change the course of history. Today I want to talk about the legacy of Dr. King and another champion of human rights, William Wilberforce.

In 1790, the transatlantic slave trade was thriving. The economic development of Europe was fueled by the trading in enslaved Africans, an incredibly profitable business at that time. Conditions for slaves were horrific—from being kidnaped by foreigners speaking an unknown language, being chained up and forced into unfathomable conditions for the torturous trip from Africa, to finally being sold into a lifetime of slavery—if they survived—in a strange land.

Witnesses to and survivors of these atrocities shared their stories with the small, but dedicated, bands of abolitionists who worked tirelessly to rid the world of this shameful slave trade.

In the late 1700s, they found their voice in William Wilberforce, a member of the British Parliament. In 1789, Wilberforce laid out the case against slavery with eye witness and survivor accounts of the brutality inflicted on slaves. He told his fellow legislators:

> Having heard all of this, you may choose to look away, but you can never say again that you did not know.

For two decades, William Wilberforce fought with every fiber of his being to abolish the slave trade. It was not easy going up against those who made a fortune off of this trade. Many felt the economy and England would crumble without the slaves. Vilified and ridiculed, Wilberforce refused to give up the fight against the fierce proslavery forces. Wilberforce introduced motions to abolish slavery in every single session of Parliament. In 1807, his legislation to abolish the slave trade finally passed. Wilberforce continued his fight until his health could no longer take it. In 1833, a bill passed giving all slaves in the British Empire their freedom. William Wilberforce passed away 3 days later.

More than a century later, across the Atlantic, a young Black pastor from Atlanta, Georgia, was sharing his dream for a united, multiracial America. It was Dr. King's eloquence, intense spirit, and vision that lifted him to lead our civil rights movement at a pivotal time. He said that ''Life's most persistent and nagging question is, what are you doing for others?'' and he challenged citizens to make the answer count.

While his life was cut tragically short, Dr. King's work to bring equality for all has become part of the fabric of our maturing Nation.

William Wilberforce and Dr. Martin Luther King are two men who rose to extraordinary levels of public service by embracing their faiths and working to correct a great abuse of human rights. They each served mankind in a way that very few others have. Yet, the lesson we learn from their life stories is that we all have that spark of greatness. It is our choice whether we stand on the sidelines while others light the way or step forward and ignite our own passion to make a difference in this world.

The path to righting an injustice is full of obstacles and risks. Dr. King lost his life and left behind a widow and four young children on his mission to leave them a better world. William Wilberforce faced defeat after defeat with his unpopular legislation to abolish slavery. In fact, his abolition bill was defeated 30 times over the course of 20 years, but he continued the fight, and his eventual victory has been called one of the turning events in world history.

I chose to talk about Dr. King and William Wilberforce today because they are truly remarkable people whose stories I believe inspire others to action.

Neither Dr. King nor William Wilberforce embarked on their careers knowing that they would become giants of history. They sought to make a difference in whatever capacity they could. It is a lesson from which we should all learn.

After all, while Dr. King and William Wilberforce made tremendous progress in eliminating slavery and empowering equality, there is still much work to be done. Racial division and the violence that Dr. King preached against have not disappeared from our country, and slavery worldwide is a bigger problem today than it was in 1790. There are actually more slaves today than there were seized from Africa in four centuries of the transatlantic slave trade.

It is appalling, but it gives us the opportunity to ask that question Dr. King and William Wilberforce would have easily been able to answer: What are you doing for others?

I was able to recently watch the screening of a movie about William Wilberforce called ''Amazing Grace.'' I had actually started learning about and admiring William Wilberforce several years ago, so I was thrilled that his life and impact would be documented and shared this way. The movie shows that while William Wilberforce was the voice and face behind the effort to abolish the slave trade, there were many people who inspired him to take action in the first place.

There was John Newton who was William Wilberforce's childhood pastor. Newton was at one time a slave trader. It was from a sea voyage during which he nearly died that he went on to write the hymn ''Amazing Grace.'' Newton convinced William Wilberforce to stay in politics in order to make a difference, and he provided his confession as a slave trader for Wilberforce to use in his appeals for abolition.

There was also his friend William Pitt who went on to become the youngest Prime Minister of England. Pitt pushed Wilberforce to continue as a public servant and encouraged him to lead the abolition movement.

There were many other characters who played a role in William Wilberforce's involvement and eventual success in abolishing slavery. While they may not be the names we often read about in history books, their impact was tremendous.

Former Chaplain of the Senate Lloyd John Ogilvie once said:

> You may only be able to make a small difference, but that does not relieve you of the responsibility to make that difference.

When he says ''You may only make a small difference,'' I think he was encouraging people to try to make any difference, whatever difference they were called to make. They may think that it would only be a small difference, but in reality, it is history that will make that determination.

I talked earlier about how shameful it is that there are more slaves around the world today in 2007 than there were during the 400-year period of the transatlantic slavery movement. I applaud a campaign called The Amazing Change. They highlight the work of groups continuing William Wilberforce's work to abolish slavery and make a better world.

The campaign is motivating young people across the country to get involved and to make a difference, and there are many causes such as this that need advocates and supporters. Whether it is volunteering in your own community to help abused children or working to help cure cancer, spreading the word about the atrocities in Darfur, find your passion and use it to leave this world a better place.

Ultimately, this is the message of Dr. King and William Wilberforce: Do something for others.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO LAMAR HUNT

Mr. BOND. Mr. President, first, I rise today to pay tribute to a much loved sportsman, businessman, civic leader, and family man, Lamar Hunt, best known as founder and owner of the Kansas City Chiefs, who, regrettably, passed away on December 13 of complications related to prostate cancer. Some might be surprised to learn that Kansas City was Lamar Hunt's adopted town, not his hometown. Born in Arkansas and raised in Texas, Lamar began his journey to Kansas City in 1959, when the National Football League unwisely turned down his request for a new franchise in Dallas. If you can't join 'em, beat 'em, to turn a cliche on its head.

Shut out of the NFL, Lamar Hunt decided to create another football league. He found seven other men as passionate about football as he was, and together they created the American Football League, the AFL. At the time, theirs was considered a risky venture. They called themselves ''the foolish club'' and located their teams in Midwestern and Southern cities, places without a history of professional football.

It has been said that leaders are visionaries with a poorly developed sense of fear and no concept of the odds against them. Lamar was such a leader and he fit that description.

He was certainly visionary. His leadership in creating and expanding the American Football League helped professional football gain a nationwide following before merging to become today's NFL.

I think he did understand the odds against him. He did not let them get in the way. He stuck with his plan for a new football league and succeeded. He first located his franchise in Dallas. In 1963, he moved the Dallas Texans to Kansas City, where they became the Chiefs.

Lamar Hunt coined the term ''Super Bowl'' and was on hand to see the Chiefs win Super Bowl IV. Unfortunately, our Chiefs have not won a Super Bowl since, but Lamar never gave up on his team and neither will we, the fans.

Lamar Hunt was a true entrepreneur, willing to take calculated risk on investments that would benefit the larger community. Since the 1960s, the Hunt family has been instrumental in the growth and development of Kansas City from a frontier town to a world-class city.

The Hunts have contributed to the Kansas City economy through Hunt Midwest Enterprises, which, among other ventures, developed Worlds of Fun and Oceans of Fun, two recreational theme parks that draw hundreds of thousands of visitors each year.

While he is best known for his love for professional football, Lamar Hunt was deeply involved in other sports. He was a part owner of the Chicago Bulls, he founded World Championship Tennis in 1969, and he spearheaded the development of soccer as a professional sport in the United States. He owned two Major League Soccer teams.

While successful, Hunt remained modest. He never thought of himself as a the Chief's owner. He preferred the term ''founder.''

As he told Joe Posnanski of the Kansas City Star:

> To me, every Chief's fan has ownership in the team. They are just as invested emotionally as I am. I was able to bring the team to Kansas City, but it is Kansas City's team.

In fact, since Mr. Hunt's death, the Star has run several stories, including examples of his love for players, coaches, and fans as individuals. Hall of Fame linebacker Bobby Bell remembered him, saying:

> He's a guy who never valet parked his car unless they absolutely made him.

Chief's tight end Fred Arbanas recalled that Hunt, himself, served the team food and drinks and picked up trash on the plane to road games. He is said to have given the widow of an employee killed in a construction accident a book of blank checks bearing his signature.

Despite struggling with cancer for 8 years, Lamar kept a strenuous schedule right until the very end. The last time I saw him was in November, during the Governor's Cup game, where the Chiefs played against the St. Louis Rams in St. Louis. The Chief's pulled out a 31-to-7 win. At that game, his illness had necessitated a car for transportation, but it had not affected his good nature, his friendliness or his optimism for his beloved Chiefs.

In an era of rapid change and turnover in the sports world, Lamar Hunt stood apart. He remained owner of the Chiefs, or founder of the Chiefs, for more than 40 years, from 1963 until his death. He invested in the lives of people in his adopted town, and the benefits of those investments will be felt for generations to come.

More than 1,000 fans have signed the Kansas City Star's online guestbook for Lamar Hunt, praising him for his honesty and sincerity, his class and his countless contributions to the Chiefs, to football, and to Kansas City.

While his family and friends will miss Lamar very much, they can take heart in the tremendous legacy he left. I know his son Clark will continue to lead the Chiefs with the same love for the game and business sense his father had. We will always remember fondly Lamar Hunt.

IRAQ

Mr. President, my colleagues and our staffs, people need to know about the worldwide threat hearing we had at an open session of the Intelligence Committee yesterday. In that hearing, we asked the Director of National Intelligence, the Director of the CIA, the general in charge of the Defense Intelligence Agency, Mr. Fort of the State Department's INR, and Director Bob Mueller of the FBI what their assessment was of the situation in Iraq.

Very simply, they said that, while it is not certain by any means, they believe the leadership of Iraq has bought into the concept announced by the President as a result of his telephone call from Prime Minister Malaki that Iraq is going to take over the responsibility for quelling the insurgency, the sectarian violence, and they will devote their own resources, heavily, into Baghdad, with district units headed by generals, brigades in each area supported by American troops on a 3-to-1 ratio, Iraqi to American.

While this by no means is sure to work, and recent actions do not suggest it is a very strong bet, they believe it has apparently the best chance to succeed.

In addition, since there was another idea on the table, I asked what would happen if we withdrew immediately, or within a very short timetable of 2 to 3 months, and the Director of National Intelligence and the Director of the CIA, first, said a precipitous withdrawal would bring about a collapse of the Government; that al-Qaida would establish a beachhead and a sanctuary in Iraq for the purpose of promoting the worldwide caliphate that it supports. That was the Director of National Intelligence, who, also, was joined by the Director of the CIA, General Hayden, who said if we withdraw, it would empower the jihadists to gain a safe haven, which would have a tremendous impact on the region. There would be a tremendous impact because they could be in control of the oil-rich Iraqi resources, and it would further empower Iran.

In summary, he said three things very unfortunate would be likely to occur.

No. 1, more innocent Iraqi civilians would die in sectarian violence.

No. 2, there would be a safe haven for al-Qaida and its cooperating entities—a goal that has been stated by the leader of al-Qaida, Osama bin Laden, and his second in command, Ayman al-Zawahiri.

And third, this would very likely bring about regionwide conflicts because with the Shia in control in Iraq in the current Government, with the numbers they have, Iran has shown a very great interest and has been too actively involved in Iraqi matters already. Iran and its Shias, if they came in and heaped great losses on the Sunnis, could expect that Sunni neighbors in the region would respond to the threats of the Iraqi Shia, as the Iranians, and the danger of a tremendous conflict throughout that region would occur.

So I appreciate the opportunity to address the Senate on these matters. I think all Senators need to know the seriousness of this issue, the reasons why I believe the President's option that he

announced the night before last is the best option.

AMENDMENTS NOS. 48, 49, 50, AND 51, EN BLOC, TO AMENDMENT NO. 3

Now, Mr. President, on behalf of Senator COBURN, I ask unanimous consent that the pending amendment be temporarily set aside in order to call up amendments Nos. 48 through 51 en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. COBURN, proposes amendments, en bloc, numbered 48, 49, 50, and 51 to amendment No. 3.

The amendments, en bloc, are as follows:

AMENDMENT NO. 48

(Purpose: To require all recipients of Federal earmarks, grants, subgrants, and contracts to disclose amounts spent on lobbying and a description of all lobbying activities)

On page 38, between lines 5 and 6, insert the following:

SEC. 223. LOBBYING DISCLOSURE AND PUBLIC AVAILABILITY OF FORMS FILED BY RECIPIENTS OF FEDERAL FUNDS AND CONTRACTS.

(a) LOBBYING DISCLOSURE.—Section 1352(b)(2) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) an itemization of any funds spent by the person for lobbying on a calendar year basis.''.

(b) PUBLIC AVAILABILITY.—Section 1352(b) of title 31, United States Code, is amended by adding at the end the following:

''(7) Declarations required to be filed by paragraph (1) shall be made available by the Office of Management and Budget on a public, fully searchable website that shall be updated quarterly.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 6 months after the date of enactment of this Act.

AMENDMENT NO. 49

(Purpose: To require all congressional earmarks requests to be submitted to the appropriate Senate committee on a standardized form)

At the end of subtitle A of title II, insert the following:

SEC. 225. SUBMISSION OF EARMARKS ON A UNIFORM FORM.

(a) IN GENERAL.—Each Member of the Senate shall submit any request for—

(1) an appropriations earmark to the Committee on Appropriations of the Senate;

(2) a tax benefit earmark to the Committee on Finance of the Senate; and

(3) any other earmark to the appropriate committee of jurisdiction.

(b) UNIFORM FORM.—

(1) IN GENERAL.—Each request for an earmark under subsection (a) shall be submitted on a standardized form.

(2) RULES COMMITTEE.—The form described in paragraph (1) shall be developed by the Committee on Rules and Administration of the Senate.

(3) REQUIRED CONTENT.—The form described in paragraph (1), shall at a minimum, include the following:

(A) The name of the Member requesting the earmark.

(B) The name of each entity that would be the recipient of the earmark, including the name of the parent entity of such recipient, if such recipient is owned by another entity. If there is no specifically intended recipient, then the form shall require the Member to identify the intended location or activity that will benefit from the earmark. In the case of an earmark that contains a limited tax or tariff benefit, the Member shall identify the individual or entity reasonably anticipated to benefit from the earmark (to the extent known by the Member).

(C) The amount requested in the earmark.

(D) The Department or agency from which the amounts requested in the earmark are expected to be provided (if known by the Member).

(E) The appropriations bill from which the amounts requested in the earmark are expected to be provided (if known by the Member).

(F) A description of the earmark, including its purpose, goals, and expected outcomes.

(G) The location and address of each entity that would be the recipient of the earmark and the primary location of the activities funded by the earmark, including the State, city, congressional district, and country of such activities.

(H) Whether the earmark is funding an ongoing or a new activity or initiative and the expected duration of such activity or initiative.

(I) The source and amount of any other funding for the activity or initiative funded by the earmark, including any other Federal, State, local, or private funding for such activity or initiative.

(J) Contact information for the entity that would be the recipient of the earmark, including the name, phone number, postal mailing address, and email for such entity.

(K) If the activity or initiative funded by the earmark is authorized by Federal law. If so, the Member shall provide the public law number and United States Code citation for such authorization.

(L) The budget outline for such activity or initiative funded by the earmark, including—

(i) the amount needed to complete the activity or initiative; and

(ii) whether or not the Member, the spouse of the Member, an immediate family member of the Member, a member of the Member's staff, or an immediate family member of a member of the Member's Senator's staff has a financial interest in the earmark.

(4) PUBLIC ACCOUNTABILITY.—

(A) IN GENERAL.—Not later than 7 days after the date that a request for an earmark is submitted under this section, the Committee on Appropriations of the Senate shall make the request available to the public on the Internet website of such committee, without fee or other access charge, in a searchable, sortable, and downloadable manner.

(B) RECORDKEEPING.—The Committee on Appropriations of the Senate shall maintain records of all requests made available under subparagraph (A) for a period of not less than 6 years.

(c) DEFINITIONS.—In this section:

(1) EARMARK.—The term ''earmark'' means—

(A) a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(B) any revenue-losing provision that—

(i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

(C) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

(D) any provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(2) IMMEDIATE FAMILY MEMBER.—The term ''immediate family member'' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of a person.

AMENDMENT NO. 50

(Purpose: To provide disclosure of lobbyist gifts and travel instead of banning them as the Reid/McConnell substitute proposes)

Strike section 108 and insert the following:

SEC. 108. DISCLOSURE FOR GIFTS FROM LOBBYISTS.

Paragraph 1(a) of rule XXXV of the Standing Rules of the Senate is amended—

(1) in clause (2), by striking the last sentence and inserting ''Formal record keeping is required by this paragraph as set out in clause (3).''; and

(2) by adding at the end the following:

''(3)(A) Not later than 48 hours after a gift has been accepted, each Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

''(i) The nature of the gift received.

''(ii) The value of the gift received.

''(iii) The name of the person or entity providing the gift.

''(iv) The city and State where the person or entity resides.

''(v) Whether that person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is providing the gift and the city and State where the client resides.

''(B) Not later than 30 days after the adoption of this clause, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in subclause (A) shall be established.''.

Strike section 109 and insert the following:

SEC. 109. DISCLOSURE OF TRAVEL.

Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(h)(1) Not later than 48 hours after a Member, officer, or employee has accepted transportation or lodging otherwise permissible by the rules from any other person, other than a governmental entity, such Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

''(A) The nature and purpose of the transportation or lodging.

''(B) The fair market value of the transportation or lodging.

''(C) The name of the person or entity sponsoring the transportation or lodging.

''(D) The city and State where the person or entity sponsoring the transportation or lodging resides.

''(E) Whether that sponsoring person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is sponsoring the transportation or lodging and the city and State where the client resides.

''(2) This subparagraph shall also apply to all noncommercial air travel otherwise permissible by the rules.

''(3) Not later than 30 days after the adoption of this subparagraph, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in clauses (1) and (2) shall be established.''.

AMENDMENT NO. 51

(Purpose: To prohibit Members from requesting earmarks that may financially benefit that Member or immediate family member of that Member, and for other purposes)

On page 18, between lines 3 and 4, insert the following:

SEC. 116. PROHIBITION ON FINANCIAL GAIN FROM EARMARKS BY MEMBERS, IMMEDIATE FAMILY OF MEMBERS, STAFF OF MEMBERS, OR IMMEDIATE FAMILY OF STAFF OF MEMBERS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''15. (a) No Member shall use his official position to introduce, request, or otherwise aid the progress or passage of a congressional earmark that will financially benefit or otherwise further the pecuniary interest of such Member, the spouse of such Member, the immediate family member of such Member, any employee on the staff of such Member, the spouse of an employee on the staff of such Member, or immediate family member of an employee on the staff of such Member.

''(b) For purposes of this paragraph—

''(1) the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of a Member or any employee on the staff (including staff in personal, committee and leadership offices) of a Member; and

''(2) the term 'congressional earmark' means—

''(A) a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

''(B) any revenue-losing provision that—

''(i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

''(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

''(C) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

''(D) any provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.''.

Mr. DORGAN. I voted to table the Vitter amendment, No. 6, to S. 1, the ethics bill, because it should properly be offered to the campaign finance bill when it comes to the floor of the Senate. The majority leader has said he will bring a campaign finance bill through the committee and to the floor later this year.

Because there have been some abuses in this area, I support a change in the rules related to political committees employing family members, and I expect to be supportive of these types of reforms when campaign finance reform is voted on this year. At that time, the relevant committee on this matter will have had the opportunity to consider this issue and recommend the best way to correct these abuses.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. 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. 47 TO AMENDMENT NO. 3

Mr. NELSON of Nebraska. Mr. President, I rise today to offer an amendment to further increase transparency and ensure accountability with respect to earmarks. I call up amendment No. 47 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 47 to amendment No. 3.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To help encourage fiscal responsibility in the ear-marking process)

At the appropriate place, insert the following:

SEC. ____. ENCOURAGING FISCAL RESPONSIBILITY IN THE EARMARKING PROCESS.

(a) IN GENERAL.—If an entity is properly awarded an earmark as defined in section 103, the entire amount of the earmark shall be transferred to the entity to be expended for the essential governmental purpose of the earmark.

(b) AGENCY PROHIBITION.—Earmarked funds shall not be spent by the authorizing department or agency (unless specifically authorized in the section of the appropriations bill or report containing the earmark) and shall instead be returned to the Treasury for the purposes of deficit reduction.

Mr. NELSON of Nebraska. Mr. President, I am concerned about the abuse of the earmark process, and I applaud the bipartisan efforts of the majority and minority leaders in crafting the earmark reforms in the underlying bill. I strongly support improving transparency and accountability in the appropriations process. I believe Members should certainly be required to disclose and justify their earmarks. My amendment takes this notion one step beyond by ensuring that earmarked funds are spent only for the stated purpose for which they are approved by the Senate.

The amendment simply states:

If an entity is properly awarded an earmark, the entire amount of the earmark shall be transferred to the entity to be expended for the essential government purpose of the earmark.

If the entity doesn't spend the entire amount of the earmark, my amendment requires the excess funds to be returned to the Treasury for the purposes of deficit reduction. That is all this does.

Some Senators may ask, Why is such an amendment necessary? I think many of my colleagues in the Senate would be quite surprised to learn that all too often, after going through the process of earmarking funds for the benefit of their constituents, the earmarked funds are, on some occasions, spent by someone else once the bill leaves the Senate. The earmarked funds are going to be spent as the Senate intended. In reality, however, a portion of earmarked funds may sometimes be reallocated to other purposes by the agency tasked with delivering the funds to the intended recipient. Unfortunately, I have discovered this practice of ''skimming,'' as I call it, where the agency simply skims a portion off the top of the earmarks. It is fairly common, and in many cases it simply is not authorized by law.

Last year, with the help of the Congressional Research Service, I asked the 15 Cabinet-level departments to help me understand how this process works, what happens with the funding once Congress approves an earmark. Only 12 departments responded, and the responses varied widely. Some said they do not skim from the earmarks at all; however, some said they skim 2 to 3 percent off the top of the earmark without authority by law. In some instances, the agencies did cite a statutory authority for the skimming, but in others it looks as if the skimming was done without express authority to do so. Alarmingly, one agency replied only with this statement:

The magnitude of your request outstrips our ability to provide you with the extensive amount of data that you desire.

I found not only skimming in some cases, but there was stiffing when you asked for information as well.

The Constitution gives Congress the power of the purse. Yet sometimes the executive branch sees fit to spend congressionally approved earmark funds for their own purposes. That is simply wrong under any set of circumstances. From a constitutional standpoint, from a fiscal responsibility standpoint, and from a practical standpoint, the executive branch should not be able to redirect earmarked funds unless specifically authorized to do so in that earmark. There shouldn't be an ongoing authority to do that with every earmark without the authority established by Congress. And if that authority has been established by law, I believe we ought to reconsider it because it should be on an earmark-by-earmark basis. If they want their budget to include a certain amount of money above

where they are at the moment, let them come to the budgeting process and make their request just like everyone else has to for the budgeting process here in Congress.

The earmark reforms in this bill are important, and we shouldn't allow the executive branch to undermine them. We owe it to our constituents to make sure earmarks are carried out as intended by this body in accordance with our earmarks disclosure rules.

To conclude, this amendment simply reinforces the earmark reforms in a very straightforward way. It will ensure that earmarks are only spent for the stated purpose for which they were approved. It will put an end to unaccountable skimming of earmarks and require that any unspent earmarked funds will be used for deficit reduction.

This amendment protects our constituents and the American taxpayer. It strengthens the underlying bill by providing a guarantee that earmarks will be spent only as the Senate intends, for the purpose for which they were approved, in accordance with the earmark reforms. I believe the underlying bill is incomplete without my amendment, and I urge my colleagues to adopt it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MENENDEZ). Is there objection?

Without objection, it is so ordered.

JOINT LEADERSHIP AGREEMENT ON COMMITTEE FUNDING

Mr. MCCONNELL. Mr. President, before we proceed to the resolutions appointing our committee membership, I want to thank the majority leader for his assistance in working on this joint leadership agreement. As was agreed to in the 108th Congress, we have included language which keeps the current minority staff salary baseline from going below the allocation in the 109th if those funds are available. Given the possibility of a continuing resolution, the majority leader and the chairman of the Rules Committee have agreed to provide each ranking member, if requested, an allocation equal to 49 percent of the 10 percent that was available to the chairman in the 109th Congress. I would further say that this money is available out of existing funds and is not considered as supplemental funds above the current funding levels.

Mr. REID. Mr. President, I concur with the remarks of the Republican leader. The baseline was not reduced for Democratic staff in the 108th Congress. This agreement allows for that same accommodation for the Republican side in the 110th, if that money is available. Further, since additional funds may not be available, we have agreed that each ranking member will be allocated the amount mentioned above, if they so request, and those funds will be made available from existing funds provided by the Rules Committee.

Mr. President, I ask unanimous consent that a letter signed by the two leaders be printed in the RECORD.

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

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

JOINT LEADERSHIP LETTER

We mutually commit to the following for the 110th Congress:

The budgets of the Committees of the Senate, including Joint and Special Committees, and all other subgroups, shall be apportioned to reflect the ratio of the Senate as of, and effective on this date, with up to an additional ten percent (10%), to be allocated to the Chairmen for administrative expenses, to be determined by the Rules Committee, with the total administrative expenses allocation for all Committees not to exceed historic levels. The additional administrative expenses described above shall be available to be expended by a Committee Chairman, after consultation with the Ranking Member of the Committee. Funds for committee expenses shall be available to Chairmen consistent with the Senate rules and practices of the 109th Congress. No committee budget shall be allocated to reduce the Republican staff salary baseline below that of fiscal year 2006 if that money is available. The Chairman and Ranking Member of any committee may, by mutual agreement, modify the apportionment of Committee funding, including the additional ten percent (10%) allocated for administrative expenses, referenced in this letter. The division of Committee office space shall be commensurate with this funding agreement.

CONSTITUTING THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED TENTH CONGRESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 27, which is at the desk; that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 27) was agreed to, as follows:

S. RES. 27

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Tenth Congress, or until their successors are chosen:

COMMITTEE on AGRICULTURE, NUTRITION, and FORESTRY: Mr. Harkin (Chairman), Mr. Leahy, Mr. Conrad, Mr. Baucus, Mrs. Lincoln, Ms. Stabenow, Mr. Nelson (Nebraska), Mr. Salazar, Mr. Brown, Mr. Casey, and Ms. Klobuchar.

COMMITTEE ON APPROPRIATIONS: Mr. Byrd (Chairman), Mr. Inouye, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, and Mr. Nelson (Nebraska).

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mrs. Clinton, Mr. Pryor, Mr. Webb, and Mrs. McCaskill.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Dodd (Chairman), Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Carper, Mr. Menendez, Mr. Akaka, Mr. Brown, Mr. Casey, and Mr. Tester.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Inouye (Chairman), Mr. Rockefeller, Mr. Kerry, Mr. Dorgan, Mrs. Boxer, Mr. Nelson (Florida), Ms. Cantwell, Mr. Lautenberg, Mr. Pryor, Mr. Carper, Mrs. McCaskill, and Ms. Klobuchar.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Chairman), Mr. Akaka, Mr. Dorgan, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Ms. Cantwell, Mr. Salazar, Mr. Menendez, Mrs. Lincoln, Mr. Sanders, and Mr. Tester.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Lieberman, Mr. Carper, Mrs. Clinton, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Ms. Klobuchar, and Mr. Whitehouse.

COMMITTEE ON FINANCE: Mr. Baucus (Chairman), Mr. Rockefeller, Mr. Conrad, Mr. Bingaman, Mr. Kerry, Mrs. Lincoln, Mr. Wyden, Mr. Schumer, Ms. Stabenow, Ms. Cantwell, and Mr. Salazar.

COMMITTEE ON FOREIGN RELATIONS: Mr. Biden (Chairman), Mr. Dodd, Mr. Kerry, Mr. Feingold, Mrs. Boxer, Mr. Nelson (Florida), Mr. Obama, Mr. Menendez, Mr. Cardin, Mr. Casey, and Mr. Webb.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Kennedy (Chairman), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mrs. Clinton, Mr. Obama, Mr. Sanders, and Mr. Brown.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mr. Obama, Mrs. McCaskill, and Mr. Tester.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, and Mr. Whitehouse.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Rockefeller, Mrs. Feinstein, Mr. Wyden, Mr. Bayh, Ms. Mikulski, Mr. Feingold, Mr. Nelson (Florida), Mr. Whitehouse, and Mr. Levin (ex officio).

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr: Byrd, Mr. Nelson (Florida), Ms. Stabenow, Mr. Menendez, Mr. Cardin, Mr. Lautenberg, Mr. Sanders, and Mr. Whitehouse.

COMMITTEE ON RULES AND ADMINISTRATION: Mrs. Feinstein (Chairman), Mr. Dodd, Mr. Byrd, Mr. Inouye, Mr. Schumer, Mr. Durbin, Mr. Nelson (Nebraska), Mr. Reid, Mrs. Murray, and Mr. Pryor.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Kerry (Chairman), Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Landrieu, Ms. Cantwell, Mr. Bayh, Mr. Pryor, Mr. Cardin, and Mr. Tester.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Chairman), Mr. Rockefeller, Mrs. Murray, Mr. Obama, Mr. Sanders, Mr. Brown, Mr. Webb, and Mr. Tester.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Chairman), Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Carper, Mr. Nelson (Florida), Mrs. Clinton, Mr. Salazar, Mr. Casey, Mrs. McCaskill, and Mr. Whitehouse.

JOINT ECONOMIC COMMITTEE: Mr. Schumer (Chairman), Mr. Kennedy, Mr.

Bingaman, Ms. Klobuchar, Mr. Casey, and Mr. Webb.

SELECT COMMITTEE ON ETHICS: Mr. Johnson (Chairman), Mrs. Boxer (Chairman in Johnson's absence), Mr. Pryor, and Mr. Salazar.

Senator Johnson is Chair of the Select Committee on Ethics, and during his absence for all purposes under Senate Rules, Committee Rules, and relevant statutes, Senator Boxer shall act as Chair of the Select Committee on Ethics, except for purposes of the designation under 2 U.S.C. §72a–1f.

COMMITTEE ON INDIAN AFFAIRS: Mr. Dorgan (Chairman), Mr. Inouye, Mr. Conrad, Mr. Akaka, Mr. Johnson, Ms. Cantwell, Mrs. McCaskill, and Mr. Tester.

DESIGNATING SENATOR JAY ROCKEFELLER AS CHAIRMAN OF THE SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, in accordance with the provisions of S. Res. 445 of the 108th Congress, I designate Senator JAY ROCKEFELLER as chairman of the Select Committee on Intelligence.

Mr. REID. Mr. President, we have done this very quickly, but it is extremely important that we have been able to accomplish this. There has been a lot of cooperation on both sides. It puts us on the path to get some things done with the committees. I think the chairman and ranking members are happy, as we have learned today.

CONSTITUTING THE MINORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE 110TH CONGRESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 28, that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The resolution (S. Res. 28) was agreed to, as follows:

S. RES. 28

Resolved, That the following shall constitute the minority party's membership on the following committees for the One Hundred Tenth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Chambliss, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Graham, Mr. Coleman, Mr. Crapo, Mr. Thune, and Mr. Grassley.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. Stevens, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. McConnell, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mr. Craig, Mrs. Hutchison, Mr. Brownback, Mr. Allard, and Mr. Alexander.

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Warner, Mr. Inhofe, Mr. Sessions, Ms. Collins, Mr. Ensign, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune, and Mr. Martinez.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby, Mr. Bennett, Mr. Allard, Mr. Enzi, Mr. Hagel, Mr. Bunning, Mr. Crapo, Mr. Sununu, Mrs. Dole, and Mr. Martinez.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Stevens, Mr. McCain, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Sununu, Mr. DeMint, Mr. Vitter, and Mr. Thune.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Domenici, Mr. Craig, Mr. Thomas, Ms. Murkowski, Mr. Burr, Mr. DeMint, Mr. Corker, Mr. Sessions, Mr. Smith, Mr. Bunning, and Mr. Martinez.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Warner, Mr. Voinovich, Mr. Isakson, Mr. Vitter, Mr. Craig, Mr. Alexander, Mr. Thomas, and Mr. Bond.

COMMITTEE ON FINANCE: Mr. Grassley, Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Thomas, Mr. Smith, Mr. Bunning, Mr. Crapo, and Mr. Roberts.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Mr. Hagel, Mr. Coleman, Mr. Corker, Mr. Sununu, Mr. Voinovich, Ms. Murkowski, Mr. DeMint, Mr. Isakson, and Mr. Vitter.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Enzi, Mr. Gregg, Mr. Alexander, Mr. Burr, Mr. Isakson, Ms. Murkowski, Mr. Hatch, Mr. Roberts, Mr. Allard, and Mr. Coburn.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Stevens, Mr. Voinovich, Mr. Coleman, Mr. Coburn, Mr. Domenici, Mr. Warner, and Mr. Sununu.

COMMITTEE ON THE JUDICIARY: Mr. Specter, Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Brownback, and Mr. Coburn.

COMMITTEE ON THE BUDGET: Mr. Gregg, Mr. Domenici, Mr. Grassley, Mr. Allard, Mr. Enzi, Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, and Mr. Graham.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Bennett, Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Lott, Mr. Chambliss, Mrs. Hutchison, Mr. Hagel, and Mr. Alexander.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe, Mr. Bond, Mr. Coleman, Mr. Vitter, Mrs. Dole, Mr. Thune, Mr. Corker, Mr. Enzi, and Mr. Isakson.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Craig, Mr. Specter, Mr. Burr, Mr. Isakson, Mr. Graham, Mrs. Hutchison, and Mr. Ensign.

SPECIAL COMMITTEE ON AGING: Mr. Smith, Mr. Shelby, Ms. Collins, Mr. Martinez, Mr. Craig, Mrs. Dole, Mr. Coleman, Mr. Vitter, Mr. Corker, and Mr. Specter.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Bond, Mr. Warner, Mr. Hagel, Mr. Chambliss, Mr. Hatch, Ms. Snowe, and Mr. Burr.

JOINT ECONOMIC COMMITTEE: Mr. Brownback, Mr. Sununu, Mr. DeMint, and Mr. Bennett.

SELECT COMMITTEE ON ETHICS: Mr. Cornyn, Mr. Roberts, and Mr. Thomas.

COMMITTEE ON INDIAN AFFAIRS: Mr. Thomas, Mr. McCain, Ms. Murkowski, Mr. Coburn, Mr. Domenici, Mr. Smith, and Mr. Burr.

DESIGNATING SENATOR CHRISTOPHER BOND AS VICE CHAIR OF THE INTELLIGENCE COMMITTEE

Mr. MCCONNELL. Mr. President, pursuant to the provisions of S. Res. 445 of the 108th Congress, I select Senator BOND of Missouri as Vice Chair of the Intelligence Committee.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007—Continued

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, January 16, at 5:30 p.m., the Senate proceed to a vote on or in relation to the Durbin amendment No. 44, to be followed by a vote on or in relation to the DeMint amendment No. 11, as amended, if amended, and then without further intervening action or debate, the Senate proceed to a vote on the motion to invoke cloture on amendment No. 14; that if the Durbin amendment is not modified to Senator DEMINT's satisfaction, then the agreement with respect to a vote with respect to the two amendments be vitiated.

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

Mr. REID. Mr. President, I would like to spread on the RECORD the fact that we have had long conversations with Senator DEMINT and Senator DURBIN. I have spoken personally with Senator DEMINT on several occasions. We appreciate his cooperation. I believe what we have done here preserves what he wanted to do and more. So this should make everyone happy on Tuesday. We hope this will be an overwhelmingly positive vote.

I also note that staff, during this evening and during Tuesday, is also going to continue to work on other matters to see if there are other items on which we can vote.

AMENDMENT NO. 4

Mr. REID. Mr. President, I ask unanimous consent that my amendment No. 4 be the pending business.

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

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk with respect to this amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid amendment No. 4 to Calendar No. 1, S. 1 Transparency in the Legislative Process.

Harry Reid, Dianne Feinstein, Joseph Lieberman, Tom Carper, Ken Salazar, Robert Menendez, Patty Murray, Jon Tester, Jack Reed, Joe Biden, Debbie Stabenow, Daniel K. Akaka, Barbara

Mikulski, Benjamin L. Cardin, Dick Durbin, Ted Kennedy.

CLOTURE MOTION

Mr. REID. Mr. President, I now send to the desk a cloture motion on the substitute amendment, amendment No. 3.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the Reid substitute amendment No. 3 to Calendar No. 1, S. 1 Transparency in the Legislative Process.

Harry Reid, Dianne Feinstein, Joseph Lieberman, Tom Carper, Ken Salazar, Robert Menendez, Patty Murray, Jon Tester, Jack Reed, Joe Biden, Debbie Stabenow, Daniel K. Akaka, Barbara Mikulski, Benjamin L. Cardin, Dick Durbin, Ted Kennedy.

CLOTURE MOTION

Mr. REID. Mr. President, finally, I send to the desk a cloture motion on the bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on S. 1 Transparency in the Legislative Process, as amended.

Harry Reid, Dianne Feinstein, Joseph Lieberman, Tom Carper, Ken Salazar, Robert Menendez, Patty Murray, Jon Tester, Jack Reed, Joe Biden, Debbie Stabenow, Daniel K. Akaka, Benjamin L. Cardin, Dick Durbin, Ted Kennedy, Evan Bayh.

Mr. REID. Mr. President, I ask unanimous consent that the live quorum with respect to each cloture motion be waived and that Monday, January 15, count as the intervening day with respect to the cloture motion on amendment No. 4.

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

AMENDMENTS NOS. 54, 43, AND 56 TO AMENDMENT NO. 3, EN BLOC

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I ask that it be in order to call up amendments on behalf of other Senators en bloc, and that after reporting they be laid aside:

Amendment No. 54 to amendment No. 3 for Senator FEINGOLD; amendment No. 43 to amendment No. 3 for Senator LIEBERMAN; and amendment No. 56 to amendment No. 3 for Mr. CASEY.

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

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. FEINGOLD, proposes an amendment numbered 54.

The Senator from Nevada [Mr. REID], for Mr. LIEBERMAN, proposes an amendment numbered 43.

The Senator from Nevada [Mr. REID], for Mr. CASEY, proposes an amendment numbered 56.

The amendments are as follows:

AMENDMENT NO. 54

(Purpose: To prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions)

On page 11, line 2, strike ''Paragraph'' and insert ''(a) IN GENERAL.—Paragraph''.

On page 11, between lines 8 and 9, insert the following:

(b) NATIONAL PARTY CONVENTIONS.—Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''5. A Member may not participate in an event honoring that Member at a national party convention if such event is paid for by any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act of 1995, or any individual or entity identified as a lobbyist or a client in any current registration or report filed under such Act.''.

AMENDMENT NO. 43

(Purpose: To require disclosure of earmark lobbying by lobbyists)

At the appropriate place, insert the following:

SEC. _____. DISCLOSURE OF LOBBYING ON EARMARKS.

(a) REPORTS.—Section 4(b)(5)(B) of the Act (2 U.S.C. 1603(b)(5)(B)) is amended by adding immediately following ''activities'' the following: '', including earmarks, targeted tax benefits, and targeted tariff benefits as defined in section 103 of the Legislative Transparency and Accountability Act of 2007, and the legislation that contains the earmark, targeted tax benefit, or targeted tariff benefit, including the bill number, if known.''.

(b) DISCLOSURES.—Section 5(b)(2)(A) of the Act (2 U.S.C. 1604(b)(2)(A)) is amended to read—

''(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including—

''(i) to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions; and

''(ii) each earmark, limited tax benefit, or targeted tariff benefit as defined in section 103 of the Legislative Transparency and Accountability Act of 2007 for which the registrant engaged in lobbying activities, and the legislation that contains the earmark, targeted tax benefit, or targeted tariff benefit, including the bill number, if known;''.

AMENDMENT NO. 56

(Purpose: To eliminate the K Street Project by prohibiting the wrongful influencing of a private entity's employment decisions or practices in exchange for political access or favors)

At the appropriate place, insert the following:

SEC. _____. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''§ 226. Wrongfully influencing a private entity's employment decisions by a Member of Congress

''Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

''(2) influences, or offers or threatens to influence, the official act of another;

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.''.

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''226. Wrongfully influencing a private entity's employment decisions by a Member of Congress.''.

MEASURE PLACED ON THE CALENDAR—H.R. 3

Mr. REID. I understand that H.R. 3 is at the desk and ready for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3) to amend the Public Health Service Act to provide for human embryonic stem cell research.

Mr. REID. I object to any further proceedings at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 287

Mr. REID. I understand S. 287, introduced earlier today by Senator KENNEDY and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (S. 287) to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

Mr. REID. I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

Mr. REID. 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. WEBB. 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. 44, AS MODIFIED

Mr. WEBB. Mr. President, I ask unanimous consent that the Durbin

amendment numbered 44 be modified with the changes at the desk.

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

The amendment will be so modified.

The amendment (No. 44), as modified, is as follows:

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

SEC. 103. CONGRESSIONAL EARMARK REFORM.

The Standing Rules of the Senate are amended by adding at the end the following:

RULE XLIV

EARMARKS

''1. It shall not be in order to consider—

''(a) a bill or joint resolution reported by a committee unless the report includes a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

''(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

''(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the conference report, of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

''2. For the purposes of this rule—

''(a) the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

''(b) the term 'limited tax benefit' means—

''(1) any revenue provision that—

''(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary limited group of beneficiaries under the Internal Revenue Code of 1986; and

''(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

''(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

''(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

''3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

''4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

''(1) the name of the Member;

''(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

''(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

''(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

''(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

''(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee's or subcommittee's website not later than 48 hours after receipt on such information.''.

MORNING BUSINESS

Mr. WEBB. 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.

MARTIN LUTHER KING DAY

Mr. MCCONNELL. Madam President, this Monday we will celebrate the life and legacy of one of America's greatest heroes, the Reverend Martin Luther King, Jr.

Dr. King dreamt of an America where, as he so profoundly put it, all of America's children would be judged not by the color of their skin, but by the content of their character. By sharing his dream with the rest of us, Dr. King literally awoke a nation.

I remind my colleagues this also will be the first observance of Martin Luther King Day when his lovely wife, Coretta Scott King, is no longer with us. She kept the dream alive after Dr. King's tragic assassination in 1968. With her passing last year, we lost the first lady of America's civil rights movement.

I remember all too well the days before Dr. King and the civil rights movement lit a fire across this country. Many parts of America were split into two separate nations, and they were certainly not equal. As a child growing up in Alabama and later in Kentucky, I remember segregated lunch counters. I remember separate water fountains.

I am proud to say that as a young man I was present for not just one but two significant events in the life of Dr. King. On August 28, 1963—a Wednesday, without a cloud in the sky—more than 200,000 people gathered on the Mall here in Washington to protest racial inequality and to hear Dr. King give what would be his most remembered speech.

I was an intern at the time for Congressman Gene Snyder of Kentucky, and so I went outside and stood on the Capitol steps.

I could see up the length of the entire Mall, and see the crowd that had gathered there. I supported Dr. King and his cause, and wanted to witness what I knew would be a pivotal point in history.

What none of us knew at the time, Mr. President, is that history was almost denied hearing Dr. King say, ''I have a dream.'' His scripted remarks for that day did not include the stirring conclusion to his speech.

But when he was about to conclude his remarks and sit down, the gospel singer Mahalia Jackson cried out, ''Tell them about your dream, Martin! Tell them about the dream!''

So Dr. King drew from his past speeches and sermons, and in the shadow of the Lincoln Memorial, he issued the greatest declaration of freedom since Lincoln signed the Emancipation Proclamation a century earlier.

Dr. King's words moved a nation. And the next summer I returned to Washington to intern for the great Kentucky Senator John Sherman Cooper. That year, Senator Cooper worked hard to pass the Civil Rights Act of 1964.

After my internship, I went on to the University of Kentucky School of Law, and returned to Washington in August of 1965 to pay my old boss and mentor a visit. It is thanks to him that I had my second encounter—not exactly close up, but my second encounter with Dr. King.

All that summer, Senator Cooper had been a key proponent of the 1965 Voting Rights Act, and on August 4 it passed the Senate and was sent to President Johnson for his signature.

As I sat waiting for the Senator, he suddenly emerged from his office and

motioned for me to follow him. He led me to the Capitol Rotunda, where President Johnson was about to sign the Voting Rights Act.

I'll never forget the President's sheer physical presence in that room. The room was packed with people, but LBJ was bigger than anyone in there. Every good history book describes him as a larger-than-life, imposing man, and they are all correct. His commanding figure almost filled the rotunda.

But there was another figure there, not as large but just as significant.

Here in this Capitol, Dr. King stood by the President and witnessed the signing of the Voting Rights Act—an act that would not have gained America's support without his efforts.

With its enactment, the promise of the 14th amendment, extending the franchise to newly freed slaves, was finally realized. Sadly, it was a hundred years too late.

I do not believe this country's march towards liberty and equality, and away from racial injustice and division, would have been possible without Dr. King.

It would not have been possible without his leadership of the Montgomery bus boycott, which first began to ignite what he called ''a certain kind of fire that no water could put out.''

It would not have been possible without his plea to America in front of the Lincoln Memorial, when he said:

> I have a dream that one day this nation will rise up and live out the true meaning of its creed: We hold these truths to be self-evident, that all men are created equal.

It would not have been possible without his enlisting all of us, Black and White, in the cause of freedom when he said, ''Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men.''

Dr. King's faith and courage continue to inspire America. Like Moses, he led his people from the dark night of bondage to the promised land.

Through courage, Dr. King persevered even in the face of death. Constant threats were made on his life. Many times his travel plans were interrupted by bomb threats.

No one would have blamed Dr. King if, fearing for his life, he had retreated from public view. But he refused to.

In 1958 in Harlem, a woman stabbed him in the chest with a letter opener, and the blade came so close to his heart that doctors told the reverend that if he had even sneezed, he would have died.

Dr. King recalled that attack 10 years later in Memphis, in what would be his final speech. ''I am so glad that I didn't sneeze,'' he told a crowd of 2,000. ''I'm just happy that God has allowed me to live in this period to see what is unfolding.''

Dr. King would die in hours, not from a letter opener, but from an assassin's bullet. As he spoke, it seemed he knew his fate was preordained, and he was at peace with it.

''I've seen the promised land,'' Dr. King continued. ''I may not get there with you. But I want you to know tonight that we, as a people, will get to the promised land. And I'm happy tonight.''

America has traveled far since the civil rights movement, to reach that promised land. It's been a difficult journey, and the journey is not yet over.

Dr. King said:

> I am convinced that the universe is under the control of a loving purpose, and that in the struggle for righteousness, man has cosmic companionship. Behind the harsh appearance of the world there is a benign power.

Those words serve to remind us that no matter the difficulty or the distance of our journey, our destination is clear, thanks to the foundation laid by Dr. King. That destination is liberty and justice for all.

I yield the floor.

Mr. LEAHY. Mr. President, on Monday, our Nation honors the life and legacy of the late Dr. Martin Luther King, Jr., a national hero and man whose words and deeds brought hope and healing to America.

We commemorate the timeless values he taught us through his example—the values of courage, truth, justice, compassion, dignity, humility and service that so radiantly defined Dr. King's character and revolutionary spirit. Dr. King's belief in the strength of nonviolence was not merely aspirational—though surely it spoke to our aspirations as a nation—but it gave his leadership a unique power that resonates to this day.

I am grateful for this holiday because it is a reminder to listen again to Dr. King's inspiring words and to let the children and grandchildren of those who remember Dr. King hear his voice that filled a great void in our Nation and answered our collective longing to become a country that truly lived by its noblest principles.

A few months ago, we broke ground on a memorial to honor Dr. King. At first glance, it may seem a bit out of place that Dr. King's memorial will be located on our National Mall—a place adorned with memorials to America's greatest Presidents and wartime heroes. Dr. King was neither a President of the United States nor a hero in a foreign war. He never even held public office. Yet he deserves his place in the pantheon of great American leaders because lead a Nation he did. Through words, he gave voice to the voiceless. Through deeds, he gave courage to the faint of heart. Through his bravery and courage, he endured tremendous hardships—he was beaten and jailed 29 times, his family was threatened, his home was fire bombed, and he was placed under surveillance by the FBI—yet he overcame these hurdles and ignited a movement that would lead to historic reforms.

In his famous ''I Have a Dream'' speech, Dr. King noted that ''[w]hen the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir.'' And it was thanks to the work of great civil rights leaders like Dr. King and his wife Coretta Scott King, whom we lost a year ago and whom we honored in reauthorizing the Voting Rights Act, that Jim Crow segregation was uprooted, and legal barriers to the full participation of racial minorities in the political life of the Nation were removed.

Yet, as I was reminded last year during our many hearings on the reauthorization of the Voting Rights Act and again by accounts of voter suppression during the recent midterm elections, the work of the Voting Rights Act is not yet complete and the dream of Dr. King has not yet been fully realized. And so we must not only honor Dr. King's vision by remembering him this week, but we must also continue our work to make his dream a reality.

Dr. King's own words remind us that this holiday is not merely a celebration of a particular time in American history but also a living legacy to the value of service. Dr. King once said that we all have to decide whether we ''will walk in the light of creative altruism or the darkness of destructive selfishness. Life's most persistent and nagging question, he said, is 'what are you doing for others?'''

On this day, we must urge our children and grandchildren to abide by Dr. King's message that if they serve our country and strive for what is just, they can remake a nation and transform a world.

JUDICIAL NOMINEES

Mr. KYL. Mr. President, I rise today to express my regret that nominations to the U.S. Courts of Appeals will not be resubmitted for William G. Myers, Judge Terrence Boyle, William J. Haynes, and Michael B. Wallace. All four of these nominees were eminently qualified to serve on the U.S. Court of Appeals and no reasonable question has been raised as to their integrity. Each of them very likely would have been confirmed had they been afforded to the courtesy of a vote by the U.S. Senate. It is generally understood that the Senate did not vote on these nominations because of Democratic threats of obstruction and filibuster, and that the President chose not to resubmit these nominations as a result of a hard political calculation that the new Democratic majority in the Senate would not allow a vote on these nominations during the remainder of his Presidency. These nominees were not treated fairly by this institution. This week's action reflects poorly on the Senate.

Much could be said about each of these nominees, their qualifications, and the way that they were treated throughout the judicial nominations process. I would like today to simply submit for the RECORD a column published by Edward Whelan in National

Review Online. Mr. Whelan's column raises some disturbing questions about the American Bar Association's actions with regard to Michael B. Wallace, whom the President had nominated to the U.S. Court of Appeals for the Fifth Circuit. Mr. Wallace is a graduate of Harvard University and received his law degree from the University of Virginia, where he served on the law review and was elected to the Order of the Coif. He clerked for Justice William Rehnquist on the United States Supreme Court. He became an associate and later a partner at a major law firm in his home state of Mississippi. His over twenty years of legal practice focused on complex commercial and constitutional litigation and afforded him substantial appellate experience. Mr. Wallace even argued and won a case before the United States Supreme Court. These are obviously superb qualifications to serve on the U.S. Court of Appeals.

It is generally understood that the ultimate reason why Mr. Wallace's nomination has not been resubmitted is that he was rated ''not qualified'' by the ABA. on account of his ''temperament.'' Mr. Whelan's column paints a disturbing picture of the process by which the ABA. came to rate Mr. Wallace. Mr. Whelan presents persuasive evidence that the ABA not only allowed its evaluations process to be corrupted by individuals who used it to carry out personal and political vendettas against Mr. Wallace, but that the chairwoman of the ABA's judicial evaluations committee perjured herself in her testimony before the Senate Judiciary Committee.

To Mr. Whelan's column, I would simply add that I found the ABA's written justification for its rating of Mr. Wallace to be stunningly unpersuasive. The grounds cited in the ABA's written testimony, to the extent that they provided any verifiable basis at all for the ABA's rating of Mr. Wallace, do not stand up to even the most cursory scrutiny. To cite just one example: the ABA found that Mr. Wallace lacked the ''temperament'' to be a judge in part because ''positions taken by Mr. Wallace related to the Voting Rights Act'' in the course of the Jordan v. Winter litigation were ''not well-founded and [were] contrary . . . to existing interpretations of the Voting Rights Act.'' Mr. Wallace had argued in the Jordan case that the 1982 amendments to the Voting Rights Act did not invalidate a State's redistricting plan absent some evidence that the plan was the product of racial discrimination. At the time that Mr. Wallace made this argument, the 1982 amendments were less than a year old. Moreover, when the very case that Mr. Wallace litigated went to the Supreme Court, two Justices of that Court filed an opinion that substantially agreed with Mr. Wallace's litigating position. These two Justices also noted that ''the language used in the amended statute is, to say the least, rather unclear.'' Mississippi Republican Executive Committee v. Brooks, 469 U.S. 1002, 1010, Rehnquist, J., dissenting. See also id. at 1012, ''we have a statute whose meaning is by no means easy to determine.''

Thus the ABA has rated Mr. Wallace as ''not qualified'' on the basis that he argued for a particular interpretation of a statute when the statute was new and was not yet subject to an authoritative interpretation, when Mr. Wallace's position was later adopted by two members of the U.S. Supreme Court, and when those same Supreme Court Justices characterized the statute as ''unclear.'' I find the ABA's analysis to be wholly unreasonable. It is a lawyer's duty to make good-faith arguments on behalf of his client. Yet in the case of Mr. Wallace, the ABA has effectively taken the position that if a lawyer argues for an interpretation of a statute that is ultimately rejected by the courts, then even if the statute is new and unclear and the lawyer's interpretation is even endorsed by some members of the U.S. Supreme Court, the lawyer's litigating position shows that he lacks a ''judicial temperament'' and that he is ''not qualified'' to serve as a Federal judge. This is a frivolous argument. It is an argument that the ABA should be embarrassed and ashamed to have made to the Senate Judiciary Committee.

I ask unanimous consent that the following column be printed in the RECORD.

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

[From the National Review Online, Jan. 10, 2007]

NOT CREDIBLE ''WHATSOEVER''

(By Edward Whelan)

Among the many challenges that new White House counsel Fred Fielding will face on judicial nominations is ensuring that the American Bar Association's ideologically stacked judicial evaluations committee behaves responsibly. Now that Mississippi attorney Michael B. Wallace has requested that President Bush not renominate him to serve on the U.S. Court of Appeals for the Fifth Circuit, it is instructive to complete an accounting of the ABA's thoroughly scandalous ''not qualified'' rating of Wallace.

Although it determined that Wallace ''has the highest professional competence'' and ''possesses the integrity to serve on the bench,'' the ABA judicial-evaluations committee found him lacking on the highly malleable element of ''judicial temperament.'' As I have previously documented, bias, a glaring conflict of interest, incompetence, a stacked committee, violation of its own procedures, and cheap gamesmanship marked the ABA's evaluation of Wallace. Those internal defects were compounded at Wallace's September 2006 hearing by the incredible testimony given under oath—flat-out perjury, in my judgment—by the new chair of the ABA committee, Philadelphia lawyer Roberta Liebenberg. Liebenberg's testimony merits careful scrutiny as an illustration of the depths to which the ABA will descend to defend its internal failings.

First, some background: One of the several scandals surrounding the ABA's evaluation of Wallace relates to the fact that the chair of the ABA committee at the time of the evaluation, Stephen Tober, had had a major run-in with Wallace in 1987 when Wallace served on the board of the Legal Services Corporation (a federal agency that funds legal services for the poor and that was the focus of contentious reform efforts). In the course of strikingly intemperate and buffoonish testimony before an LSC committee headed by Wallace, Tober twice accused him of a ''hidden agenda.'' (The ABA president at the time of the ABA's evaluation of Wallace, Michael Greco, and another ABA committee member, Marna Tucker, had likewise attacked Wallace over contentious LSC matters.) On the Wallace evaluation, Tober played the customary role that the ABA committee chair plays (and that is set forth in the ABA's so-called Backgrounder): He assigned Fifth Circuit member Kim Askew—whose own biases and conflict of interest concerning Wallace are an even greater scandal—to conduct the investigation. He reviewed her draft report with her. In light of her proposed ''not qualified'' rating, he assigned a second person, Thomas Hayward, to conduct a second evaluation of Wallace. He reviewed Hayward's draft report with him. He determined that he was satisfied with the ''quality and thoroughness'' of Askew's investigation, and made the same determination regarding Hayward's investigation. He then directed his committee colleagues to read Askew's report and Hayward's report in tandem.

Without any deliberation among the committee members (so Liebenberg has informed me), Tober then received and tallied the votes of the other committee members. Under the ABA committee's procedures, the chair votes only in the event of a tie, so Tober did not cast a vote. Tober then reported the committee's unanimous ''not qualified'' rating to the Senate Judiciary Committee.

Beyond the fact that Tober plainly should have recused himself from the Wallace evaluation, many of the facts that I recite about Tober's role are in themselves of little interest. What ought to be of considerable interest, however, to anyone who cares about the integrity of the manner in which the ABA committee carries out the privileged role in the judicial-confirmation process that the Senate Judiciary Committee accords it, are Liebenberg's sworn statements about Tober's role in the Wallace evaluation.

Time after time, in emphatic, categorical declarations, Liebenberg testified that it was immaterial that Tober had not recused himself because, she claimed, he simply had no role at all in the ABA committee's evaluation of Wallace:

''This is not a process where Mr. Tober had any role whatsoever in the evaluation or the vote.'' (Transcript, p. 134 (emphasis added))

''it is important to emphasize that Mr. Tober did not participate in any way in the rating'' of Wallace (Transcript, p. 126 (emphasis added))

Tober ''did not participate in either the evaluation or the rating'' (Transcript, p. 126)

''neither Mr. Tober, nor Mr. Greco participated in the evaluation or the rating of Mr. Wallace'' (Transcript, p. 128)

''I would just, again, add that Mr. Tober did not participate in the evaluation'' (Transcript, p. 131)

Tober, as chair of the committee, ''does not oversee the evaluations'' (Transcript, p. 131)

I have the same reaction to these sworn statements that I had when I first heard them in Liebenberg's live testimony: These statements are patently false, and Liebenberg, as an ABA committee member during the Wallace evaluation and as chair at the time of her testimony, had ample reason to know that they were false. Indeed, in

her prepared testimony, Liebenberg stated, ''The evaluation of Mr. Wallace was conducted in accordance with the normal practices and procedures'' of the ABA committee, and she referred senators to the ABA's Backgrounder for a ''more detailed description of these procedures.''

In recent weeks, I have, through an intermediary friendly to Liebenberg, afforded her the opportunity to dispute or clarify my understanding of the facts that render her testimony false. She has availed herself of the opportunity, and the exchange, in my judgment, has clearly confirmed my understanding. (See the appendix below.)

In sum, Liebenberg's sworn testimony that ''This is not a process where Mr. Tober had any role whatsoever in the evaluation or the vote,'' and her other categorical statements to the same effect, are truthful only if ''whatsoever'' is not given anything close to its ordinary meaning but is instead a secret code that means, at a minimum, ''except that he assigned the first investigator, reviewed her draft report with her, assigned the second investigator, reviewed his draft report with him, determined that he was satisfied with the quality and thoroughness of both investigations, directed his committee colleagues to read the investigators' reports in tandem, received and tallied the votes, and reported the ABA's rating to the Senate Judiciary Committee.''

In her exchange with me, Liebenberg now maintains that Tober ''did not play a substantive role in the evaluation or rating of Mr. Wallace.'' (Emphasis added.) That modifier ''substantive'' is conspicuously absent from her Senate testimony. Indeed, her categorical denial that Tober had ''any role whatsoever in the evaluation'' and her assertion that he ''did not participate in any way'' do not permit reading in that modifier. Moreover, I think it plain that Tober did play a ''substantive'' role—among various respects, in selecting the two investigators and in determining that he was satisfied with the ''quality and thoroughness'' of the investigations.

It is also worth noting that Liebenberg's effort to obscure Tober's actual role stands in striking contrast to the ABA's effort to justify its re-rating of D.C. Circuit nominee (and now judge) Brett Kavanaugh. In that case, the shenanigans of the circuit investigator, Mama Tucker, deserved scrutiny. But Tober, who played essentially the same role as chair there as he did on Wallace's nomination, gave Tucker cover by presenting the entire testimony for the ABA committee. He never remotely suggested the absurd notion that he had played no role in the evaluation or rating and was therefore not competent to testify.

I have no reason to doubt that Liebenberg is a fine lawyer and, by the standards of the legal profession, generally an honorable person. The interesting question is how such a person could ever have made the statements that she did, let alone under oath. The answer, I would suggest, is that the ideological partisanship, intellectual mediocrity, and institutionalized mendacity of the ABA—the ABA's culture, so to speak—tend to degrade those who rise within its ranks.

I don't know Wallace, and I leave open the theoretical possibility that, notwithstanding what his many supporters say, he lacks the necessary judicial temperament. The thoroughly scandalous process by which the ABA reached that judgment, however, provides no basis for confidence in its assessment. Nor, given the ''go along to get along'' collective posterior-covering ethos of the ABA, is there any reason to credit the more recent supplemental evaluations of Wallace. This is especially so because assessments of judicial temperament are so subjective and manipulable. Indeed, it is striking to contrast the extrapolations made about Wallace's judicial temperament from his experience as a litigator with the ABA's unanimous conclusion a dozen years ago that federal district judge Lee Sarokin was ''well qualified'' to be elevated to the Third Circuit. Despite the fact that the Third Circuit had lambasted Sarokin for ''judicial usurpation of power,'' for ignoring ''fundamental concepts of due process,'' for destroying the appearance of judicial impartiality, and for ''superimpos[ing his] own view of what the law should be in the face of the Supreme Court's contrary precedent,'' the ABA had no concerns about his judicial temperament. But, of course, Sarokin was a nominee of President Clinton and was a self-described ''flaming liberal'' as a judge.

Can the ABA possibly sink any lower? Let's see what these next two years bring.

APPENDIX

On November 27, 2006, I sent to an intermediary who is friendly to Roberta Liebenberg the twelve propositions set forth below and invited her to let me know whether she agreed or disagreed with the propositions and to provide any amplification (or any reference to other material) that she saw fit to provide. On December 1, 2006, that intermediary responded, stating that he had reviewed the propositions with Liebenberg and providing her responses (which ''she has confirmed with Mr. Tober''). I set forth in full below those responses and my brief replies.

Proposition 1: Tober assigned Askew to conduct the investigation of Wallace.

Liebenberg response: ''Consistent with the standard practice of the Standing Committee, which generally provides for an evaluation to be conducted by the Committee member from the circuit to which the nomination has been made, Ms. Askew was assigned by Mr. Tober to conduct the Wallace evaluation because she served as the Fifth Circuit representative on the Committee.''

My reply: Liebenberg concedes Tober's role. As Tober testified, the investigation is ''ordinarily assigned'' to the circuit member, ''although it may be conducted by another member or former member.'' Whether or not to apply the default rule, and what sort of preliminary inquiry ought to be undertaken, requires a decision-indeed, a substantive judgment (or a failure to exercise judgment)—on the part of the chair. Tober decided to have Askew perform the review despite her ideological bias against Wallace. Further, when Tober became aware (or should have become aware) of facts demonstrating that Askew had an actual conflict of interest, he continued to let her perform the review.

Proposition 2: Tober reviewed Askew's draft report with her.

Liebenberg response: ''Mr. Tober did not review Ms. Askew's draft report with her, nor did he perform a substantive review of that report. Instead, his review was solely procedural in nature. He utilized a procedural checklist to ensure that, among other things, all disciplinary agencies had been contacted, the requisite number of interviews had been conducted, and a sufficient number of writing samples had been submitted and reviewed. Mr. Tober did not edit, delete, modify, or add anything to the report. He did not tell Ms. Askew whom to interview or what to ask during her interviews. Nor did he ask Ms. Askew to take any further actions with respect to the report or her evaluation before she circulated her report to the rest of the Standing Committee.''

My reply: (a) The first clause of Liebenberg's response contradicts her testimony that the Backgrounder's procedures were followed. The Backgrounder states (on page 7): ''The Chair reviews the informal report with the circuit member.'' (b) Liebenberg' s response contradicts itself. The first sentence states that Tober did not review Askew's draft report, but the second sentence concedes that he did review it. (c) Liebenberg's response contrives an unsustainable distinction between ''substantive'' and ''procedural'' review. Tober himself had authority to determine the substantive content of his checklist.

Proposition 3: Tober assigned Hayward to conduct a supplemental investigation of Mr. Wallace.

Liebenberg response: ''Mr. Tober assigned Mr. Hayward to perform a second evaluation of Mr. Wallace. Mr. Hayward, who is a former Chair of the Standing Committee, had participated in the ratings of over 500 nominees during his tenure on the Committee. Incidentally, Mr. Hayward is a Republican who has made contributions to a number of Republican political candidates.''

My reply: Liebenberg concedes Tober's role. (Incidentally, Hayward did not re-interview any of the individuals interviewed by Askew but instead accepted, and relied on, her interview summaries. So much for an independent check.)

Proposition 4: Tober reviewed Hayward's draft report with him.

Liebenberg's response: ''Mr. Tober did not review Mr. Hayward's draft report with him, nor did he perform a substantive review of that report. Instead, his review was solely procedural in nature, and entailed the same process set forth above in No. 2. As was true with Ms. Askew's report, Mr. Tober did not edit, delete, modify, or add anything to Mr. Hayward's report. He did not tell Mr. Hayward whom to interview or what to ask during his interviews. Nor did he ask Mr. Hayward to take any further actions with respect to the report or his evaluation before Mr. Hayward circulated his report to the rest of the Standing Committee.''

My reply: My reply on Proposition 2 applies fully here.

Propositions 5 and 6: Tober determined that he was satisfied with the quality and thoroughness of Askew's investigation. Tober determined that he was satisfied with the quality and thoroughness of Hayward's investigation.

Liebenberg's response: ''Mr. Tober's review of the draft reports by Ms. Askew and Mr. Hayward for 'quality and thoroughness' did not entail any substantive input on his part. Instead, his review was procedural in nature, as set forth above in Nos. 2 and 4.''

My reply: The Backgrounder (which Liebenberg testified was followed) makes clear that the chair must be ''satisfied with the quality and thoroughness of the investigation.'' This standard plainly requires a decision by the chair. Again, Liebenberg's posited distinction between procedure and substance is incoherent. Further, she conflates the issue whether Tober provided ''any substantive input'' with the distinct question whether he performed a substantive review. (Incidentally, the fact that Tober evidently performed his substantive role in such a perfunctory fashion undermines the integrity of the ABA process. One reason to have a chair, rather than simply a checklist, is to harmonize the approaches taken by investigators so that ratings are consistent and don't turn unduly on the assignment of the investigator.)

Proposition 7: Tober directed his committee colleagues to read Askew's report and Mr. Hayward's report ''in tandem''.

Liebenberg's response: ''Consistent with the practice of the Committee, Ms. Askew circulated her report directly to the Standing Committee members. In her transmittal

letter accompanying the report she advised the members that they would separately receive Mr. Hayward's report at or about the same time. She also advised the Committee members to review all of the evaluation materials, including the documents pertaining to the Standing Committee's 1992 evaluations of Mr. Wallace, before voting on Mr. Wallace's rating. It should be noted that Ms. Askew advised Committee members that she was the person who should be called if they had any questions about her report or the accompanying materials.

''Subsequently, Mr. Tober similarly advised Committee members to review the reports by Ms. Askew and Mr. Hayward in tandem. He did not direct Committee members to ascribe more significance to one report than another; did not suggest how Committee members should vote; and did not discuss with Ms. Askew, Mr. Hayward, or any members of the Committee his own views of the professional qualifications of Mr. Wallace.''

My reply: Liebenberg concedes Tober's role.

Proposition 8: Whether in person, by telephone, by e-mail, or in some other fashion, Tober was party to the ABA committee's deliberations on Wallace.

Liebenberg's response: ''There were no 'deliberations' among Standing Committee members with respect to the rating of Mr. Wallace. Each Committee member independently reviewed the evaluation materials and voted on a rating to be given to Mr. Wallace. Mr. Tober and the rest of the Standing Committee did not have an in-person meeting, conference call, or e-mail discussion regarding Mr. Wallace's qualifications or the rating to be given to him.''

My reply: For present purposes, I assume the correctness of Liebenberg's account. (If there were no deliberations on a ''not qualified'' recommendation—and on Askew's badly flawed report—that would seem yet another damning indictment of the ABA's processes.)

Propositions 9 and 10: Tober received and tallied the votes from other committee members. Tober reported the ABA committee's rating to the Senate Judiciary Committee.

Liebenberg's response: ''The 14 voting members of the Committee conveyed their votes to Mr. Tober, who in turn reported the Committee's unanimous 'Not Qualified' rating of Mr. Wallace to the Senate Judiciary Committee.''

My reply: Liebenberg concedes Tober's role.

Proposition 11: At the Judiciary Committee hearing, Senator Sessions asked Mr. Hayward, ''Are you aware that other members of the [ABA] committee probably were aware that the chair of the committee [i.e., Mr. Tober] had had a personal run-in with the nominee, Mr. Wallace?'' Mr. Hayward replied, ''I said I was aware. If you read the record, you are aware.'' (Transcript, pp. 142–143) I understand this exchange to indicate that the confidential ABA committee report on Mr. Wallace included a discussion of Mr. Tober's experience with, and views of, Mr. Wallace.

Liebenberg's response: ''Neither the report by Ms. Askew nor the report by Mr. Hayward included a discussion of Mr. Tober's experience with, and views of, Mr. Wallace. The evaluation materials did not include a discussion of any 'run-in' between Mr. Tober and Mr. Wallace in 1987, or any other interactions between them. Mr. Tober was not interviewed by Ms. Askew or Mr. Hayward about Mr. Wallace, they did not solicit his views regarding the nominee, and he did not volunteer to them his views.''

My reply: For present purposes, I assume the correctness of Liebenberg's account.

Proposition 12: Liebenberg testified at the Judiciary Committee hearing that ''it is important to emphasize that Mr. Tober did not participate in any way in the rating'' of Wallace (Transcript, p. 126); that Tober ''did not participate in either the evaluation or the rating'' (Transcript, p. 126); that ''neither Mr. Tober, nor Mr. Greco participated in the evaluation or the rating of Mr. Wallace'' (Transcript, p. 128); that ''I would just, again, add that Mr. Tober did not participate in the evaluation'' (Transcript, p. 131); that Tober, as chair of the committee, ''does not oversee the evaluations'' (Transcript, p. 131); and that ''This is not a process where Mr. Tober had any role whatsoever in the evaluation or the vote'' (Transcript, p. 134).

Liebenberg's response (presented in the third person): ''When Ms. Liebenberg testified that Mr. Tober did not 'participate' in the evaluation or rating of Mr. Wallace, her testimony was based on the fact that Mr. Tober did not conduct any of the evaluation interviews; was not interviewed by Ms. Askew or Mr. Hayward; did not prepare the evaluation reports or make any revisions to them; did not vote on Mr. Wallace's rating; and did not express his own opinion of Mr. Wallace's professional qualifications or what Mr. Wallace's rating should be to Ms. Askew, Mr. Hayward, or anyone else on the Committee. Thus, Mr. Tober did not play a substantive role in the evaluation or rating of Mr. Wallace. Ms. Liebenberg explained to the Senate Judiciary Committee that the evaluations were the sole responsibility of Ms. Askew and Mr. Hayward, and that each of the 14 voting members of the Committee independently voted on the rating, with no influence being exercised over their votes by Mr. Tober. (transcript pp. 116, 121)''

My reply: Propositions 1–7, 9 and 10 establish that Liebenberg's testimony was false. The transcript pages cited in her response do not put a different gloss on Liebenberg's testimony. Indeed, they consist entirely of (unrelated) testimony by Askew, not Liebenberg.

THE PASSING OF JUDGE JANE BOLIN

Mr. LEAHY. Mr. President, this week we lost Judge Jane Bolin, the Nation's first African-American female judge, whose career marks a shining example of a person knocking down barriers and leaving a footprint for others to follow.

Stirred by a strong sense of justice and a forceful determination to contribute, Judge Bolin overcame the indignity of signs saying ''no women should apply'' and ''no blacks allowed,'' and rose to have a career defined by ''firsts,'' the first African-American woman to graduate from Yale Law School, the first to join the New York City Bar Association, the first to work in the office of the New York City corporation counsel, and the first to serve on the judicial bench. Her legacy will live on, not only through her accomplishments on the bench of ending the placement of children in childcare agencies on the basis of ethnic background and ending the assignment of probation officers on the basis of race but also through the example of her lifelong struggle to show ''a broad sympathy for human suffering'' which will continue to inspire generations to come.

I salute her life and hope that our Nation will continue its march towards a more representative judiciary.

MESSAGE FROM THE HOUSE

At 3:20 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 bill, in which it requests the concurrence of the Senate:

H.R. 4. An act to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries.

The message also announced that pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2007, the Speaker appoints the following named Member of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. HASTINGS of Florida, Chairman.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4. An act to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lowercovered part D drug prices on behalf of Medicare beneficiaries; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 287. A bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

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. THOMAS (for himself and Mr. ENZI):

S. 277. A bill to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMAS:

S. 278. A bill to establish a program and criteria for National Heritage Areas in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 279. A bill to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. LINCOLN, Ms. SNOWE, Mr. OBAMA, Ms. COLLINS, and Mr. DURBIN):

S. 280. A bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from the trading in such allowances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. VITTER:

S. 281. A bill to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 282. A bill to amend the Higher Education Act of 1965 to reduce over a 5-year period the interest rate on certain undergraduate student loans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 283. A bill to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself, Mr. HAGEL, Mr. SALAZAR, Mr. NELSON of Nebraska, Mr. THUNE, Mr. DORGAN, Ms. KLOBUCHAR, Mr. COLEMAN, Mr. BAUCUS, Mr. TESTER, Mr. INOUYE, Ms. LANDRIEU, and Ms. CANTWELL):

S. 284. A bill to provide emergency agricultural disaster assistance; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HAGEL (for himself and Mr. ISAKSON):

S. 285. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain concentrated animal feeding operations for the cost of complying with environmental protection regulations; to the Committee on Finance.

By Mr. HAGEL:

S. 286. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income interest received on loans secured by agricultural real property; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. SANDERS, Mrs. BOXER, Mr. KERRY, Mr. HARKIN, Mr. MENENDEZ, and Mr. BROWN):

S. 287. A bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007; read the first time.

By Mr. KERRY:

S. 288. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. WEBB, Mr. CASEY, and Mr. ROCKEFELLER):

S. 289. A bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 290. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to rural primary health providers; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. KERRY):

S. 291. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself, Ms. LANDRIEU, Mr. LOTT, Mr. VITTER, and Mr. COCHRAN):

S. 292. A bill to establish a bipartisan commission on insurance reform; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU:

S. 293. A bill to extend the period in which States may spend funds from the additional allotments provided to States under the Social Services Block Grant program for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes in the Gulf of Mexico; to the Committee on Finance.

By Mr. VITTER:

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 27. A resolution to constitute the majority party's membership on certain committees of the One Hundred Tenth Congress, or until their successors are chosen; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 28. A resolution to constitute the minority party's membership on certain committees for the One Hundred Tenth Congress, or until their successors are chosen; considered and agreed to.

By Ms. STABENOW (for herself, Mr. DURBIN, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. LEAHY, Mr. KERRY, Mr. MENENDEZ, Mr. BAUCUS, Mr. SCHUMER, Mr. SANDERS, Mr. KOHL, Mr. CARDIN, Mr. LAUTENBERG, Mr. OBAMA, Mr. WEBB, Ms. MIKULSKI, Mr. LEVIN, Mr. DODD, Mr. KENNEDY, Mr. SALAZAR, Mrs. CLINTON, Ms. CANTWELL, Mr. TESTER, Mr. BINGAMAN, Mr. BYRD, Mr. BROWN, Mr. BIDEN, Mr. WYDEN, Mr. NELSON of Florida, Mrs. FEINSTEIN, Mr. BAYH, Mr. REED, Mrs. BOXER, Mr. WHITEHOUSE, Mr. PRYOR, Mr. FEINGOLD, Mr. REID, and Mr. SPECTER):

S. Res. 29. A resolution expressing the sense of the Senate regarding Martin Luther King, Jr. Day and the many lessons still to be learned from Dr. King's example of nonviolence, courage, compassion, dignity, and public service; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) 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. 138

At the request of Mr. SCHUMER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 138, a bill to amend the Internal Revenue Code of 1986 to apply the joint return limitation for capital gains exclusion to certain post-marriage sales of principal residences by surviving spouses.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 215

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 215, a bill to amend the Communications Act of 1934 to ensure net neutrality.

S. 233

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 233, a bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

S. 234

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 234, a bill to require the FCC to issue a final order regarding television white spaces.

S. 259

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 259, a bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

AMENDMENT NO. 1

At the request of Mr. KERRY, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 1 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 20

At the request of Mr. BENNETT, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Louisiana (Mr. VITTER) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 20 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 37

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 37 proposed to S. 1, a bill to provide greater transparency in the legislative process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 279. A bill to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 283. A bill to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am joined by my colleague, and the Ranking Member of the Committee on Energy and Natural Resources, PETE DOMENICI, on the introduction of two bills regarding the insular areas affiliated with the United States. The text of both of these bills is identical to the text of bills that passed the Senate by unanimous consent on September 29, 2006.

The first bill, ''To Repeal Certain Sections of the Act of May 26, 1936 Pertaining to the Virgin Islands,'' would repeal sections of a 1936 law governing local U.S. Virgin Islands tax policy that were thought to have been effectively repealed in 1952. That year, Congress enacted the Virgin Islands Organic Act to establish local self-government and to delegate certain local functions, including the development and administration of local property taxes, to a newly established local government. Notwithstanding this intent, in 2004, a Federal court ruled that these sections of the Act of 1936 are still in effect.

The text of the bill introduced today is identical to S. 1829, as passed by the Senate four months ago. A hearing was held on that bill on October 25, 2005, and it was reported from the Committee on April 20, 2006. Details on the background, purpose, and need for this legislation is available in Senate Hearing 109–291, and in Senate Report 109–236.

The second bill being introduced today, ''To Amend the Compact of Free Association Amendments Act of 2003, and For Other Purposes,'' would make several relatively minor, clarifying, and technical changes to Public Law 108–188 which approved the Compact of Free Association between the U.S. and the Marshall Islands, and the Compact between the U.S. and Micronesia. The text of this bill is identical to S. 1830, as passed by the Senate four months ago. A hearing was held on that bill on October 25, 2005, and it was reported from the Committee on April 20, 2006. Details on the background, purpose, and need for this legislation is available in Senate Hearing 109–291, and in Senate Report 109–237.

Although relatively small and remote, the U.S.-affiliated insular areas are the home for many U.S. citizens, or for communities with which our Nation has special historical and political relationships. Maintaining and strengthening these relationships is a particular concern of the Committee on Energy and Natural Resources because of its jurisdiction over matters relating to the territories and freely associated states. It is unfortunate that, last year, Senate passage of these bills was delayed leaving insufficient time for enactment. I look forward to working with members of the Committee and the Senate on their prompt consideration this session, and to their enactment as soon as possible.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the texts of the bills were ordered to be printed in the RECORD, as follows:

S. 279

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

SECTION 1. REPEAL OF CERTAIN LAWS PERTAINING TO THE VIRGIN ISLANDS.

(a) REPEAL.—Sections 1 through 6 of the Act of May 26, 1936 (48 U.S.C. 1401 et seq.), are repealed.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on July 22, 1954.

S. 283

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 ''Compacts of Free Association Amendments Act of 2007''

SEC. 2. APPROVAL OF AGREEMENTS.

Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: '', including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those 2 Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof''; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: '', including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those 2 Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof''.

SEC. 3. CONFORMING AMENDMENT.

Section 105(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)) is amended by striking subparagraph (A) and inserting the following:

''(A) EMERGENCY AND DISASTER ASSISTANCE.—

''(i) IN GENERAL.—Subject to clause (ii), section 221(a)(6) of the U.S.–FSM Compact and section 221(a)(5) of the U.S.–RMI Compact shall each be construed and applied in accordance with the 2 Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively.

''(ii) DEFINITION OF WILL PROVIDE FUNDING.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term 'will provide funding' means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.''.

SEC. 4. CLARIFICATIONS REGARDING PALAU.

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking ''and its territories'' and inserting '', its territories, and the Republic of Palau'';

(2) in clause (iii)(II), by striking '', or the Republic of the Marshall Islands'' and inserting '', the Republic of the Marshall Islands, or the Republic of Palau''; and

(3) in clause (ix)—

(A) by striking ''Republic'' both places it appears and inserting ''government, institutions, and people'';

(B) by striking ''2007'' and inserting ''2009''; and

(C) by striking ''was'' and inserting ''were''.

SEC. 5. AVAILABILITY OF LEGAL SERVICES.

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: '', which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions)''.

SEC. 6. TECHNICAL AMENDMENTS.

(a) TITLE I.—

(1) SECTION 177 AGREEMENT.—Section 103(c)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is amended by striking ''section 177'' and inserting ''Section 177''.

(2) INTERPRETATION AND UNITED STATES POLICY.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting ''the'' before ''U.S.–RMI Compact,'';

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8) , by striking ''to include'' and inserting ''and include'';

(ii) in paragraph (9)(A), by inserting a comma after ''may''; and

(iii) in paragraph (10), by striking ''related to service'' and inserting ''related to such services''; and

(C) in the first sentence of subsection (j), by inserting ''the'' before ''Interior''.

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking ''Trust Fund'' and inserting ''Trust Funds''.

(b) TITLE II.—

(1) U.S.–FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking ''courts'' and inserting ''court''; and

(ii) in subsection (b)(2), by striking ''the'' before ''November'';

(B) in section 177(a), by striking '', or Palau'' and inserting ''(or Palau)'';

(C) in section 179(b), strike ''amended Compact'' and inserting ''Compact, as amended,'';

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and inserting ''Compact of Free Association, as amended'';

(ii) in the fifth sentence of subsection (a), by striking ''Trust Fund Agreement,'' and inserting ''Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),'';

(iii) in subsection (b)—

(I) in the first sentence, by striking ''Government of the'' before ''Federated''; and

(II) in the second sentence, by striking ''Sections 321 and 323 of the Compact of Free Association, as Amended'' and inserting ''Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,''; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: ''and the Federal Programs and Services Agreement referred to in section 231'';

(E) in the first sentence of section 215(b), by striking ''subsection(a)'' and inserting ''subsection (a)'';

(F) in section 221—

(i) in subsection (a)(6), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security''; and

(ii) in the first sentence of subsection (c), by striking ''agreements'' and inserting ''agreement'';

(G) in the second sentence of section 222, by inserting ''in'' after ''referred to'';

(H) in the second sentence of section 232, by striking ''sections 102 (c)'' and all that follows through ''January 14, 1986)'' and inserting ''section 102(b) of Public Law 108–188, 117 Stat. 2726, December 17, 2003'';

(I) in the second sentence of section 252, by inserting '', as amended,'' after ''Compact'';

(J) in the first sentence of the first undesignated paragraph of section 341, by striking ''Section 141'' and inserting ''section 141'';

(K) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(L) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(M) in section 461(h), by striking ''Telecommunications'' and inserting ''Telecommunication'';

(N) in section 462(b)(4), by striking ''of Free Association'' the second place it appears; and

(O) in section 463(b), by striking ''Articles IV'' and inserting ''Article IV''.

(2) U.S.–RMI COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking ''court'' and inserting ''courts'';

(B) in section 177(a), by striking the comma before ''(or Palau)'';

(C) in section 179(b), by striking ''amended Compact,'' and inserting ''Compact, as amended,'';

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and inserting ''Compact of Free Association, as amended'';

(ii) in the first sentence of subsection (b), by striking ''Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Miliary Use and Operating Rights'' and inserting ''Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)''; and

(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: ''and the Federal Programs and Services Agreement referred to in section 231'';

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking ''Section 231'' and inserting ''section 231''; and

(ii) in paragraph (5), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security'';

(F) in the second sentence of section 232, by striking ''sections 103(m)'' and all that follows through ''(January 14, 1986)'' and inserting ''section 103(k) of Public Law 108–188, 117 Stat. 2734, December 17, 2003'';

(G) in the first sentence of section 341, by striking ''Section 141'' and inserting ''section 141'';

(H) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(I) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(J) in the first sentence of section 443, by inserting '', as amended.'' after ''the Compact'';

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking ''1978'' and inserting ''1998''; and

(ii) by striking ''Telecommunications'' and inserting ''Telecommunication Union''; and

(L) in section 463(b), by striking ''Article'' and inserting ''Articles''.

SEC. 7. TRANSMISSION OF VIDEOTAPE PROGRAMMING.

Section 111(e)(2) of title 17, United States Code, is amended by striking ''or the Trust Territory of the Pacific Islands'' and inserting ''the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands''.

SEC. 8. PALAU ROAD MAINTENANCE.

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101–219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

SEC. 9. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.

In the U.S.–RMI Compact, the U.S.–FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term ''State'' means ''State, territory, or the District of Columbia''.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. LINCOLN, Ms. SNOWE, Mr. OBAMA, and Mr. DURBIN):

S. 280. A bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from the trading in such allowances, and for other purposes; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, on October 4 of last year, the Hadley Centre for Climate Prediction and Research, which houses Great Britain's leading climate scientists, projected that in the absence of prompt action to curb global warming, extreme drought will spread across one third of the Earth's land surface by the end of this century.

On October 30, the head of the United Kingdom's Government Economic Service forecasted that unchecked global warming will cost the world between five and twenty percent of gross domestic product each year.

On December 4, the director of the U.S. Center for Disease Control's National Center for Environmental Health cited global warming as ''the largest looming public health challenge we face.'' Insect-borne diseases such as malaria are expected to spike as tropical ecosystems expand; hotter air will exacerbate the air pollutants that send our children to the hospital with asthma attacks; food insecurity from shifting agricultural zones will spark border wars; and storms and coastal flooding from sea-level rise will cause mortality and dislocation.

On December 14, in fact, the journal Science published a peer-reviewed study projecting that unchecked global warming could cause sea levels to rise between a half meter and one-and-a-half meters above 1990 levels by the end of this century. A sealevel rise in the middle of that range would submerge every city on the East Coast of the United States, from Miami to Boston.

And on December 27, the Interior Department proposed to list the polar bear as threatened with extinction due to Arctic ice melt from global warming.

When even erstwhile skeptics cite melting habitat as the reason polar bears are now threatened, I say the global warming debate is over. The American people want action, and they want it now.

As you know, Senator MCCAIN and I have brought our legislation to solve global warming to a vote in this chamber twice already, first in 2003 and then again in 2005. On the same day that the Senate failed for a second time to pass our bill, in June 2005, this body fortunately did pass Senator BINGAMAN's resolution that the Congress should enact ''a comprehensive and effective national program of mandatory, market-based limits on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions.''

Today I am reintroducing an improved version of my and Senator MCCAIN's Climate Stewardship and Innovation Act. As the last version of the Act did, the version I introduce today carries the co-sponsorship of Senators OBAMA and SNOWE. I am proud to say that improvements to the bill have now attracted the additional co-sponsorship of Senators LINCOLN and COLLINS. Very shortly, I understand, Representatives OLVER and GILCHREST will reintroduce this bill's companion in the House.

The 2005 version of the Climate Stewardship and Innovation Act would have capped U.S. greenhouse gas emissions at year 2000 levels without mandating further reductions. The new bill will gradually lower the emissions cap, such that it reaches approximately one third of 2000 levels by 2050. Those long-term reductions will forestall catastrophic, manmade climate change, provided the world's other major economies follow suit within the next decade. Like the 2005 version, the reintroduced bill will control compliance costs by allowing companies to trade, save, and borrow emissions credits, and by allowing them to generate ''offset'' credits by inducing noncovered businesses, farms, and others to reduce their emissions or capture and store greenhouse gases. The reintroduced bill, however, will increase the availability of borrowing and offsets in order to control costs further.

This bill will be referred to the Environment and Public Works Committee, where I will chair a subcommittee on climate change. Colleagues of mine on that committee, including our esteemed chairwoman and my good friend, Senator BOXER, will have their own strong proposals for curbing global warming. I look forward to working with them to get comprehensive legislation reported favorably to the floor in a bipartisan manner. Senator BINGAMAN, the chairman of the Energy and Natural Resources Committee, has invested a great deal of work and expertise in a comprehensive climate bill of his own. I believe Senator BINGAMAN will be highly influential in this process, and I look forward to working with him closely to solve this problem.

With American know-how we can and will solve this problem. We will use the power of the free market to promote the rapid and widespread deployment of advanced technologies and practices for reducing greenhouse gas emissions. And we will do so without weakening the economic position of the United States or otherwise imposing hardship on its citizens.

I would like to close by extending my heartfelt thanks to the distinguished majority leader, Senator REID, for placing legislation to curb global warming among his top ten priorities for this Congress, and for memorializing that commitment with the introduction, as S. 6, of the National Energy and Environmental Security Act, a bill that I was proud to co-sponsor.

Mr. MCCAIN. Mr. President, I am pleased to join Senator LIEBERMAN today, along with our co-sponsors, Senators SNOWE, OBAMA, COLLINS, and LINCOLN, in introducing the Climate Stewardship and Innovation Act of 2007. This legislation is designed to significantly reduce the Nation's greenhouse gas emissions to prevent the dangerous impacts of climate change, enhance our national security and maintain the strength to our economy. It would be accomplished through a combination of trading markets and the deployment of advanced technologies.

As I have stated on previous occasions, the design of this legislation is an evolving process. The legislation we are introducing today represents yet another step in that effort. Since our last vote on this legislation, Senator Lieberman and I have continued work on this proposal with the goal of producing the most innovative, meaningful, and economically feasible measure that can be embraced by the Senate. We believe the changes which we have made since we first introduced climate change legislation in the 108th Congress puts us on the path to achieving this goal, and we intend to make further improvements to this comprehensive legislation in the days ahead.

We have continually worked with scientists, industry, environmentalists, as well as the faith-based community, to ensure that we are fully addressing the serious problem of global warming. We continue to learn more about the science and the impacts of climate change on a daily basis. We continue to work with economists and industry experts to ensure that our emissions goals do not hamstring our economic objectives. In particular, we continue to learn more about the power of the markets to control costs as emission credit trading continues in Europe and here in the U.S. I am confident that given the will, the Federal Government can be a lead advocate for ensuring that America is doing its part to reduce global warming, and join in the global effort that is needed to address this world-wide environmental issue.

I want to mention the efforts of States like California, which has already enacted legislation requiring mandatory reduction of greenhouse gas emissions, and the Northeast States of Connecticut, Delaware, Maine, New Hampshire, New Jersey, New York, and Vermont, which are also seeking to limit emissions from power plants. Over 300 U.S. mayors have signed an agreement to reduce emissions in their cities.

As these State plans and legislation are implemented, they will offer Congress and the Administration unique opportunities to review and incorporate lessons learned from these efforts into Federal legislation. Despite the improvements we have made in this version of our bill to be environmentally responsible and to minimize economic costs, we will continue to pursue new and innovative ideas that will further these objectives, and we will modify our bill accordingly.

The legislation we submit today is designed to protect our environment from the impacts of the climate change resulting from the buildup of greenhouse gases in the atmosphere, improve our national security by reducing reliance on fossil fuels that often carry with them geopolitical costs, and position our economy to become a world leader in the expanding markets for development and deployment of new energy efficient technologies and renewable energy sources. It proposes the utilization of the ''cap and trade'' approach and promotes the commercialization of technologies that can significantly reduce greenhouse gas emissions, mitigate the impacts of climate change, and increase the nation's energy independence. And it will help to keep America at the cutting edge of innovation where the jobs and trade opportunities of the new economy are to be found. It will also serve to protect our country and the world from the security threat posed by populations whose health, livelihood, and variability are potentially threatened by global rising temperatures and altered environments.

In fact, the cap and trade provisions and the technology title are complementary parts of a comprehensive program that will allow us to usher in a new energy era, an era of responsible and innovative energy production and use that will yield enormous environmental, economic, and diplomatic benefits. The cap and trade portion provides the economic driver for existing and new technologies capable of supplying reliable and clean energy and making the best use of America's available energy resources. Because of the multiple benefits promised by this comprehensive program, we expect that the new bill will attract additional support for the vital purposes of the Climate Stewardship and Innovation Act. We simply need the political will to match the public's concern about climate change, desire for national security, the economic interests of business and consumers, and American technological ingenuity and expertise.

As I mentioned, we continue to learn more about the science of climate change and the dangerous precedence of not addressing this environmental problem. The science tells us that urgent and significant action is needed. Our National Academies of Sciences, along with the national academies from the other G8 nations, China, India, and Brazil, has said in a joint statement that ''there is now strong evidence that significant global warming is occurring.'' and ''[t] he scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action.''

We recognize that many fear the costs of taking action. But there are costs to delay as well. Failure to implement significant reductions in net

greenhouse gas emissions in the near term will yield only more climate change and a much harder job in the future. Our comprehensive legislation is one approach to a productive, secure, and clean energy future. But it is only one approach and we welcome other proposals—let a thousand flowers bloom.

Significant reductions in greenhouse gases—well beyond those required by this bill—are feasible over the next 15–20 years using technologies available today. Also, the most important technological deployment opportunities to reduce emissions over the next two decades lie with energy efficient technologies and renewable energy sources, including nuclear, solar, wind, and biofuels. For example, in the electric power sector, which accounts for one-third of U.S. emissions, major pollution reductions can be achieved by improving the efficiency of existing fossil fuel plants, adding new reactors designs for nuclear power, expanding use of renewable power sources, and significantly reducing electricity demand with the use of energy-saving technologies currently available to residential and commercial consumers. These clean technologies need to be promoted and that is what spurs our action today.

Let me take a moment to address a section of our legislation that has been the target of some concerns by environmentalists and others—concerns that I believe are entirely unwarranted. The provisions in our bill to promote nuclear energy are an important part of the comprehensive technology package.

I know that some of our friends here in the Senate and in the environmental community maintain strong objections to nuclear energy, even though today it supplies nearly 20 percent of the electricity generated in the U.S. and much higher proportions in places such as France, Belgium, Sweden and Switzerland—countries that are not exactly known for their environmental disregard. The fact is, nuclear energy is CLEAN. It produces ZERO emissions, while the burning of fossil fuels to generate electricity produces approximately 33 percent of the greenhouse gases accumulating in the atmosphere, and is a major contributor to air pollution affecting our communities.

The idea that nuclear power should play no role in our future energy mix is an unsustainable position, particularly given the urgency and magnitude of the threat posed by global warming which most regard as the greatest environmental threat to the planet.

The International Energy Agency estimates that the world's energy consumption is expected to rise over 65 percent within the next fifteen years. If the demand for electricity is met using traditional coal-fired power plants, not only will we fail to reduce carbon emissions as necessary, but the level of carbon in the atmosphere will skyrocket and intensify the greenhouse effect and the global warming it produces.

As nuclear plants are decommissioned, the percentage of U.S. electricity produced by this zero-emission technology will actually decline. Therefore, at a minimum, we must make efforts to maintain nuclear energy's level of contribution, so that this capacity is not replaced with higher-emitting alternatives.

No doubt, some people will object to the idea of the Federal Government playing any role in helping demonstrate and commercialize new and beneficial energy technologies, and particularly nuclear designs. We understand the power of markets to spur innovation and our proposals is built on this fundamental lesson. But the fact remains that the market playing field has been highly uneven—fossil fuels have been subsidized for many decades at levels that can scarcely be calculated. The enormous economic costs of damage caused by air pollution and greenhouse gas emissions to the environment and human health are not factored into the price of power produced by fossil-fueled technologies. Yet, it's a cost that we all bear, too often in terms of ill-health and diminished quality of life. That is simply a matter of fact.

It is also inescapable that the ability to avoid internalizing these costs placed produces at a great advantage over clean competitors. Based on that fact, and in light of the enormous environmental and economic risk posed by global warming, I believe that providing zero and low emission technologies such as nuclear a boost into the market place so that these clean technologies can be utilized as soon as possible is responsible public policy, and a matter of simple public necessity, particularly, as we work to promote America's energy independence.

The Navy has operated nuclear powered submarines for more than 50 years and has an impressive safety and performance record. The Naval Reactors program has demonstrated that nuclear power can be done safely. One of the underpinning of its safety record is the approach used in its reactor designs, which is to learn and built upon previous designs. Unfortunately for the commercial nuclear industry, they have not had the opportunity to use such an approach since the industry has not been able to build a reactor in over the past 25 years. This lapse in construction has led us to where we are today with the industry's aging infrastructure. As we have learned from other industries, this in itself represents a great risk to public safety.

As Senator LIEBERMAN and I have continued working for passage of legislation to address climate change in a meaningful way, it has become clear to us that any responsible climate change measure must contain five essential components:

First, it must have rational, mandatory emission reduction targets and timetables. It must be goal oriented, and has both environmental and economic integrity. We need policy that will produce necessary outcomes, not merely check political boxes. The goal must be feasible and based on sound science, and this is what we have tried to do in this bill.

Second, it must utilize a market-based cap and trade system. It must limit greenhouse gas emissions and allows the trading of emission credits to drive enterprise, innovation and efficiency. This is the central component of our legislation. Voluntary efforts will not change the status quo, taxes are counterproductive, and markets are more dependable than regulators in effecting sustainable change.

Third, it must include mechanisms to minimize costs and work effectively with other markets. The ''trade'' part of ''cap and trade'' is such a mechanism, but it's clear it must be bolstered by other assurances that costs will be minimized. I am as concerned as anyone about the economic impacts associated with any climate change legislation. I know that many economists are developing increasingly sophisticated ways to project future costs of compliance. Lately, we have seen the increased interest in this area of research. As we learn more from these models about additional action items to further reduce costs, we intend to incorporate them. Already, based upon earlier economic analysis, we have added ''offsets'' provisions in this bill in an effort to minimize costs and to provide for the creation of new markets. And, I assure my colleagues, we will continue to seek new and innovative ways to further minimize costs.

Fourth, it must spur the development and deployment of advanced technology. Nuclear, solar, and other alternative energy must be part of the equation and we need a dedicated national commitment to develop and bring to market the technologies of the future as a matter of good environmental and economic policy. There will be a growing global market for these technologies and the U.S. will benefit greatly from being competitive and capturing its share of these markets. This legislation includes a detailed technology title that would go a long way toward meeting this goal. Unlike the Energy bill, it would be funded using the proceeds from the auctioning of allowable emission credits, rather than from the use of taxpayers' funds or appropriations that will never materialize.

And fifth, it must facilitate international efforts to solve the problem. Global warming is an international problem requiring an international effort. The United States has an obligation to lead. Our leadership cannot replace the need for action by countries such as India and China. We must spur and facilitate it. We have added provisions that would allow U.S. companies to enter into partnerships in developing countries for the purpose of conducting projects to achieve certified emission reductions, which may be traded on the international market.

These five components represent a serious challenge that will require a great deal of effort, the concentration of substantial intellectual power, and the continued efforts of our colleagues and those in the environmental, industry, economic, and national security communities. We look forward to collaborating in this effort as we continue to shape our legislation to its most effective form.

The status quo is a strong and stubborn force. People and institutions are averse to change, even when that change is critical for their own well-being, and that of their children and grandchildren. If the scientists are right and temperatures continue to rise, we could face environmental, economic, and national security consequences far beyond our ability to imagine. If they are wrong and the Earth finds a way to compensate for the unprecedented levels of greenhouse gases in the atmosphere, what will we have accomplished? Cleaner air; greater energy efficiency, a more diverse and secure energy mix, and U.S. leadership in the technologies of the future. There is no doubt; failure to act is the far greater risk.

Ms. SNOWE. Mr. President, I rise today to offer, with my colleagues Senators LIEBERMAN, MCCAIN, OBAMA, LINCOLN, and COLLINS, S. 280, the bipartisan Climate Stewardship and Innovation Act that requires the United States to take actions to reduce manmade greenhouse gas emissions for the protection of both our environment and our economy. This legislation takes concrete steps by using a fair, market-based system to once and for all demonstrate leadership on climate change and reduce emissions in the United States. Furthermore, it will do so without weakening the economic position of the United States or otherwise imposing hardship on its citizens.

Ongoing peer-reviewed scientific and economic research demonstrates that climate change is one of the most significant environmental and economical issues of the 21st century, impacting the planet's weather patterns, resulting in more severe, sustained storm systems, floods, heat waves, and droughts. Yet, I have grave concerns that the lack of domestic climate change policy is akin to Nero's approach, fiddling as the planet warms.

With overwhelming scientific evidence that global warming is adversely impacting the health of our planet, the time has come for the Congress to step up and take action. Anthropogenic greenhouse gas emissions that enter the atmosphere today from all sectors of our society will last for generations to come threatening our oceans, our environment and the economic well-being of our country and the world. It is beyond dispute that we cannot afford the price of inaction.

The urgency is clear as climate change is no longer an abstract concept. Sea levels are rising, polar ice caps are melting. Indeed, earlier this month the Bush administration listed the polar bear a threatened species. Department of Interior Secretary Dirk Kempthorne stated, ''Polar bears are one of nature's ultimate survivors. They're able to live and thrive in one of the world's harshest environments, but there's concern that their habitat may literally be melting away.'' The listing document says that the polar bear's ice habitat that is used as platforms for hunting, mating and resting could vanish within half a century.

The majestic polar bear of the Arctic may well be the symbol of climate change just as the bald eagle was when Rachel Carson published her stunning book ''Silent Spring'' in 1962 that linked the DDT pesticide to the fate of our national symbol—and created an environmental conscious for the country.

It is obvious that new and longer term ideas for securing both domestic and international cooperation are necessary as we cannot get to the heart of this global problem without the world's major economies taking domestic actions. Clearly, as the causes of climate change are global and the atmosphere knows no boundaries, the challenge can only be met with all the countries of the world working together.

That is why when asked by three major independent think tanks—the Center for American Progress in the U.S., the Institute for Public Policy Research in the U.K. and the Australia Institute—I accepted the co-chairmanship of the high-level International Climate Change Taskforce—the ICCT—to chart a way forward on climate change on a parallel track with the Kyoto Protocol process. The report from this Taskforce, Meeting the Climate Challenge, recommends ways to involve the world's largest economies in the effort, including the U.S. and major developing nations, focusing on creating new agreements to achieve the deployment of clean energy technologies, and a new global policy framework that is both inclusive and fair.

The Taskforce, along with Co-chair, the Rt. Honorable Stephen Byers of the U.K., includes an international, cross-party, cross-sector collaboration of leaders from public service, science, business and civil society from both developed and developing countries. We set out a pathway to solve climate change issues in tandem—collaboratively finding common ground through recommendations that are both ambitious and realistic to engage all countries, and, critically, including those not bound by the Kyoto Protocol and major developing countries. We hope our proposals will be a prelude to the international dialogue and, ultimately, set the score for lasting change.

The Report calls for the establishment of a long-term objective of preventing global average temperature from rising more than 3.6 degree Fahrenheit, 2 degrees Centigrade, above the pre-industrial level by the end of the century.

The Taskforce arrived at the 2 degrees Centigrade—or 3.6 degree Fahrenheit—temperature increase goal on the basis of an extensive review of the relevant scientific literature that shows that, as the ICCT Report states, ''Beyond the 2 degree Centigrade level, the risks to human societies and ecosystems grow significantly. It is likely, for example, that average temperature increases larger than this will entail substantial agricultural losses, greatly increases numbers of people at risk of water shortages, and widespread adverse health impacts.''

Our Report goes on to say that, ''Climate science is not yet able to specify the trajectory of atmospheric concentrations of greenhouse gases that corresponds precisely to any particular global temperature rise. Based on current knowledge, however, it appears that achieving a high probability of limiting global average temperature rise to 2 degrees C will require that the increase in greenhouse-gas concentrations as well as all the other warming and cooling influences on global climate in the year 2100, as compared with 1750, should add up to a net warming no greater than what would be associated with a CO_2 concentration of about 400 parts per million (ppm)''.

This goal of the ICCT comports well with the Climate Stewardship and Innovation Act we are introducing today because the legislation creates a domestic market-based cap-and-trade system to reduce manmade carbon dioxide emissions with specific targets to meet specific dates. The bill will also make the U.S. a partner in the vast community of developed countries who have adopted national mandatory cap-and-trade systems for carbon emissions. I believe it will also bring emerging economies to the international negotiating table, such as China, who is predicted to surpass the U.S. as the largest emitter of greenhouse gases by 2010—China who is putting on line one carbon-spewing coal-fired power plant each week.

Achieving success for climate change legislation that calls for realistic reductions of greenhouse gases by setting certain targets means disabusing skeptics and opponents alike of cherished mythologies that environmental protection and economic growth are mutually exclusive. The irony is both are actually increasingly interdependent and will only become more so as the 21st century progresses. Robust companies dedicated to reducing emissions are proof-positive ''going-green'' represents a burgeoning sector of our economy, not the drain and hindrance we've been led to believe for so many years. This bill accommodates for the early actions these companies have taken to reduce emissions.

And to their credit—the most progressive U.S. companies have reduced emissions even further than required in the Climate Stewardship and Innovation Act. In an act of economic acumen, they are hedging their bets by

adopting internal targets. And, these companies are saving money by reducing their energy consumption and positioning themselves to compete in the growing global market for climate-friendly technologies. Any cost-conscious CFO—or forward-thinking CEO for that matter—should admit that to prevent pollution now will most certainly cost less than cleaning it up later.

The economics of prevention and stewardship resonate more when you consider property that erodes because of rising sea levels, farm land that fails to yield crops and becomes barren and arid, and revenue opportunities squandered because of dwindling fishing stocks caused by hotter temperatures. These represent real costs to the bottom line—not to mention irreparable damage to our health and quality of life. We procrastinate on these policy imperatives at the peril of both our country and our planet. Congress is quite facile at deferring costs to the future, often with enormous consequences. No one was more aware of this tendency than Abraham Lincoln, who—in his Message to Congress in 1862—offered this challenge to the legislative branch, ''The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew.''

We have a choice between an ever more treacherous path of greater environmental damage and economic harm, or an upward path to a better future for our planet, and enhanced competitiveness for our industries. I urge my colleagues to join with those of us who believe we should move forward by taking appropriate actions now for global warming reductions so that we may leave behind a better environment that was bestowed to us.

Mr. OBAMA. Mr. President, more than 18 months ago I stood in this Chamber to express my support for a previous version of the Climate Stewardship and Innovation Act, and to urge the support of my colleagues. On that day, I said that there are moments when we have the chance to take a new course that will leave our children a better world. However, in the interim, Congress has chosen not to act. In the interim, our Nation, and others around the world, continued to release greenhouse gases into the atmosphere at increasing rates.

With each passing year, as we choose not to act, the air we breathe contains ever more carbon dioxide, resulting from our use of fossil fuels. If we continue on our present course, human endeavors could cause a rise in temperature equivalent to the change between the last ice age and today. The decisions we make now on greenhouse gas emissions will have effects in the second half of this century, and into the next. The consequences of our inaction will be devastating for our children and grandchildren, and will be even worse for the poorest global populations.

Climate change is not reflected just in the fact that last year was the warmest year on record in the United States, or in the recent proposal that polar bears be listed as an endangered species because Arctic ice is melting. Those are just symptoms. The bigger problem is that global climate change will, in this century and the next, have effects on human health, on access to water, and on production of food.

Our inaction may reflect a misunderstanding of scientific evidence, even though such evidence accumulates, year by year, showing that climate change is a global threat resulting from human activity. Perhaps our inaction betrays an uncertainty about our ability to address this problem. Or perhaps our inaction is simply a result of inertia, a lack of political will in facing a difficult problem.

Whatever the basis of our inaction, I am convinced that we must now act. Every delay makes a solution more distant, and more difficult. I am also convinced that the best solution takes the form of the Climate Stewardship Act, which addresses the real costs and consequences of our current patterns of energy use, establishing a framework for a market-based solution which relies on American will, ingenuity, and technological expertise to mitigate climate change.

This bill establishes limits for greenhouse gas emissions well into the 21st century. To remain below these limits, the bill encourages the market to determine how best to reduce greenhouse gas emissions, rewarding cost-effective approaches using a system of tradeable allowances.

Revenues generated from this program will be used to help the industries and individuals most affected by the limits. These revenues will also fund research and development of efficient energy technologies, such as green buildings, high-power batteries for hybrid cars, safer nuclear plants to generate electricity, large scale biofuels facilities, renewable sources, and advanced coal power plants that capture the carbon dioxide they generate. This program will spur American innovation, creating business opportunities as new markets are created in low-carbon technologies and services.

I am proud to join Senators LIEBERMAN and MCCAIN in introducing this legislation, and I urge others to join this effort. I also look forward to the support of the American people as we move together to confront the very real threat to future generations of global climate change.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 282. A bill to amend the Higher Education Act of 1965 to reduce over a 5-year period the interest rate on certain undergraduate student loans; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to urge my colleagues to support the ''College Student Relief Act.'' In 1958, spurred on by the launch of the Russian satellite, Sputnik, Congress passed the National Defense Education Act in order to ensure that through education, the United States would stay ahead of the Soviet Union in the space race. Because of the low interest loans offered through the National Defense Education Act, countless students were able to obtain a college education and help move America forward. I could never have attended Georgetown University and law school were it not for the government loans.

It is unquestionable that higher education plays a critical role in the future of our children. Over the course of a lifetime, a college graduate will earn over $1 million more than those without college degrees. In addition to the individual benefits of a college education, investing in and producing more college-educated Americans is vital to our Nation's growth. Economists estimate that the increase in the education level of the United States labor force between 1915 and 1999 directly resulted in at least 23 percent of the overall growth in U.S. productivity. To keep America at the economic forefront in the 21st Century, we must recognize the value of investing in higher education and provide students with the assistance they need so that they can compete in the global economy.

As college costs continue to skyrocket, attaining a college education is becoming an even bigger hurdle for many American students. Millions of eligible students never even make it to college because of financial barriers. Over the last five years, tuition, fees, room and board at four-year public colleges and universities increased by 42 percent. More than two-thirds of four-year college students now borrow to pay for school, and their average debt more than doubled between 1993 and 2004. According to the Congressional Advisory Committee on Student Financial Assistance, financial barriers will prevent 4.4 million high school graduates from attending a four-year public college over the next decade, and prevent another two million eligible students from attending college at all.

Last year, Republicans missed an opportunity to prevent higher student loan interest rates from going into effect. On July 1, 2006, student loan interest rates went from a 5.3 percent variable rate to a 6.8 percent fixed rate for student borrowers. We can address this situation and take the first step towards helping millions of college students across the Nation realize the American dream—achieving a college education.

That's why I'm introducing the College Student Relief Act of 2007. The bill cuts interest rates on subsidized student loans in half and will help lower the interest rates for 5.5 million college students. The bill phases in interest rate cuts over five years, from a 6.8 percent fixed rate to a 3.4 percent fixed

rate for undergraduate borrowers of new subsidized student loans. Once fully implemented, these cuts will save the typical borrower—with $13,800 in need-based loan debt—approximately $4,400 in interest costs over the life of his or her loan.

Smart, hard-working kids deserve a chance to go as far as their talents will take them; however, large education debt changes the future in ways that cannot be quantified. Career plans are changed. Lifestyles are restricted. Home and auto purchases are put on hold. Family plans may be delayed to accommodate debt payments.

Let me share a few stories with you that illustrate the effects of carrying large education debt. When Stacie Odhner-Sibley and her husband made the decision ten years ago that she would go back to school and obtain her Bachelor's degree in order to provide a better future for their family, she was the first in her family to go to college. Fast forward to today. Stacie now has her Bachelor's degree and a Master's degree in School Guidance and Counseling. While this is the happy part of Stacie's story, the sad part is that Stacie and her husband are considering uprooting their three children and selling their home because they can't afford both student loans and a mortgage. The saddest part of Stacie's story is that the money her family would realize from the sale of their home won't even pay off the student loans. It will only be enough to take off some of the financial pressure they otherwise would be feeling.

Katie Miller is a student at Southern Illinois University at Edwardsville. Katie's story is not uncommon. She works part-time and her parents are unable to provide her with any financial assistance. She is extremely grateful for the financial aid she receives and recognizes that without it, she would not be able to go to school even though she is struggling to pay for food, insurance and other basic necessities.

Summer Boyd is an elementary teacher in Decatur, IL. She graduated from Millikin University in 2003 with $65,000 in student loans. As with Katie, Summer's parents could not afford to help pay for her college education. So, for the next 25 years, Summer will be paying over $500 each month toward her student loans. She doesn't mind paying for her education; however, the heavy burden of her student loan debt is already affecting her future plans. She and her husband want to have children, but for the time being, they must continue to scrape by each month and can only hope to someday be able to afford children.

Young people like Stacie, Katie and Summer should not face such high penalties because they had the desire and determination to pursue higher education.

An investment in our children's education is an investment in our Nation's future. We must do what we can today to ensure that America remains a global leader in the future. Our Nation will be richer—not just economically, but also culturally and socially—for having given a higher priority to making college affordable.

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. 282

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 ''College Student Relief Act of 2007''.

SEC. 2. APPLICABLE INTEREST RATES.

Section 427A(l) of the Higher Education Act of 1965 (20 U.S.C. 1077a(l)) is amended—

(1) in paragraph (1), by inserting ''and subject to paragraph (4)'' after ''Notwithstanding subsection (h)''; and

(2) by adding at the end the following:

''(4) SPECIAL RULE FOR SUBSIDIZED UNDERGRADUATE LOANS.—Notwithstanding subsection (h), with respect to any loan made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B, 428C, or 428H) to or for an undergraduate student for which the first disbursement is made on or after—

''(A) July 1, 2007, the applicable rate of interest shall be 6.12 percent on the unpaid principal balance of the loan;

''(B) July 1, 2008, the applicable rate of interest shall be 5.44 percent on such balance;

''(C) July 1, 2009, the applicable rate of interest shall be 4.76 percent on such balance;

''(D) July 1, 2010, the applicable rate of interest shall be 4.08 percent on such balance; and

''(E) July 1, 2011, the applicable rate of interest shall be 3.40 percent on such balance.''.

By Mr. KERRY:

S. 288. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, this week Cpl Jason Dunham was posthumously recognized for his bravery in Iraq with the Congressional Medal of Honor. Corporal Dunham exemplified the valor and selflessness of an American service member. As a leader of his Marine Corps rifle squad Corporal Dunham encountered an Iraqi insurgent along the Iraq/Syria border. Corporal Dunham wrestled the insurgent to the ground when he become aware that he was about to throw a grenade he had been hiding. Without a moment's hesitation, Corporal Dunham sacrificed himself and threw himself on the grenade, using his body as a shield for the rest of his unit. He died from the wounds he sustained from the blast—but his act of heroism saved two Marine lives.

Today I reintroduce a bill that would ensure that this Nation more appropriately honors our veterans and soldiers like Corporal Dunham. This bill requires the use of 90 percent gold in the Congressional Medal of Honor instead of gold-plated brass, as is currently used.

The Medal of Honor is the highest award our country bestows for valor in action against an enemy force. These are ordinary soldiers who performed extraordinary deeds in battle, often giving what President Lincoln termed ''the final full measure'' in doing so.

Corporal Dunham in receiving this honor joins many other noble service members. This is the medal won by Marine Corps pilot, CPT Joe Foss, who in less than 30 days of combat over Guadalcanal, shot down 23 enemy planes, three in one engagement, and is credited with turning-back an entire Japanese bombing mission before it could drop a single bomb.

This is the medal won by Army PVT Edward Moskala who set aside his personal safety one night on the island of Okinawa to assault two machine gun nests, provide cover for his unit as it withdrew, and rescue fallen comrades amidst a hail of enemy fire before finally suffering a mortal wound.

This is the medal won by PMFC Francis Pierce, Jr., who on the island of Iwo Jima exposed himself repeatedly to enemy fire to save the lives of Marines he accompanied, traversing open terrain to rescue comrades and assaulting enemy positions that endangered his wounded comrades.

This is the medal won by Air Force CPT Hilliard A. Wilbanks who made repeated strafing runs over an advancing enemy element near Dalat, Republic of Vietnam on February 24, 1967. Captain Wilbanks' aircraft, it should be noted, was neither armed nor armored. He made the assaults by sticking his rifle out the window and flying low over the enemy. His action saved the lives of friendly forces, but it cost him his own.

Corporal Dunham has now been added to this esteemed group of heroes. Their brave acts are more than just inspirational stories, they are sacrifices made by real men and women that serve their country with pride.

This is a time in history when we are asking more and more from our men and women in uniform. They answer this call every time with honor and sacrifice. We should make the medals we award them for these acts commensurate with their dedication.

Regrettably, the medal itself, though gold in color, is actually brass plated with gold. It costs only about $30 to craft the award itself. As a veteran I recognize the value of the Medal does not lie in its composition but the sacrifices and service that merited it. However, this is a small way that we can express our gratitude to these heroes by giving them a medal that shows the depth of our appreciation.

Compared with other medals, the Congressional Medal of Honor, which is meant to be one of the country's highest honors, falls woefully short. Congress awards foreign dignitaries, famous singers, and other civilians, with medals that cost up to $30,000. For our

veterans that give so much of themselves to this country you will agree that we can do better.

Put simply, this legislation will forge a medal more worthy of the esteem with which the nation holds those few who have earned the Congressional Medal of Honor through valor and heroism beyond compare.

By Mr. WARNER (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. WEBB, Mr. CASEY, and Mr. ROCKEFELLER):

S. 289. A bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, I rise today to introduce the Journey Through Hallowed Ground National Heritage Area Act, S. 289, a piece of legislation that seeks to designate some of Virginia's, indeed America's, most historic and beautiful lands as a national heritage area.

As I am sure my colleagues are aware, national heritage areas are intended to encourage residents, government agencies, nonprofit groups, and private partners to collaboratively plan and implement programs and projects to recognize, preserve, and celebrate many of America's defining landscapes. Today, there are 37 national heritage areas spread out across the United States.

In Virginia, we are lucky enough to have a landscape that is worthy of the recognition and celebration that a national heritage area designation would afford it. Stretching through four states, and generally following the path of the Old Carolina Road, today's Route 15, the Journey Through Hallowed Ground is home to some of our Nation's greatest historic, cultural, and natural treasures. The region's riches read like a star-studded list of American History: Monticello, Montpelier, Manassas, Gettysburg. The list goes on. In all, there are eight presidential homes, 15 National Historic Landmarks, 47 historic districts, and the largest collection of Revolutionary and Civil War battlefields in the country. It is an area, literally, where America happened.

With the help and tutelage of the National Park Service, this proposed heritage area would be managed by the Journey Through Hallowed Ground Partnership, a nonprofit entity whose sole purpose is to trumpet the magnificence of the hallowed ground's offerings. I am confident that the Partnership will be tremendous promoters and wonderful stewards of the resources within the Route 15 corridor. Already, the partnership has spent years heralding the Region's spectacular natural and historical resources, and they have worked hard to get this area the designation and recognition it deserves.

Mr. President, no area in America could possibly be more deserving of the national heritage area designation than the region affectionately known as the Journey Through Hallowed Ground. Therefore, I urge my colleagues to join me in support of this legislation, and I thank you for this opportunity to speak on behalf of the Journey Through Hallowed Ground National Heritage Area Act.

Mr. WEBB. Mr. President, I am proud to support the Journey Through Hallowed Ground National Heritage Area Act. Today, that bill is being introduced by my esteemed colleague, Senator WARNER, along with myself and other Members of the Senate. A bipartisan group also has introduced this bill in the House of Representatives.

This bill will designate the corridor that runs between Gettysburg, PA, and Charlottesville, VA, as a National Heritage Area. Within this proposed area, there are numerous sites of historic importance, including eight Presidential homes. This hallowed ground is a geographic area of immense beauty, history, and cultural significance, which will be protected under the terms of this bill.

For me, this hallowed ground has special personal significance, drawing me back to thoughts of my ancestors who settled and worked much of this land centuries before. I cannot visit this part of the country without harkening back to the tough, resilient women on buckboard wagons, hard men with rifles walking alongside, and kids tending cattle as they made their way down the mud trail called the Wilderness Road.

As I wrote in my book ''Born Fighting,'' my ancestors—the Scots-Irish—were a proud, adventurous people who left their native lands for the early American colonies in the 18th century. The majority of these courageous pioneers settled along the Appalachian Mountains from Pennsylvania southward into Virginia and beyond. Ultimately, they migrated westward, in the process helping to shape America's independent, individualistic, unbridled culture.

This bill will help preserve the legacy of these early settlers for future generations. Moreover, this bill is a truly patriotic piece of legislation—one that will help us capture the rich diversity and historic experiences of our American forefathers and mothers.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 290. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to rural primary health providers; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, today I rise to introduce the ''Rural Physicians' Relief Act of 2007.'' This important legislation will bring needed assistance to physicians who provide primary health services to rural America.

Physicians who provide health care in the most rural locations in America face challenges unlike their more urban counterparts. Often great distances, remote locations, limited transportation, and harsh climate—combine to make health care delivery extremely difficult to say the very least. Patient populations are small and spread out across extremely remote areas. As a result, many of these areas tend to be the most medically underserved areas in the Nation.

In my State of Alaska, a State that is larger than the States of California, Texas and Montana combined, nearly one-quarter of the State's population live in communities and villages that are only reachable by boat or aircraft. In fact, Alaska has fewer roads than any other State—even fewer roads than Rhode Island. And, unlike Rhode Island where over 90 percent of the roads are paved, less than 20 percent of the roads are paved in Alaska.

This means that approximately 75 percent of Alaskan communities are not connected by road to another community with a hospital. This means that all medical supplies, patients and providers must travel by air.

These remote populations tend to be among the poorest in the State. Air travel equates to excessively high health care costs—generally 70 percent higher than costs in the Lower 48 States. In short, ''rural'' takes on a new definition in Alaska.

In Alaska, patient access to health care is exacerbated because our State also faces a chilling crisis—we have 25 percent to 30 percent fewer physicians than our population needs. In fact, Alaska has one of the smallest numbers of physicians per capita in the country. We need a minimum of 500 more doctors just to be at the national average of physicians per capita. An American Medical News article recently declared Alaska's precarious situation: ''Alaska has long ranked among the worst states in terms of physician supply.''

Our physician shortage crisis will only worsen. There is an expected retirement of at least 118 physicians in Anchorage alone in the next 10 years. In the 1990s, there were 130 new doctors each year. Now that figure has dropped to only 31 new physicians since 2001. Outside of Anchorage, one in every eight physician positions is vacant.

Additionally, many physicians are forced out of the Medicare and Medicaid programs because reimbursement rates simply do not cover the cost to treat those patients. With Alaska's growing population, especially of our elderly, this shortage will lead to the severe health care access crisis for all Alaskans.

On top of harsh physical challenges, Alaska's rural population also faces significant human challenges. These rural patient populations are often in the greatest need for primary health care services. Heart disease, stroke and other cardiovascular diseases are the leading causes of death in Alaska. Women in our state have higher death rates from stroke than do women nationally; and mortality among Native

Alaskan women is dramatically on the rise, whereas, it is actually declining among Caucasian women in the Lower 48. The prevalence of chronic disease such as diabetes and even tuberculosis is increasing faster in Alaska than any other state. Each of these health concerns is magnified because access to health care—especially in rural Alaska—remains our greatest challenge.

The legislation that I introduce today with Senator STEVENS seeks to lessen this problem. It will both assist physicians who currently practice in rural America and will provide an incentive to encourage physicians to practice in these remote and underserved areas. Specifically, it would give a physician who is a primary health services provider a $1,000 tax credit for each month that he/she provides services in a designated ''frontier'' area. Furthermore, physicians who treat a high percentage of patients from frontier areas would also be eligible for the tax credit.

My hope is to encourage physicians to practice medicine in rural Alaska and throughout rural America. Creating incentives that offset the high cost of providing care in the most remote areas of nation will go far in recruiting physicians to the areas that are most in need of their services.

By Mr. NELSON of Florida (for himself, Ms. LANDRIEU, Mr. LOTT, Mr. VITTER, and Mr. COCHRAN):

S. 292. A bill to establish a bipartisan commission on insurance reform; to the Committee on Banking, Housing, and Urban Affairs.

Mr. NELSON of Florida. Mr. President, I am pleased to be joined by my colleagues and cosponsors Senators MARY LANDRIEU, TRENT LOTT, DAVID VITTER, and THAD COCHRAN as we introduce the Commission on Catastrophic Disaster Risk and Insurance Act of 2007.

As we know all too well, the last few years have brought a devastating cycle of natural catastrophes in the United States. In 2004 and 2005, we witnessed a series of powerful hurricanes that caused unthinkable human tragedy and property loss. In my own home State of Florida, eight catastrophic storms in 15 months caused more than $31 billion in insured damages. Now Florida is witnessing skyrocketing insurance rates, insurance companies are canceling hundreds of thousands of policies, and the State's catastrophe fund is depleted.

The inability of the private insurance markets to fully handle the fallout from these natural disasters has made our Nation's property and casualty insurance marketplace unstable. This instability has forced the Federal Government to absorb billions of dollars in uninsured losses, at a huge cost to all American taxpayers.

Let me be clear—these issues will not just affect Florida or the coastal States. Natural catastrophes can strike anywhere in our country. In the few decades, major disasters have been declared in almost every State. Congress has struggled with these issues time and time again, but nothing much has gotten accomplished. It's time for a comprehensive approach to solving our Nation's property and casualty insurance issues.

This bill would create a Federal commission—made up of a group of the best experts in the Nation—to quickly recommend to Congress the best approach to addressing catastrophic risk insurance. In the 1990s, when I was Insurance Commissioner for the State of Florida, I created a similar commission, and within months, the commission acted, and many of its key recommendations became State law.

We need a comprehensive approach that will make sure the United States is truly prepared for the financial fallout from natural disasters. I know this complicated process won't be easy for us—but let's roll up our shirtsleeves and get it done.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 292

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 ''Commission on Catastrophic Disaster Risk and Insurance Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused over $200 billion in total economic losses, including insured and uninsured losses.

(2) Although private sector insurance is currently available to spread some catastrophe-related losses throughout the Nation and internationally, most experts believe there will be significant insurance and reinsurance shortages, resulting in dramatic rate increases for consumers and businesses, and the unavailability of catastrophe insurance.

(3) The Federal Government has provided and will continue to provide billions of dollars and resources to pay for losses from catastrophes, including hurricanes, volcanic eruptions, tsunamis, tornados, and other disasters, at huge costs to American taxpayers.

(4) The Federal Government has a critical interest in ensuring appropriate and fiscally responsible risk management of catastrophes. Mortgages require reliable property insurance, and the unavailability of reliable property insurance would make most real estate transactions impossible. In addition, the public health, safety, and welfare demand that structures damaged or destroyed in a catastrophe be reconstructed as soon as possible. Therefore, the inability of the private sector insurance and reinsurance markets to maintain sufficient capacity to enable Americans to obtain property insurance coverage in the private sector endangers the national economy and the public health, safety, and welfare.

(5) Multiple proposals have been introduced in the United States Congress over the past decade to address catastrophic risk insurance, including the creation of a national catastrophic reinsurance fund and the revision of the Federal tax code to allow insurers to use tax-deferred catastrophe funds, yet Congress has failed to act on any of these proposals.

(6) To the extent the United States faces high risks from catastrophe exposure, essential technical information on financial structures and innovations in the catastrophe insurance market is needed.

(7) The most efficient and effective approach to assessing the catastrophe insurance problem in the public policy context is to establish a bipartisan commission of experts to study the management of catastrophic disaster risk, and to require such commission to timely report its recommendations to Congress so that Congress can quickly craft a solution to protect the American people.

SEC. 3. ESTABLISHMENT.

There is established a bipartisan Commission on Catastrophic Disaster Risk and Insurance (in this Act referred to as the ''Commission'').

SEC. 4. MEMBERSHIP.

(a) MEMBERS.—The Commission shall be composed of the following:

(1) The Director of the Federal Emergency Management Agency or a designee of the Director.

(2) The Administrator of the National Oceanic and Atmospheric Administration or a designee of the Administrator.

(3) 12 additional members or their designees of whom one shall be—

(A) a representative of a consumer group;

(B) a representative of a primary insurance company;

(C) a representative of a reinsurance company;

(D) an independent insurance agent with experience in writing property and casualty insurance policies;

(E) a State insurance regulator;

(F) a State emergency operations official;

(G) a scientist;

(H) a faculty member of an accredited university with experience in risk management;

(I) a member of nationally recognized think tank with experience in risk management;

(J) a homebuilder with experience in structural engineering;

(K) a mortgage lender; and

(L) a nationally recognized expert in antitrust law.

(b) MANNER OF APPOINTMENT.—

(1) IN GENERAL.—Any member of the Commission described under subsection (a)(3) shall be appointed only upon unanimous agreement of—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(2) CONSULTATION.—In making any appointment under paragraph (1), each individual described in paragraph (1) shall consult with the President.

(c) ELIGIBILITY LIMITATION.—Except as provided in subsection (a), no member or officer of the Congress, or other member or officer of the Executive Branch of the United States Government or any State government may be appointed to be a member of the Commission.

(d) PERIOD OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(e) QUORUM.—

(1) MAJORITY.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) APPROVAL ACTIONS.—All recommendations and reports of the Commission required by this Act shall be approved only by a majority vote of a quorum of the Commission.

(f) CHAIRPERSON.—The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall jointly select 1 member appointed pursuant to subsection (a) to serve as the Chairperson of the Commission.

(g) MEETINGS.—The Council shall meet at the call of its Chairperson or a majority of its members at any time.

SEC. 5. DUTIES OF THE COMMISSION.

The Commission shall—

(1) assess—

(A) the condition of the property and casualty insurance and reinsurance markets in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004; and

(B) the ongoing exposure of the United States to earthquakes, volcanic eruptions, tsunamis, and floods; and

(2) recommend and report, as required under section 6, any necessary legislative and regulatory changes that will—

(A) improve the domestic and international financial health and competitiveness of such markets; and

(B) assure consumers of the—

(i) availability of adequate insurance coverage when an insured event occurs; and

(ii) best possible range of insurance products at competitive prices.

SEC. 6. REPORT.

(a) IN GENERAL.—Not later than 90 days after the appointment of Commission members under section 4, the Commission shall submit to the President and the Congress a final report containing a detailed statement of its findings, together with any recommendations for legislation or administrative action that the Commission considers appropriate, in accordance with the requirements of section 5.

(b) CONSIDERATIONS.—In developing any recommendations under subsection (a), the Commission shall consider—

(1) the catastrophic insurance and reinsurance market structures and the relevant commercial practices in such insurance industries in providing insurance protection to different sectors of the American population;

(2) the constraints and opportunities in implementing a catastrophic insurance system that can resolve key obstacles currently impeding broader implementation of catastrophe risk management and financing with insurance;

(3) methods to improve risk underwriting practices, including—

(A) analysis of modalities of risk transfer for potential financial losses;

(B) assessment of private securitization of insurances risks;

(C) private-public partnerships to increase insurance capacity in constrained markets; and

(D) the financial feasibility and sustainability of a national catastrophe pool or regional catastrophe pools designed to provide adequate insurance coverage and increased underwriting capacity to insurers and reinsurers;

(4) approaches for implementing a public insurance scheme for low-income communities, in order to promote risk reduction and explicit insurance coverage in such communities;

(5) methods to strengthen insurance regulatory requirements and supervision of such requirements, including solvency for catastrophic risk reserves;

(6) methods to promote public insurance policies linked to programs for loss reduction in the uninsured sectors of the American population;

(7) methods to strengthen the risk assessment and enforcement of structural mitigation and vulnerability reduction measures, such as zoning and building code compliance;

(8) the appropriate role for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets, with an analysis—

(A) of options such as—

(i) a reinsurance mechanism;

(ii) the modernization of Federal taxation policies; and

(iii) an ''insurance of last resort'' mechanism; and

(B) how to fund such options; and

(9) the merits of 3 principle legislative proposals introduced in the 109th Congress, namely:

(A) The creation of a Federal catastrophe fund to act as a backup to State catastrophe funds (S. 3117);

(B) Tax-deferred catastrophe accounts for insurers (S. 3115); and

(C) Tax-free catastrophe accounts for policyholders (S. 3116).

SEC. 7. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths or affirmations as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) CONFIDENTIALITY.—

(A) IN GENERAL.—Information obtained under a subpoena issued under subsection (a) which is deemed confidential, or with reference to which a request for confidential treatment is made by the person furnishing such information—

(i) shall be exempt from disclosure under section 552 of title 5, United States Code; and

(ii) shall not be published or disclosed unless the Commission determines that the withholding of such information is contrary to the interest of the United States.

(B) EXCEPTION.—The requirements of subparagraph (A) shall not apply to the publication or disclosure of any data aggregated in a manner that ensures protection of the identity of the person furnishing such data.

(c) AUTHORITY OF MEMBERS OR AGENTS OF THE COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this Act.

(d) OBTAINING OFFICIAL DATA.—

(1) AUTHORITY.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States any information necessary to enable the Commission to carry out the purposes of this Act.

(2) PROCEDURE.—Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish the information requested to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(g) GIFTS.—

(1) IN GENERAL.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(2) REGULATIONS.—The Commission shall adopt internal regulations governing the receipt of gifts or donations of services or property similar to those described in part 2601 of title 5, Code of Federal Regulations.

SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) SUBCOMMITTEES.—The Commission may establish subcommittees and appoint persons to such subcommittees as the Commission considers appropriate.

(d) STAFF.—Subject to such policies as the Commission may prescribe, the Chairperson of the Commission may appoint and fix the pay of such additional personnel as the Chairperson considers appropriate to carry out the duties of the Commission.

(e) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Subcommittee members and staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in

excess of the annual rate of basic pay prescribed for GS–18 of the General Schedule under section 5332 of that title.

(f) EXPERTS AND CONSULTANTS.—In carrying out its objectives, the Commission may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS–18 of the General Schedule under section 5332 of that title.

(g) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairperson of the Commission, any Federal Government employee may be detailed to the Commission to assist in carrying out the duties of the Commission—

(1) on a reimbursable basis; and

(2) such detail shall be without interruption or loss of civil service status or privilege.

SEC. 9. TERMINATION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 6.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 to carry out the purposes of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 27—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES OF THE ONE HUNDRED TENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 27

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Tenth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Harkin (Chairman), Mr. Leahy, Mr. Conrad, Mr. Baucus, Mrs. Lincoln, Ms. Stabenow, Mr. Nelson (Nebraska), Mr. Salazar, Mr. Brown, Mr. Casey, and Ms. Klobuchar.

COMMITTEE ON APPROPRIATIONS: Mr. Byrd (Chairman), Mr. Inouye, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, and Mr. Nelson (Nebraska).

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mrs. Clinton, Mr. Pryor, Mr. Webb, and Mrs. McCaskill.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Dodd (Chairman), Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Carper, Mr. Menendez, Mr. Akaka, Mr. Brown, Mr. Casey, and Mr. Tester.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Inouye (Chairman), Mr. Rockefeller, Mr. Kerry, Mr. Dorgan, Mrs. Boxer, Mr. Nelson (Florida), Ms. Cantwell, Mr. Lautenberg, Mr. Pryor, Mr. Carper, Mrs. McCaskill, and Ms. Klobuchar.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Chairman), Mr. Akaka, Mr. Dorgan, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Ms. Cantwell, Mr. Salazar, Mr. Menendez, Mrs. Lincoln, Mr. Sanders, and Mr. Tester.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Lieberman, Mr. Carper, Mrs. Clinton, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Ms. Klobuchar, and Mr. Whitehouse.

COMMITTEE ON FINANCE: Mr. Baucus (Chairman), Mr. Rockefeller, Mr. Conrad, Mr. Bingaman, Mr. Kerry, Mrs. Lincoln, Mr. Wyden, Mr. Schumer, Ms. Stabenow, Ms. Cantwell, and Mr. Salazar.

COMMITTEE ON FOREIGN RELATIONS: Mr. Biden (Chairman), Mr. Dodd, Mr. Kerry, Mr. Feingold, Mrs. Boxer, Mr. Nelson (Florida), Mr. Obama, Mr. Menendez, Mr. Cardin, Mr. Casey, and Mr. Webb.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Kennedy (Chairman), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mrs. Clinton, Mr. Obama, Mr. Sanders and Mr. Brown.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mr. Obama, Mrs. McCaskill, and Mr. Tester.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, and Mr. Whitehouse.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Rockefeller, Mrs. Feinstein, Mr. Wyden, Mr. Bayh, Ms. Mikulski, Mr. Feingold, Mr. Nelson (Florida), Mr. Whitehouse, and Mr. Levin (ex officio).

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Byrd, Mr. Nelson (Florida), Ms. Stabenow, Mr. Menendez, Mr. Cardin, Mr. Lautenberg, Mr. Sanders, and Mr. Whitehouse.

COMMITTEE ON RULES AND ADMINISTRATION: Mrs. Feinstein (Chairman), Mr. Dodd, Mr. Byrd, Mr. Inouye, Mr. Schumer, Mr. Durbin, Mr. Nelson (Nebraska), Mr. Reid, Mrs. Murray, and Mr. Pryor.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Kerry (Chairman), Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Landrieu, Ms. Cantwell, Mr. Bayh, Mr. Pryor, Mr. Cardin, and Mr. Tester.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Chairman), Mr. Rockefeller, Mrs. Murray, Mr. Obama, Mr. Sanders, Mr. Brown, Mr. Webb, and Mr. Tester.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Chairman), Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Carper, Mr. Nelson (Florida), Mrs. Clinton, Mr. Salazar, Mr. Casey, Mrs. McCaskill, and Mr. Whitehouse.

JOINT ECONOMIC COMMITTEE: Mr. Schumer (Chairman), Mr. Kennedy, Mr. Bingaman, Ms. Klobuchar, Mr. Casey, and Mr. Webb.

SELECT COMMITTEE ON ETHICS: Mr. Johnson (Chairman), Mrs. Boxer (Chairman in Johnson's absence), Mr. Pryor, and Mr. Salazar.

Senator JOHNSON is Chair of the Select Committee on Ethics, and during his absence for all purposes under Senate Rules, Committee Rules, and relevant statutes, Senator BOXER shall act as Chair of the Select Commttee on Ethics, except for purposes of the designation under 2 U.S.C. §72a–1f.

COMMITTEE ON INDIAN AFFAIRS: Mr. Dorgan (Chairman), Mr. Inouye, Mr. Conrad, Mr. Akaka, Mr. Johnson, Ms. Cantwell, Mrs. McCaskill, and Mr. Tester.

SENATE RESOLUTION 28—TO CONSTITUTE THE MINORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED TENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 28

Resolved, That the following shall constitute the minority party's membership on the following committees for the One Hundred Tenth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Chambliss, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Graham, Mr. Coleman, Mr. Crapo, Mr. Thune, and Mr. Grassley.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. Stevens, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. McConnell, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mr. Craig, Mrs. Hutchison, Mr. Brownback, Mr. Allard, and Mr. Alexander.

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Warner, Mr. Inhofe, Mr. Sessions, Ms. Collins, Mr. Ensign, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune, and Mr. Martinez.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby, Mr. Bennett, Mr. Allard, Mr. Enzi, Mr. Hagel, Mr. Bunning, Mr. Crapo, Mr. Sununu, Mrs. Dole, and Mr. Martinez.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Stevens, Mr. McCain, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Sununu, Mr. DeMint, Mr. Vitter, and Mr. Thune.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Domenici, Mr. Craig, Mr. Thomas, Ms. Murkowski, Mr. Burr, Mr. DeMint, Mr. Corker, Mr. Sessions, Mr. Smith, Mr. Bunning, and Mr. Martinez.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Warner, Mr. Voinovich, Mr. Isakson, Mr. Vitter, Mr. Craig, Mr. Alexander, Mr. Thomas, and Mr. Bond.

COMMITTEE ON FINANCE: Mr. Grassley, Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Thomas, Mr. Smith, Mr. Bunning, Mr. Crapo, and Mr. Roberts.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Mr. Hagel, Mr. Coleman, Mr. Corker, Mr. Sununu, Mr. Voinovich, Ms. Murkowski, Mr. DeMint, Mr. Isakson, and Mr. Vitter.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Enzi, Mr. Gregg, Mr. Alexander, Mr. Burr, Mr. Isakson, Ms. Murkowski, Mr. Hatch, Mr. Roberts, Mr. Allard, and Mr. Coburn.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Stevens, Mr. Voinovich, Mr. Coleman, Mr. Coburn, Mr. Domenici, Mr. Warner, and Mr. Sununu.

COMMITTEE ON THE JUDICIARY: Mr. Specter, Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Brownback, and Mr. Coburn.

COMMITTEE ON THE BUDGET: Mr. Gregg, Mr. Domenici, Mr. Grassley, Mr. Allard, Mr. Enzi, Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, and Mr. Graham.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Bennett, Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Lott, Mr. Chambliss, Mrs. Hutchison, Mr. Hagel, and Mr. Alexander.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snow, Mr. Bond,

Mr. Coleman, Mr. Vitter, Mrs. Dole, Mr. Thune, Mr. Corker, Mr. Enzi, and Mr. Isakson.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Craig, Mr. Specter, Mr. Burr, Mr. Isakson, Mr. Graham, Mrs. Hutchison, and Mr. Ensign.

SPECIAL COMMITTEE ON AGING: Mr. Smith, Mr. Shelby, Ms. Collins, Mr. Martinez, Mr. Craig, Mrs. Dole, Mr. Coleman, Mr. Vitter, Mr. Corker, and Mr. Specter.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Bond, Mr. Warner, Mr. Hagel, Mr. Chambliss, Mr. Hatch, Ms. Snowe, and Mr. Burr.

JOINT ECONOMIC COMMITTEE: Mr. Brownback, Mr. Sununu, Mr. DeMint, and Mr. Bennett.

SELECT COMMITTEE ON ETHICS: Mr. Cornyn, Mr. Roberts, and Mr. Thomas.

COMMITTEE ON INDIAN AFFAIRS: Mr. Thomas, Mr. McCain, Ms. Murkowski, Mr. Coburn, Mr. Domenici, Mr. Smith, and Mr. Burr.

SENATE RESOLUTION 29—EXPRESSING THE SENSE OF THE SENATE REGARDING MARTIN LUTHER KING, JR. DAY AND THE MANY LESSONS STILL TO BE LEARNED FROM DR. KING'S EXAMPLE OF NONVIOLENCE, COURAGE, COMPASSION, DIGNITY, AND PUBLIC SERVICE

Ms. STABENOW (for herself, Mr. DURBIN, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. LEAHY, Mr. KERRY, Mr. MENENDEZ, Mr. BAUCUS, Mr. SCHUMER, Mr. SANDERS, Mr. KOHL, Mr. CARDIN, Mr. LAUTENBERG, Mr. OBAMA, Mr. WEBB, Ms. MIKULSKI, Mr. LEVIN, Mr. DODD, Mr. KENNEDY, Mr. SALAZAR, Mrs. CLINTON, Ms. CANTWELL, Mr. TESTER, Mr. BINGAMAN, Mr. BYRD, Mr. BROWN, Mr. BIDEN, Mr. WYDEN, Mr. NELSON of Florida, Mrs. FEINSTEIN, Mr. BAYH, Mr. REED, Mrs. BOXER, Mr. WHITEHOUSE, Mr. PRYOR, Mr. FEINGOLD, Mr. REID, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 29

Whereas Reverend Doctor Martin Luther King, Jr. dedicated his life to securing the Nation's fundamental principles of liberty and justice for all citizens;

Whereas Dr. King was the leading civil rights advocate of his time, spearheading the civil rights movement in the United States during the 1950s and 1960s, and earned worldwide recognition as an eloquent and articulate spokesperson for equality;

Whereas in the face of hatred and violence, Dr. King preached a doctrine of nonviolence and civil disobedience to combat segregation, discrimination, and racial injustice, and believed that each person has the moral capacity to care for other people;

Whereas Dr. King awakened the conscience and consciousness of the Nation and used his message of hope to bring people together to build the Beloved Community—a community of justice, at peace with itself;

Whereas Dr. King was born on January 15, 1929, and attended segregated public schools in Georgia;

Whereas Dr. King began attending Morehouse College in Atlanta, Georgia at the age of 15, and received a B.A. degree in 1948 from Morehouse College, following in the footsteps of both his father and grandfather;

Whereas Dr. King received his B.D. in 1951 from Crozer Theological Seminary in Pennsylvania and his Ph.D. in theology in 1955 from Boston University;

Whereas in Boston Dr. King met Coretta Scott, his life partner and fellow civil rights activist, and they married on June 18, 1953, and had 2 sons and 2 daughters;

Whereas Dr. King was ordained in the Christian ministry in February 1948 at the age of 19 at Ebenezer Baptist Church, in Atlanta, Georgia, and became Assistant Pastor of Ebenezer Baptist Church;

Whereas, in 1954, Dr. King accepted the call of Dexter Avenue Baptist Church in Montgomery, Alabama, and was pastor there until November 1959, when he resigned to move back to Atlanta to lead the Southern Christian Leadership Conference;

Whereas from 1960 until his death in 1968, Dr. King was again a pastor at Ebenezer Baptist Church, along with his father;

Whereas between 1957 and 1968, Dr. King traveled over 6,000,000 miles, spoke over 2,500 times, and wrote 5 books and numerous articles, supporting efforts around the Nation to end injustice and bring about social change and desegregation;

Whereas Dr. King led the Montgomery bus boycott for 381 days to protest the arrest of Mrs. Rosa Parks and the segregation of the bus system of Montgomery, Alabama, in the first great nonviolent civil rights demonstration of contemporary times in the United States;

Whereas during the boycott, Dr. King was arrested and his home was bombed, yet he responded with nonviolence and courage in the face of hatred;

Whereas, on November 13, 1956, the Supreme Court of the United States declared the laws requiring segregation in Montgomery's bus system to be unconstitutional, leading to the end of the bus boycott on December 21, 1956;

Whereas Dr. King led the March on Washington, D.C. on August 28, 1963, the largest rally of the civil rights movement;

Whereas during that march, Dr. King delivered his famous ''I Have A Dream'' speech from the steps of the Lincoln Memorial and before a crowd of over 200,000 people;

Whereas Dr. King's ''I Have A Dream'' speech is one of the classic orations in United States history;

Whereas Dr. King was a champion of nonviolence, fervently advocating nonviolent resistance as the strategy to end segregation and racial discrimination in the United States;

Whereas Dr. King was awarded the 1964 Nobel Peace Prize in recognition for his efforts, and, at the age of 35, was the youngest man to receive the Nobel Peace Prize;

Whereas through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas the work of Dr. King created a basis of understanding and respect and helped communities, and the Nation as a whole, to act cooperatively and courageously to achieve tolerance, justice, and equality between people;

Whereas, on the evening of April 4, 1968, Dr. King was assassinated while standing on the balcony of his motel room in Memphis, Tennessee, where he was to lead sanitation workers in protest against low wages and intolerable working conditions;

Whereas in 1968 Representative John Conyers first introduced legislation to establish a national holiday honoring Dr. King;

Whereas Coretta Scott King led a massive campaign to establish Dr. King's birthday as a national holiday;

Whereas in 1983 Congress passed and President Ronald Reagan signed legislation establishing Martin Luther King, Jr. Day;

Whereas in 2007 Martin Luther King, Jr. Day is celebrated in more than 100 countries;

Whereas in remembering Dr. King we also honor his wife and indispensable partner, Coretta Scott King, a woman of quiet courage and great dignity who marched alongside her husband and became an international advocate for peace and human rights;

Whereas Mrs. King, who had been actively engaged in the civil rights movement as a politically and socially conscious young woman, continued after her husband's death to lead the Nation toward greater justice and equality for all, traveling the world advocating for racial and economic justice, peace and nonviolence, women's and children's rights, gay rights, religious freedom, full employment, health care, and education until her death on January 30, 2006;

Whereas the values of faith, compassion, courage, truth, justice, and nonviolence that guided Dr. and Mrs. King's dream for the United States will be celebrated and preserved by the Martin Luther King, Jr. National Memorial on the National Mall near the Jefferson Memorial and in the new National Museum of African American History and Culture that will be located near the Lincoln Memorial;

Whereas Dr. King's actions and leadership made the United States a better place and the people of the United States a better people;

Whereas the people of the United States should commemorate the legacy of Dr. King, so ''that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal' ''; and

Whereas Dr. King's voice is silenced today, but on the national holiday honoring Dr. King and throughout the year, the people of the United States should remember his message, recommit to his goal of a free and just nation, and consider each person's responsibility to other people: Now, therefore, be it

Resolved by the Senate, That the Senate—

(1) observes and celebrates the national holiday honoring Reverend Doctor Martin Luther King, Jr.;

(2) honors Dr. King's example of nonviolence, courage, compassion, dignity, and public service;

(3) pledges to advance the legacy of the Dr. King; and

(4) encourages the people of the United States to celebrate—

(A) the national holiday honoring Dr. King; and

(B) the life and legacy of Dr. King.

AMENDMENTS SUBMITTED & PROPOSED

SA 43. Mr. LIEBERMAN (for himself, Mr. OBAMA, Mr. FEINGOLD, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process.

SA 44. Mr. DURBIN proposed an amendment to amendment SA 11 proposed by Mr. DEMINT (for himself and Mr. CORNYN) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 45. Mr. CORNYN proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs.

FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 46. Mr. CORNYN proposed an amendment to amendment SA 2 proposed by Mr. LEAHY (for himself and Mr. PRYOR) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 47. Mr. NELSON, of Nebraska proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 48. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 49. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 50. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 51. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 52. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 53. Mr. MARTINEZ submitted an amendment intended to be proposed to the language proposed to be stricken by amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 54. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 55. Mr. OBAMA (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 56. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 57. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 58. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 43. Mr. LIEBERMAN (for himself, Mr. OBAMA, Mr. FEINGOLD, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. _____. DISCLOSURE OF LOBBYING ON EARMARKS.

(a) REPORTS.—Section 4(b)(5)(B) of the Act (2 U.S.C. 1603(b)(5)(B)) is amended by adding immediately following ''activities'' the following: '', including earmarks, targeted tax benefits, and targeted tariff benefits as defined in section 103 of the Legislative Transparency and Accountability Act of 2007, and the legislation that contains the earmark, targeted tax benefit, or targeted tariff benefit, including the bill number, if known.''.

(b) DISCLOSURES.—Section 5(b)(2)(A) of the Act (2 U.S.C. 1604(b)(2)(A)) is amended to read—

''(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including—

''(i) to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions; and

''(ii) each earmark, limited tax benefit, or targeted tariff benefit as defined in section 103 of the Legislative Transparency and Accountability Act of 2007 for which the registrant engaged in lobbying activities, and the legislation that contains the earmark, targeted tax benefit, or targeted tariff benefit, including the bill number, if known;''.

SA 44. Mr. DURBIN proposed an amendment to amendment SA 11 proposed by Mr. DEMINT (for himself, Mr. CORNYN) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

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

SEC. 103. CONGRESSIONAL EARMARK REFORM.

The Standing Rules of the Senate are amended by adding at the end the following:

RULE XLIV

EARMARKS

''1. It shall not be in order to consider—

''(a) a bill or joint resolution reported by a committee unless the report includes a list, which shall be made available on the Internet to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

''(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list, which shall be made available on the Internet to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

''(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list, which shall be made available on the Internet to the general public for at least 48 hours before consideration of the conference report, of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

''2. For the purpose of this rule—

''(a) the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

''(b) the term 'limited tax benefit' means—

''(1) any revenue provision that—

''(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

''(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

''(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

''(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

''3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

''4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a

limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

''(1) the name of the Member;

''(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

''(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

''(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

''(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

''(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee's or subcommittee's website not later than 48 hours after receipt on such information.''.

SA 45. Mr. CORNYN proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 7, line 13, strike ''conference report unless such report'' and insert ''legislative matter unless such matter''

On page 7, line 16, strike ''48'' and insert ''72.''

SA 52. Mr. CORNYN proposed an amendment to amendment SA 2 proposed by Mr. LEAHY (for himself and Mr. PRYOR) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 4, after line 5, add the following:

(e) DETERRING PUBLIC CORRUPTION.—

(1) APPLICATION OF MAIL AND WIRE FRAUD STATUTES TO LICENCES AND OTHER INTANGIBLE RIGHTS.—Sections 1341 and 1343 of title 18, United States Code, are each amended by striking ''money or property'' and inserting ''money, property, or any other thing of value''.

(2) VENUE FOR FEDERAL OFFENSES.—

(A) VENUE INCLUDES ANY DISTRICT IN WHICH CONDUCT IN FURTHERANCE OF AN OFFENSE TAKES PLACE.—Subsection (a) of section 3237 of title 18, United States Code, is amended to read as follows:

''(a) Except as otherwise provided by law, an offense against the United States may be inquired of and prosecuted in any district in which any conduct required for, or any conduct in furtherance of, the offense took place, or in which the offense was completed.''.

(B) CONFORMING AMENDMENTS.—

(i) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

''§ 3237. Offense taking place in more than one district''.

(ii) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

''3237. Offense taking place in more than one district.''.

(3) THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.—Section 666(a) of title 18, United States Code, is amended—

(A) in paragraph (1)(B), by striking ''of $5,000 or more'' and inserting ''of $1,000 or more'';

(B) in paragraph (2), by striking ''of $5,000 or more'' and inserting ''of $1,000 or more''; and

(C) in the matter following paragraph (2), by striking ''ten years'' and inserting ''20 years''.

(4) PENALTY FOR SECTION 641 VIOLATIONS.—Section 641 of title 18, United States Code, is amended by striking ''ten years'' and inserting ''20 years''.

(5) BRIBERY AND GRAFT.—Section 201 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking ''fifteen years'' and inserting ''30 years''; and

(ii) by adding at the end the following: ''If the official act involved national security, the term of imprisonment under this subsection shall be not less than 3 years.''; and

(B) in subsection (c), by striking ''two years'' and inserting ''10 years''.

(6) MAKING RICO MAXIMUM CONFORM TO BRIBERY MAXIMUM.—Section 1963(a) of title 18, United States Code, is amended by striking ''20 years'' and inserting ''30 years''.

(7) INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.—

(A) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''10 years''.

(B) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(C) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(D) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(E) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''10 years''.

(F) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(8) ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF PUBLIC MONEY OFFENSE.—Section 641 of title 18, United States Code, is amended by inserting ''the District of Columbia or'' before ''the United States'' each place that term appears.

(9) ADDITIONAL RICO PREDICATES.—Section 1961(1) of title 18, United States Code, is amended—

(A) by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records,'' after ''473 (relating to counterfeiting),''; and

(10) ADDITIONAL WIRETAP PREDICATES.—Section 2516(1) of title 18, United States Code, is amended—

(A) in paragraph (c), by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records,'' after ''section 224 (relating to bribery in sporting contests),'';

(B) in paragraph (r), by striking ''or'' at the end;

(C) by redesignating paragraph (s) as paragraph (t); and

(D) by inserting after paragraph (r) the following:

''(s) a violation of section 309(d)(1)(A)(i) or 319 of the Federal Election Campaign Act of 1971; or''.

(11) CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.—Subparagraphs (A) and (B) of section 201(c)(1) of title 18, United States Code, are each amended by inserting ''the official position of that official or person or'' before ''any official act''.

(12) AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.—

(A) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under sections 201, 641, 666, and 1962 of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by guidelines and policy statements.

(B) REQUIREMENTS.—In carrying out this subsection, the Commission shall—

(i) ensure that the sentencing guidelines and policy statements reflect Congress' intent that the guidelines and policy statements reflect the serious nature of the offenses described in subparagraph (A), the growing incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(ii) consider the extent to which the guidelines may or may not appropriately account for—

(I) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(II) the level of sophistication and planning involved in the offense;

(III) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(IV) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(V) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(VI) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(iii) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(iv) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(v) make any necessary conforming changes to the sentencing guidelines; and

(vi) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(13) CLARIFICATION OF DEFINITION OF OFFICIAL ACT.—Section 201(a)(3) of title 18, United States Code, is amended by striking ''any decision'' and all that follows through ''profit'' and inserting ''any decision or action within the range of official duty of a public official''.

SA 47. Mr. NELSON of Nebraska proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS,

Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. ___. ENCOURAGING FISCAL RESPONSIBILITY IN THE EARMARKING PROCESS.

(a) IN GENERAL.—If an entity is properly awarded an earmark as defined in section 103, the entire amount of the earmark shall be transferred to the entity to be expended for the essential governmental purpose of the earmark.

(b) AGENCY PROHIBITION.—Earmarked funds shall not be spent by the authorizing department or agency (unless specifically authorized in the section of the appropriations bill or report containing the earmark) and shall instead be returned to the Treasury for the purposes of deficit reduction.

SA 48. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 38, between lines 5 and 6, insert the following:

SEC. 223. LOBBYING DISCLOSURE AND PUBLIC AVAILABILITY OF FORMS FILED BY RECIPIENTS OF FEDERAL FUNDS AND CONTRACTS.

(a) LOBBYING DISCLOSURE.—Section 1352(b)(2) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) an itemization of any funds spent by the person for lobbying on a calendar year basis.''.

(b) PUBLIC AVAILABILITY.—Section 1352(b) of title 31, United States Code, is amended by adding at the end the following:

''(7) Declarations required to be filed by paragraph (1) shall be made available by the Office of Management and Budget on a public, fully searchable website that shall be updated quarterly.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 6 months after the date of enactment of this Act.

SA 49. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the end of subtitle A of title II, insert the following:

SEC. 225. SUBMISSION OF EARMARKS ON A UNIFORM FORM.

(a) IN GENERAL.—Each Member of the Senate shall submit any request for—

(1) an appropriations earmark to the Committee on Appropriations of the Senate;

(2) a tax benefit earmark to the Committee on Finance of the Senate; and

(3) any other earmark to the appropriate committee of jurisdiction.

(b) UNIFORM FORM.—

(1) IN GENERAL.—Each request for an earmark under subsection (a) shall be submitted on a standardized form.

(2) RULES COMMITTEE.—The form described in paragraph (1) shall be developed by the Committee on Rules and Administration of the Senate.

(3) REQUIRED CONTENT.—The form described in paragraph (1), shall at a minimum, include the following:

(A) The name of the Member requesting the earmark.

(B) The name of each entity that would be the recipient of the earmark, including the name of the parent entity of such recipient, if such recipient is owned by another entity. If there is no specifically intended recipient, then the form shall require the Member to identify the intended location or activity that will benefit from the earmark. In the case of an earmark that contains a limited tax or tariff benefit, the Member shall identify the individual or entity reasonably anticipated to benefit from the earmark (to the extent known by the Member).

(C) The amount requested in the earmark.

(D) The Department or agency from which the amounts requested in the earmark are expected to be provided (if known by the Member).

(E) The appropriations bill from which the amounts requested in the earmark are expected to be provided (if known by the Member).

(F) A description of the earmark, including its purpose, goals, and expected outcomes.

(G) The location and address of each entity that would be the recipient of the earmark and the primary location of the activities funded by the earmark, including the State, city, congressional district, and country of such activities.

(H) Whether the earmark is funding an ongoing or a new activity or initiative and the expected duration of such activity or initiative.

(I) The source and amount of any other funding for the activity or initiative funded by the earmark, including any other Federal, State, local, or private funding for such activity or initiative.

(J) Contact information for the entity that would be the recipient of the earmark, including the name, phone number, postal mailing address, and email for such entity.

(K) If the activity or initiative funded by the earmark is authorized by Federal law. If so, the Member shall provide the public law number and United States Code citation for such authorization.

(L) The budget outline for such activity or initiative funded by the earmark, including—

(i) the amount needed to complete the activity or initiative; and

(ii) whether or not the Member, the spouse of the Member, an immediate family member of the Member, a member of the Member's staff, or an immediate family member of a member of the Member's Senator's staff has a financial interest in the earmark.

(4) PUBLIC ACCOUNTABILITY.—

(A) IN GENERAL.—Not later than 7 days after the date that a request for an earmark is submitted under this section, the Committee on Appropriations of the Senate shall make the request available to the public on the Internet website of such committee, without fee or other access charge, in a searchable, sortable, and downloadable manner.

(B) RECORDKEEPING.—The Committee on Appropriations of the Senate shall maintain records of all requests made available under subparagraph (A) for a period of not less than 6 years.

(c) DEFINITIONS.—In this section:

(1) EARMARK.—The term ''earmark'' means—

(A) a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(B) any revenue-losing provision that—

(i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

(C) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

(D) any provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(2) IMMEDIATE FAMILY MEMBER.—The term ''immediate family member'' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of a person.

SA 50. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike section 108 and insert the following:

SEC. 108. DISCLOSURE FOR GIFTS FROM LOBBYISTS.

Paragraph 1(a) of rule XXXV of the Standing Rules of the Senate is amended—

(1) in clause (2), by striking the last sentence and inserting ''Formal record keeping is required by this paragraph as set out in clause (3).''; and

(2) by adding at the end the following:

''(3)(A) Not later than 48 hours after a gift has been accepted, each Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

''(i) The nature of the gift received.

''(ii) The value of the gift received.

''(iii) The name of the person or entity providing the gift.

''(iv) The city and State where the person or entity resides.

''(v) Whether that person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is providing the gift and the city and State where the client resides.

''(B) Not later than 30 days after the adoption of this clause, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in subclause (A) shall be established.''.

Strike section 109 and insert the following:

SEC. 109. DISCLOSURE OF TRAVEL.

Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(h)(1) Not later than 48 hours after a Member, officer, or employee has accepted

transportation or lodging otherwise permissible by the rules from any other person, other than a governmental entity, such Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

''(A) The nature and purpose of the transportation or lodging.

''(B) The fair market value of the transportation or lodging.

''(C) The name of the person or entity sponsoring the transportation or lodging.

''(D) The city and State where the person or entity sponsoring the transportation or lodging resides.

''(E) Whether that sponsoring person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is sponsoring the transportation or lodging and the city and State where the client resides.

''(2) This subparagraph shall also apply to all noncommercial air travel otherwise permissible by the rules.

''(3) Not later than 30 days after the adoption of this subparagraph, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in clauses (1) and (2) shall be established.''.

SA 51. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 18, between lines 3 and 4, insert the following:

SEC. 116. PROHIBITION ON FINANCIAL GAIN FROM EARMARKS BY MEMBERS, IMMEDIATE FAMILY OF MEMBERS, STAFF OF MEMBERS, OR IMMEDIATE FAMILY OF STAFF OF MEMBERS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''15. (a) No Member shall use his official position to introduce, request, or otherwise aid the progress or passage of a congressional earmark that will financially benefit or otherwise further the pecuniary interest of such Member, the spouse of such Member, the immediate family member of such Member, any employee on the staff of such Member, the spouse of an employee on the staff of such Member, or immediate family member of an employee on the staff of such Member.

''(b) For purposes of this paragraph—

''(1) the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of a Member or any employee on the staff (including staff in personal, committee and leadership offices) of a Member; and

''(2) the term 'congressional earmark' means—

''(A) a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

''(B) any revenue-losing provision that—

''(i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

''(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

''(C) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

''(D) any provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.''.

SA 52. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STANDARDS FOR ECONOMIC DEVELOPMENT INITIATIVE EARMARKS.

Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following:

''(5) CRITERIA FOR CONGRESSIONAL EARMARKS.—

''(A) IN GENERAL.—No amount of funds provided or made available in an earmark for purposes of funding grants under this subsection may be made available to the Secretary, unless such funds are used for 1 or more of the following purposes related to real property or public or private nonprofit facilities:

''(i) Acquisition.

''(ii) Planning.

''(iii) Design.

''(iv) Purchase of equipment.

''(v) Revitalization, reconstruction, or rehabilitation.

''(vi) Redevelopment.

''(vii) Construction.

''(B) REPORTS.—

''(i) REQUIRED BEFORE DISBURSAL.—The Secretary may not release any grant funds provided for or made available by an earmark to an eligible public entity or public or private nonprofit organization under this subsection, unless such entity or organization submits to the Secretary a report detailing the economic impact of the earmark.

''(ii) CONTENTS OF REPORT.—

''(I) IN GENERAL.—The report required under clause (i) shall be submitted by the eligible public entity or public or private nonprofit organization to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(II) LIMITATION.—In any report required under clause (i), the Secretary—

''(aa) shall not require the disclosure of any confidential information of the eligible public entity or public or private nonprofit organization, or of any subgrantee employed by such entity or organization; and

''(bb) shall ensure that the requirements of such report are uniform for all grants funded by an earmark within each fiscal year.

''(III) RELEASE OF CHANGE IN REPORTING REQUIREMENTS.—The Secretary shall publish any changes to the reporting requirements under this subparagraph in the Federal Register not later than January 1 of the year preceding the fiscal year in which such changes are to take effect.

''(iii) AVAILABILITY.—The Secretary shall, upon request, provide any member of Congress with a copy of any report filed under this subparagraph.

''(C) SET ASIDE OF BUDGET AUTHORITY.—Not less than 20 percent of the total funds made available for purposes of this section in any appropriations Act shall be made available to the Secretary, free from earmarks, such that the Secretary may award these funds, in the discretion of the Secretary, to eligible public entities or public or private nonprofit organizations under a competitive bidding process.

''(D) DEFINITIONS.—In this subsection:

''(i) EARMARK.—The term 'earmark' means a provision of law, or a directive contained within a joint explanatory statement or report included in a conference report or bill primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

''(ii) NONPROFIT.—The term 'nonprofit' means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

''(iii) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means any private organization (including a State or locally chartered organization) that—

''(I) is incorporated under State or local law;

''(II) is nonprofit in character; and

''(III) complies with standards of financial accountability acceptable to the Secretary.

''(iv) PUBLIC NONPROFIT ORGANIZATION.—The term 'public nonprofit organization' means any public entity that is nonprofit in character.''.

SA 53. Mr. MARTINEZ submitted an amendment intended to be proposed to the language proposed to be stricken by amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STANDARDS FOR ECONOMIC DEVELOPMENT INITIATIVE EARMARKS.

Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following:

''(5) CRITERIA FOR CONGRESSIONAL EARMARKS.—

''(A) IN GENERAL.—No amount of funds provided or made available in an earmark for purposes of funding grants under this subsection may be made available to the Secretary, unless such funds are used for 1 or more of the following purposes related to real property or public or private nonprofit facilities:

''(i) Acquisition.

''(ii) Planning.

''(iii) Design.

''(iv) Purchase of equipment.

''(v) Revitalization, reconstruction, or rehabilitation.

''(vi) Redevelopment.

''(vii) Construction.

''(B) REPORTS.—

''(i) REQUIRED BEFORE DISBURSAL.—The Secretary may not release any grant funds provided for or made available by an earmark to an eligible public entity or public or private nonprofit organization under this subsection, unless such entity or organization submits to the Secretary a report detailing the economic impact of the earmark.

''(ii) CONTENTS OF REPORT.—

''(I) IN GENERAL.—The report required under clause (i) shall be submitted by the eligible public entity or public or private nonprofit organization to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(II) LIMITATION.—In any report required under clause (i), the Secretary—

''(aa) shall not require the disclosure of any confidential information of the eligible public entity or public or private nonprofit organization, or of any subgrantee employed by such entity or organization; and

''(bb) shall ensure that the requirements of such report are uniform for all grants funded by an earmark within each fiscal year.

''(III) RELEASE OF CHANGE IN REPORTING REQUIREMENTS.—The Secretary shall publish any changes to the reporting requirements under this subparagraph in the Federal Register not later than January 1 of the year preceding the fiscal year in which such changes are to take effect.

''(iii) AVAILABILITY.—The Secretary shall, upon request, provide any member of Congress with a copy of any report filed under this subparagraph.

''(C) SET ASIDE OF BUDGET AUTHORITY.—Not less than 20 percent of the total funds made available for purposes of this section in any appropriations Act shall be made available to the Secretary, free from earmarks, such that the Secretary may award these funds, in the discretion of the Secretary, to eligible public entities or public or private nonprofit organizations under a competitive bidding process.

''(D) DEFINITIONS.—In this subsection:

''(i) EARMARK.—The term 'earmark' means a provision of law, or a directive contained within a joint explanatory statement or report included in a conference report or bill primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

''(ii) NONPROFIT.—The term 'nonprofit' means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

''(iii) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means any private organization (including a State or locally chartered organization) that—

''(I) is incorporated under State or local law;

''(II) is nonprofit in character; and

''(III) complies with standards of financial accountability acceptable to the Secretary.

''(iv) PUBLIC NONPROFIT ORGANIZATION.—The term 'public nonprofit organization' means any public entity that is nonprofit in character.''.

SA 54. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 11, line 2, strike ''Paragraph'' and insert ''(a) IN GENERAL.—Paragraph''.

On page 11, between lines 8 and 9, insert the following:

(b) NATIONAL PARTY CONVENTIONS.—Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''5. A Member may not participate in an event honoring that Member at a national party convention if such event is paid for by any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act of 1995, or any individual or entity identified as a lobbyist or a client in any current registration or report filed under such Act.''.

SA 55. Mr. OBAMA (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike section 212 and insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

''(d) QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.—

''(1) IN GENERAL.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year, or on the first business day after the 20th if that day is not a business day, each registrant under paragraphs (1) or (2) of section 4(a), and each employee who is listed as a lobbyist on a current registration or report filed under this Act, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

''(A) the name of the registrant or lobbyist;

''(B) the employer of the lobbyist or the names of all political committees established or administered by the registrant;

''(C) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each contribution made within the quarter;

''(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) raised at such event;

''(E) the name of each covered legislative branch official or covered executive branch official for whom the lobbyist, the registrant, or a political committee established or administered by the registrant provided, or directed or caused to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

''(i) an itemization of the payments or reimbursements provided to finance the travel and related expenses, and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

''(ii) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

''(iii) whether the registrant or lobbyist traveled on any such travel;

''(iv) the identity of the listed sponsor or sponsors of such travel; and

''(v) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, who directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the lobbyist, the registrant, or a political committee established or administered by the registrant;

''(F) the date, recipient, and amount of funds contributed, disbursed, or arranged (or a good faith estimate thereof) by the lobbyist, the registrant, or a political committee established or administered by the registrant—

''(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

''(ii) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

''(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

''(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

''(G) the date, recipient, and amount of any gift (that under the standing rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the lobbyist, the registrant, or a political committee established or administered by the registrant to a covered legislative branch official or covered executive branch official; and

''(H) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each such contribution within the quarter.

''(2) RULE OF CONSTRUCTION.—

''(A) IN GENERAL.—Contribution, donations, or other funds are 'arranged' by a lobbyist—

''(i) where there is a formal or informal agreement, understanding, or arrangement between the lobbyist and a Federal candidate or other recipient that such contributions, donations, or other funds will be or have been credited or attributed by the Federal candidate or other recipient in records, designations, or formal or informal recognitions as having been raised, solicited, or directed by the lobbyist; or

''(ii) where the lobbyist has actual knowledge that the Federal candidate or other recipient is aware that the contributions, donations, or other funds were solicited, arranged, or directed by the lobbyist.

''(B) CLARIFICATIONS.—For the purposes of this paragraph—

''(i) the term 'lobbyist' shall include a lobbyist, registrant, or political committee established or administered by the registrant; and

''(ii) the term 'Federal candidate or other recipient' shall include a Federal candidate, Federal officeholder, leadership PAC, or political party committee.

''(3) DEFINITIONS.—In this subsection, the following definitions shall apply:

''(A) GIFT.—The term 'gift'—

''(i) means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value; and

''(ii) includes, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred—

''(I) gifts of services;

''(II) training;

''(III) transportation; and

''(IV) lodging and meals.

''(B) LEADERSHIP PAC.—The term 'leadership PAC' means with respect to an individual holding Federal office, an unauthorized political committee which is associated with an individual holding Federal office, except that such term shall not apply in the case of a political committee of a political party.''.

SA 56. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. _____. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''§ 226. Wrongfully influencing a private entity's employment decisions by a Member of Congress

''Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

''(2) influences, or offers or threatens to influence, the official act of another;

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.''.

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''226. Wrongfully influencing a private entity's employment decisions by a Member of Congress.''.

SA 57. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 60, between lines 22 and 23, insert the following:

(b) REPORT REGARDING POLITICAL CONTRIBUTIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commission shall submit a report to Congress detailing the number, type, and quantity of contributions made to Members of the Senate or the House of Representatives during the 30-month period beginning on the date that is 24 months before the date of enactment of the Acts identified in paragraph (2) by the corresponding organizations identified in paragraph (2).

(2) ORGANIZATIONS AND ACTS.—The report submitted under paragraph (1) shall detail the number, type, and quantity of contributions made to Members of the Senate or the House of Representatives as follows:

(A) For the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2066), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a pharmaceutical company; or

(ii) a trade association for pharmaceutical companies.

(B) For the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law 109–8; 119 Stat. 23), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a bank or financial services company;

(ii) a company in the credit card industry; or

(iii) a trade association for any such companies.

(C) For the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a company in the oil, natural gas, nuclear, or coal industry; or

(ii) a trade association for any such companies.

(D) For the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109–53; 119 Stat. 462), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) the United States Chamber of Commerce, the National Association of Manufacturers, the Business Roundtable, the National Federation of Independent Business, the Emergency Committee for American Trade, or any member company of such entities; or

(ii) any other free trade organization funded primarily by corporate entities.

(3) AGGREGATE REPORTING.—The report submitted under paragraph (1)—

(A) shall not list the particular Member of the Senate or House of Representative that received a contribution; and

(B) shall report the aggregate amount of contributions given by each entity identified in paragraph (2) to—

(i) Members of the Senate during the time period described in paragraph (1) for the corresponding Act identified in paragraph (2); and

(ii) Members of the House of Representatives during the time period described in paragraph (1) for the corresponding Act identified in paragraph (2).

(4) DEFINITIONS.—In this subsection—

(A) the terms ''authorized committee'', ''candidate'', ''contribution'', ''political committee'', and ''political party'' have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431); and

(B) the term ''political action committee'' means any political committee that is not—

(i) a political committee of a political party; or

(ii) an authorized committee of a candidate.

SA 58. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING IMPROVING THE ETHICS ENFORCEMENT PROCESS IN THE SENATE.

It is the Sense of the Senate that—

(1) the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate should—

(A) study mechanisms to improve the ethics enforcement process in the Senate and report any legislation to the full Senate not later than March 31, 2007;

(B) in studying mechanisms under subparagraph (A), consider whether, to improve the ethics enforcement process, an independent bicameral office, separate offices for the Senate and House of Representatives, or an independent bipartisan commission should be established to investigate complaints of violation of the ethics rules of the Senate or House of Representatives and present matters to the Select Committee on Ethics of the Senate; and

(C) in studying mechanisms under subparagraph (A), consult with the Select Committee on Ethics of the Senate; and

(2) the full Senate should consider any legislation reported under paragraph (1).

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, January 12, 2007, at 9:30 a.m., to receive testimony on Iraq.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–

398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the majority leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: Mr. Peter Videnieks of Virginia, for a term beginning January 1, 2007 and expiring December 31, 2008, vice Patrick A. Mulloy.

ORDERS FOR TUESDAY, JANUARY 16, 2007

Mr. WEBB. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Tuesday, January 16; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour controlled by Senator WYDEN, the second hour controlled by the Republicans, and the final hour equally divided and controlled between the two leaders or their designees; that at 1 p.m., the Senate resume S. 1.

I further ask unanimous consent that Members have until 10:30 a.m. to file first-degree amendments to S. 1 and until 4:30 p.m. to file second-degree amendments.

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

PROGRAM

Mr. WEBB. Mr. President, we now have 32 amendments pending to the ethics bill. I understand the Parliamentarians have been reviewing amendments to determine whether they are germane to the legislation. A lot of work remains to be done with respect to this bill, and we will finish next week. So Members should be ready to be here for long days and sessions into the evening. The first vote of next week will be at 5:30 p.m., Tuesday, and other votes will follow that evening.

ADJOURNMENT UNTIL TUESDAY, JANUARY 16, 2007, AT 10 A.M.

Mr. WEBB. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 3:46 p.m., adjourned until Tuesday, January 16, 2007, at 10 a.m.

EXTENSIONS OF REMARKS

IMPLEMENTING THE 9/11 COMMISSION RECOMMENDATIONS ACT OF 2007

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in strong support of H.R. 1, the Implementing the 9/11 Commission Recommendations Act. The safety of our families, our communities and our country is the top priority of Americans and today, finally, it is the top priority of Congress.

It is long past time to make the changes and investments necessary to improve our homeland security. The Commission submitted 41 recommendations in 2004. Since then, the Republican-controlled Congress has failed to take action. In fact, last year, the bipartisan 9/11 Commissioners gave Congress failing grades on implementing the Commission's recommendations.

H.R. 1 will both enhance our homeland security and reduce the threat overseas. Implementing these recommendations is supported by 9/11 families and 62 percent of Americans.

This bill includes several critical elements to improving American security. It will establish a grant program to improve interoperability and finally allow our first responders to communicate and share information with one another. It also ensures that taxpayer dollars are used wisely and requires that homeland security grants are awarded based on risk. H.R 1. will provide for screening of 100 percent of containers bound for the U.S. and establishes an improved system of screening the cargo and baggage on aircraft.

Democrats have also included provisions to act proactively in improving stability around the world. This legislation will improve prevention of the proliferation of weapons of mass destruction and nuclear technology. It will also take a critical step in reducing the appeal of extremism by encouraging educational opportunities in Arab and Muslim countries.

H.R 1. will change Congress' failing grade to an "A" from the 9/11 Commission. This legislation is a comprehensive effort to enhance our security and to promote stability and understanding around the world. 9/11 Commissioner Lee Hamilton said that if H.R. 1 passes, America will be safer. I urge my colleagues to join me in making this so.

HONORING THE CITY OF ELYRIA DR. MARTIN LUTHER KING, JR. DAY OF SERVICE

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. SUTTON. Madam Speaker, I rise today to pay tribute to the Elyria Dr. Martin Luther King, Jr. Day of Service celebrated annually for the past 21 years. The city of Elyria, located in beautiful Lorain County, OH, has presented an award to the individual or group who best exemplified Dr. King's ideals of freedom, justice and opportunity.

Heman Ely founded Elyria, situated at the forks of the Black River, in 1817. The name Elyria came partially from Ely's own name and from his deep interest in the Austrian province of Illyria, which he visited in 1809 after its conquest by Napoleon. Elyria has enjoyed an illustrious history and has been home to a wide range of former residents.

In 1907, Elyria resident and businessperson Edgar Allen began raising money for a new local hospital in response to the tragic loss of his son in a streetcar accident. Allen was appalled at the lack of adequate services for special needs children so he sold his business and began raising money for a new local hospital. This fundraising culminated in the creation of Easter Seals organization in 1919. Other notable Elyria residents include current NFL quarterback Tim Rattay and the authors Sherwood Anderson and Robert Erwin Lee. With a wide-ranging history such as this, it is only natural for Elyria to celebrate the ideals of Dr. King.

All Americans know of Dr. Martin Luther King, Jr.'s stature as a national hero. From his celebrated "Letter from Birmingham Jail" to his organization of the Montgomery Bus Boycott, Dr. King demonstrated that eloquent words followed with significant action could affect social change without resorting to violence. His "I Have a Dream" speech movingly spelled out his dream of racial equality and propelled the issue to the forefront of national consciousness.

In closing, I commend the City of Elyria and all the organizations that have spent countless hours organizing this celebration honoring Dr. King's birthday. These awards are given annually to recognize service and achievement of persons who live or work in the City of Elyria in areas consistent with the teachings and example of Dr. King. His dedication to racial, social and economic justice is a model that the world should emulate now more than ever and this is why I enthusiastically support this award.

TRIBUTE TO DR. WILLIAM ANDERSON

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Dr. William Anderson, for his lifetime commitment to social change and the civil rights movement.

Dr. Anderson was born on December 12, 1927 and is a native of Americus, GA. He graduated from Alabama State College, the University of Osteopathic and Health Sciences and is certified in general surgery.

Throughout his career, as a doctor of osteopathic medicine, Dr. Anderson has contributed to the medical community, in Albany where he began his career as well as in Detroit, MI, and Kirksville, MO.

However, in the segregationist South of the 1950s and early 1960s, Dr. Anderson's medical career became intertwined with the civil rights movement. At that time, there were no black hospitals in Albany. In white hospitals, Dr. Anderson was denied privileges such as admitting patients and using equipment—making it virtually impossible to practice medicine. So, Dr. Anderson improvised, servicing his patients by setting up his practice in a private office.

In 1961, Dr. Martin Luther King, Jr., who Dr. Anderson had met a few years before, brought his movement to Albany. Soon, Dr. Anderson assumed the role of President of the Albany Movement. Over the next few months, hundreds of protestors were jailed for staging sit-ins at local bus terminals, including Dr. King and Reverend Ralph Abernathy. History tells us that the Albany movement, amid the hostile environment of southwest Georgia, was a struggle whose efforts were consistently thwarted by a determined sector of the white population.

However, history also tells us that the Albany Movement in which Dr. Anderson played an integral role has become viewed as a milestone in the greater civil rights movement. A year after the Albany movement began, hundreds of voters were registered and the city commission removed all segregation statutes from the books.

Madam Speaker, none of this could have been achieved without the efforts of Dr. Anderson. He is an inspiration for young men and women, and I stand here today to commend him for his service to his community.

IN RECOGNITION OF NKEIRU OKOYE

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. FATTAH. Madam Speaker, I rise today to recognize renowned composer Nkeiru Okoye. On Monday, in honor of Dr. Martin Luther King's birthday, Ms. Okoye's composition, "Voices Shouting Out" will be performed by the esteemed Philadelphia Orchestra. This concert is, in fact, the 25th performance of her masterpiece. She deserves recognition for her musical accomplishments and her many efforts to bring a symphony of harmony to a world filled with discord.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mrs. MALONEY of New York. Madam Speaker, on January 4, 2007, I was unavoidably detained and missed rollcall vote numbered 6, on adoption of Title I of the Resolution.

Had I been present, I would have voted ''yea'' on rollcall vote numbered 6.

FAIR MINIMUM WAGE ACT OF 2007

SPEECH OF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. TOWNS. Mr. Speaker, I rise today in the name of fairness and justice. American families who rely on the Federal minimum wage are struggling to make ends meet. Over the last decade, our poorest-paid workers have faced rapidly rising costs in health care, energy, and college while the minimum wage has remained the same.

H.R. 2, the Fair Minimum Wage Act of 2007, would increase the Federal minimum to $7.25 an hour. At $5.15 per hour, the current Federal minimum, a person working 40 hours per week makes $10,712 per year, about $5,000 below the poverty line for a family of three. I ask you, can you imagine taking care of your family much less yourself with that? In addition, millions of workers paid just a dollar or two more than the minimum also live in poverty. An increase to $7.25 will have a spillover effect that could raise wages for many of those workers. Ladies and gentlemen, the time for an increase is long overdue.

Critics claim that increasing the minimum wage will have a negative effect on the economy, but after the last minimum wage increase in 1997, the economy enjoyed its strongest growth in more than three decades. This Congress was elected in a large part because our economy has not benefited the working poor as much as those at the high end of the pay scale. H.R. 2 is a first step and I encourage my colleagues to support the bill.

INTRODUCING THE SUNLIGHT RULE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. PAUL. Madam Speaker, Supreme Court Justice Louis Brandeis famously said, ''Sunlight is the best disinfectant.'' In order to shine sunlight on the practices of the House of Representatives, and thus restore public trust and integrity to this institution, I am introducing the sunlight rule, which amends House rules to ensure that members have adequate time to study a bill before being asked to vote on it. One of the chief causes of increasing public cynicism regarding Congress is the way major pieces of legislation are brought to the floor without members having an opportunity to read the bills. For example, concerns have been raised that in the opening days of the 110th Congress, legislation dealing with important topics such as national security are being brought to the floor before members have had an opportunity to adequately study the legislation.

In past Congresses, it was all-too-common to see large Appropriations bills rushed to the floor of the House in late-night sessions at the end of the year. For example, the House voted on the Fiscal Year 2006 Defense Appropriations Conference Report at approximately 4 a.m.—just four hours after the report was filed. Yet, the report contained language dealing with avian flu, including controversial language regarding immunity liability for vaccine manufacturers, that was added in the House-Senate conference on the bill. Considering legislation on important issues in this manner is a dereliction of our duty as the people's elected representatives.

My proposed rule requires that no piece of legislation, including conference reports, can be brought before the House of Representatives unless it has been available to members and staff in both print and electronic version for at least ten days. My bill also requires that a manager's amendment that makes substantive changes to a bill be available in both printed and electronic forms at least 72 hours before voted on. While manager's amendments are usually reserved for technical changes, oftentimes manager's amendments contain substantive additions to, or subtractions from, bills. Members should be made aware of such changes before being asked to vote on a bill.

The sunlight rule provides the people the opportunity to be involved in enforcing the rule by allowing a citizen to move for censure of any House Member who votes for a bill brought to the floor in violation of this act. The sunlight rule can never be waived by the Committee on Rules or House leadership. If an attempt is made to bring a bill to the floor in violation of this rule, any member could raise a point of order requiring the bill to be immediately pulled from the House calendar until it can be brought to the floor in a manner consistent with this rule.

Madam Speaker, the practice of rushing bills to the floor before individual members have had a chance to study the bills is one of the major factors contributing to public distrust of Congress. Voting on bills before members have had time to study them makes a mockery of representative government and cheats the voters who sent us here to make informed decisions on public policy. Adopting the sunlight rule is one of, if not the, most important changes to the House rules this Congress could make to restore public trust in, and help preserve the integrity of, this institution. I hope my colleagues will support this change to the House rules.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today in strong support of H.R. 3, the Stem Cell Research Enhancement Act of 2007, introduced by my esteemed colleagues, Representatives DIANA DEGETTE and MICHAEL CASTLE. As a longtime champion of stem cell research and an original cosponsor of this legislation, I cannot stress enough how important this bill is to the future of medical research and to the health and well-being of Americans and people worldwide. Embryonic stem cell research holds unique promise for the treatment of illnesses such as Alzheimer's disease, Parkinson's disease, muscular dystrophy and many other degenerative conditions. We Members of Congress have the responsibility to ensure that this promise is realized.

The expansion of federally funded embryonic stem cell research is supported by a majority of Americans and by Members of Congress from across the political spectrum. Therefore, I was disheartened by President Bush's decision to use his first and only veto to strike down stem cell legislation passed last year. However, I have fresh hope that we will see the enactment of this legislation this year. I am confident that we will pass this bill overwhelmingly today and that the Senate will do its part to secure final passage. I am also optimistic that President Bush will respect the wishes of the American public and will refrain from vetoing this important legislation yet again.

Countless lives could be saved with the passage of this legislation, and I therefore urge each one of you to vote with foresight, with optimism and with respect for life in favor of the Stem Cell Research and Enhancement Act of 2007.

REINTRODUCTION OF THE SAFE COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. WOLF. Madam Speaker, few are willing to admit—much less discuss—the looming financial crisis facing our country, but there is less than 1 year until the first baby boomer is eligible to retire.

On Wednesday, January 10, the Washington Post included an op-ed by Robert Samuelson which paints a poignant picture of the generational conflict approaching on the horizon. He makes a compelling case for why it is critical that Congress take action now to address the financial emergency facing the Nation with the retirement of the baby boomers.

That is why on Tuesday, Senator GEORGE VOINOVICH and I will reintroduce identical legislation to establish a national bipartisan commission that will put everything—entitlement benefits and all other Federal programs as well as our tax policies—on the table and require Congress to vote up or down on its recommendations in their entirety, similar to the Base Realignment and Closure Commission (BRAC) first created by former Rep. Dick Armey in 1988. This commission would be called the SAFE Commission, to secure America's future economy.

I first introduced the idea of the SAFE Commission last summer. Since that time, the proposal has received strong support from across the political spectrum including the Heritage Foundation; the Concord Coalition; former

congressional members from both sides of the aisle; and former Congressional Budget Office directors. It has been favorably endorsed by newspapers across the country, including the Dallas Morning News, the Orlando Sentinel and syndicated columnist David Broder.

There is near universal agreement that the longer we wait to deal with this problem, the tougher the medicine will be to swallow. As a father of five and grandfather of 12, the challenge posed by the pending retirement of baby boomers strikes me as much more than a routine policy discussion. Without action, just what kind of future are we leaving to our children and grandchildren?

My youngest grandchild is just 10 months old. By the time she is 15 years old, 29 cents out of every dollar paid in income taxes will be required to cover the needs of Social Security and Medicare to pay for my retirement. That's not including payroll taxes of almost 15 percent.

By the time she completes her undergraduate degree, more than 45 cents out of every dollar of income taxes then will be needed to cover the shortfall of Social Security and Medicare, rising to 62 cents out of every dollar if she decides to get her doctorate 10 years later. Again, this is on top of payroll taxes.

Sadly, before she retires—and looks into the eyes of her own grandchildren—retired baby boomers will be consuming 88 percent of every income tax dollar. With the baby boomers consuming so much, there will be little money left to meet the needs and challenges of her generation. Not only is this unacceptable, it raises serious moral questions. Is it right for one generation to live very well knowing that its debts will be left to be paid for by their children and grandchildren?

Abraham Lincoln, one of our Nation's greatest presidents, once said, ''You cannot escape the responsibility of tomorrow by evading it today.'' Yet that is precisely what we have been doing—avoiding our responsibility to future generations of Americans by passing on a broken system in the form of unfunded Social Security, Medicare and Medicaid obligations.

I deeply believe there is a moral component to this issue that goes to the heart of who we are as Americans. By that I mean, I wonder if we have lost the national will to make tough decisions that may require sacrifice? Moreover, have we lost the political courage to reject the partisan and special interest demands and do what is best for our country?

If we remember the legacy we have inherited, the debt we owe to previous generations—our grandparents and our parents and the sacrifices they made to make our country what it is today—we all will be moved to do our duty. The SAFE Commission should be embraced by both sides of the aisle. I am open to suggestions about the legislation from members of both parties. This is a national issue; not a Republican issue or a Democrat issue.

Last spring I took a trip to Antietam National Battlefield. As I walked along ''Bloody Lane,'' the site of one of the most vicious battles of the Civil War, I was struck by how many individuals made the ultimate sacrifice.

September 18, 1862, was the bloodiest single day in American history. There were more than 23,000 casualties, nine times as many Americans killed or wounded in World War II's D-Day on June 6, 1944. More soldiers were killed and wounded at the Battle of Antietam than the deaths of all Americans in the Revolutionary War, the War of 1812, the Mexican War and Spanish-American War combined.

I also visited the site of George Washington's crossing of the Delaware River in anticipation of the Battle of Trenton. Washington was down to only 3,000 soldiers and the war was almost lost. Yet, with great courage—and sacrifice—Washington and his forces were successful in changing the direction of the American Revolution.

I often think of the tremendous sacrifice being made by the thousands of men and women serving today not only in Iraq and Afghanistan, but around the globe. Their families here at home are also making great sacrifices. These examples of sacrifice for country are what led me to ask just what are we passing on to those who are coming after us?

In less than a year, the baby boom generation will begin trickling into retirement. A few years later, that trickle will become a flood that within five more years will become a tsunami that will begin to wreak havoc on our Social Security and Medicare systems. Medicare, Medicaid and Social Security consume 40 percent of the budget in 2006, but will consume 51 percent by 2016—and that is just the tip of the demographic iceberg.

As we tragically learned the lesson of Katrina in New Orleans, the best time to deal with a damaged flood wall is before the rains begin. Make no mistake; the levies that are our country's entitlement systems can only be plugged for so long. Without major repair and a long-term fix, we are facing a financial perfect storm like never before.

There is near unanimous agreement by all who have looked at this issue: Social Security and Medicare are amassing huge deficits and are ill-prepared for the coming flood of new baby boom retirees. When our retirement security programs like Social Security and Medicare were established, the ratio of workers supporting each retiree was more than 10 times the number supporting retirees today. In 1945, there were 42 workers for each retiree. Last year, the ratio dropped to three workers for each retiree and is expected to drop to just two workers for each retiree by 2030.

Perhaps even more troubling than the Social Security projections are those for Medicare. By 2010, the trust fund expenditures are projected to exceed annual income from all sources and the reserves will be depleted by 2018, 11 short years from now. According to the trustees, ''Medicare's financial outlook has deteriorated dramatically over the past five years and is now much worse than Social Security's.''

This coming crisis demands our immediate attention. While there is never a convenient time to make hard decisions, the longer we wait, the more dramatic the required remedy will be. According to the Government Accountability Office (GAO), balancing the budget in 2040 necessitates one of two alternatives: cutting total federal spending by 60 percent or raising federal taxes by two and a half times today's level. Either of these options would devastate our economy. But if we can summon the resolve to begin these difficult conversations now—and make some hard choices on the front end—we can change our current course.

Basic economics underscore the dangers inherent in our current national trends. America is living on borrowed dollars and borrowed time. U.S. spending is outpacing income growth and personal savings rates have dropped to negative 1.3 percent in the first quarter, meaning that U.S. consumers are spending more than 100 percent of their monthly after-tax income.

In spite of this, our economy has remained strong, in large part because other countries have been willing to buy our debt. But borrowing hundreds of billions of dollars from countries like China, Saudi Arabia, Japan, South Korea, and others puts not only our future economy, but also our national security, at risk. More than $2.6 billion a day is needed to fund our savings shortfall, which has left us with nearly 40 percent of our domestic economy in foreign hands.

As our fiscal deficit balloons, our current account deficit is projected to hit historically unprecedented highs, and our country's net investment position abroad is eroding rapidly. While the Asian Central Banks and petrodollar countries like those in the Middle East have no doubt contributed to our country's growth (the housing boom and the ability of U.S. consumers to spend), the purchase of U.S. securities by foreigners has, at the same time, enabled us to live way beyond our means.

This makes our country—and our children and grandchildren—much more vulnerable in the future. Will a geopolitical dispute with a major oil exporter cause it to stop funding our deficit, resulting in a sharp drop in the dollar, a spike in interest rates and a market meltdown?

If foreigners lose faith in the U.S. and our ability to put our own fiscal house in order, their investment decisions could send shock waves through our financial markets and even result in a collapse of U.S. real estate prices. If we don't address this issue, higher interest rates and inflation are inevitable. It would be only a matter of when and how high. If we don't change our current unsustainable path, our future economic growth, standard of living, and even our national security may be at risk.

Our children and grandchildren deserve a future that will allow them to respond to the challenges of their generation. Who could have predicted, even 10 years ago, that today our Nation would be engaged in a global war on terror. Each generation faces its own international threats, and we have an obligation to ensure that future generations have the flexibility to respond to the challenges of their time.

If current policies are left unchanged, in as few as 33 years and in no more than 40 years, there would be no discretionary money left for defense spending. All federal revenue would have to go to only four sources: Medicare, Medicaid, Social Security and interest on past debt.

In addition to international considerations there are domestic factors. Getting our financial house in order will allow us to prioritize spending in areas such as cutting edge medical research for cancer, Alzheimer's and autism, and for education, particularly in mathematics and science, which are critically important to America's remaining the world's leader in innovation and technology.

It is with the hope of building consensus on this very difficult issue that I am offering legislation to set up a bipartisan commission charged with evaluating the scope of our fiscal problem and recommending tangible solutions.

One of the most critical responsibilities of this panel will be explaining the crisis we face and listening to the American people about how to get the country back on sound financial footing. It will also develop a strategic plan for the future. It will look beyond the Beltway for solutions, holding at least 12 town meetings—one in each of the Nation's Federal Reserve districts—over the span of 12 months in order to hear directly from the American people.

The SAFE Commission will be truly bipartisan—comprised of 16 voting members, four appointed by the Senate Majority Leader, three by the Senate Minority Leader, four by the Speaker of the House, and three by the House Minority Leader. Four of the 14 congressional appointments must be sitting members of Congress. Additionally, the director of the Office of Management and Budget as well as the secretary of the Treasury will serve as voting ex-officio members. The Congressional Budget Office and the Comptroller General of the United States will be appointed as nonvoting ex-officio members of the commission to lend their expertise. The president will appoint bipartisan co-chairs from among the 14 voting members appointed by Congress.

I have heard criticism that such weighty decisions on the Nation's financial future are the responsibility of Congress. I couldn't agree more. The SAFE Commission has two provisions to protect congressional prerogatives. First, of the 14 members appointed to the commission, four must be sitting members of Congress. Second, if Congress takes on the task and enacts significant legislation aimed at addressing this looming crisis, the SAFE Commission would terminate and cease to exist.

The group will comprehensively review entitlement benefits, patterns in savings and insurance for retirement, tax policies and the long-term implications of increasing foreign ownership of the U.S. Treasury. But given the enormity of the challenge, the commission needs to be able to look at every component of our fiscal policy to fairly assess where we stand and how we can best move toward a sound fiscal future. Everything must be on the table. As a fiscal conservative, I believe that the economy grows when people keep more of their hard-earned money, and my voting record reflects this belief.

The SAFE Commission is tasked with addressing tax issues as well as spending policies because current law puts us on a track to sharply higher taxes as well as spending. If the current tax cuts are sunset, then beginning in 2011, taxes as a percent of GDP will jump and then rise each and every year to nearly 20 percent of GDP in 2016, less than 10 years from now. After that they will keep on growing to record levels, hitting over 23 percent in 2046. This happens because rising incomes push Americans into both higher brackets and into the alternative minimum tax (AMT). Yet even extending the tax cuts will shave only one percentage point off these rising numbers.

Americans need to understand all the numbers to avoid the grim default of a rising burden of taxes and spending that will damage our economy. I believe that having revenues as part of the discussion, as one of the areas of reform for the SAFE Commission, will help us paint the full picture and help us confront the tax increases that the country faces in the coming years under current law.

In looking at revenues, I believe reform of the tax code must help simplify the system and stimulate increased economic growth and thereby tax revenue. The late William Simon, who served as Treasury secretary under presidents Nixon and Ford, believed ''the United States should have a tax system, which looks like someone designed it on purpose.''

The IRS estimates Americans spend 6.6 billion hours per year filling out tax forms including 1.6 billion hours on the 1040 form alone and nearly $200 billion on tax compliance. That amounts to 20 cents of compliance cost for every dollar collected by the tax system.

Shouldn't we have a system that people understand? One that encourages faster growth in business formation, jobs, family income and tax revenue? A simplified tax code also could help increase the personal savings rate, which went negative for the first time since the Great Depression earlier this year.

The SAFE Commission legislation provides an opportunity to simultaneously address the likely tax increases that middle class Americans are projected to face and the explosion in entitlement programs. It does this by focusing on reform. The legislation provides an opportunity to reform the tax code in ways that generate more rapid growth. We know from the recent revenue figures that tax policies that spur growth also bring in needed revenue. And the legislation also tasks the commission with exploring entitlement reforms that protect safety net programs while reining in total costs.

After spending 12 months conducting town meetings around the country to determine the scope of the problem and consider solutions, the commission will present to Congress a report describing the long-term fiscal problems, public suggestions and views expressed during the town meetings and policy options available to ensure federal programs and entitlements are available for future generations.

With a bipartisan three-fourths majority vote, the commission will send to Congress a legislative package to implement the commission recommendations no later than 60 days after the interim report. The administration and Congress will have 90 additional days to develop actuarially equivalent proposals to achieve the same cost savings. Essentially, no later than 16 months from the organization of the commission, Congress would be required to vote—up or down—on each proposal.

For example, if the commission's report is delivered on January 1, 2008, then the commission's legislative package would be due by March 1, 2008, and any alternative developed by Congress or the Administration would have to be presented by June 1, 2008.

All proposals must include a 50-year CBO score in addition to disclosing any impact on future federal liabilities. If more than one proposal receives a majority, the one garnering the greatest number of votes would prevail.

I have put in the legislation procedures for expedited consideration of the commission's legislation to ensure that the Congress acts. I do not want this to simply be another blue-ribbon commission whose findings end up on a bookshelf somewhere only to collect dust and never be acted upon.

I look forward to working with my colleagues to enact this legislation. I also welcome a forthright national dialogue. Only by working together in a truly bipartisan manner will we be able to secure America's future economy. I believe most Americans will welcome it as well, especially considering we all want what is best for our children and grandchildren.

I will close with the cautionary words of George Washington's 1796 farewell address: ''We should avoid ungenerously throwing upon posterity the burden of which we ourselves ought to bear.''

REMEMBERING CALVIN WILLIAM VERITY, JR.

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. WILSON of South Carolina. Madam Speaker, former Secretary of Commerce Calvin William Verity Jr., 89, of Beaufort, South Carolina, died Wednesday, January 3, 2007, at the Beaufort Memorial Hospital. He was born January 26, 1917, in Middletown, Ohio, the son of Calvin William Verity, Sr. and Elizabeth (O'Brien) Verity.

Secretary Verity was a graduate of the Phillips Exeter Academy and Yale University. He served as a Lieutenant in the U.S. Navy from 1942–1946. Mr. Verity worked for Armco Steel from 1946 until his retirement in 1982 as CEO and Chairman of the Board. He was named Secretary of Commerce by President Ronald Reagan in 1987 and served two years in that position. During the 1970s and 80s he served as Chairman of the U.S. Chamber of Commerce and as Chairman of the U.S.-Soviet Trade and Economic Council. He was also the Chairman of the Presidents Task force on Private Sector Initiatives under President Reagan.

Secretary Verity is survived by his daughter and son-in-law, Peggy ''Happy'' Verity Power and J.P. Power of Edwards, Colorado; two sons and daughters-in-law, Jonathan George Verity and Victoria Verity of Beaufort, South Carolina, and William Wymond Verity and Paula Verity of Beaufort, South Carolina; seven grandchildren, William Verity Power (Kate), Jonathan Warfield Power (Jody), Jonathan Edward Verity, Victoria Heye Verity Nellen (Bill), Elizabeth Wymond Verity, George Murray Verity, and Hannah Bakewell Verity; four great grandchildren, James Matthew Power, John Gray Power, Thomas George Power, and Brooks Verity Power; and two sisters, Betsy Verity Blakey of Columbus, Ohio and Jean Verity Woodhull of Dayton, Ohio.

On January 5, Sandra Walsh of the Beaufort Gazette penned the below tribute to Mr. Verity:

FORMER SECRETARY OF COMMERCE DIES IN BEAUFORT

Serving as President Ronald Reagan's Secretary of Commerce, Calvin William Verity Jr., shared the stage with political giants.

But in Beaufort, where Verity shared his Spanish Point home with his beloved wife, he is remembered by friends as a 'giant of a man.'

Verity died Wednesday, Jan. 3, 2007, in Beaufort Memorial Hospital. He was 89.

Verity, who suffered from asthma, had been hospitalized for four days and died from complications of pneumonia, his oldest son John Verity said Thursday.

''I think the key to his success over the years was his ability to work with people,'' John Verity said.

''His leadership was based on building consensus and creating an environment where people would work together.''

Verity was sworn in as President Ronald Reagan's Secretary of Commerce Oct. 19,

1987, after secretary Malcolm Baldrige was killed in a rodeo accident. He served until the end of Reagan's term in January 1989.

As U.S. Secretary of Commerce, Verity established the Malcolm Baldrige Award, which ''in the 1990s helped businesses improve the quality of their work,'' John Verity said.

He then retired and moved to Beaufort's Spanish Point neighborhood in the early '90s with his wife, Peggy, who died in 1999.

''He was a giant of a man,'' Verity's next door neighbor and friend of 21 years, Guy McSweeney, said Thursday. ''He was one of the most remarkable men I have ever known; everyone that knew him loved him.''

Between 1970 and the 1980s, Verity served as chairman of the U.S. Chamber of Commerce and as chairman of the U.S.-Soviet Trade and Economic Council.

Reagan also appointed him as the chairman of the President's Task Force on Private Sector Initiatives.

Verity worked for Armco Steel from 1946 until he retired in 1982 as chairman of the board of the company now known as AK Steel Corp. He is the grandson of George M. Verity, who founded the firm.

Verity was a lieutenant in the U.S. Navy from 1942 to 1946.

McSweeney said Verity maintained a lifelong interest in the Navy.

About 10 years ago, McSweeney said he and Verity rode aboard what was originally a Soviet training ship, the Druzhba, from the Bahamas to Maryland alongside 200 U.S. Navy and Russian cadets.

''He was always coming up with something fun to do,'' McSweeney said. ''From duck hunting or riding on a jet to California, he was always into something.''

Neighbor Polly Swenson recalled a time when former U.S. Supreme Court Justice Sandra Day O'Connor visited Verity at his Spanish Point home and caught a speckled bass from his dock.

Swenson said even in his later years, when Verity used a motorized scooter, he would sit on a bluff behind his home nearly every day and look out to the water.

''He would always say, 'Isn't this the most beautiful place on Earth?' Swenson said. ''Beaufort was very much a part of him.''

Verity and his wife played active roles in Beaufort's community and were responsible for raising money for several organizations, including a Verity scholarship fund through the Technical College of the Lowcountry and an education fund for the Boys and Girls Clubs of the Lowcountry.

''He just loved people,'' longtime friend Helen Harvey said. ''He loved to help people; he did so much for so many people through his connections.''

St. Helena Island resident and freelance editor Cheryl Lopanik helped Verity organize information for his biography, ''59 Years with the Right Woman,'' a recollection of Verity's life with a focus on his wife, self-published in 2003.

''He was devastated in losing her, but he wanted to put this book together because he knew it would have made her happy,'' Lopanik said. ''He had wonderful stories and memories that were very exact . . . He had a very good perspective on his life.''

Verity was born Jan. 26, 1917, in Middletown, Ohio, a son of Elizabeth O'Brien and Calvin William Verity Sr.

He was a graduate of the Phillips Exeter Academy and Yale University.

Verity was a member of the boards of directors of Mead Corp., Chase Manhattan Bank, Eli Lilly, Taft Broadcasting, the First National Bank in Middletown and The Chairman of the Ford's Theatre in Washington, D.C.

Survivors include a daughter, Peggy ''Happy'' Verity Power of Edwards, Colo.; two sons, Jonathan George Verity and William Wymond Verity of Beaufort; two sisters, Betsy Verity Blakey of Columbus, Ohio, and Jean Verity Woodhull of Dayton, Ohio; seven grandchildren; and four great-grandchildren.

Services will be at 11 a.m. Saturday at The First Presbyterian Church, Beaufort. The family will receive friends after services at 120 Spanish Point Drive, Beaufort.

Burial will be at the Woodside Cemetery in Middletown.

Memorials may be made to the Bill and Peggy Verity Career Education Fund for the Boys and Girls Clubs of the Lowcountry, 17B Marshellen Drive, Beaufort, SC 29902.

IN MEMORY OF OFFICER DWAYNE FREETO

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BURGESS. Madam Speaker, I rise today to share the collective grief of the people of North Texas in the death of Fort Worth Officer Dwayne Freeto, who died in a car crash while stopping to assist a young woman with a flat tire.

The young woman, Adriana Delgadillo, refers to Officer Dwayne Freeto as "a guardian angel." As a dedicated servant of the community as well as a loving father and husband, Mr. Freeto was not going to leave Miss Delgadillo until he knew she was safe. His amiable character and devotion to others are few among many qualities that contributed to his heroic nature. The grief from his loss is not only shared by his family and fellow police brethren but also by the greater Tarrant County area.

Mr. Dwayne Freeto was a wonderful father to his two daughters, Jordin and Jenna, and treasured spending time with them. He also loved his wife, Karen Freeto, dearly, and despite the unusual hours he was assigned to patrol, he always ate meals with his wife and daughters before work. Officer Dwayne Freeto's personality and selflessness made him a trusted friend, devoted husband and father, and a grateful son.

As a patrol officer, Mr. Freeto's courage and loyalty brought hope of a safer community—my community. He will be remembered as a husband and father, a hero, and a friend. I extend my deepest sympathies to his family and friends; he was a true gift to this world.

RECOGNIZES CENTENARIAN WINONAH GREENE OF HERNANDO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Winonah Greene of Hernando County, Florida. Winonah has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate her 100th birthday.

Born January 13, 1906 in Petersburg, Virginia, Winonah graduated from high school with honors and received a four-year scholarship to college. Her fondest childhood memories are of the times she spent in school and church and her involvement in many community programs and services.

Hired as a schoolteacher, Winonah taught at different schools in Virginia and Pennsylvania for twenty years. She then began working as a government clerk at the Veterans Administration's offices in Pennsylvania, where she worked for another twenty years. An active member of the Alpha Kappa Alpha Sorority for 80 years, she has been a member of the Omega Omega Chapter since 1946, which recently celebrated its 80th year.

During her years as a teacher, Winonah proudly took part in the civil rights movement and attended an event where Dr. Martin Luther King Jr. Was a speaker. She spoke of this personal experience as a part of America's history in her classroom teachings.

Winonah married Ervie Greene in 1942 and was blessed with one daughter. Following her husband's death in 1983, Winonah lived alone in Pennsylvania until she moved to Hernando County in January of 2006 to be closer to her family.

Winonah now spends time with her two grandchildren and three great-grandchildren. She says the advantage of being close to so many businesses and the friendliness of the community is what she likes best about Hernando County. Winonah says the proudest moment in her life was a surprise celebration of her 100th birthday!

Her advice to young people today is, "Work hard, stay in school, select a dream and work towards its success. You can do it if you try!" Madam Speaker, I ask that you join me in honoring Winonah Greene for reaching her 100th birthday. I hope we all have the good fortune to live as long as her.

MOURNING THE PASSING OF PRESIDENT GERALD RUDOLPH FORD

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of H. Res. 15, a resolution to honor the late President Gerald Ford who passed away on December 26, 2006. A man of great honor and integrity who led this country through one of the most difficult times in our history, he will be remembered as a fair, respected leader who was able to rise above partisanship to serve the citizens of this nation.

President Ford, born in Omaha, Nebraska and raised in Grand Rapids, Michigan, embodied the spirit of the Midwest. He was hard-working, modest, unassuming, and throughout his life held an unabashed pride in the University of Michigan where he starred on the football team. During World War II, President Ford earned the title of lieutenant commander and several honors while serving this country in the U.S. Navy.

Mr. Ford began his political career when he was elected to the U.S. House of Representatives as the Representative from Grand Rapids, Michigan. He held that seat from 1949 until 1973, and of the 25 years he served in the House, he was minority leader for 8.

In 1973, when Vice President Spiro Agnew resigned, President Richard Nixon nominated then Congressman Ford to assume the vice presidency. President Ford's nomination was quickly approved by both the House and the Senate. However, his time as Vice President was brief and the attention of the country was focused on the looming Watergate scandal. On August 9, 1974, President Nixon stepped down and President Ford assumed the position of Commander-in-Chief.

As our nation's president, Ford was faced with the critical task of regaining the trust of a country that had lost confidence in its top leadership. In order to begin to restore transparency and integrity to the office of the President, he traveled around the country listening and talking to the people of this country. President Ford felt the way in which he could help the country to begin to move beyond the wounds of Watergate was to grant a full and unconditional pardon to President Nixon. President Gerald Ford put the needs of our nation before his own vulnerability to political fallout, and that is the mark of a great leader.

On behalf of the families of Minnesota's Fourth Congressional District, we extend our prayers and sincerest condolences to Mrs. Betty Ford, her children and all of the family and friends of President Ford. President Gerald Ford was a loving husband and father and a devoted public servant. He will be remembered and honored in the highest regard.

Mr. Speaker, please join me in paying tribute to the life of President Gerald Ford.

HONORING THE CITY OF AKRON DR. MARTIN LUTHER KING JR. DAY OF SERVICE

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. SUTTON. Madam Speaker, I rise today to honor the City of Akron and the 22nd Annual Martin Luther King Jr. Lecture which will be held at the Akron-Summit County Main Library. The lecture is co-sponsored by the Akron-Summit County Public Library and the Eta Tau Lambda Chapter of Alpha Phi Alpha Inc.

Ozell Sutton will deliver the annual lecture. Civil rights and human rights are Sutton's passions. He served as an escort for the Little Rock Nine when they entered Central High School in Arizona in 1957. He marched with Dr. Martin Luther King Jr. in Washington in 1963 and in Selma, Alabama, in 1965. He was in Memphis when King was killed in 1968. Mr. Sutton has been cited four times by Ebony magazine as one of the ''100 Most Influential African-American Leaders.''

All Americans know of Dr. Martin Luther King, Jr.'s stature as a national hero and we all look up to Dr. King's ideals of freedom, justice and opportunity. From his celebrated ''Letter from Birmingham Jail'' to his organization of the Montgomery Bus Boycott, Dr. King demonstrated that eloquent words followed with significant action could affect social change without resorting to violence. His ''I Have a Dream'' speech movingly spelled out his dream of racial equality and propelled the issue to the forefront of national consciousness.

The City of Akron, which has a very rich history, is the seat of Summit County in the State of Ohio. The city is located between Cleveland to the north and Canton to the south. It was founded in 1825 near the Ohio & Erie Canal and became a manufacturing center owing to its location at a staircase of locks. The locks were needed due to the higher elevation of the area, which gave rise to the name Summit County as well as Akron, which is a rough translation of ''summit'' into Greek.

The city is home to the University of Akron, the Akron Aeros ''AA'' affiliate of the Cleveland Indians, and the Firestone Country Club, at which the PGA Tour's Bridgestone Invitational is annually played. Akron is often referred to as ''The Rubber City,'' being the home of both Goodyear and Firestone. The city is also home to the All-American Soap Box Derby which has been held at Akron's Derby Downs race track since 1935.

In closing, I once again pay tribute to the City of Akron and the 22nd Annual Martin Luther King Jr. Lecture.

TRIBUTE TO AMBASSADOR ANDREW YOUNG

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Ambassador Andrew Young, a man who has given his life to the Civil Rights movement and other important social causes. Truly, he is a man who consistently puts the interests of others above himself.

Ambassador Young, who was born in New Orleans, Louisiana in 1932 to a dentist father and schoolteacher mother, grew up in the segregated South. After beginning his college education at Dillard University in New Orleans, he transferred to Howard University in Washington, DC.

In 1951 Ambassador Young graduated from Howard with a degree in pre-medicine. Instead of medical school, however, he heeded a call to the ministry and began his studies in theology at Hartford Seminary in Connecticut.

Graduating in 1955, Ambassador Young became the pastor at several small churches in the South, including one in Thomasville, Ga., in my own district. He also served as pastor at a church in Marion, Alabama. As part of his work there, while encouraging young people to vote, he first came in contact with Dr. Martin Luther King, Jr.

The relationship would last for the rest of Ambassador Young's life, carrying over into civil rights activities all over the South, including the Albany Movement in 1961–62. At that time, the small town of 56,000 people had gained a reputation as not just resistant to social activists, but impenetrable to change. White leadership in the town refused to have conversations with local leaders seeking to implement the decision of Boynton v. Virginia, which mandated the integration of bus and rail terminals.

Albany, as it turned out, was also one of the first places Ambassador Young made a difference. In late 1961, Dr. King, Reverend Ralph Abernathy and some 2,000 other demonstrators had already been jailed for their integration efforts. Nevertheless, Ambassador Young saw fit to go to Albany to help recruit and train people for citizen education workshops, with the aim of keeping the fire burning in Albany. The environment was dangerous, tenuous, and hostile, but Ambassador Young found a way to inspire and contribute.

Forty-five years later, we not only honor him, but also reflect on how the courage exhibited by him then led to the great accomplishments he is known for today: Georgia's first African American Congressman since Reconstruction, U.N. Ambassador, Mayor of Atlanta, among others. Ambassador Young has led a full and meaningful life, exhibiting a sense of public service and commitment to community the whole time.

Today, we thank and honor Ambassador Young for his contributions and the example he set for others.

IN SUPPORT OF MEANINGFUL, AFFORDABLE AND STRAIGHTFORWARD PRESCRIPTION DRUG COVERAGE

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. FATTAH. Madam Speaker, I rise today in support of prescription drug coverage for our nation's seniors. While I believe that the Medicare Modernization Act of 2003 was flawed in many ways, I am glad that we have recognized the need for prescription drug coverage for Medicare recipients. Too many families have been unable to afford life sustaining medications, and it is encouraging that the Congress has seen fit to begin to address this grave problem.

While there have been many legitimate concerns about the implementation of the MMA, I am encouraged that in this Congress, we will have the opportunity to improve on that original legislation. It is extremely important that seniors receive affordable prescription coverage. In addition to problems of affordability, we have heard many seniors report that the enrollment process is needlessly difficult to navigate. Along with the problems negotiating the paperwork, many seniors are faced with penalties for failing to meet specified deadlines. We must work to ensure that this process is as ''user friendly'' as possible, and that all eligible seniors are receiving the coverage they need.

Madam Speaker, I call for the enrollment process to be streamlined so that it is easier for beneficiaries to enroll without the confusion seniors experienced in 2006. The Bush Administration should do a better job informing seniors in clear terms about which plans are available to which enrollees.

I urge my colleagues to eliminate the current penalty for not signing up for a Part D plan the first time a person is eligible. Due to the confusion during the 2006 sign up process, some seniors were not able to enroll in a Part D plan and now will face this penalty.

Pharmaceutical companies such as GlaxoSmithKline dedicate extensive resources to discovering lifesaving cures for devastating illnesses. I look forward to work with them, patient advocacy organizations, healthcare professionals and my fellow Members of Congress to ensure that every senior has access

to the medications they need to stay healthy. It is my hope that my colleagues on both sides of the aisle will work with me to make changes to Part D that improve and strengthen it for our seniors and help forge a prescription drug benefit that is meaningful, affordable and straightforward. The new leadership in Congress cares a great deal about our seniors, and it is time that we fulfill our promise to ensure that Part D serves seniors in the best way possible.

IRAQ ESCALATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mrs. MALONEY of New York. Madam Speaker, President Bush—after using false information to sell a war to the American people and Congress, after invading Iraq without a plan to win the peace, after time and time again maintaining a failed "stay the course" policy—is now trying to sell an escalation of the war in Iraq as "a new way forward." I am not buying it.

As the sister of a Vietnam veteran, I still remember vividly our escalation of that failed war and the thousands of additional lives that it cost. I remember vividly the worry I had for my brother and the feeling that our troops would be better served if they were returned home rather than fighting in another country's civil war. Those are the same feelings I have today about our troops who are serving bravely in today's failed war, the Iraq War.

I have long stated my desire for the President to begin a withdrawal of our troops from Iraq. I am a member of the Out of Iraq Caucus, and I have strongly supported my colleague JOHN MURTHA's plan to redeploy our troops from Iraq. The American people made it crystal clear at the ballot box in November that staying the course in Iraq is not an option. Yet, President Bush has once again turned his back on calls to end the war, he has turned his back on the will of the electorate, and he is going in the opposite direction with a plan for escalation.

I applaud the Democratic leadership in the House and Senate and its plan for a phased redeployment of American troops beginning in months and for more intense diplomatic outreach. This plan is more sensible and would prove ultimately more successful that digging ourselves deeper in the quicksand that Iraq has become.

Furthermore, I will support any proposal that comes before Congress that would block funding for the implementation of escalation. I will support the effort by Senator KENNEDY and my colleague ED MARKEY to require the authorization of Congress before the President escalates this war.

As the daughter of a soldier and the sister of a soldier, I will always support our troops. It has become clear to just about everyone but the President that the best way now to support the troops is not to send more into the Iraqi Civil War—the best way to support them is to bring them home.

A TRIBUTE TO THE BROOKLYN ALUMNAE CHAPTER OF DELTA SIGMA THETA SORORITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. TOWNS. Madam, Speaker, I rise today to pay tribute to the Brooklyn Alumnae Chapter of the Delta Sigma Theta Sorority as they host the New York Metropolitan Area Founders Day Celebration on January 13, 2007. The Brooklyn Alumnae Chapter has been outstanding in its service of the Brooklyn community for over 50 years and I am privileged to have such a dedicated group of individuals in my district.

Delta Sigma Theta Sorority was founded on January 13, 1913 by 22 collegiate women at Howard University. These students wanted to use their collective strength to promote academic excellence and to provide assistance to persons in need. The first public act performed by the Delta Founders was in 1913 at the Women's Suffrage March in Washington D.C.

Delta Sigma Theta Sorority, Inc. is a private, non-profit organization whose goal is to provide assistance and support through established programs in local communities throughout the world. A sisterhood of more than 200,000 predominately Black college educated women, the Sorority currently has over 900 chapters located in the United States, England, Japan (Tokyo and Okinawa), Germany, the Virgin Islands, Bermuda, the Bahamas and the Republic of Korea. The major programs of the sorority are based upon the organization's Five Point Thrust of: Economic Development, Educational Development, International Awareness and Involvement, Physical and Mental Health and Political Awareness and Involvement.

The theme of this special event is "Keeping our History: Past, Present and Future." This is particularly appropriate as we celebrate the life and achievements of Rev. Dr. Martin Luther King Jr. this coming week.

Madam Speaker, I would also like to recognize the impressive achievements of Bernadette Walker, President of the Brooklyn Alumnae Chapter as well as the co-chairs of Founders Day, Valerie White and Natalia S. Young, for their commitment to the Brooklyn community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful group of Americans and the great things they stand for.

INTRODUCTION OF THE CURES CAN BE FOUND ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Cures Can Be Found Act. This legislation promotes medical research by providing a tax credit for investments and donations to promote adult and umbilical cord blood stem cell research, and provides a $2,000 tax credit to new parents for the donation of umbilical cord blood that can be used to extract stem cells.

Madam Speaker, stem cell research has the potential to revolutionize medicine. Stem cells could hold the keys to curing many diseases afflicting millions of Americans, such as diabetes and Alzheimer's. Umbilical cord blood stem cells have already been used to treat 67 diseases, including sickle cell disease, leukemia, and osteoporosis. Umbilical cord blood stem cells have also proven useful in treating spinal cord injuries and certain neurological disorders. Adult stem cells have shown promise in treating a wide variety of diseases ranging from brain, breast, testicular, and other types of cancers to multiple sclerosis, Parkinson's, heart damage, and rheumatoid arthritis. Just this week, the Washington Post and the Los Angeles Times ran major stories on the progress made in obtaining stem cells from amniotic fluid, which is easily obtainable from a pregnant woman during routine pre-natal tests.

By providing tax incentives for adult and umbilical cord blood stem cell research, the Cures Can Be Found Act will ensure greater resources are devoted to this valuable research. The tax credit for donations of umbilical cord blood will ensure that medical science has a continuous supply of stem cells. Thus, this bill will help scientists discover new cures using stem cells and, hopefully, make routine the use of stem cells to treat formally incurable diseases.

By encouraging private medical research, the Cures Can Be Found Act enhances a tradition of private medical research that is responsible for many medical breakthroughs. For example, Jonas Salk, discoverer of the polio vaccine, did not receive one dollar from the federal government for his efforts. I urge my colleagues to help the American people support the efforts of future Jonas Salks by cosponsoring the Cures Can Be Found Act.

FAIR MINIMUM WAGE ACT OF 2007

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today to express my pleasure that the House has passed H.R. 2, the Fair Minimum Wage Act of 2007. Nearly nine out of ten Americans believe that it is time to increase the minimum wage, and I could not agree more.

An increase in the minimum wage is long overdue. The minimum wage has not been increased in almost 10 years. This is the longest Americans have had to wait for an increase in the minimum wage since the original law was enacted in 1938.

While Americans have been waiting for an increase in the minimum wage, the cost of most necessities has risen. The fact is, the real value of the current minimum wage is the lowest it has been in over 50 years. Meanwhile, the costs of health care, gasoline and a college education are rising, and families in my District are finding it harder and harder to make ends meet.

An increase in the minimum wage will have a particularly beneficial impact on women, especially single mothers. The majority of minimum wage earners are women and common

sense tells us that a single mother cannot effectively provide for her children on $10,000 a year. Because many of these mothers are forced to work extra hours or a second job to afford food and rent, their children end up spending most of their time without a parent at home to raise them.

If America is indeed the Land of Opportunity, we must reward those who pay their dues. A parent working full-time at the current minimum wage of $5.15 an hour is likely living below the federal poverty level, and is often unable to afford what their children deserve: rent in a safe neighborhood, decent child care, and enough food on the table.

The minimum wage issue is ultimately a question about our fundamental values as Americans. Do we value hard work? Do we believe that people who work full-time should be able to support themselves? To support their families? Isn't it our job to support those who want a hand up, and not a hand out?

I believe the answer to these questions is yes, and I believe that most Americans agree with me.

I am pleased that the House of Representatives, under the leadership of Speaker NANCY PELOSI, brought this bill to the Floor during the first 100 hours of the 110th Congress. The priorities of working Americans are truly the priorities of this House of Representatives.

I am hopeful that the United States Senate will also make a minimum wage hike a priority and pass this bill as soon as possible. I am encouraged by the President's recently expressed willingness to cooperate with Democrats on this issue. The President's signature cannot come soon enough; the bill's initial 70 cent increase does not take place until 60 days after H.R. 2 becomes law. Mr. Speaker, nearly 13 million hard-working Americans have waited long enough.

SUPPORT FOR THE SAFE COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. WOLF. Madam Speaker, I am planning to reintroduced legislation in the House of Representatives aimed at addressing the looming financial crisis facing the Nation, the Securing America's Future Economy, SAFE, Commission Act. The bill would establish a national bipartisan commission that will put everything—entitlement spending as well as all other Federal programs and our Nation's tax policies—on the table and require Congress to vote up or down on its recommendations in their entirety, similar to the process set in 1988 to close military bases. Mandating congressional action on the panel's recommendations is what differentiates this commission from previous ones.

Support for the bill is coming from both sides of the aisle. I submit for the record an analysis by the Heritage Foundation and a letter of support from the Concord Coalition.

This legislation will be good for the future of America.

THE HERITAGE FOUNDATION,
Washington, DC, July 14, 2006.

THE WOLF SAFE COMMISSION ACT: A CHANCE TO GET THE BUDGET BACK ON TRACK

(By Stuart Butler)

The recent Mid-Session Review by the Office of Management and Budget underscores the facts that sensible tax reform stimulates the economy and that faster growth swells revenue to the government as a byproduct of new jobs and extra income for Americans. The review also confirms the overall, disturbing long-term budget picture indicated in the Congressional Budget Office's (CBO) long-term forecast. Under current law, both taxes and spending will rise rapidly during future decades towards European levels, with an ever-growing government taking a larger and larger proportion of the nation's income and threatening America's future economic growth. Decisive action is needed.

But faced with this threat, Washington is paralyzed. Rather than seriously tackling the tsunami of entitlement spending that will hit the budget after the baby boomers begin to retire, Congress actually made the situation far worse by enacting the huge Medicare prescription drug benefit. And while the Bush tax reforms have significantly helped in the short term, even if made permanent they would shave only about one percentage point from the future growth in taxes. Absent any additional reforms, the CBO forecasts that, with the Bush tax cuts extended, federal taxes will top 20 percent of GDP by about 2025 and approach 23 percent of GDP by 2045. The historical average, and today's level, is just over 18 percent of GDP

With Congress polarized and paralyzed, some Members of Congress, along with President Bush, are exploring the idea of a bipartisan commission as a way to break away from the path of rapidly rising spending and taxes. President Bush pressed for an entitlements commission in his State of the Union address. Senator Judd Gregg (R–NH) has sponsored legislation (S. 3521) that includes a commission to review the long-term solvency of Social Security and Medicare. Meanwhile, Representative Frank Wolf (R–VA) has crafted a commission bill (''The SAFE Commission Act,'' H.R. 5552) specifically intended to win bipartisan support for bold action to secure the country's fiscal and economic future. Senator George Voinovich (R–OH) has introduced that bill in the Senate (S. 3491).

Commissions can help break a political logjam. They can also become vehicles for action that achieves a short-term political fix and yet does little in the long term or even makes things worse. So the political dynamics and mandate of a commission are critical. Fortunately, the Wolf commission bill recognizes these facts of political life and offers real hope for sensible action. A reason for this is that in its instructions to the commission, the bill wisely combines reform with fiscal changes in a manner that could achieve a breakthrough.

The core of the fiscal problem is the sharp projected rise in future entitlement spending, especially spending on programs for middle-class retirees. Contrary to many people's perception, taxes are not falling—as noted, taxes are projected to rise steadily to record levels under current law, in real terms and as a percentage of GDP. Still, in today's political deadlock many lawmakers maintain that tax revenue must be part of the equation if they are to have the political ''cover'' to accept curbs on popular entitlements.

But for good reasons, conservatives strongly resist the idea of raising taxes. For one thing, taxes are not the problem—spending is. Moreover, raising tax rates or instituting new taxes would threaten economic growth, compounding the economic harm associated with government spending. Further, raising taxes likely would reduce the pressure on Congress to curb spending or, worse still, encourage lawmakers to increase their spending promises.

The Wolf bill seeks a solution to this political equation. It creates a bipartisan commission intended to address the unsustainable imbalance between federal commitments and revenues while increasing national savings and making the budget process give greater emphasis to long-term fiscal issues. While the commission could consider a range of approaches, the bill places emphasis on two: reforms that would limit the growth of entitlements while strengthening the safety net and tax reforms that would make the tax system more economically efficient and improve economic growth. The commission would hold public hearings around the country to discuss the long-term fiscal problem, and its recommendations would receive fast-track consideration by Congress.

By combining a slowdown in entitlement spending with reforms to strengthen assistance to the needy, a commission proposal could win support of liberals and others who worry that surging middle-class retiree spending in the future will crowd out safety net spending. And by placing an emphasis on pro-growth tax reform, a commission proposal could also lead to some additional revenues not by raising taxes but thanks instead to faster economic growth—just as the Bush tax reforms produced the recent sharp increase in federal revenues. Combining these features in a commission proposal could lead to a package that conservatives, liberals, and moderates all believe would advance their agendas—a necessary result for an economically sound agreement to succeed in a polarized Congress.

Some might argue that appointing a commission to address the long-term fiscal situation is an abrogation of responsibility by Congress. In an obvious sense, it is. But the Wolf bill also shows that lawmakers recognize that America's budgeting system is broken and in the current environment cannot lead to a responsible long-term federal budget. Representative Wolf's commission proposal seeks to alter those destructive dynamics in order to secure a sound economy for future generations.

THE CONCORDE COALITION,
Arlington, VA, June 28, 2006.

Hon. FRANK WOLF,
House of Representatives,
Washington, DC.

DEAR MR. WOLF: On behalf of The Concord Coalition, I am writing to express our deep appreciation for your leadership in sponsoring the Securing America's Future Economy, SAFE, Act, which would establish a bipartisan commission to recommend legislation addressing our Nation's unsustainable long-term fiscal outlook.

We strongly agree with you that the need for serious action is not just an economic imperative but a moral one as well. We also share your view that partisan divisions in Washington have become so wide that a commission may now be the only way forward on this issue. By establishing a fiscal policy commission with a broad mandate, meaningful public engagement, and the ability to consider all policy options, your legislation represents a very constructive step toward bringing about consensus solutions.

The demographic and fiscal challenges facing the budget in the years ahead are well known. Analysts of diverse ideological perspectives and nonpartisan officials at the Congressional Budget Office (CBO) and the Government Accountability Office (GAO)

have all warned that current fiscal policy is unsustainable over the long-term.

What is needed now is a clear commitment to address these issues in a straightforward, generationally equitable and bipartisan manner. Achieving consensus around the hard choices that must eventually be made will require open minds and bipartisan cooperation. Your legislation would establish a process to do just that.

Recently, The Concord Coalition organized a forum with experts from across the political spectrum to discuss the possibility of establishing a bipartisan commission to deal with our longterm fiscal outlook. Three conclusions from the forum stand out:

The commission must have meaningful participation and input from a broad range of views. Bipartisan support is essential to enacting and maintaining policies that will put the budget on a fiscally sustainable course.

The commission should have a broad mandate with no limitations on what policy options the commission can consider or preconditions on what must be included—or not included—in a proposal. Everything must be on the table, including revenues as well as entitlements and other spending.

The commission should engage the public in a dialogue about the long-term fiscal challenges and the tradeoffs that will be necessary to bring about a more secure and sustainable economic future.

The Concord Coalition commends your proposal because it recognizes each of these conclusions. The SAFE Act would establish a bipartisan commission of experts and legislators appointed by the President and Congressional leaders of both parties. The Commission would be directed to hold hearings across the country and incorporate the input from the public in its report. This is a very welcome provision. The public should be treated as if it were, in effect, a member of the commission. Doing so will enhance the commission's credibility and help build acceptance for its recommendations. Our experience hosting meetings around the nation on this issue has demonstrated that when the American people are armed with the facts and given the opportunity for honest dialogue, they are willing to set priorities and make the hard choices that often are not made in Washington.

Most importantly, the Commission would be allowed to consider all policy options to address the imbalance between long-term spending commitments and projected revenues, including reforms of entitlement programs and tax laws. In our view, this is an essential prerequisite for attracting well-respected individuals to serve on the commission and for finding solutions that are both substantive and politically viable.

We particularly commend you for your willingness to consider constructive suggestions for changes to achieve broader bipartisan support and increase the prospect that the commission will produce a balanced proposal that can be enacted into law. In that regard, we would suggest a few changes that we believe would strengthen the bill and help ensure the commission receives the bipartisan support essential to its success.

We believe the commission would have greater credibility if the appointees were more evenly divided between parties, potentially with some commission members appointed jointly or as a result of bipartisan consultation. Further, we would suggest that the commission have bipartisan co-chairs. We would also encourage you to consider a more expansive legislative process, which would allow for greater debate of policy tradeoffs by allowing the consideration of budget neutral amendments. Those who oppose the priorities and tradeoffs recommended by the commission should be challenged to say what they would do instead and given the opportunity to put forward alternative policies to address the problem.

A commission isn't a silver bullet that will solve our fiscal problems by itself. It will still take action by Members of Congress and the administration to adopt the tough choices. But a commission with credibility and bipartisan support could provide the leadership necessary to ensure that these issues receive the attention and serious consideration they deserve.

You deserve great credit for your willingness to undertake the difficult but absolutely essential task of focusing attention on the tough choices our nation faces. The Concord Coalition stands ready to assist in any way that we can.

Sincerely,

ROBERT L. BIXBY,
Executive Director.

DEFEATING THE TERRORISTS ABROAD—NOT AT HOME

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. WILSON of South Carolina. Madam Speaker, yesterday afternoon as I was reading *The Examiner*, a Washington daily, I came across an editorial that summed up my view of our current conflict in Iraq and the overall global war on terrorism. I applaud *The Examiner*'s editorial staff for declaring what is largely an unpopular view among the mainstream media.

The editorial follows.

[Jan. 11, 2007]

DO WE DEFEAT THE TERRORISTS IN IRAQ NOW OR FIGHT THEM HERE TOMORROW?

WASHINGTON.—President Bush could not have been more frank or honest with the American people than he was last night. That said, the central issue remains today what it has been since the first plane crashed into the WorId Trade Center on Sept. 11, 2001: Are we as a nation willing to do whatever is required to win the war on terrorism?

Iraq is today the central front in that war, and the president is doing all within his power to defeat the terrorists there now so that we don't have to fight them here in the future.

The president believes the war in Iraq can be won by increasing American troop strength for a period as the Iraqis themselves assume greater responsibilities for securing their country and by increasing U.S. economic aid to rebuild infrastructure and provide jobs.

Calling this troop movement a ''surge'' was unfortunate because it conveyed the idea of something that isn't going to happen—putting more U.S. soldiers on the ground than we have had heretofore. In fact, as The Examiner's Bill Sammon reported yesterday, even with the ''surge'' announced last night, we will still be a few thousand short of the high water mark of 160,000 U.S. troops a year ago.

More important than the raw numbers is how those troops are deployed.

The president acknowledged last night that mistakes were made in the days leading up to the U.S. action in Iraq and the first phases of building the post-Saddam Hussein Iraq. Working with increased Iraqi military and police forces, our strengthened forces will now be able to rectify the biggest of those mistakes: failing to eradicate the insurgents completely and not disarming private militias like that of Moqtada al-Sadr's Mahdi Army. Special attention is to be devoted to Baghdad and Anbar province, with Iraqi army units in the lead.

There will be more U.S. casualties in coming months. But the only way to affirm the sacrifice of American blood and material resources in Iraq is persevering and winning. Iraq is not Vietnam unless congressional Democrats heed extremists like Sen. Ted Kennedy, D–MA, and withdraw funding for the American war effort in Iraq as they did in 1974, which led directly to the fall of Saigon in 1975.

The killing fields followed throughout Southeast Asia as the victors took revenge upon those who looked to America for protection and freedom. The killing fields will come again if America fails now because Iraq will dissolve into chaos and then a jihadist totalitarianism.

Many Rubicons are being crossed on Iraq. There will be no crossing back if we heed the ignoble call to retreat.

IN MEMORY OF DARRENT WILLIAMS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BURGESS. Madam Speaker, I rise today to remember Darrent Williams, the Denver Bronco professional football player from Fort Worth, Texas, who passed away at 24 years of age on January 1, 2007.

Darrent Williams will forever be remembered as a talented and compassionate young man who not only loved his family and friends but also proved to be dedicated to his teammates and his adopted city of Denver.

Raised as an only child by his mother Rosalind Williams, Darrent grew up in Fort Worth where he attended O.D. Wyatt High School located in my congressional district. Excelling at three different sports, Mr. Williams received scholarship opportunities from multiple universities. Wanting to stay close to his home in north Texas, Mr. Williams decided to play football at Oklahoma State University. While at Oklahoma State, he was one of only four college players since 1996 to record double-figure interceptions while scoring at least five touchdowns. He was also a Jim Thorpe Award semifinalist, and in 2003 tied at 13th in the Nation with six interceptions. Due to his incredible performance at Oklahoma State, in 2005 Mr. Williams became the Denver Broncos' second-round draft pick and would soon be a starter.

Mr. Williams became known as the ''Denver Bronco Kid,'' a nickname that would spread across the Nation as others recognized his energy, enthusiasm, and talent. As a young professional football player, he not only excelled at the game but also brought strength and cooperation to the team. He was a special person with unbelievable character, and he will continue to be admired by many across the country.

Throughout his life, Darrent Williams portrayed qualities that warmed the hearts of those around him. It was these traits that won

the hearts of many. I extend my sympathies to his family and friends, and may this young man be an inspiration to us all.

RECOGNIZING CENTENARIAN VERA WENTWORTH OF HERNANDO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Vera Wentworth of Hernando County, FL. Vera has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate her 100th birthday. Born December 19, 1906 in Hartland, ME, Vera received her degree in the 1920s from a college in Farmington, ME. One of the early teachers who worked in a one-room schoolhouse, Vera kept a pot-belly stove filled with wood to keep the children warm. As a testament to the hardiness of Maine residents, Vera taught at different schools throughout Maine for 49 years. Her fondest childhood memory was the day her father bought her a new car while she was in college.

Married to Neal Felker in the early 1920s, Vera was blessed with three children, two boys and one girl. While her husband sadly passed away in the late 1940s, Vera remarried Harold Wentworth in 1954. She also raised Harold's 2-year old son, and she now has a combination of seven grandchildren and seven great-grandchildren.

Vera gets the most pleasure these days from being with her family. Although she lived alone surviving cold winters in Maine till she was 97 years old, she moved to Hernando County in 2002 to be closer to her daughter and her son-in-law. Vera's daughter says the proudest moments in her mother's life was the ability to teach for 49 years, and that she would have taught longer if they didn't require her to retire.

Vera's advice to young people today is, ''go to church, respect your parents and get an education.'' Madam Speaker, I ask that you join me in honoring Vera Wentworth for reaching her 100th birthday. I hope we all have the good fortune to live as long as her.

HONORING THE CITY OF BARBERTON DR. MARTIN LUTHER KING, JR. DAY OF SERVICE

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. SUTTON. Madam Speaker, I rise today to pay tribute to the Barberton Dr. Martin Luther King, Jr. Day of Service. The City of Barberton located in beautiful Summit County, Ohio has played host to this meaningful event. Dr. King's ideals of freedom, justice and opportunity need to be celebrated now more than ever.

Barberton originally started out as a collective of small farms owned by various individuals. In January of 1890, the Barberton Land Development Company purchased 600 acres of land that would eventually become Barberton. Over the next 2 years, William A. Johnson plotted and surveyed the land leaving an indelible mark on the city. In this short time, the population of Barberton grew at such leaps and bounds that a reporter from the Beacon Journal remarked that the city had grown by ''magic.'' This moniker stuck and to this day, the city is nicknamed ''Magic City.'' The population boom of Barberton exemplifies Dr. King's dream of opportunity.

All Americans know of Dr. Martin Luther King, Jr.'s stature as a national hero. From his celebrated ''Letter from Birmingham Jail'' to his organization of the Montgomery Bus Boycott, Dr. King demonstrated that eloquent words followed with significant action could affect social change without resorting to violence. His ''I Have a Dream'' speech movingly spelled out his dream of racial equality and propelled the issue to the forefront of national consciousness.

In closing, I commend the City of Barberton and all the organizations that have spent countless hours organizing this celebration honoring Dr. King's birthday. Dr. King's dedication to racial, social and economic justice is a model that the world should emulate now more than ever.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

SPEECH OF

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. PEARCE. Mr. Speaker, let me be clear: I fully support stem cell research and its potential to solve many of the world's most complex medical mysteries.

Many scientists have concluded that certain types of stem cells, called pluripotent stem cells, may one day be used to develop treatments for debilitating diseases.

Some of these types include cells derived from adult stem cells, umbilical cord blood, amniotic fluid and finally, human embryos.

Federal funding of embryonic stem cell research began in 2001 when President Bush announced a policy that allowed researchers to destroy and conduct research on stem cell lines that had come from human embryos already destroyed prior to August 9, 2001.

This policy did not encourage or offer incentives from the government to destroy human life for research.

Yet the newly elected Democratic majority chose to bring a bill to the House floor today that forces taxpayers to encourage and fund the destruction of human life for embryonic stem cell research.

This legislation also has no protections to ensure human embryos can not be cloned by researchers who receive this funding and access to destroyed human embryos.

It is disheartening that the Democratic leadership wants to force all taxpayers to fund the destruction of human embryos for research, regardless of any moral and ethical concerns they may hold.

Stem cell research is currently legal in the United States. In fact, nothing in any past federal legislation or policy would ban privately funded embryonic stem cell research.

Yet private investors are reluctant to fund embryonic stem cell research that destroys human life and many have chosen to look for alternatives that offer better results.

In this world, we are measured by our treatment of the most delicate and weak among us. And in the world of science, there are lines that must be drawn when the destruction of innocent human life is at stake.

CHRISTIANS CONTINUE TO SUFFER IN INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. TOWNS. Madam Speaker, just before the new Congress convened, many of us celebrated Christmas with families and friends. I hope that every one of my colleagues, old and new, had a very happy Christmas and holiday season. But Christmas is another anniversary also for the Christians of India. Since Christmas 1998, 8 years now, India has been focusing its persecution in large measure on Christians.

In September, the convent and school of Loreto were violently attacked by the violent Hindu organization the Bharatiya Janata Yuva, a youth arm of the BJP, which is the political arm of the RSS, a Fascist organization that published a book on how to get minorities, including Christians, falsely implicated in criminal cases. A BJP spokesman demanded a high-level inquiry into the school, according to the Tribune newspaper of Chandigarh, saying it engaged in ''irrational behavior.'' As I noted at the time of the attack, apparently, being a Catholic is irrational behavior and ''unscientific activity'' in the world of Hindu militants.

Over 300,000 Christians in Nagaland have been murdered in India. Nuns have been raped, priests have been murdered, Christian schools and prayer halls have been attacked. Laws have been passed requiring the permission of the Hindu regime before one may be baptized. Christians have faced jail time, as well as threats and physical violence, just for sharing their faith.

Missionary Graham Staines was sleeping in his jeep with his two young sons when they were surrounded by a mob chanting ''Victory to Hannuman,'' a Hindu god. The mob then burned Staines and his sons to death. Missionary Joseph Cooper of Pennsylvania was beaten so severely that he had to spend a week in an Indian hospital. Then the Indian government threw him out of the country. Police gunfire broke up a Christian religious festival on the theme ''Jesus is the answer.'' Is this the secularism that India is so proud of?

It would be bad enough if Christians were the only ones suffering. But they are not. Sikhs, Muslims, Dalits, and others have also felt the lash of Indian repression. The time has come for freedom in the subcontinent. The time has come for the persecution to end.

Madam Speaker, there is a way to help bring freedom and secularism to the people of south Asia. We should end all U.S. aid and trade with India until everyone within its jurisdiction enjoys full human rights there. And now that we have a new Congress, we should go on record in support of freedom everywhere in South Asia. There is no better time

than now. If we can help to stop the persecution we have a duty to do so.

I would like to place an article from the website of the Bible League into the RECORD at this time, Madame Speaker. It has further details about the persecution of Christians.

''HE HEARD OUR FEARS AND PRAYERS''

Nearly two years after the establishment of anti-conversion laws, Indian Christians are celebrating the effects of their repeal. Only time will tell the long-term blessings of this legal change, but several resulting miracles have already taken place. In the first month alone, a group of 50 Indian church planters reports having baptized over 1,200 new Christians!

Christians throughout India were stunned when the pro-Hindu government was overturned in the Spring 2004 national election, and several state governments annulled local anti-conversion laws.

Said one local Bible League-trained Christian, ''I praise God for enabling us to spread the Gospel in our country. He heard our fears and prayers regarding the election. God gave us an extra bonus when He made our state government remove the anti-conversion law which was in force until now. Hallelujah!''

UNDETERRED BY FEAR

Indian Christians have faced many hardships in sharing the Gospel. Bible League-trained Christians in India report that they or fellow believers have faced threats, physical attacks, and jail time for sharing their faith.

Baptisms, in particular, became a significant challenge for local churches. Under the anti-conversion laws, anyone who chose to become baptized was legally obligated to seek permission from the government, as well as provide them with the name of the person performing the baptism. Fearing repercussions, many new Christians did not make this outward profession of faith until after the laws were repealed.

Still, thousands of Indians were undeterred in their faith. A local Bible League-trained Christian, while under the anti-conversion law, wrote, ''We continue to encourage Christians through the Word of God. We remind them of the promises (Matthew 28:20) and the testimonies of the great martyrs. We are encouraged to fulfill the Great Commission of Christ, regardless of what happens to us. We are prepared for imprisonment, punishment, and even death for the sake of Christ.''

RELYING ON GOD'S FAITHFULNESS

Continue to pray for the Church in India. The repeal of state anti-conversion laws has been a tremendous miracle—but challenges still remain. One state continues to uphold anti-conversion laws, and persecution persists throughout the country.

Yet God has been faithful to His children in India, and they are recognizing Him as their Savior by the thousands. Praise God for increasing opportunities to share His Word with the lost.

THE GREAT COMMISSION—MATTHEW 28:19–20

19 Therefore go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, 20 and teaching them to obey everything I have commanded you. And surely I am with you always, to the very end of the age.

HONORING SERGEANT MAJOR WAYNE R. BELL FOR HIS 30 YEARS OF SERVICE TO OUR NATION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. ISSA. Madam Speaker, Sergeant Major Bell was born in Washington, DC, on 17 January 1957. He enlisted in the Marine Corps on 28 February 1977 in Boston, MA. Upon completion of recruit training at MCRD Parris Island, SC, he was assigned to AA V School at 2nd Assault Amphibian Battalion Camp Lejeune, NC. Upon completion of school he reported to Company D for duty as an AAV crewman.

In February 1978, Sergeant Major Bell was ordered to Company D, 3rd Assault Amphibian Battalion, 1st Marine Brigade, Kaneohe Bay, HI for three years. In November 1978 he was meritoriously promoted to Corporal and deployed with Battalion Landing Team 2/3 on West PAC 79 as a crew chief. In October 1980, he was promoted to Sergeant.

In April 1981, Sergeant Major Bell was transferred to School's Battalion, Assault Amphibian School, Marine Corps Base, Camp Pendleton, CA where he served as a crew chief and classroom Instructor. During this tour of duty he helped implement a new course of instruction for the LVTP7A1 family of vehicles. In March 1984, he was promoted to Staff Sergeant and attended the Staff Noncommissioned Officers Academy in Quantico, VA.

In June 1984, Sergeant Major Bell was transferred to the 3d Marine Division for duty with 1st Track Vehicle Battalion, Okinawa, Japan. He served with both Companies A and B and deployed to Thailand, Korea and the Philippines.

In May 1985, Sergeant Major Bell returned to CONUS and was assigned to the 1st Marine Division, Camp Pendleton, CA, for duty with 3d Assault Amphibian Battalion. He served in a variety of billets from section leader to Company Gunnery Sergeant. Promoted to Gunnery Sergeant in January 1990, he was transferred to Marine Corps Security Forces Battalion, Diego Garcia and assumed the duties as Guard Chief and Training Staff Noncommissioned Officer in Charge. In March 1993, he was assigned to Company A, 3d Assault Amphibian Battalion and deployed with 13th MEU (SOC), Battalion Landing Team 1/9, West PAC 93–94, as the AAV Detachment Platoon Sergeant.

Selected to First Sergeant in April 1994, Sergeant Major Bell's assignments as a First Sergeant included: Company C and H&S Company, 1st Combat Engineer Battalion, 1st Marine Division (April 1994–March 1996); United States Naval Academy Company, Marine Barracks 8th and I, Washington D.C. (April 1996–May 1997) where he was subsequently selected for promotion to Sergeant Major. He was assigned to the Assault Amphibian School Battalion, Marine Corps Base, Camp Pendleton, CA, as the Battalion Sergeant Major from June 1997–March 1999. In April 1999, he was reassigned as the Squadron Sergeant Major for HMM 268, MAG 39, 3d MAW, MCAS Camp Pendleton, CA, where he deployed with the 11th MEU as the Air Combat Element Sergeant Major.

In April 2002 Sergeant Major Bell was reassigned to the 11th Marine Regiment where he deployed to Kuwait and Iraq in support of Operation Iraqi Freedom. In July 2003, he was assigned as the Sergeant Major of 1st Marine Division and deployed to Iraq in support of Operation Iraqi Freedom II from Feb 2004–Mar 2005. He was assigned to his current billet as Marine Corps Installations West Sergeant Major on 24 February 2006.

Sergeant Major Bell's personal decorations include the Legion of Merit, Bronze Star, Purple Heart, Meritorious Service Medal w/2 Gold Stars, Navy and Marine Corps Commendation Medal w/2 Gold Stars, the Navy and Marine Corps Achievement Medal, and the Combat Action Ribbon.

Sergeant Major Bell is married to the former Ms. Crystal Nadine Bynoe of Boston, MA. They have three sons, Sherman (31), Shannon (29), and Wayne Jr. (22), and five grandchildren Temarah (9), Julius (8), Micah (4), Jayden (2), Nia (1).

On behalf of the people of the United States whom Master Sergeant Bell spent a career serving, I thank him for his service and commitment to the defense of our Nation.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

SPEECH OF

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. KING of Iowa. Mr. Speaker, it's unethical to end one life in pursuit of helpIng others.

I am for stem-cell research. I am for scientifically sound, ethical, adult stem-cell research.

The failure of embryonic stem-cell experiments has dried up private research dollars. Consequently, proponents have no alternative but to pressure Congress for funding.

Today, the House of Representatives passed legislation that requires taxpayers to fund science that ends innocent human lives for the questionable potential of improving the lives of others.

This legislation would divert resources from truly promising treatments in favor of controversial research whose benefits remain speculative.

To conduct scientific research of this type, thousands of embryos, persons at the beginning of life, must be killed. The debate is about the inherent value of human life at its earliest stage. Supporters of embryonic stem-cell research will not take a position on when life begins. They know that if they do, they cannot sustain their argument.

Moral arguments aside, it is a fact that other forms of stem-cell research are resulting in treatments for people who suffer from debilitating diseases. Adult stem cells, which are extracted from umbilical-cord blood, placenta,

bone marrow, nasal mucosa, hair follicles and fact cells, are today successfully used in treating real people who suffer from at least 72 specific diseases. Successes include, among the 72 diseases, Parkinson's Disease, Crohn's Disease, diabetes, spinal-cord injury, strokes, arthritis and numerous cancers, including breast, brain and leukemia.

Conversely, proponents cannot name a single person with improved health due to embryonic stem-cell research. Embryonic stem cells may never produce a safe and effective treatment for any disease. The political hype declaring them a cure-all today cannot be sustained by the facts. If successful, however, the necessary next step must be to clone the cells. It is logistically impossible to provide enough embryonic stem cells without human cloning.

Another falsehood is the excuse that the embryos would otherwise be thrown away. None of the embryos were created for research. Every embryo was created for the sole purpose of giving parenthood to those who yearn for it. Over 90 percent of frozen embryos are now stored by their parents, who hope to have more children or to provide for embryo adoption to other couples. At least 500,000 couples are on waiting lists to adopt children. For each available embryo, 45 couples wait in line to adopt that child.

So far, more than 80 formerly frozen embryos have been adopted by families. Now these ''snowflake babies'' are giggle, screaming, playful children. It is a glorious miracle for couples who imagined they would never experience parenthood, much less pregnancy and childbirth. These ''snowflakes,'' some of whom were frozen for 9 years, are as worthy of our protection as every child. They are not medical waste.

Proponents of this research say they cannot look a paraplegic in the eye and say, ''We can't experiment on frozen embryos.'' I ask them, can you hold the ''snowflake babies'' in your arms and look their moms and dads in the eye and tell them, ''I wish we had experimented on your children before they learn to walk, to talk, to love, to laugh and play?''

The American medical community has many times refused the results of critical research because the findings were achieved unethically. International standards for Permissible Medical Experiments are clear. The subject must be a volunteer, there must be no alternative, results of animal experimentation must have been proven successful, they subject must be able to voluntarily end the experiment, there must be no possibility of injury, disability, or death, and the promise must outweigh the risk.

Embryonic stem-cell research violates each of these principles. Principles for Permissible Medical Experiments may be found in the military tribunals under Control Council Law No. 10, October, 1946, Nuremberg.

TRIBUTE TO DAVID GONZALEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor David Gonzalez on his retirement from the Rural Development Agency of the United States Department of Agriculture (USDA) on January 3rd, 2007.

David Gonzalez began his career with the USDA Rural Development Agency, which was previously known as Farmers Home Administration, on May 26, 1971 as a student trainee in San Diego, Texas. He received a Bachelor of Science in Agriculture from Texas A&M University at Kingsville in 1972 and returned back to work with the Farmers Home Administration in San Benito, Texas, as an assistant county supervisor. Five years later, he was promoted to county supervisor for Willacy County and then transferred to Edinburg in Hidalgo County.

Mr. Gonzalez's commitment to his service with the agency was recognized with his next promotion to assistant district director in Rio Grande City in 1980 and then to area director for the Rio Grande Valley in 1991. He served with distinction and honor for 16 years in the Rio Grande Valley, and helped to provide crucial funding to the communities in the area. Mr. Gonzalez has given back so much to the community in the Rio Grande Valley in his tenure with the Rural Development Agency. After working tirelessly for nearly two decades, he will enjoy his retirement with his wife, Edna, and his five grandchildren, Daniel David, Jorge Alberto, Zenon David, Dayna Dalinda, and Dennis David.

Madam Speaker, I am honored to have had this time to recognize the dedication of David Gonzalez to the Rio Grande Valley community.

THE INTRODUCTION OF THE ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. SAXTON. Madam Speaker, since coming to Congress in 1984, I have consistently supported efforts to protect and conserve many wildlife species. I am an enthusiastic defender of the Endangered Species Act and have voted in favor of the African Elephant Conservation Act of 1988, the Rhinoceros and Tiger Conservation Act of 1994, the Neotropical Migratory Bird Conservation Act of 2000, the Great Ape Conservation Act of 2000 and the Marine Turtle Conservation Act of 2004.

In fact, several of these laws were reauthorized or initially enacted during my 6-year tenure as Chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans. During this period, I conducted numerous oversight hearings on these conservation programs and I became intimately aware of the plight of Asian elephants. Frankly, I was startled to learn that in the early 1990s there were less than 40,000 Asian elephants living throughout the world in the wild. These wild populations were located in 13 south and southeastern Asian countries. In addition, there were only 14 populations of 1,000 or more individual elephants in a contiguous area which greatly reduced the long-term viability of this species.

In response to this international wildlife crisis, I introduced the Asian Elephant Conservation Act of 1997. After hearings, markups and floor debate, I was honored that President Bill Clinton signed this important legislation into law on November 7, 1997. The fundamental goal of Public Law 105–96 was to create the Asian Elephant Conservation Fund.

During the past decade, the Secretary of the Interior has carefully reviewed nearly 300 conservation grant proposals to assist beleaguered Asian elephants. I am pleased to report that 171 grants have been awarded to various governmental and non-governmental entities. These grants have received $7.8 million in Federal funds and in excess of $10 million in private matching money.

The types of approved projects funded include emergency elephant conservation support for those countries adversely affected by the tsunami disaster in Indonesia; erecting fences in Sri Lanka; establishing an elephant conservation working group in Thailand; promoting eco-tourism of elephants; increase the capacity of wildlife rangers in India; assess the habitat needs of elephants in Malaysia and implement a program for monitoring the illegal killing of elephants. Among the recipients of these grants were the Conservation International, Sri Lanka Wildlife Conservation Society, Wildlife Conservation Society, Wild Fund for Nature and Wildlife Trust of India.

Madam Speaker, these conservation funds have had a profound impact on protecting these irreplaceable species and in the long run I am convinced they will help to ensure that they will not disappear in the future. By allowing a small amount of Federal funds, our Government has been able to finance worthwhile projects to stop the extinction of Asian elephants.

The legislation I am proposing today, the Asian Elephant Conservation Reauthorization Act, will extend this vital law at existing authorization levels until September 30, 2012. This will allow the Secretary of the Interior to approve additional meritious projects in the future.

Ten years ago, during the initial hearing on my bill, H.R. 1787, a representative of the U.S. Fish and Wildlife Service testified that: ''the Asian Elephant Conservation Act would . . . send a strong message to the world that the people of the United States care deeply about Asian elephants and that the U.S. Government is committed to helping preserve this keystone species.''

There is no question that we need to reauthorize this important law and I urge my colleagues to work with me to make this a reality. As President Theodore Roosevelt once noted, ''the nation behaves well if it treats its natural resources as assets which it must turn over to the next generation, increased and not impaired in value.'' The road to extinction is a one-way street and we must work to ensure that the Asian elephant does not make that journey.

HONORING ARMY PFC EMILY S. PETTIGREW

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BURGESS. Madam Speaker, I rise today to honor the service and commitment of Emily S. Pettigrew, an honorable soldier who

has shown dedication and professionalism in her efforts to free and secure Iraq.

Army PFC Emily S. Pettigrew has been awarded the Army Commendation Medal for her continuing support of Operation Iraqi Freedom. This Medal of Honor is awarded to those in the Army who have distinguished themselves through exemplary service and meritorious achievement. Important objectives of the mission include, but are not limited to, peacekeeping, security, support, force protection and acquiescence throughout the strenuous transition process of the Iraqi Government.

Emily Pettigrew is the daughter of Richard and Dottie Pettigrew, residents of Country Hill, Keller, Texas, in the heart of my congressional district. As a soldier in Iraq, Army PFC Emily S. Pettigrew serves as a member of the Fires Brigade, 4th Infantry Division stationed at Camp Liberty. While in Iraq, the 4th Infantry Division from Fort Hood advances operating bases and performs duties at numerous camps. Combat missions assigned to the Fires Brigade have been completed successfully on account of the soldiers' devotion, altruism, and commitment to our country.

It is with great honor that I stand here today to recognize Army PFC Emily S. Pettigrew as a truly generous and outstanding individual, not only in the eyes of her family and friends in Keller, Texas, but also in the heart of this nation. I am proud to represent her and her family.

RECOGNIZING CENTENARIAN JOSEPH MENNELLA OF HERNANDO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Joseph Mennella of Hernando County, Florida. Joseph has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate his 100th birthday.

Born September 2, 1906 in the ''Little Italy'' section of New York City, New York, Joseph lived and worked there for many years before moving to Florida in 1991. Joseph has fond memories of attending school as a child, although he readily admits that not everyone else agrees with him on that issue.

When he was young, Joseph was very ill and taken to the hospital. While recuperating, he was cared for by an Italian immigrant nurse named Mother Cabrini. Mother Cabrini later was canonized as the well-known St. Cabrini of today. In 1918, Joseph and his mother came down with the Spanish influenza, which killed 53 million people throughout the world, including approximately five thousand in New York. Joseph gives credit for his long life to those tough experiences as a child growing up in New York City.

Completing his formal education at the sixth grade level, Joseph went to work as a plaster contractor, and eventually opened a wheels and rims business that he ran for more than fifty years. Given his background, Joseph's advice to young people is to, ''get an education.'' Following his marriage to Josephine in 1929, the happy couple was blessed with two healthy sons and two grandchildren.

In 1991, at the age of eighty-five, Joseph moved to Hernando County and built his own home that he still lives in today. He says he loves Hernando County because of the warm weather and sunshine. His goal now is to live to be 110, and says that ''if he doesn't make it, then sue me.''

Asked about the proudest moment in his life, Joseph recounts that reaching 100 years old and having the St. Petersburg Times do a front-page story on him was his best experience. Joseph enjoys reading the newspaper, and says that he would not change a thing if he had the chance to do his life over.

Madam Speaker, I ask that you join me in honoring Joseph Mennella for reaching his 100th birthday. I hope we all have the good fortune to live as long as him.

IN MEMORY OF REV. DR. MARTIN LUTHER KING, JR.

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. MEEK of Florida. Madam Speaker, Dr. King brought the civil rights movement to every living room in this country. He marched for freedom in the face of unspeakable racial prejudice, yet preached a message of nonviolence, civility and tolerance. It took Dr. King's forceful movement and powerful words to bring about real and lasting change to this country.

This will be the first Martin Luther King, Jr. Day since the passing of Dr. King's wife, Mrs. Coretta Scott King, a legendary civil rights advocate who's memory we honored at a community wide march last year in Miami. During a time of national grief and unrest following Dr. King's assassination, she became a symbol of her husband's struggle for peace and unity. On this day, we also honor this wonderful matriarchal figure, a role model who helped lead the struggle for equality.

Minority communities face obstacles every day—poverty, unemployment, lack of healthcare, and access to housing. It is a tragic waste that 1 in 5 children live in poverty, including more than one-third of African American children.

Dr. King paved the way for so many people, including me, to assume roles of influence in this country. And for all this work, he created a more just society and made this country an even better place to live. On this day, let us work even harder toward fulfilling Dr. King's legacy of public service.

IN RECOGNITION OF DOLORES ''DEE'' BENSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the life and accomplishments of Dee Benson, whose fierce dedication to family, friends, faith and community serves as a model for all who have been blessed by her presence.

Born in Altoona, Pennsylvania to Edward and Maggie Heintel, Dee demonstrated her strength and determination from an early age. When she was only a year old, Dee wandered on to a scorching floor grate that severely burned her feet; pneumonia set in during her bed rest. With the support of friends, family and many faiths, Dee recovered and went about dedicating her life to the forces that helped her preserve it.

In 1945, fate introduced Dee to Private Bud Benson, and a year and a half courtship culminated in their 1947 marriage. Dee and Bud moved to Cleveland, Ohio to put down roots and start a family, giving birth to Robert, Patrick, Jacqueline, Mary, Elizabeth, Denise and Christine. Dee never wavered from her family, in fact she redoubled her efforts in the most trying times. During Bud's battle with health problems, she never left his side; when her granddaughter needed open-heart surgery, Dee kept vigil by her side.

Dee's generosity of spirit extended to her friends and the larger community as well. Dee has never passed up an opportunity to help a friend or even a complete stranger. All the while, Dee has sustained herself with the abiding commitment to faith that delivered her from her early challenges. When her sons served in Vietnam, prayer supported her; when she herself battled health problems later in life, faith carried her through. She even helped found Saint Anthony of Padua Parish.

Moreover, Dee has committed herself to civic engagement and community empowerment, embodying the ethic that ''all politics is local.'' Dee has served as precinct committeewoman and has held numerous leadership positions in Democratic institutions throughout Northeast Ohio.

Madam Speaker and colleagues, please join me in honoring Dee Benson, whose generosity, kindness and vitality have and will continue to inspire all who cross paths with her.

HONORING THE LIFE OF TROOPER CALVIN W. JENKS

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. LINCOLN DAVIS. Madam Speaker, earlier this week Tennessee lost one of its bright, honorable young men in a senseless tragedy. I rise today to honor the name and spirit of Tennessee Highway Patrol Trooper Calvin W. Jenks. Mr. Jenks of Culleoka, Tennessee was taken from his family, friends, and the countless Tennesseans he swore to protect during a traffic stop in West Tennessee. I don't want to dwell on the tragic event; instead I want to honor the life of a man who loved serving the public.

Trooper Jenks, a native of Lansing, Michigan, moved to the Culleoka Community in Maury County, south of Nashville, in 1989. A 2000 graduate of Culleoka High School, he excelled in baseball as a four year starter for the Culleoka Warriors baseball team.

A member of the Tennessee Highway Patrol for two years, his duties began in the 7th District of the Tennessee Highway Patrol, headquartered in Lawrenceburg. In July 2006 he transferred to the 4th District in Memphis.

Many friends and family members say Jenks, a newlywed, was a man of values and

with the skills to guide him through the ranks of the Tennessee Highway Patrol. As a testament to this young man's character over 1,110 people attended his funeral service.

Through this senseless tragedy, I hope the people of Tennessee will reflect on how much we actually owe the law enforcement officers who risk everything for the sake of protecting us. I will continue praying for their safety and that of their loved ones.

At this difficult time I doubt many words will comfort his wife, mother, father, brothers, sister and extended family during this time of profound loss. They should know that the State of Tennessee is deeply saddened by their loss and will forever appreciate Trooper Jenks's service. As Horatio said in Shakespeare's Hamlet, "Now cracks a noble heart. Good night, sweet prince and flights of angels sing thee to thy rest."

MOURNING THE PASSING OF PRESIDENT GERALD RUDOLPH FORD

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Ms. MILLENDER-McDONALD. Madam Speaker, last week, Congress received the body of the late President Gerald Rudolph Ford, our 38th President, to lie in State in the Rotunda. He was the second President for whom I felt such an endearment that it felt as if I'd lost a friend.

I first met President Ford along with President Carter several years ago when I called on both men to support legislation I had introduced to give those who had been incarcerated, paid their debt to society, and had become productive citizens a restoration of their voting rights. In speaking with him, I found him to be very sensitive and understanding of that important issue. He said that it was the decent thing to do and signed a letter (along with President Carter and myself) asking President George W. Bush to submit a proclamation to all States to ensure these citizens' voting rights.

Two years later, I had the opportunity to meet with him and his beloved wife, Betty, at Rancho Mirage along with Governor Schwarzenegger and others to discuss federal legislation for California. We continued our discussion on voting rights, and I became further impressed with his modesty despite the fact that he had served at the highest level in this country.

Gerald R. Ford was a man of character and integrity, with many accomplishments to his credit. He was a Boy Scout, and the only President who has ever attained the rank of Eagle Scout. He was a football star for the University of Michigan where he majored in political science and economics while leading his team to two national titles. He studied at Yale Law School and opened his own law practice in Grand Rapids, Michigan before joining the Navy where he served as an officer during World War II and earned several medals.

In 1948, Gerald R. Ford was elected to the U.S. House of Representatives where he served until 1973. He was the Republican Minority Leader from 1965–1973. During his years in the House, Ford was, as the New York Times described, "a negotiator and a reconciler." On October 12, 1973, Ford was appointed Vice President of the United States after Spiro Agnew resigned. He became President after the resignation of Richard Nixon on August 9, 1974. President Gerald R. Ford is the only person to ever serve as both Vice President and President without being elected to either office.

As President, one of Ford's first actions was to pardon President Nixon, allowing the nation to heal and move on. Although this action was highly criticized at the time and may have cost him the election in 1976, it helped to restore Americans' faith in the office of the President. President Ford successfully addressed high inflation and unemployment while ending American involvement in Vietnam and pursuing international human rights through the Helsinki Accords, helping end the Cold War.

President Ford's legacy extends far beyond his accomplishments, however. More than anything else, President Gerald R. Ford will be remembered for his character, integrity, and humility. Gerald R. Ford was a very decent and humble human being. As Americans, we mourn more than the loss of a former President—we mourn the loss of a truly great American.

IMPLEMENTING THE 9/11 COMMISSION RECOMMENDATIONS ACT OF 2007

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong support of H.R. 1 which will carry out the recommendations of the 9/11 Commission.

In 2002, Congress passed and funded a distinguished bipartisan panel to investigate and report on the September 11, 2001 terrorist attacks on our country. In spite of the urgency and critical nature of the panel's report and recommendations, the Bush administration and the Republican-led Congress failed to implement key recommendations that would improve the defense of our Nation such as enhancing homeland security and developing strategies to prevent the spread of Islamic terrorism and the acquisition of weapons of mass destruction by terrorists.

Putting into action only a few of the Commission's carefully thought out recommendations did only half the job. And we all know that protecting America is a full-time job requiring full-time vigilance and full-time protection. This is especially true in today's post-9/11 world.

For the past 4 years, I have had the privilege of serving on the Homeland Security Appropriations Subcommittee. As a member of that subcommittee, I heard testimony and attended briefings from officials at the Department of Homeland Security that brought to light the shortcomings of this Department and its failure to meet its mandate to secure our borders and protect our country. The then Chairman of the committee even withheld funding due to the Department's unresponsiveness and apparent lack of urgency about its mission.

Mr. Speaker, protecting our country must be our government's number one priority. If that mission lacks urgency by the very agency created to protect us, we will continue to remain dangerously vulnerable to those who would harm us.

I believe that putting into action all of the Commission's recommendations is urgently needed to help protect our country against a terrorist attack. And under our new Democratic leadership, which will be vigilant in its oversight and in holding the administration accountable, I am confident Democrats will push this agency beyond its bureaucratic lethargy to take the steps necessary to secure our homeland and protect our fellow Americans.

While I endorse the entire package of recommendations in the bill under consideration, I am particularly pleased to note that it includes several of the issues I addressed in hearings before the Homeland Security Appropriations Subcommittee. These issues are critically important to our Nation and the communities I represent in Los Angeles.

First among them is interoperable communications. Our country lost many heroic first responders on that fateful September morning because they were unable to receive the message to evacuate the Twin Towers. Incredibly, 5 years after 9/11, this serious problem of interoperable communications continues to plague our emergency responders. This is particularly true for first responders in districts like mine, where various communities are covered by multiple jurisdictions of police, sheriff, and fire departments.

I am very pleased that included in this bill is the 9/11 Commission's recommendation to create a grant program for interoperable communications with a dedicated stream of funding. This will greatly enhance the ability of our first responders to close this critically serious communications gap.

Another issue of great concern to my constituents is currently being addressed at Los Angeles world airports. It is the installation of in-line detection systems for checked baggage on commercial airliners. The Commission's recommendations in this bill call for accelerating the installation of in-line explosive detection systems at all major airports.

The cargo hold of airplanes, filled with baggage, has often been called the "soft underbelly" of our aviation transportation system. By placing state of the art detection systems in our Nation's airport, we will harden that vulnerable soft spot and protect the flying public. And by consolidating the handling of baggage and screening equipment we will accelerate the movement of goods, passengers, and cargo.

In committee I have also consistently raised my concerns about the security of cargo containers entering ports such as the Ports of Los Angeles-Long Beach. I am very pleased that this bill goes beyond the Commission's recommendations by requiring, within 5 years, 100 percent scanning of U.S.-bound shipping containers.

We are very fortunate there has not been a port-centered attack on our Nation. As we saw during the 2002 labor dispute that closed the Ports of LA-Long Beach and cost the national economy $1 billion per day, any long term disruption of our national maritime trade would have a devastating effect on our Nation's economy as well as the rest of the world.

While some critics may complain about the cost involved in scanning these cargo containers, we cannot afford to be penny wise and pound foolish when it comes to our security. We must make the necessary investments. The added cost of security in our post 9/11 era is the price we must pay to protect American lives and our Nation. If we do not make this investment, the cost could be much higher not just in dollars but in lives.

And finally, among other critical needs addressed by the 9/11 Commission, is the need to significantly increase the number of state homeland security grants and award them on the basis of risk. While it is true we must make every effort to protect all parts of our country, given our limited funds, we must prioritize our security weaknesses and allocate these scarce funds first to the areas most at risk of an attack.

It was therefore welcomed news that late last week the Department of Homeland Security has announced it will commit more than 55 percent of urban area grant funds to the six urban areas facing the highest threat of terrorist attacks.

Mr. Speaker, as the former Homeland Appropriations Subcommittee Chairman HAL ROGERS often stated, "those who seek to harm us have to get it right only occasionally, while those of us working to protect America have to get it right 100 percent of the time. Fully implementing the recommendations of the 9/11 Commission is a critical step toward "getting it right" and moving our Nation forward to our 100 percent goal of protecting our United States of America.

I urge my colleagues to vote for this important legislation.

CELEBRATING THE LIFE OF MIRIAM AYLLON

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. HONDA. Madam Speaker, today I rise, along with Congresswoman ZOE LOFGREN, to honor the life and contributions of Mrs. Miriam Ayllon, who recently passed away. Miriam is survived by her son, Huascar Castro, and her loving husband, Marvin Castro. She will be sorely missed by her friends and by the people she helped. Today, I honor her energy, her determination, and her lifelong service to many communities here in the United States and in Bolivia.

Miriam Ayllon was born in La Paz, Bolivia, on June 14, 1959. At the age of 13, she began volunteering at a nursing home across the street from her school reading to elderly patients. Miriam grew up wanting to make a difference in the lives of the poor and the underserved.

Miriam moved to the United States in 1977 to live with relatives. She attended both Foothill and De Anza Colleges in California. Later, she moved to Houston, where she studied economics at the University of Houston. Soon after graduation, she moved to New York where she met her husband, Marvin Castro. In New York, she helped start an English as a Second Language school.

In 1988, Ms. Ayllon and her husband relocated to San Jose, California, where they later had their son, Huascar. In San Jose, she joined the Mexican American Community Service Agency (MACSA), where she helped senior citizens find affordable housing and worked to build a youth center. Later, she worked at the Santa Clara Valley Transportation Authority (SCVTA). At SCVTA, she helped coordinate transportation for the poor, especially those in East San Jose. She also managed to earn a Masters of Science degree in Transportation Management from San Jose State University.

Ms. Ayllon also served her community through personal volunteerism and community projects. Miriam's community advocacy included empowering others to advocate for themselves. She co-founded the Latina Coalition of Silicon Valley and served on its board, as well as the School Site Council of Noble Elementary School, and the Board of MACSA.

Though the United States was her home, Miriam never forgot her Bolivian roots. In 2001, she founded an orphanage for homeless girls in Cochabamba, Bolivia, called Casa de la Alegria ("House of Joy"). The girls are provided with room, board, health care, clothing, and education until they graduate from high school.

Ms. Ayllon had the vision to address broader issues, yet she remained grounded enough to respond to the needs of those immediately around her. When an SCVTA co-worker's home burned down, Miriam immediately dedicated her time and effort to raising money and collecting necessary supplies for the family that had lost so much.

Miriam always made time for family and friends. Despite her important work in so many different professional and community arenas, her most important role was being a mother to her 15-year-old son. She loved to go dancing with friends and set up family dinners on Sundays.

Miriam was a gentle and loving soul, committed to justice for all. Her involvement in so many projects, which focused on access for the underserved, was a reflection of that commitment. Miriam's compassion was equaled only by her strength. She left a lasting impression on anyone she came across and was a strong champion of women's leadership development.

Miriam Ayllon died at the young age of 47 in a tragic accident while vacationing in Bolivia. When she passed away, the San Francisco Bay area lost one of its most dynamic leaders. Miriam was an advocate for women and the underserved from San Jose to South America. She will truly be missed by all those who had the opportunity to benefit from her generous service and those of us who were inspired by her commitment to community.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD my support for the H.R. 3, Stem Cell Research Enhancement Act of 2007. This bill will enable continuing scientific research on embryonic stem cells that will provide enhanced treatments and potential cures for the millions of Americans afflicted with chronic and debilitating diseases.

The benefits that stem cell research promises can dramatically enhance the quality of life for people suffering from spinal cord injuries, diabetes, heart disease, cancer, stroke, Alzheimer's and Parkinson's disease, among many others. It will allow these Americans and their families the opportunity to enjoy healthier and more fulfilling lives.

Stem cell research has the support of over 100 million people suffering from these diseases, medical professionals, and the American people. With over 200 health organizations, research universities, advocacy groups and scientific societies supporting stem cell research, it is the responsibility of the United States govemment to listen and actively ensure progress in the field of medicine in saving people's lives.

In the Republican controlled 109th Congress, the Stem Cell Research Enhancement Act of 2005 was passed in the House, later to be vetoed by President Bush. This administration cannot continue to impede the efforts of sound scientific research based on ideological beliefs. In an age of tremendous technological and scientific advances, we must allow the medical community to engage in research that will benefit all Americans.

This legislation provides strict ethical guidelines for the usage of embryonic stem cells to further medical research. The stem cells will be donated from in vitro fertilization clinics that have an excess of stem cells from individuals no longer needing fertility treatment. Individuals that sought fertility treatment were consulted before the donation of stem cells, and it was determined that these stem cells would never be used in future treatment and would thus be discarded. In addition, individuals donating stem cells did so with written informed consent and were not paid any monetary compensation or given any other incentives to do so.

These individuals have offered their support in enhancing further research through their donations, and we ought to follow by ensuring that their contribution to stem cell research help those who suffer.

The medical and science community see the potential of this research to treat people with damage to the spinal cord, heart, brain and skeletal muscles. Those who suffer from genetic diseases, those whose life depends on organ transplants, and those who are ravaged by the affects of degenerative diseases will benefit from the research performed on embryonic stem cells.

It is our responsibility to support legislation that will provide the resources to improve the lives of Americans who suffer everyday. I commend my colleagues for readdressing this issue, and urge you to support this bill.

INTRODUCTION OF THE COLLEGE STUDENT RELIEF ACT OF 2007

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. GEORGE MILLER of California. Madam Speaker, I rise to introduce the College Student Relief Act of 2007, a bill that will deliver much needed relief for students and families.

The College Student Relief Act of 2007 cuts interest rates in half phased in over 5 years starting July 1, 2007.

This proposal will provide debt relief for over five million students and families by cutting interest rates in half for undergraduate borrowers of subsidized loans.

In keeping with our promise to be fiscally responsible, this bill provides offsets in full compliance with our newly passed PAYGO rules.

Madam speaker, as you know college affordability is one of the most important issues facing students and families. With the significant increases in tuition over the last five years our nation's students and families will finally get some much needed help with their student loans.

Millions of college students and parents of college students are struggling to come up with the financial resources to pay for college.

And many would-be students—as many as 200,000 per year—are choosing to delay or forgo attending college altogether because they can't afford it.

This debt problem affects all of us. Public service professions like teaching are suffering, because graduates cannot manage their college debt on public service salaries. Nearly a quarter of recent college graduates have too much debt to manage on a starting teacher's salary.

This poses a serious threat not just to students and families, but to our Nation's economy and to the future of our workforce.

Today, we are finally taking our Nation's students and families in a New Direction by making college affordability a top priority.

Once fully phased in, these cuts will save the typical borrower with $13,800 in needbased federal loan debt roughly $4,400 over the life of their loan.

In my home State of California, this bill will save the typical borrower $4,830 over the life of their loan.

This will be an important first step towards making college more affordable and accessible for millions of low-income and middle class students.

As Chairman of the Education and Labor Committee, one of our top priorities will be to continue to lower college costs for all qualified students.

I look forward to seeing this bill pass through the House with overwhelming support and bringing help to our students and families.

WISE WORDS ON THE ECONOMY FROM THE PRESIDENT OF THE NEW YORK FED

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. FRANK of Massachusetts. Madam Speaker, Tim Geithner, President of the Federal Reserve Bank of New York, combined economic and political wisdom in a recent speech to the Council on Foreign Relations in which, according to the report of the speech in the Financial Times, he told that influential audience "that the 'political challenge' of sustaining support for integrating global economic integration 'may be the most important economic challenge of our time.'"

Mr. Geithner came to his current position with significant experience in the Treasury Department during the Clinton Administration, which makes him very well-positioned to understand how economic and political forces interact, and even more important, how they should interact if we are to achieve what is our national goal economically—significant growth that is widely shared.

I very much appreciate Mr. Geithner's thoughtful words, and I hope that people concerned about economic growth will accept the validity of his point so that we can all act together accordingly.

[From the Financial Times]

WAGES GAP 'UNDERMINES SUPPORT FOR FREE TRADE'

(By Krishna Guha in Washington)

The widening gap between the rich and middle-class Americans is undermining political support for free trade in the US, the president of the Federal Reserve Bank of New York, warned yesterday.

Tim Geithner told the Council on Foreign Relations that the "political challenge" of sustaining support for further global economic integration "may be the most important economic challenge of our time."

The New York Fed chief also warned that the inflow of surplus savings from abroad could be distorting US asset prices and keeping risk premiums artificially low across financial markets.

His comments were made amid growing concern in US political and business circles over the risk of a populist backlash against free trade caused by rising inequality and a protracted period of stagnation in median wages—the wages earned by the average US worker.

While recent data show real wage growth has at last picked up, many economists fear this could be short-lived.

Mr. Geithner said maintaining support for open markets would be made more difficult "because of what has happened to the distribution of income and economic insecurity".

He cited as big political problems the "long-term increase in income inequality", the "slow pace of growth in real wages for the middle quintiles of the population", increased volatility in income and the greater exposure of families to risks involved in financing retirement and healthcare.

Echoing views expressed by Larry Summers, his former boss as Treasury secretary in the Clinton administration, Mr. Geithner said it was "not enough to explain that globalisation is inevitable" and protectionist policies were self-defeating.

Better education and an improved safety net were a "necessary part of the solution to this challenge". But, he warned, "these reforms will have a long fuse and they may not yield the hoped-for increase in support".

Mr. Geithner cautioned that the low level of risk premiums across asset markets was "unusual" and might not prove lasting.

He said there were many sound reasons why risk premiums might be low, including better monetary policy, strong underlying productivity growth and better risk-sharing across more globally integrated financial markets.

But he warned that the inflow of surplus savings from abroad—including "very substantial official accumulation of dollar reserves" by countries seeking to maintain fixed exchange rates—could be distorting asset prices, sending the wrong signals to savers and investors.

Mr. Geithner said these forces were "surely transitory" but could "mask or dampen the effect on risk premiums in financial markets that we might otherwise expect", given the huge US trade deficit and its long-term fiscal challenges.

IN HONOR OF SCOTT HASKINS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. FARR. Madam Speaker, I rise to commend Scott Haskins on successfully swimming the English Channel. It is considered one of the most challenging swims in the world. This has been accomplished by fewer than 850 swimmers. Scott, a California native, became the first in the Haskins family to swim the English Channel.

Scott Haskins was born on July 3, 1964. His father Sam Haskins, my first cousin, and mother Judy Chapman Haskins live in the San Francisco Bay area. Scott has a sister Eliza and brother John, and is married to wife Elizabeth "Timmie" Friend.

Scott learned to swim at the age of 4 in a swimming pool and began swimming in the ocean at the age of 5. Scott swam butterfly and freestyle events competitively from age 11 to 20. He first began swimming open water events in 1990—mostly one and two mile swims in the San Francisco Bay Area. Scott swam his first long distance open water swim in 1994.

In 1995, Scott achieved the level of All American Long Distance Swimmer with the U.S. Masters Swimming in 1995 and 1996. On August 3, 1996, Scott swam around the island of Manhattan, a distance of 28.5 miles.

In 2006, Scott trained for 6 months at the Dolphin Club in San Francisco, California. His training included daily swimming as well as a 6-hour swim, an 8-hour swim, and a 10-hour swim in preparation to swim the English Channel.

On August 16th, with brother John on board the boat *Galivant*, Scott began to swim across the English Channel toward France. Scott finished with an official time of 10 hours and 25 minutes. Scott's time is in the top 18 percent of the fastest Channel swims.

To celebrate his great accomplishment, Scott with his family at his side, went to a tavern in Dover, England that is frequented by swimmers and a place where many have "signed in" on the walls and ceiling after completing their Channel swims. Scott also "signed in" on the ceiling next to the other Channel swimmers from San Francisco's Dolphin Club.

Madam Speaker, I take this opportunity to congratulate Scott Haskins on successfully swimming the English Channel and to recognize him for this outstanding achievement.

PERSONAL EXPLANATION

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. GILCHREST. Madam Speaker, please let the record show that had I been present for rollcall vote No. 20, I would have voted "aye."

INTRODUCTION OF ''SEARCH ACT OF 2007''

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. CUMMINGS. Madam Speaker, I rise today to reintroduce the ''Servitude and Emancipation Archival Research Clearing House, SEARCH, Act of 2007,'' a companion to Senator MARY LANDRIEU's bill of the same name, which would establish a national database of historic records of servitude and emancipation in the United States to assist African Americans in researching their genealogy.

Madam Speaker, for most Americans, researching their genealogical history involves searching through municipal birth, death, and marriage records—most of which have been properly archived as public historical documents. However, African Americans in the United States face a unique challenge when conducting genealogical research.

Due to slavery and discrimination, African Americans were denied many of the benefits of citizenship that produce traceable documentation such as voter registration, property ownership, business ownership, and school attendance. As a result, instead of looking up wills, land deeds, birth and death certificates, and other traditional genealogical research documents, African Americans must often try to identify the names of former slave owners, hoping that the owners kept records of pertinent information, such as births and deaths. Unfortunately, current records of emancipation and slavery are frequently inaccessible, poorly catalogued, and inadequately preserved from decay.

Although some States and localities have undertaken efforts to collect these documents with varying degrees of success, there is no national effort to preserve these important pieces of public and personal history or to make them readily and easily accessible to all Americans. While entities such as Howard University and the Schomburg Center for Research in Black Culture Library have extensive African American archives, the SEARCH Act would create a centralized database of these historic records. This database would be administered by the Archivist of the United States as part of the National Archives.

The SEARCH Act would also authorize $5 million for the National Historical Publications and Records Commission to establish the national database, as well as $5 million in grants for States and academic institutions to preserve local records of servitude and emancipation.

I believe that this legislation will be a vital step in resurrecting the rich history of African Americans and the vital role that they played in building America. This legislation is not only a means by which African Americans can trace their lineage, but also a means by which our Nation can preserve historically comprehensive and accurate information for generations yet unborn.

Author Maya Angelou once said that ''No man can know where he is going unless he knows exactly where he has been and exactly how he arrived at his present place.'' Let there be no mistake, Madam Speaker, the SEARCH Act will provide African Americans an opportunity to forge a crucial nexus between the past and the present. Just as important, it will give our Nation an opportunity to continue to correct the unintended consequences of the past.

This Monday marks the anniversary of the Rev. Dr. Martin Luther King, Jr.'s birthday, and the day that we as a nation celebrate his legacy. In honor of Dr. King and the contributions he has made, and on behalf of the many African Americans throughout the United States, I urge my colleagues to cosponsor the SEARCH Act.

Join me in ending the horrible legacies of slavery and discrimination by giving African Americans a real chance to understand who they are and from whence they came.

IN MEMORY OF JUDGE JOHN HAROLD WHITTINGTON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BURGESS. Madam Speaker, I rise today to honor Judge John Harold Whittington of Dallas County, who passed away over the holidays in Irving, Texas due to natural causes.

Mr. John Whittington lived a respectable, accomplished life, and continues to be a political inspiration to many Republican officeholders. When he was elected County Judge in November 1975, he was one of the first Republicans elected to countywide office in Dallas County since Reconstruction. As a Judge, Mr. Whittington was not only dedicated to following the law, but also ensured fairness in that each person's position was heard; those who worked for Judge Whittington had the utmost respect for him. He also had a dry sense of humor that seemed to reduce any tension in the courtroom. Mr. John Whittington was an inspiration as well as a political mentor for many young Republican officeholders.

Born in Bloomington, Indiana, Mr. John Whittington moved with his family to Dallas, Texas as a young child. Growing up, he served as an altar boy at Christ the King Catholic Church and was active in sports at North Dallas High School. He received his Bachelor's degree from Southern Methodist University and his law degree from the University of Texas at Austin. He later enlisted in the Navy, where he served as a gunnery officer and was a boxing champion. Mr. Whittington then served in the Navy Reserve, retiring as a captain. After moving back to Dallas, he was continuously active in the community by working for the Veterans Administration's legal department, the City Council, as mayor (pro tem), and for the Dallas County Commissioners Court, after which he served as County Judge. Having a full career, Judge Whittington leaves an exceptional legacy.

John Harold Whittington is survived by his wife, Margaret Whittington, son, Mark Whittington, three daughters, Lynne Whittington, Jeanne Ann Whittington, and Maria Malcolm, and four grandchildren, Stephen Whittington, Patrick Whittington, Liza Jane Malcolm, and Evan Malcolm. In addition to his role as a devoted and respected Judge, he will forever be remembered as a loving husband and father, loyal colleague and friend, and a dignified citizen of this country. I extend my sincerest sympathies to his family and friends. Mr. John Whittington will be deeply missed and his service to our community will always be greatly appreciated.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, January 11, on very urgent business, having joined President Bush in his visit to Ft. Benning, which, as you know is located in my district. Had I been present for the three votes which occurred yesterday afternoon, I would have voted ''aye'' on H. Res. 15, rollcall vote No. 21; I would have voted ''aye'' on H.R. 3, rollcall vote No. 20; I would have voted ''no'' on H.R. 3, rollcall vote No. 19.

IRAQ AND EMBASSY

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today regarding the President's folly in Iraq.

Folly is not the right word. Better words would be disaster, catastrophe, tragedy. The folly is the new embassy the United States is building in Baghdad.

The embassy complex—21 buildings on 104 acres, is the size of Vatican City and will be the largest in the world. It will employ over 5500 people.

Currently, there are 1,000 people who work in the U.S. Embassy in Iraq.

However, only 33 are Arabic speakers and Only six speak the language fluently.

The Iraq Study Group said that ''our efforts in Iraq, military and civilian, are handicapped by Americans' lack of knowledge of language and cultural understanding.''

''In a conflict that demands effective and efficient communication with Iraqis, we are often at a disadvantage.''

The U.S. government should give ''the highest possible priority to professional language proficiency and cultural training'' for officials headed to Iraq.

Who do we send?

Over twenty thousand new military personnel.

The embassy's 104 acres is six times larger than the United Nations compound in New York and two-thirds the acreage of Washington' s National Mall.

The embassy will cost over 1 billion, One billion, dollars.

It will be self-sufficient, designed to function in the midst of Baghdad power outages, water shortages and continuing turmoil.

It will have its own water wells, electricity plant and wastewater treatment facility, ''systems to allow 100 percent independence from city utilities.''

It includes two major diplomatic office buildings, homes for the ambassador and his deputy, and six apartment buildings for staff.

The compound will also offer a swimming pool, gym, commissary, food court and American Club, all housed in a recreation building.

Security, overseen by U.S. Marines, will be extraordinary: setbacks and perimeter no-go areas that will be especially deep, structures reinforced to 2.5-times the standard, and five high-security entrances, plus an emergency entrance-exit.

The extraordinary security designed into this embassy shows how insecure our personnel are considered to be by the government.

The President's Iraq policy has made us less safe and must be changed.

Get our troops out now.

HONORING THE MEMORY OF MR. BENJAMIN MORGAN RADCLIFF, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BONNER. Madam Speaker, Mobile County and, indeed, the entire state of Alabama, recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. Benjamin Morgan Radcliff, Sr. was an outstanding American, a devoted family man, and a dedicated community leader throughout his life.

He was a veteran of the United States Army and spent much of his own life making sure generations to follow would be safe. He represented loyalty and dedication in his everyday life, and I salute him, at this difficult time for his family and friends, for his upstanding morals and his outstanding character.

Mr. Radcliff was a native and lifelong resident of Mobile. He spent his entire life working to make Mobile and south Alabama a better place to live and work.

As founder and chairman of the board of Ben M. Radcliff Contractor Inc., a multi-million dollar company he built from the ground up, Mr. Radcliff literally helped to build Mobile from a small, sleepy southern city to a major port of commerce in the heart of the central Gulf Coast. His outgoing nature coupled with his hard work, strong work ethic, and determination are just some of the reasons why he accomplished so much during his life.

Madam Speaker, I ask my colleagues to join with me in remembering a dedicated community leader and friend to many throughout south Alabama.

''Mr. Ben,'' as he was affectionately known around town, loved life and lived it to the fullest. It is safe to say that when spring turkey season rolls around this year, there will be a giant void in the piney woods and gently rolling hills of south Alabama. Suffice it to say, his passing marks a tremendous loss for all of us.

''Mr. Ben,'' will be deeply missed by many but most especially his beloved wife, Jean Faulk Radcliff; his three daughters, Carolyn Akers, Elizabeth Latham, and Julia Menge; his son, Benjamin Morgan Radcliff, Jr.; 12 grandchildren; and the countless friends that he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

TRIBUTE TO SHERIFF CRAIG WEBRE

HON. BOBBY JINDAL

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. JINDAL. Madam Speaker, I am pleased to introduce a resolution honoring and recognizing the achievements of Sheriff Craig Webre of Lafourche Parish, Louisiana.

Elected as Sheriff of Lafourche Parish on July 1, 1992, Sheriff Webre ushered in a new era of accountable, responsible and professional law enforcement in Lafourche Parish. In the past 15 years, Sheriff Webre enhanced first responder morale, equipment, and communication capability, and initiated or improved over 40 public service programs including Crimestoppers, Crisis Management Unit Team, and Police Social Services, a one-of-a-kind comprehensive victim assistance program that serves approximately 1,400 crime victims per year.

Under Sheriff Webre's leadership, the Lafourche Parish Sheriff's Office became the second Sheriff's office in Louisiana history to become nationally accredited, placing the Sheriff's office in the top four percent of all the law enforcement agencies in the United States.

Sheriff Webre played an instrumental role in coordinating distribution of personnel, material and supplies to storm damaged parishes during and after Hurricanes Katrina and Rita, and worked to provide access for outside agencies to come to the aid of neighboring parishes in Louisiana.

Widely respected by his peers, Sheriff Craig Webre was elected as First Vice President of the National Sheriffs Association in 2006, and is in line to become National President in 2007.

I call on my colleagues in the U.S. House of Representatives to join me in honoring and recognizing the achievements made by Craig Webre, who exemplifies the willingness, dedication, and sacrifice to ensure the security and safety of the citizens of Lafourche Parish.

PERSONAL EXPLANATION

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. MARCHANT. Madam Speaker, because of a family medical emergency, I missed 2 recorded votes on January 9. Had I been present, I would have voted in the following manner.

H. Res. 35—''no''; H.R. 1—''no.''

HONORING JOHN HINDMAN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay public tribute to John Hindman, a public servant, businessman and citizen from my congressional district. John is retiring this month as vice president of Public Affairs and Communications for UPS Airlines, ending a 32-year career with the company.

A native of Ottumwa, Iowa, John earned his bachelor's degree in education from Iowa State University. John first joined UPS in 1974, advancing through various positions in package operations. Over the next 20 years, he managed the Des Moines facility and spent tenures in the West Region's Marketing, Industrial Engineering, Human Resources, Employee Relations and Public Affairs departments.

Before serving in his current position, John spent six years as Air Group Public Affairs manager, monitoring government activity and promoting legislative objectives in Frankfort and Washington, D.C. Since being named vice president of Public Affairs and Communications, John has demonstrably strengthened the reputation of UPS among the public and employees.

Through his work, John has secured millions of dollars in incentives to support UPS projects and corporate social responsibility. I would especially note his stewardship of Metro College, a program that provides kids an opportunity to go to college while working for UPS.

John has distinguished himself as a community leader, serving on the board of directors for the Kentucky Chamber of Commerce, the Louisville Medical Center Development Corp., and the Boy Scouts of America. He formerly served on boards for the YMCA, Kentucky Forward, Associated Industries of Kentucky and the Louisville Zoo Foundation.

John's vast business knowledge and strong work ethic has earned the attention of several Kentucky Governor's including Governor Ernie Fletcher who appointed John to the Louisville Arena Task Force in 2006 and Governor Paul Patton who appointed him to the Southern Governors Association's Transportation Task Force in 1999. John was awarded the 2006 Governor's Economic Development Leadership Award.

It is my great privilege to recognize John Hindman today before the entire U.S. House of Representatives for his leadership and service. His unique achievements make him an outstanding American worthy of our collective honor and appreciation.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

SPEECH OF

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. GARRETT of New Jersey. Mr. Speaker, I find it no coincidence that as we were preparing to deliberate federal funding for human embryonic stem cell research, a study was released that announced a breakthrough in the form of amniotic-fluid stem cell research. These stem cells do not present any ethical controversy and have already shown more promise than embryonic stem cells.

Federal funding already goes to research and development for embryonic stem cells. The NIH currently spends $40 million for such studies. It spends $600 million on stem cell research in general. In fact, nearly $3 billion has

been spent on all stem cell research over the past six years.

Much of this research, like the amniotic fluid stem cell research, is without the ethical dilemma, and has simply proven to be more effective.

Researchers have expended years of time and energy trying to develop a single treatment or cure for any disease from embryonic stem cells to no avail; and actually finding adverse consequences like tumors at the implantation site. But adult stem cells have already provided us with treatment options for 72 diseases. Adult stem cells have shown a real return on the American people's investment.

We have seen results from adult stem cells and should continue to support and subsidize progress in this field. And, as I mentioned a moment ago, there is a new option in the form of amniotic stem cells which has already shown great promise and even more success than embryonic stem cells.

The face of this debate has already changed in the short time since it came before us last summer; and while this latest discovery provides hope, it should also act as a warning. A warning that we cannot make rash decisions which cost not only federal dollars, but also human lives.

IN RECOGNITION OF RENA BITTER, RECIPIENT OF THE 2006 THOMAS JEFFERSON AWARD

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. SESSIONS. Madam Speaker, it is my pleasure to recognize Rena Bitter, a Dallas native and a Foreign Service officer currently serving as Consular Chief at the U.S. Embassy in Amman, Jordan, for winning the 2006 Thomas Jefferson Award presented by American Citizens Abroad (ACA).

This honor is extended to State Department employees who have displayed exemplary service to the American community overseas. ACA founded this award to commemorate the 250th anniversary of the birth of Thomas Jefferson, America's first Secretary of State and third President. They described Jefferson as ''the quintessential Overseas American'' who lived outside the new republic for many years while helping to secure its independence and promote its political, economic and national security interests. In a similar manner, Rena serves our country today as Jefferson once served.

Rena entered the Foreign Service in 1994 having previously served in Mexico City, Mexico; Bogota, Colombia; and London, England. After spending a year with the British Foreign Office, Rena served as Chief of the Nonimmigrant Visa Unit at the American Embassy in London. During an assignment in Washington, DC, Rena served as a Special Assistant to former Secretary of State Colin Powell. Rena received additional leadership awards while serving both at the American Embassy in London and the office of the Secretary of State.

Currently in Amman, Rena has a wide range of responsibilities. She not only assists American citizens living and working in Jordan, but supports David Abell (co-winner of this award) and his co-workers at the U.S. Embassy in Iraq. Rena's dedicated efforts provide for the needs of our fellow citizens in very difficult times. As a testimony of her dedication to Americans overseas, one of her supervisors once wrote that ''If my grandkids were to find themselves in trouble, I would hope it would be Rena, or someone like her, who would be available'' to help them.

I wish Rena Bitter all the best, and I thank her for her dedicated service to the American citizens overseas.

HONORING ATHALIE RANGE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. ROS-LEHTINEN. Madam Speaker, on Monday, January 15th, Americans in my Congressional district of South Florida and across the nation will gather to celebrate the birth, the life, and most importantly, the dream of civil rights pioneer Dr. Martin Luther King, Jr. While Dr. Kings' dream has yet to be fully realized, he reminds us that ''Human progress is neither automatic nor inevitable . . . Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals. ''

In reflecting upon the words of Martin Luther King Jr., I am reminded of the many members of the South Florida African-American community who led the struggle for equal rights, most notably the late Athalie Range—a civil rights advocate and dedicated civil servant.

As the president of the Liberty City Elementary PTA in 1953, Athalie Range launched an unprecedented fight against the dismal conditions and lack of resources available to students attending local segregated schools. Steadfast in her conviction, Athalie went before the all-white school board, demanded immediate improvements—and got them.

In 1966, Athalie became the first African-American to serve in the Miami Commission, where she fought to improve her community's local infrastructure, reduce crime and poverty, and expand local government services for minorities. In the 1970's Athalie continued to break ethnic barriers when she served as the head of the Florida Department of Community Affairs, and then appointed by President Jimmy Carter to serve on the National Railroad Passenger Corp.

Athalie also guided the careers of many prominent members of the South Florida African-American community including former Congresswoman Carrie Meek, with whom I had the pleasuring of serving with in the House of Representatives.

Athalie's passing this November was a tremendous loss to our community, a community she loved so much.

During her decades-long career, Athalie brought about tremendous and positive change, while opening doors for our community, and leading an example for others throughout the Nation.

As Americans and citizens of humanity, we owe a debt of gratitude for leaders such as Athalie Range and Dr. Martin Luther King Jr. for their invaluable contributions to democracy, equality, and freedom.

INTRODUCTION OF THE ''STUDY OF WAYS TO IMPROVE THE ACCURACY OF THE COLLECTION OF FEDERAL OIL, CONDENSATE, AND NATURAL GAS ROYALTIES ACT OF 2007''

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mrs. MALONEY of New York. Madam Speaker, today I am re-introducing the ''Study of Ways To Improve the Accuracy of the Collection of Federal Oil, Condensate, and Natural Gas Royalties Act,'' which was H.R. 6368 in the 109th Congress.'' I am pleased to be joined by Representatives HINCHEY (D–NY) and GRIJALVA (D–AZ) in introducing this legislation. On May 7, 2006, the Washington Post reported allegations that American taxpayers are being shortchanged by oil and gas companies in the royalties that they are paying to the Federal Government (''Firms Harvesting Energy from Public Lands May Owe U.S.''). Jack Grynberg, a plaintiff in a false claims action against seventy-three energy and pipeline companies, was featured in the article. Based on his expertise, the legislation I am introducing asks the National Academy of Engineering to conduct a study regarding improving the accuracy of collection of royalties on production of oil, condensate, and natural gas under leases of both onshore and offshore Federal lands and onshore Indian lands.

These valuable resources are owned by the American people, who should be fairly and accurately compensated. I believe that this study would prove invaluable in accomplishing this important goal and will tell us if there is a problem, including the extent of the problem, with the collection of royalties from Federal lands and Indian lands.

TRIBUTE TO ROBERT WOODY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. SKELTON. Madam Speaker, it has come to my attention that a long and distinguished career has come to an end. Robert Woody retired as Fire Chief of Fort Leonard Wood, Missouri, on January 3, 2007, after 32 years of service.

Robert Woody earned a Bachelor of Science degree in business from Southwest Missouri State University and a Bachelor of Science degree in Fire Science from Drury College. Mr. Woody began his career as a firefighter in 1975 and after 4 years of service was promoted to driver. On February 20, 1983, he was promoted to crew chief where he served as a positive role model to many young firefighters. In 1999, after serving 8 years as assistant fire chief, he was promoted to fire chief where his leadership is to be commended. Under Mr. Woody, the Fort Leonard Wood Fire Department received the ''Fire Department of the Year: Northwest Region'' .

Mr. Woody was a member of the Missouri Association of Fire Chiefs, Firefighter's Association of Missouri, Professional Fire and Fraud Investigation Association, and the Pulaski County Fire Chief's Association. He was

honored with a Superior Performance Award in 1980, a Commander Award for Civilian Service in 1988 and 1999, a Special Act of Service Award in 1991, the Superior Civilian Service Award in 1992, and a Meritorious Civilian Service Award in 1996.

Madam Speaker, Robert Woody is a valuable member of his community and his leadership will be greatly missed. Mr. Woody plans to travel with his companion, continuing farming, teaching Fire Science and Safety with Missouri's Division of Fire Safety, and spending time with his two sons, Andy and Adam. As he begins the next phase of his life, I know the Members of the House will join me in thanking Robert Woody for his service to the Fort Leonard Wood Fire Department and wish him well as he begins his retirement.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Ms. DELAURO. Madam Speaker, no single action this Congress could take would have a more profound, more life-affirming impact than allocating federal funds for biomedical scientists to conduct research with human embryonic stem cells. Alzheimer's, Parkinson's, brain and spinal cord disorders, diabetes, cancer—at least 58 diseases could potentially be cured through stem cell research. Diseases that touch every family here in America and throughout the world.

And Mr. Speaker, I stand here as someone who understands the promise of biomedical research all too well. Having been diagnosed with ovarian cancer by chance on an unrelated doctor's visit two decades ago, I know first-hand how this research can change lives—it saved mine. It can quite literally mean the difference between life and death. Between hope and despair.

To be clear, I think it is safe to say that every Member of this body is excited about the recent news regarding the scientific potential in amniotic stem cells. One can only imagine the medical breakthroughs this research has in store for us.

But scientists tell us it is no replacement for embryonic research—just as the limited number of stem cell lines President Bush made available in 2001 were not a replacement for full federal funding of this research. Indeed, this finding simply reminds us how critical it is that we pursue any and every kind of research that can contribute to our understanding of these diseases—so long as we can ensure it is performed with the utmost dignity and ethical responsibility. That is what "expanding stem cell research" is all about.

And for sure, this legislation does just that—permitting peer-reviewed federal funds to only be used with public oversight and by only allowing research on embryos that were originally created for fertility treatment purposes and that are in excess of clinical need and will otherwise be destroyed.

I believe the real moral issue here is whether the United States Congress is going to stand in the way of science and preclude the scientists from doing lifesaving, ethical research. We do not live in the Dark Ages—and nor should our public policy. With this vote, this Congress has an opportunity to show the world we are a country that believes science has the power to advance life.

Mr. Speaker, I believe we are such a country. The world has always looked to America as a beacon of hope precisely because of our capacity to use our abundant resources to promote the best ideas in the world. Let's continue that tradition. Let's lead the way—let's support this bill.

HONORING TONY GWYNN'S ELECTION TO BASEBALL HALL OF FAME

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. CARSON. Madam Speaker, I rise today to recognize my good friend Tony Gwynn and congratulate him on his election to the Baseball Hall of Fame. This high honor caps a career of great accomplishment, respect for the game, the fans and his team the San Diego Padres.

Tony is an all around athlete having been drafted by both the Padres and Clippers before focusing on his baseball career. He is a member of the exclusive 3,000 hit club, a five-time gold glove winner at right field and an eight-time National League Batting Champion. These numbers are amazing enough but adding to that the Roberto Clemente award for dedication to community and 15 trips to the All-Star Game at the request of baseball fans worldwide shows the love and respect fans of baseball showed to him as well.

Congratulations on your election today to the Baseball Hall of Fame. I am proud of you Tony, you deserve it and the best of luck in retirement.

TRIBUTE TO ARMY PFC PAUL BALINT, JR.

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. GRANGER. Madam Speaker, I rise today to honor the courage of a young hero from my district. On December 15, 2006, Army Private First Class Paul Balint, Jr. (B Company, 1st Battalion, 26th Infantry Regiment, 1st Infantry Division) died in Al Ramadi, Iraq, in support of Operation Iraqi Freedom. Private Balint had served in the Army for over a year and in Iraq for three months, before sustaing fatal injuries during an attack on his battalion.

Balint was known as a loyal friend and soldier. His parents remember him as a compassionate man and a mediator, always thinking about others and wanting to make sure everyone was having a good time. He also had a love for hip-hop music and was going to add music to the home videos he filmed while in Iraq.

His parents had no doubts about what their son wanted to do with his life. He was going to be a soldier. Balint used to recite the "The Soldiers Creed" at the kitchen table while his mother cooked. When his father asked him what he wanted to do, he said he "wanted to be in the infantry." When his father then asked him about the issue of Iraq, Balint responded that he wanted to go "fight that stuff."

Balint enlisted in the armed forces in Willow Park, Texas, with his brother, mother and father at his side.

After completing basic training, Balint had the Soldiers Creed branded into memory, and into his heart.

Madam Speaker, in honor of Private Balint, I would like to read aloud the Soldiers Creed.

THE SOLDIERS CREED

I am an American Soldier.
I am a Warrior and a member of a team.
I serve the people of the United States and live the Army Values.
I will always place the mission first.
I will never accept defeat.
I will never quit.
I will never leave a fallen comrade.
I am disciplined, physically and mentally tough, trained and proficient in my warrior tasks and drills.
I always maintain my arms, my equipment and myself.
I am an expert and I am a professional.
I stand ready to deploy, engage, and destroy the enemies of the United States of America in close combat.
I am a guardian of freedom and the American way of life.
I am an American Soldier.

Private Balint is gone, but he will never be forgotten. God Speed to his family and to the United States of America.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

SPEECH OF

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. OBERSTAR. Mr. Speaker, the issue of embryonic stem cell research places humanity on the frontier of medical science and at the outer edge of moral theology.

On the side of science there is much hope, even expectation that extraordinarily effective therapies will be developed to treat—and possibly cure—a wide range of maladies such as diabetes, Parkinson's, spinal cord injury and a host of others. Progress has been achieved in the laboratory in animal studies and in human application. Much has yet to be learned, however, about adverse outcomes, which is why scientists proceed cautiously without over promising and with respect for the moral considerations of their research.

The latter gives me the greatest pause. An editorial in America Magazine said it well: "The debate over embryonic stem cell research cannot be fully resolved because it is ignited by irreconcilable views of what reverence for life requires."

Let us recall Louise Brown, the first test tube baby. Her life began in vitro, as a fertilized egg. There are many potential Louise Browns, potential human beings conceived in the laboratory but leftover as cryogenic embryos. Are they to be discarded, or, can they ethically be used for stem cell research? That is the moral theology issue that we must resolve.

The reality is that human life is established in creating an embryo, whether in vitro or in

utero. Each of us has to decide the morality of this core element of the embryonic stem cell research issue. It is extraordinary research on the farthest frontier of science, experimenting with the very origins of human life. It is research which raises profound questions, anchored in moral theology, about the intrinsic nature of human life—when it begins, when it is infused with an immortal soul, and when it ends.

The answers to those questions are not crystal clear; they are not subject merely to scientific formulation; the answers may simply lie in conscience between each of us and our God.

For myself, I resolve the uncertainties of this moral dilemma in favor of the most vulnerable: unborn human life, which compels me to vote no on the Stem Cell Research Enhancement Act (H.R. 3).

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

SPEECH OF

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. HERGER. Mr. Speaker, while I support promoting ethical stem cell research to advance the progress of medicine and cure diseases, I rise in opposition to H.R. 3, the "Stem Cell Research Enhancement Act."

In 2004, my State of California approved a $3 billion bond measure to fund embryonic stem cell research. The referendum was sold to voters as an investment in cures for debilitating diseases, like spinal cord injuries and Alzheimer's. Yet a December 3, 2006, article in the Los Angeles Times, entitled "Reality Check for Stem Cell Optimism," notes that these promises were vastly overstated. In fact, the research institution's draft plan now says it is "unlikely" that any stem cell therapies will be developed for clinical use during the project's 10-year lifespan.

As my good friend the gentleman from Florida, Dr. WELDON, has explained, the latest science demonstrates the enormous potential of non-embryonic stem cells. I urge my colleagues to vote against a bill that authorizes further spending of taxpayer dollars on speculative research about which many Americans have deep moral concerns.

[From the Los Angeles Times, Dec. 3, 2006]

REALITY CHECK FOR STEM CELL OPTIMISM

(By Mary Engel)

The meeting was almost over when Roman Reed steered his wheelchair to the microphone.

On the table before him sat a 149-page book of budget charts and timetables, the first concrete outline of what California's voter-approved stem cell institute plans to accomplish in its 10-year lifespan.

"I want to thank you from the bottom of my heart," Reed said to the institute's staff and 29–member oversight board in October. "I promised my son that one day I would be able to walk, stand next to him and go hold my wife's hand. And seeing this road map to cures, I know that this will come true."

The room at Los Angeles' Luxe Hotel thundered with applause for the Fremont resident, who broke his neck while playing college football in 1994.

Despite the enthusiasm of Reed and his audience, the book offered no promise of a cure for his paralysis.

Two years after California voters authorized $3 billion in bonds to fund stem cell research, the institute created to oversee the enterprise has just begun what experts see as a long and slow scientific journey. Even with the $150-million state loan approved recently to kick-start work stalled by legal challenges, there are no breakthroughs in sight. Gone are the allusions to healing such afflictions as spinal cord injuries and Parkinson's and Alzheimer's diseases that dominated the 2004 campaign for Proposition 71. In fact, scientists say, there is no guarantee of cures—certainly not any time soon—from the measure that was optimistically titled the California Stem Cell Research and Cures Act.

Set for final approval at UC Irvine this week, the draft plan is clear: "It is unlikely that [the California Institute of Regenerative Medicine] will be able to fully develop stem cell therapy for routine clinical use during the 10 years of the plan."

Instead, the top goal is to establish, in principle, that a therapy developed from human embryonic stem cells can "restore function for at least one disease. "

That would be only the first step toward persuading pharmaceutical or biotech companies to fund expanded clinical trials, a process that takes years and millions of dollars. Fewer than 20% of potential therapies that enter trials make it to market.

In addition, the institute hopes to have treatments for two to four more diseases in development within the decade.

"We picked a goal that we thought was realistic, that, with some luck, would be achieved," institute President Zach Hall said. "The field will go on beyond 10 years. We want to have a whole pipeline of things that are in movement."

Jesse Reynolds of the Oakland-based Center for Genetics and Society, a watchdog group that supports stem cell research but advocates better public accountability, called the goals "refreshingly honest."

"The Prop. 71 campaign went beyond the line of responsible political rhetoric," he said. "If there are therapies, they're decades out."

One TV ad, for instance, showed an unidentified young mother beside a child strapped in a wheelchair and breathing through a tube.

"I will vote 'yes' on Prop. 71, definitely," the woman said. "I believe that it's something that can cure spinal cord injuries."

State Senate Health Committee Chairwoman Deborah Ortiz (D-Sacramento), another research backer, was philosophical about the campaign's optimism.

"A campaign requires a message to be driven home," she said. "You can't raise those hopes and then say, 'Oh by the way, it may take us 10 or 15 years.' That's just the nature of campaigns."

California's attempt to cure diseases by referendum is unique. But touting dramatic cures in exchange for research dollars has become "the American way" of doing medical research, said Robert Blendon, professor of health policy and management at the Harvard School of Public Health.

The Nixon-era "war on cancer" suggested that a country that could put a man on the moon—in less than a decade—could surely find a cure within the same time frame. Now, Blendon said, "You can't just talk about investing in research without the equivalent of the trip to the moon."

Such campaigns appeal to an American public that expresses great faith in science but shows little understanding of the plodding nature of most scientific research. Blendon doesn't see downplaying the time frame as dishonest as long as the research truly holds potential.

Proposition 71 came about in response to President Bush's August 2001 mandate restricting federal funding to only a handful of human embryonic stem cell lines, prompted by moral concerns about destruction of embryos during such research. When the measure passed in November 2004, jubilant supporters had predicted that $350 million a year from bond sales would start flowing to scientists by May 2005.

The first reality check came in the form of lawsuits by taxpayer and antiabortion groups.

Today, the bonds remain tied up in litigation, though stem cell institute officials are confident that an appellate court will uphold a favorable ruling from a Superior Court judge. To tide over the institute, Gov. Arnold Schwarzenegger in July promised a $150-million state loan. A state finance committee formally approved the loan Nov. 20, and the institute is gearing up to award its first research grants in January.

Even if researchers hit the ground running, the field is young and progress is likely to be slow. Scientists at the University of Wisconsin derived the first human embryonic stem cells just eight years ago, using donated embryos left over from in vitro fertilization clinics.

Dana Cody, executive director of Life Legal Defense Foundation, which represents two of the groups that sued, said the plan's modest ambitions are a sign that the initiative's promise was overblown.

"I just don't understand the fascination with embryonic stem cell research other than that it's something supported by Hollywood," said Cody, whose organization supports research using adult stem cells. "Even proponents say it's going to be years before any breakthroughs are made, if at all."

Those who support the research—especially those whose lives could depend on it—see the institute's plan through a lens of hope.

The science "is coming along fast, in my opinion," said John Ames, whose son David was diagnosed with amyotrophic lateral sclerosis, or Lou Gehrig's disease, four years ago. "I'm not trying to contradict the position of the strategic plan, but we have hope. We're going to win."

The life expectancy of someone diagnosed with the devastatingly progressive neuromuscular disease is three to five years.

"The thing that drives these individuals and their families is hope," said Christopher Thomas Scott, executive director of the Stanford Program on Stem Cells in Society. "Without that hope, it's very difficult to get yourself going."

Joan Samuelson prefers to call it determination. The Napa Valley attorney founded the Parkinson's Action Network 18 years ago, two years after being diagnosed with early onset Parkinson's disease. She now sits on the institute's oversight board.

"I care deeply about how urgently we pursue the mission of Prop. 71," she said. "I wake up every day with a disorder that gets worse with the passage of time."

To Samuelson, the campaign was about potential. The institute's plan is about day-to-day implementation. They may sound different, she said, but they are steps toward the same goal.

"I read the realism, if you will, as a statement of the fact that this isn't going to be easy," she said. "Nothing great is easy."

What makes embryonic stem cells unique—and so full of potential—is their ability to become any type of cell in the body.

Some researchers envision someday transplanting such cells into patients whose own cells have been damaged by injury or disease, with the hope that the transplanted cells develop into new spinal cord or pancreas cells. But scientists don't yet understand the cues that trigger an undifferentiated embryonic stem cell to become, say, an insulin-secreting pancreas cell.

The plan more accurately reflects what most scientists studying human embryonic stem cells are actually doing, at least in this early stage of the research: not so much curing a disease as studying it.

Scientists, for instance, can introduce the gene for Lou Gehrig's or Parkinson's into a human embryonic stem cell and unravel some of the mysteries of how such diseases develop. They can use such cells to quickly test thousands of drugs.

''What's happening even now is that human embryonic stem cells and their derivatives are being used for models for developing therapies,'' said Dr. Arnold Kriegstein, who runs the stem cell research program at UC San Francisco. ''It allows us for the first time in a petri dish to have a human disease, not an animal disease. It brings us so much closer to coming up with a therapy that really will work.''

Who knows? advocates say. Treatments—even cures—sometimes crop up unexpectedly.

Jeff Sheehy, who represents HIV and AIDS patients on the institute's citizen oversight board, tells the story of his friend Jeff Getty, who died in October of complications from AIDS. In 1995, Getty volunteered for a controversial bone marrow transplant from a baboon.

The transplant didn't take, but Getty, who had been near death, experienced a then-amazing remission that lasted more than 10 years. It turned out that the drugs used to prepare him for the transplant anticipated the antiretroviral cocktail that, a year later, would turn AIDS from a death sentence to an often manageable, chronic disease.

Similarly, Sheehy asked, if scientists fail to successfully transplant embryonic stem cells but along the way discover drugs or other treatments that work, wouldn't the research be considered a success?

''My thing is just not to get obsessed with what was presented in the campaign,'' Sheehy said. ''Science is a very complex business. It's full of failure. It's full of opportunity. And failure often equals opportunity.''

HONORING MRS. AGNES FLAWS HUSAK ON THE CELEBRATION OF HER 100TH BIRTHDAY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor Mrs. Agnes Flaws Husak on her 100th birthday. Mrs. Husak is an outstanding resident of the Third Congressional District of Illinois and has dedicated her life to public service.

Mrs. Husak was born January 12, 1917, on Union Street, in Chicago, IL. There, her family was at the technological forefront of the era—having the first house on the street with electricity, as well as a telephone. Mrs. Husak continued the family's innovative tradition while working for the GSA in 1940, utilizing revolutionary card punching equipment—the predecessor to the modern computer.

At the GSA, Mrs. Husak rose through the ranks and ultimately became head of her department. In retirement, Mrs. Husak has been an active member of the National Active and Retired Federal Employees Association and continues to play an integral role in this organization today.

When asked the secret of living a long life, Mrs. Husak once responded, ''Where's your calendar? Show me your calendar.'' She believes it is important to stay active and certainly does this herself—attending the Good Shepherd Presbyterian Church, tending to her rose bushes, and playing Scrabble with her son. It is my honor to recognize Mrs. Agnes Flaws Husak on the celebration of her 100th birthday, an exceptional lady and an inspiration to all generations.

SPINA BIFIDA CAUCUS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. STUPAK. Madam Speaker, I rise today to recognize January as Birth Defects Prevention and the week of January 8th through January 14th as Folic Acid Awareness Week. As the co-chair of the Congressional Spina Bifida Caucus, I have a long-standing commitment to reducing and preventing suffering from Spina Bifida, the nation's most common, permanently disabling birth defect, and helping to reduce future cases of Spina Bifida through increasing awareness of the need for women of child-bearing age to consume folic acid. More than 70,000 individuals in the United States are affected by Spina Bifida—a serious and life-long condition which occurs when the spinal cord fails to close properly during the early stages of pregnancy. Spina Bifida affects virtually all organ systems and results in myriad health, developmental, psychosocial, educational, and vocational challenges and complications.

Research indicates that consumption of the B vitamin, folic acid, before and during early pregnancy can lower the rate of Spina Bifida and other neural tube defects by up to 70 percent. The U.S. Public Health Service recommends 400 micrograms of folic acid daily for all women of childbearing age. Most over-the-counter daily multi-vitamins have this amount of folic acid. It is recommended that women take multivitamins and consume fortified grains as part of a healthy diet.

Despite this startling impact of folic acid on public health, the Centers for Disease Control and Prevention (CDC) reports that too many women of child-bearing age still do not consume adequate levels of folic acid. Of particular concern is that statistics show higher prevalence of Latinas in the United States delivering babies with Spina Bifida and other neural tube defects, serious birth defects of the brain and the spine, than non-Hispanic white women. CDC reports that Latinos in the United States consume the least amount of folic acid and have the least knowledge about folic acid among racial or ethnic groups in this country. More must be done to increase consumption of folic acid among all women, particularly Latino populations, so we can continue to decrease the number of pregnancies affected by Spina Bifida and other neural tube defects.

The National Spina Bifida Program at the CDC provides information and initiatives to empower individuals, families, and health care providers with the resources they need to boost folic acid consumption and prevent secondary effects and complications of Spina Bifida. I commend the CDC for its important work and encourage the agency to expand its Spina Bifida quality of life initiatives and its folic acid awareness campaigns. While much has been accomplished by the National Spina Bifida Program thus far, there remains an unmet need due to limited resources. Increased funding would help ensure that the program has the resources necessary to support and expand folic acid education and awareness and quality-of-life efforts. I thank my colleagues for their support of the National Spina Bifida Program in past years and look forward to continuing to support this program so it can sustain and expand its scope of work.

Also, through my co-chairmanship, it has brought to my attention that not all corn products in the United States are enriched with folic acid. Public health officials believe that much of the Hispanic/Latino Spina Bifida health disparity is due to the fact that a significant proportion of the food consumed by Hispanic/Latino women of child-bearing age is imported corn-based products that are not enriched with folic acid. As such, I encourage all producers of corn products to enrich their foods with folic acid.

I encourage all women of child-bearing age to follow the CDC recommendations and take a daily multi-vitamin with at least 400 micrograms of folic acid. The message of folic acid consumption must be disseminated not only this week and this month—but throughout the year—so that our goal of reducing and preventing suffering from Spina Bifida can be achieved.

I also would like to take this opportunity to commend the Spina Bifida Association for its work to support individuals and families affected by Spina Bifida and to increase awareness of the importance of folic acid consumption.

Finally, Madam Speaker, I encourage all of our colleagues to help spread the word about the importance of folic acid consumption, and I would be happy to provide any interested Members with information to share with their constituents. Also, I ask that my fellow colleagues join me and my co-chair, Congressman CHRIS SMITH, in the Congressional Spina Bifida Caucus. I thank my colleagues for their attention to this important public health issue and again am pleased to recognize January as Birth Defects Prevention Month and this week, January 8th through January 14th, as Folic Acid Awareness Week.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S485–S528

Measures Introduced: Seventeen bills and four resolutions were introduced, as follows: S. 277–293, S.J. Res. 2, and S. Res. 27–29. **Pages S508–09**

Measures Passed:

Majority Party Committee Membership: Senate agreed to S. Res. 27, to constitute the majority party's membership on certain committees for the One Hundred Tenth Congress, or until their successors are chosen. **Pages S501–02**

Minority Party Committee Membership: Senate agreed to S. Res. 28, to constitute the minority party's membership on certain committees for the One Hundred Tenth Congress, or until their successors are chosen. **Page S502**

Ethics Bill: Senate continued consideration of S. 1, to provide greater transparency in the legislative process, taking action on the following amendments proposed thereto: **Pages S485–S501, S502–04**

Adopted:

By a unanimous vote of 87 yeas (Vote No. 8), Kerry Modified Amendment No. 1 (to Amendment No. 3), to amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses. **Pages S486–87, S489**

By 81 yeas to 6 nays (Vote No. 9), Vitter Amendment No. 10 (to Amendment No. 3), to increase the penalty for failure to comply with lobbying disclosure requirements. **Page S489**

Withdrawn:

Stevens Amendment No. 40 (to Amendment No. 4), to permit a limited flight exception for necessary State travel. **Pages S486, S496–99**

Pending:

Reid Amendment No. 3, in the nature of a substitute. **Page S485**

Reid Modified Amendment No. 4 (to Amendment No. 3), to strengthen the gift and travel bans. (As modified, the amendment incorporates the provisions of Bennett (for McCain) Amendment No. 19, listed below.) **Pages S485, S490–91**

DeMint Amendment No. 11 (to Amendment No. 3), to strengthen the earmark reform. (By 46 yeas to 51 nays (Vote No. 5), Senate earlier failed to table the amendment.) **Page S485**

DeMint Amendment No. 12 (to Amendment No. 3), to clarify that earmarks added to a conference report that are not considered by the Senate or the House of Representatives are out of scope. **Page S485**

DeMint Amendment No. 14 (to Amendment No. 3), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization. **Page S485**

Vitter/Inhofe Further Modified Amendment No. 9 (to Amendment No. 3), to prohibit Members from having official contact with any spouse of a Member who is a registered lobbyist. **Pages S485, S491–92**

Leahy/Pryor Amendment No. 2 (to Amendment No. 3), to give investigators and prosecutors the tools they need to combat public corruption. **Page S485**

Gregg Amendment No. 17 (to Amendment No. 3), to establish a legislative line item veto. **Page S486**

Ensign Amendment No. 24 (to Amendment No. 3), to provide for better transparency and enhanced Congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House. **Page S486**

Ensign Modified Amendment No. 25 (to Amendment No. 3), to ensure full funding for the Department of Defense within the regular appropriations process, to limit the reliance of the Department of Defense on supplemental appropriations bills, and to improve the integrity of the Congressional budget process. **Page S486**

Cornyn Amendment No. 26 (to Amendment No. 3), to require full separate disclosure of any earmarks in any bill, joint resolution, report, conference report or statement of managers. **Page S486**

Cornyn Amendment No. 27 (to Amendment No. 3), to require 3 calendar days notice in the Senate before proceeding to any matter. **Page S486**

Bennett (for McCain) Amendment No. 28 (to Amendment No. 3), to provide congressional transparency. **Page S486**

Bennett (for McCain) Amendment No. 29 (to Amendment No. 3), to provide congressional transparency. **Page S486**

Lieberman Amendment No. 30 (to Amendment No. 3), to establish a Senate Office of Public Integrity. **Page S486**

Bennett/McConnell Amendment No. 20 (to Amendment No. 3), to strike a provision relating to paid efforts to stimulate grassroots lobbying. **Page S486**

Thune Amendment No. 37 (to Amendment No. 3), to require any recipient of a Federal award to disclose all lobbying and political advocacy. **Page S486**

Feinstein/Rockefeller Amendment No. 42 (to Amendment No. 3), to prohibit an earmark from being included in the classified portion of a report accompanying a measure unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark. **Page S486**

Feingold Amendment No. 31 (to Amendment No. 3), to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period. **Page S488**

Feingold Amendment No. 32 (to Amendment No. 3), to increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period. **Page S488**

Feingold Amendment No. 33 (to Amendment No. 3), to prohibit former Members who are lobbyists from using gym and parking privileges made available to Members and former Members. **Page S488**

Feingold Amendment No. 34 (to Amendment No. 3), to require Senate campaigns to file their FEC reports electronically. **Pages S488–89**

Durbin Modified Amendment No. 44 (to Amendment No. 11), to strengthen earmark reform. **Pages S492–94, S503–04**

Durbin Amendment No. 36 (to Amendment No. 3), to require that amendments and motions to recommit with instructions be copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader before being debated. **Pages S494–96**

Cornyn Amendment No. 45 (to Amendment No. 3), to require 72-hour public availability of legislative matters before consideration. **Page S496**

Cornyn Amendment No. 46 (to Amendment No. 2), to deter public corruption. **Page S496**

Bond (for Coburn) Amendment No. 48 (to Amendment No. 3), to require all recipients of Federal earmarks, grants, subgrants, and contracts to disclose amounts spent on lobbying and a description of all lobbying activities. **Page S499**

Bond (for Coburn) Amendment No. 49 (to Amendment No. 3), to require all congressional earmark requests to be submitted to the appropriate Senate committee on a standardized form. **Page S499**

Bond (for Coburn) Amendment No. 50 (to Amendment No. 3), to provide disclosure of lobbyist gifts and travel instead of banning them as proposed. **Pages S499–S500**

Bond (for Coburn) Amendment No. 51 (to Amendment No. 3), to prohibit Members from requesting earmarks that may financially benefit that Member or immediate family member of that Member. **Page S500**

Nelson (NE) Amendment No. 47 (to Amendment No. 3), to help encourage fiscal responsibility in the earmarking process. **Pages S500–01**

Reid (for Feingold/Obama) Amendment No. 54 (to Amendment No. 3), to prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions. **Page S503**

Reid (for Lieberman) Amendment No. 43 (to Amendment No. 3), to require disclosure of earmark lobbying by lobbyists. **Page S503**

Reid (for Casey) Amendment No. 56 (to Amendment No. 3), to eliminate the K Street Project by prohibiting the wrongful influencing of a private entity's employment decisions or practices in exchange for political access or favors. **Page S503**

During consideration of this measure today, the following action, also occurred:

Bennett (for McCain) Amendment No. 19 (to Amendment No. 4), to include a reporting requirement, rendered moot due to its incorporation into the modification of Reid Amendment No. 4 (listed above). **Page S486**

A unanimous-consent agreement was reached providing that on Tuesday, January 16, 2007, at 5:30 p.m., Senate vote on, or in relation to, Durbin Modified Amendment No. 44 (to Amendment No. 11), to be followed by a vote on, or in relation to, DeMint Amendment No. 11 (to Amendment No. 3) as amended, if amended; and if Durbin Modified Amendment No. 44 (listed above), is not modified to satisfy Senator DeMint then the agreement with respect to the two amendments be vitiated. **Pages S502–04**

A motion was entered to close further debate on Reid Modified Amendment No. 4, and, notwithstanding the provisions of rule XXII of the standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Friday, January 12, 2007, a vote on cloture will occur following the vote on DeMint Amendment No. 11 (listed above), on Tuesday, January 16, 2007. **Pages S502–03**

A motion was entered to close further debate on Reid/McConnell Amendment No. 3, and, notwithstanding the provisions of rule XXII of the Standing

Rules of the Senate, and pursuant to the unanimous-consent agreement of Friday, January 12, 2007, a vote on cloture will occur following the vote on the motion to invoke cloture on Reid Modified Amendment No. 4, on Tuesday, January 16, 2007. **Page S503**

A motion was entered to close further debate on the bill and, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Friday, January 12, 2007, a vote on cloture will occur following the vote on the motion to invoke cloture on Reid/McConnell Amendment No. 3, on Tuesday, January 16, 2007. **Page S503**

A unanimous-consent agreement was reached providing for further consideration of the bill at 1 p.m., on Tuesday, January 16, 2007; that Members have until 10:30 a.m., to file first-degree amendments to the bill and until 4:30 p.m. to file second-degree amendments; provided further that Monday, January 15, 2007, be counted as an intervening day under rule XXII with respect to the cloture motion filed on Reid Modified Amendment No. 4. **Page S528**

Designations for Select Committee on Intelligence: In accordance with the provisions of S. Res. 445 of the 108th Congress, Senator Rockefeller was designated as the Chairman of the Select Committee on Intelligence by the Majority Leader, Senator Reid, and Senator Bond was designated as the Vice-Chair by the Republican Leader, Senator McConnell. **Page S502**

Appointments:

United States-China Economic Security Review Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Majority Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appointed the following individuals to the United States-China Economic Security Review Commission: Peter Videnieks of Virginia, for a term beginning January 1, 2007 and expiring December 31, 2008, vice Patrick A. Mulloy. **Pages S527–28**

Messages From the House: **Page S508**

Message Referred: **Page S508**

Measures Placed on the Calendar: **Pages S503, S508**

Measures Read the First Time: **Pages S503, S508**

Additional Cosponsors: **Page S509**

Statements on Introduced Bills/Resolutions: **Pages S509–21**

Amendments Submitted: **Pages S521–27**

Authorities for Committees to Meet: **Page S527**

Record Votes: Two record votes were taken today. (Total—9) **Page S489**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 3:46 p.m., until 10:00 a.m., on Tuesday, January 16, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S528.)

Committee Meetings

(Committees not listed did not meet)

IRAQ

Committee on Armed Services: Committee concluded a hearing to examine the current situation in Iraq, after receiving testimony from Robert M. Gates, Secretary of Defense; and General Peter Pace, USMC, Chairman, Joint Chiefs of Staff.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 42 public bills, H.R. 5–6, 432–471; and 11 resolutions, H.J. Res. 14; H. Con. Res. 31–32; and H. Res. 56–63; were introduced. **Pages H512–15**

Additional Cosponsors: **Pages H515–16**

Reports Filed: There were no reports filed today.

Committee Elections: The House agreed to H. Res. 56, electing the following Members and Delegates to serve on certain standing committees of the House of Representatives: Committee on Rules: Representatives McGovern, Hastings (FL), Matsui, Cardoza, Welch (VT), Castor, and Sutton. Committee on Financial Services: Representative Frank, Chairman; Representatives Kanjorski, Waters, Maloney (NY), Gutierrez, Velázquez, Watt, Ackerman, Carson, Sherman, Meeks (NY), Moore (KS), Capuano,

Hinojosa, Clay, McCarthy (NY), Baca, Lynch, Miller (NC), Scott (GA), Al Green (TX), Cleaver, Bean, Moore (WI), Davis (TN), Sires, Hodes, Ellison, Klein (FL), Mahoney, Wilson (OH), Perlmutter, Murphy (CT), Donnelly, and Marshall (GA). Committee on Agriculture: Representative Peterson, Chairman; Representatives Holden, McIntyre, Etheridge, Boswell, Baca, Cardoza, Scott (GA), Marshall (GA), Herseth, Cuellar, Costa, Salazar, Ellsworth, Boyda, Space, Walz, Gillibrand, Kagen, Pomeroy, Davis (TN), Barrow, Lampson, Donnelly, and Mahoney (FL). Committee on Foreign Affairs: Representative Lantos, Chairman; Representatives Berman, Ackerman, Faleomavaega, Payne, Sherman, Wexler, Engel, Delahunt, Meeks, Watson, Smith (WA), Carnahan, Tanner, Woolsey, Jackson-Lee, Hinojosa, Wu, Miller (NC), Linda T. Sánchez (CA), Scott (GA), Costa, Sires, Giffords, and Klein (FL). Committee on Homeland Security: Representative Thompson (MS), Chairman; Representatives Loretta Sanchez (CA), Markey, Dicks (WA), Harman, DeFazio, Lowey, Norton, Zoe Lofgren, Jackson-Lee, Christensen, Etheridge, Langevin, Cuellar, Carney (PA), Clarke, Al Green (TX), and Perlmutter. Committee on Oversight and Government Reform: Representative Waxman, Chairman; Representatives Lantos, Towns, Kanjorski, Maloney (NY), Cummings, Kucinich, Davis (IL), Tierney, Clay, Watson, Lynch, Higgins, Yarmuth, Braley, Norton, McCollum, Cooper (TN), Van Hollen, Hodes, Murphy (CT), Sarbanes, and Welch (VT). Committee on Veterans' Affairs: Representative Filner, Chairman; Representatives Brown (FL), Snyder, Michaud, Herseth, Mitchell (AZ), Hall (NY), Hare, Doyle, Salazar, Rodriguez, Donnelly, McNerney, and Space.

Page H440

Medicare Prescription Drug Price Negotiation Act of 2007: The House passed H.R. 4, to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries, by a Recorded vote of 255 ayes to 170 noes, Roll No. 23. **Pages H440–89**

Rejected the Barton of Texas motion to recommit the bill to the Committees on Ways and Means and Energy and Commerce with instructions to report the same back to the House forthwith with an amendment, by a Yea-and-Nay vote of 196 yeas to 229 nays, Roll No. 22. **Pages H486–88**

Committee Elections: The House agreed to H. Res. 60, electing the following Members to serve on certain standing committees of the House of Representatives: Committee on Armed Services: Representative Cummings (to rank immediately after Representative Giffords). Committee on Transportation and Infrastructure: Representative Matsui (to rank immediately after Representative Lipinski). **Page H489**

Meeting Hour: Agreed that when the House adjourns today it adjourn to meet at 12:30 p.m. on Tuesday, January 16 for Morning Hour debate. **Page H491**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, January 17. **Page H491**

Commission on Security and Cooperation in Europe—Appointment: The Chair announced the Speaker's appointment of the following Member of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. Hastings of Florida, Chairman. **Page H491**

Quorum Calls—Votes: One Yea-and-Nay vote and one Recorded vote developed during the proceedings of today and appear on pages H488, H488–89. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and adjourned at 5:20 p.m.

Committee Meetings

COMMITTEE ORGANIZATION

Committee on Rules: Met for organizational purposes.

CONGRESSIONAL PROGRAM AHEAD
Week of January 15 through January 19, 2007
Senate Chamber

On Tuesday, at 1:00 p.m., Senate will resume consideration of S. 1, Ethics Bill, with votes on amendments and motions to invoke cloture.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: January 17, to hold hearings to examine conservation security program and environmental quality incentives program relating to working land conservation, 9:30 a.m., SR–328A.

Committee on Appropriations: January 19, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, with the Committee on Health, Education, Labor, and Pensions, to hold joint hearings to examine stem cell research, 9:30 a.m., SD–192.

Committee on Armed Services: January 17, Subcommittee on Readiness and Management Support, to hold hearings to examine practices in Department of Defense contracting for services and inter-agency contracting, 2:30 p.m., SR–232A.

January 18, Full Committee, to receive a closed briefing on intelligence assessments on the situation in Iraq, 2:30 p.m., S–407, Capitol.

Committee on Banking, Housing, and Urban Affairs: January 18, organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments; to be followed by a hearing to examine the state of transit security, 10 a.m., SD–538.

Committee on the Budget: January 18, to hold hearings to examine long-term economic and budget challenges, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: January 17, to hold hearings to examine aviation security, focusing on the recommendations of the 9/11 Commission, 10 a.m., SR–253.

January 18, Full Committee, to hold oversight hearings to examine Federal efforts for rail and surface transportation security, 10 a.m., SR–253.

Committee on Energy and Natural Resources: January 18, to hold an oversight hearing to examine issues relating to oil and gas royalty management at the Department of the Interior, 9:30 a.m., SD–106.

Committee on Finance: January 17, organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments; committee will also consider The Small Business and Work Opportunity Act of 2007, 10 a.m., SD–215.

Committee on Foreign Relations: January 17, to hold hearings to examine the remaining options and regional diplomatic strategy relating to securing America's interests in Iraq, 9:30 a.m., SH–216.

January 18, Full Committee, to hold hearings to examine the military and security strategy relating to securing America's interests in Iraq, 9:30 a.m., SH–216.

Committee on Health, Education, Labor, and Pensions: January 16, to hold hearings to examine economic opportunity and security for working families, 10 a.m., SD–430.

January 19, Full Committee, with the Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold joint hearings to examine stem cell research, 9:30 a.m., SD–192.

Committee on Indian Affairs: January 18, organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments, 10 a.m., SR–485.

Committee on the Judiciary: January 16, to hold hearings to examine the plight of Iraqi refugees, 2 p.m., SD–226.

January 17, Full Committee, to hold hearings to examine paying off generics to prevent competition with brand name drugs, 10 a.m., SD–226.

January 18, Full Committee, to hold an oversight hearing to examine the Department of Justice, 9:30 a.m., SDG–50.

Committee on Small Business and Entrepreneurship: January 18, organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments, 9 a.m., SR–428A.

Select Committee on Intelligence: January 17, to hold closed hearings to examine intelligence matters, 2:30 p.m., SH–219.

January 18, Full Committee, to hold closed hearings to examine intelligence matters, 2:30 p.m., SH–219.

House Committees

Committee on Appropriations, January 16, to meet for organizational purposes, 5:30 p.m., 2359 Rayburn.

January 17, Subcommittee on Defense, executive, on Army and Marine Corps Readiness, 10 a.m., and, executive, on Army and Marine Operations and Equipment Reconstitution, 1:30 p.m., H–140 Capitol.

January 18, executive, on Navy and Air Force Readiness, 10 a.m., and, executive, on Guard and Reserve Readiness, 1:30 p.m., H–140 Capitol.

January 19, on Military Medical Readiness and Related Issues, 10 a.m., H–140 Capitol.

Committee on Armed Services, January 16, Subcommittee on Seapower and Expeditionary Forces, hearing on Marine Corps force protection equipment for Operation Iraqi Freedom and Operation Enduring Freedom, 3 p.m., 2212 Rayburn.

January 17, full Committee, hearing on alternative perspectives on the President's strategy for Iraq, 10 a.m., 2118 Rayburn.

January 18, hearing on approaches to audit of reconstruction and support activities in Iraq, 10 a.m., 2118 Rayburn.

January 18, Subcommittee on Air and Land Forces, hearing on Army force protection equipment for Operation Iraqi Freedom and Operation Enduring Freedom, 2 p.m., 2118 Rayburn.

Committee on Foreign Affairs, January 17, hearing on Iraq, 10 a.m., 2172 Rayburn.

January 18, hearing on North Korea, 1:30 p.m., 2172 Rayburn.

January 19, hearing on the Baker-Hamilton Commission Report, 10 a.m., 2172 Rayburn.

Committee on Oversight and Reform, January 18, to meet for organizational purposes, 10 a.m., 2154 Rayburn.

Committee on Rules, January 16, to consider the following: H.R. 5, College Student Relief Act of 2007; and H.R. 6, Creating Long-Term Energy Alternatives for the Nation Act of 2007, 4 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, January 17, to meet for organizational purposes, 10:30 a.m., 2167 Rayburn.

January 19, Subcommittee on Water Resources and Environment, hearing on the Need for Renewed Investment in Clean Water Infrastructure, 9:30 a.m., 2167 Rayburn.

Committee on Ways and Means, January 17, to meet for organizational purposes, 2 p.m., 1100 Longworth.

Next Meeting of the SENATE

10:00 a.m., Tuesday, January 16

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 1:00 p.m.), Senate will resume consideration of S.1, Ethics Bill at 1:00 p.m., with votes on certain amendments, to be followed by votes on the motions to invoke cloture on certain other amendments.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, January 16

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

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Congressional Record

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