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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 31, 2007.

I hereby appoint the Honorable EARL POMEROY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. John F. Ross, Pastor, Wayzata Community Church, Wayzata, Minnesota, offered the following prayer:

God of extravagant love, You give us Your kingdom and then bid us to live in such a way as to claim it. We celebrate in Your presence the ministry of all who give of themselves in service and love to others.

Enable us to break down any walls that may exist between us, discovering the magnificence of honesty and the splendor of community. Grant us understanding as we hope to be understood, caring as we hope to be cared for. May we never seek to get as much as to give, or self as much as servanthood. May we never seek glory for ourselves, but delight in You.

Bless us in the knowledge that while You have given us Your word, You have not given us all Your words but that You are indeed still speaking. Startle us with the truth that Your final word will be love. All this we pray in gratitude for Your all-encompassing grace.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GOODE 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.

WELCOMING THE REVEREND DR. JOHN F. ROSS AS GUEST CHAPLAIN

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

Mr. RAMSTAD. Mr. Speaker, it is a special privilege to welcome today's guest chaplain, the Reverend Dr. John Ross, Senior Minister of Wayzata Community Church in Wayzata, MN.

On behalf of the entire House, thank you, J.R., as Dr. Ross is known back home, for your moving and very timely prayer and for serving as guest chaplain here today.

I know Dr. Ross and his wonderful wife, Sheila, very well as Kathryn and I, our family are members of Wayzata Community Church. We are proud to call Dr. Ross our senior minister and grateful to call John and Sheila and their four wonderful children our dear friends.

Mr. Speaker, the Reverend Dr. John Ross is a true servant-leader who personifies faith, compassion and service to people in need. Dr. Ross came to Wayzata Community Church in 2004, after a 14-year ministry in Columbus, OH. Our Wayzata Community Church and indeed our entire Lake Minnetonka community are truly blessed by Dr. Ross' strong and principled leadership as well as his inspiring commitment to help people in need.

Every summer since 1996, Dr. Ross has led a mission of primarily young people to Mexico where they have built over 100 homes for the poorest of the poor. As one 8th grader from our church told me, J.R. not only talks the talk, he walks the walk. He is always the first one up the ladder in the morning and the last one down from the roof in the evening.

Mr. Speaker, the Reverend Dr. John Ross is truly a man of God who lives out the Biblical command to love God, love others, and serve the least amongst us.

Thank you again, Dr. Ross. Thank you, J.R., for serving the House of Representatives today and for doing the Lord's work in our church and community every day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five additional 1-minute speeches per side.

REMEMBERING FATHER PHILIP CASCIA

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

Ms. DELAURO. Mr. Speaker, our community recently lost a treasure, a man whose reach extended to communities across the world for the last three decades. Father Phillip Cascia made an indelible mark on the lives of thousands, thousands of people at his parishes, like St. Anthony's Church in Prospect, CT, and indeed across the globe. His commitment to children and families was as strong as his reach was long.

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Father Cascia will long be remembered for many things. For starting the St. Vincent dePaul Society Shelter and Soup Kitchen in Waterbury, CT, not only the largest soup kitchen in Connecticut but also its largest homeless shelter, a thrift store, a mental health center; for when the United States State Department called upon him to help youth in St. Petersburg, Russia, paving the way for his work opening an orphanage for victims of earthquakes there; and for his work founding Intersport USA and other remarkable international exchange programs he started in Sao Paulo, Brazil, China and Vietnam, work that led this Congress, this body to nominate him for a Nobel Peace Prize.

Most of all, he will be remembered for being a builder of bridges. Mr. Speaker, Father Philip Cascia was never content to live his faith confined within the walls of his church. He reached out. Whether you knew him for a moment, a few months or a few decades, as I did, you were touched by his values and moved by his compassion. Few lived their faith with greater commitment, dignity and hope. Father Cascia will be missed, but he will always be remembered.

THE MOJAVE WATER AGENCY

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

Mr. LEWIS of California. Mr. Speaker, the Mojave Water Agency formed in 1960 and based in Apple Valley, CA, serves the High Desert Region of San Bernardino County.

One of the agency's directors, my very good friend, Beverly Lowry, who joins us here today, represents Division 6. Bev has lived in Barstow for more than 30 years and has dedicated herself to public service.

She served on the agency's board of directors from 1973 to 1977 and again from 1989 to the present. Mrs. Lowry is a commissioner of the Mojave River Basin Area Watermaster. She has been on the board of the Barstow Heights Community Service District for 20 years, including 10 years as president. She has also served for 11 years on the Flood Control Advisory Committee for Zone 4 and has also been the Chair of the Veterans Home Support Foundation.

The legislation I introduce today will authorize the Mojave Water Agency's thoughtful Water Regional Management Plan. Bev Lowry and other directors, with the help of their dedicated staff, have worked since 2001 to formulate a Regional Water Management Plan that will provide water to this desert region for years to come. This is a great bill, and I am proud to introduce it today.

WAR IN IRAQ

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

Mr. PASCRELL. President Bush says that he is going forward with his plan for a troop surge in Iraq regardless of what the Congress does and what the American people want. But Senator SPECTER was right when he said yesterday that the President is not the sole decider, that the future of this war is a joint and shared responsibility with this Congress. It is time the President realizes that Congress will no longer be asleep at the wheel while this war rages on.

You need only to read the Constitution to know that Congress has the power to decide the direction of this war. The Constitution gives Congress an array of war powers, including the power to declare war, to raise and support armies and make rules concerning captures on land and water. The Framers knew what they were doing in checks and balances. They intended that, by giving Congress the power to declare war, they had the authority to make decisions about the war's scope and duration.

Now is not the time for a troop surge. Now is the time for a real plan in Iraq. The Murtha Plan, which I support, stipulates a diplomatic surge instead of a troop surge. It is time for President Bush to realize that we all support our brave troops, but America does not support the war.

CONGRESSIONAL INACTION JEOPARDIZES CROOK COUNTY AND OREGON SCHOOL PROGRAMS

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

Mr. WALDEN of Oregon. Mr. Speaker, the failure of Congress to reauthorize the Secure Rural Schools and Community Self-Determination Act is a breach of faith to more than 600 forested counties across America and 4,400 school districts.

For Crook County, OR, this means real cuts in jail beds, sheriffs' patrols, criminal prosecutions and the pursuit of methamphetamine cooks. These services were once funded by timber receipts, but, because of the virtual elimination of timber harvest, a county which once supported seven saw mills employing thousands of people does not have a single operating mill today.

Crook County Judge Scott Cooper says, ''The Federal Government has been pursuing a comprehensive strategy of disinvestment in rural communities,'' and he is right.

Congress' inaction hurts our children, too. Central Oregonian Jeff Sanders, president of the Oregon School Boards Association, is here on Capitol Hill with us today pleading for Congress to act on the behalf of the 560,000 K–12 school children in Oregon.

My colleagues, Congress must keep the Federal Government's word to timbered communities and pass H.R. 17. Time is running out.

DEMOCRATIC MAJORITY GETTING RAVE REVIEWS FOR COMPLETING 100 HOURS AGENDA

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

Mr. MORAN of Virginia. Mr. Speaker, last November, the American people demanded a new direction for America. Democrats are now providing that new direction, consistently bringing with them more than 60 Republicans on all the major votes, and they are delivering results on the priorities of the American people. Let me quote from a random sample of newspapers around the country.

The Seattle Post Intelligencer wrote, ''Well, slap us twice and call us Betty, the Democrats in Congress actually accomplished what they pledged to do, on schedule no less.''

The Charlotte Observer concluded, ''House Democrats are getting high marks from the public for their legislative moves in the first 100 hours of the new session of Congress. They are on the right road.''

The South Florida Sun-Sentinel wrote, ''Democrats in the House made good on their promise to pass significant legislation during their first 100 hours in power. Actually, it took less than that time to pass the six bills the House Democrats hailed as their top priorities. This belies the perception that nothing ever gets done in Washington.''

Mr. Speaker, I don't know whether it is because they elected Democrats or because we put a woman in charge, but things are happening in this House, and they are all good.

LONE STAR VOICE: BORDER AGENT'S WIFE

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

Mr. POE. Mr. Speaker, on the lawless southern border, Border Patrol agents are routinely assaulted by illegals. They are shot at. They are run down by smugglers in trucks. Officers who daily risk their lives protecting America are not always protected by America.

As a border agent's wife writes me: ''In Texas, agents are regularly assaulted, and no prosecution is sought. They are told their injuries are not severe enough to deem Federal prosecution. My husband and his partner were both shot while on duty. The criminal who shot them was never tried on Federal charges. Instead, he was tried by the State of Texas. Why is it when an agent doing his job injures a criminal, the highest level of prosecution is sought, but when agents are assaulted, rarely, if any, prosecution is sought?

Why also is it that hundreds of drug smugglers flee to Mexico, but we never try to track them down until they will aid in prosecuting border agents? Those who do a difficult job of protecting our borders need all the help they can get.''

Mr. Speaker, America needs to vigorously prosecute criminals who assault our border agents. After all, they are the first line of defense from the illegal invasion into our homeland.

And that's just the way it is.

WE NEED A COMPREHENSIVE IMMIGRATION REFORM PACKAGE

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

Ms. GIFFORDS. Mr. Speaker, I rise today to make clear once again the immediate need for a comprehensive immigration reform package.

The L.A. Times yesterday reported that seven of the largest tunnels discovered under the U.S.-Mexico border in recent years have still yet to be filled in. This troubles me for many reasons, not the least of which because smugglers have tried to use these passages before.

We need to work in a bipartisan fashion to end illegal immigration. And we have to focus our attention on those who wish to do America harm, whether they are drug smugglers, human smugglers or terrorists.

President Bush made it very clear last week in the State of the Union address that we need to have a serious civil and conclusive debate on illegal immigration. I agree, and I look forward to doing just that, working with the administration and my colleagues on both sides of the aisle to do just that.

My district in southern Arizona continues to bear the brunt of the crisis, whether it is in our schools, our law enforcement, our first responders or in our hospitals. It is time to do what is necessary to secure the border now.

□ 1015

SOCIAL SECURITY TOTALIZATION AGREEMENT WITH MEXICO

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

Mr. GOODE. Mr. Speaker, on June 29, 2004, the United States Social Security Commissioner and the Director General of the Mexican Social Security Institute entered into a Social Security totalization agreement between Mexico and the United States.

The U.S. has totalization agreements with 20 other countries. However, all of these, except Canada, are with countries a substantial distance away. As a result, they involve relatively few workers and have little or no impact on illegal immigration. Unfortunately, the Mexican totalization agreement will be a huge incentive for increased illegal immigration.

Under this agreement, if there is amnesty and a glide path to citizenship, illegal aliens will be able to qualify their work in the United States for Social Security funds. This would result in a huge increase in Social Security costs for the United States at a time when we are wrestling with reforming that system.

We need to stop the totalization agreement and preserve Social Security.

WISHING HAPPY BIRTHDAY TO MARION STOUT ON HER 111TH BIRTHDAY

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

Mr. DUNCAN. Mr. Speaker, I want to wish a happy birthday today to my constituent, Marion Stout. She is 111 today and is now the oldest person in Tennessee.

She never misses a church service at Second Presbyterian Church in Knoxville. She walks two or three times a week with her caregiver, who says she walks until she gets tired, but she never gets tired. For her walks, she always wears a pretty dress, heels and rouge to highlight her blue eyes.

No matter what small thing someone does for her, she always says thank you. She says, I eat right, take care of myself and stay positive.

She bought some GE stock when she was 102 because she wanted a good, long-term investment.

I know the entire House wants to join me in wishing Marion Stout a happy 111th birthday today.

PROVIDING FOR CONSIDERATION OF H.J. RES. 20, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 116 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 116

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 20) making further continuing appropriations for the fiscal year 2007, and for other purposes. All points of order against the joint resolution and against its consideration are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, H. Res. 116 provides for consideration of H.J. Res. 20, the continuing resolution for fiscal year 2007. It may seem strange that we are doing that at this late date.

The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member on the Committee on Appropriations. The rule also provides one motion to recommit.

Mr. Speaker, every Congress has a constitutional responsibility to be good stewards of the money given to it by the American people, but the last Congress failed to live up to this duty. Of the 11 appropriations bills it was supposed to pass in 2006, only two were completed. The others were abandoned, left for the incoming Democratic Congress to deal with.

My fellow Democrats and I could have approached this responsibility in the way it was approached last year, but we promised to run the House differently, to run it responsibly, and that is exactly what we intend to do.

We had a mess to clean up, Mr. Speaker. The budget failures of the past Republican Congress have vastly increased our national debt, but they did more than that. They left agencies, States and localities in limbo for months concerning their future funding. What is more, we have seen an explosion in earmarks over the last 12 years in Washington, earmarks that had greased the wheels of an out-of-control congressional machinery.

The number of earmarks approved by the House had, according to estimates by even the most conservative of groups, doubled and tripled in recent Congresses, and for every shameful, unjustifiable bridge to nowhere that was exposed and shouted down by the public, many more questionable earmarks slipped through undetected, a few lines here or there in a large bill, misspending the people's money and taking advantage of their trust.

The Democrats have pledged to fundamentally reform the way earmarks are passed into law by this body, to bring transparency to a process that until recently had been deliberately shrouded in darkness.

The Rules reform package that we enacted on the first day of this Congress will shed new and much-needed light on the earmarking process. It will require the full disclosure of all earmarks proposed by Members of the House. If a project is worth funding, then the Representative requesting it should have no qualms with standing up publicly on its behalf.

But the earmarks in the budget bills left undone by Republicans last Congress did not have any such standards applied to them, and so Democrats have decided to rid this CR of all earmarks. It was a difficult decision and one which we all had to justify to our constituents back home. But in the end, it was a necessary step to bring forth a new day in the people's House.

Mr. Speaker, this bill is not perfect, and cleaning up the mess we inherited required difficult choices between bad alternatives.

But I am very pleased that despite it all the legislation does contain increases in funding for critical programs affecting the lives of millions of people at home and around the world.

Spending on veterans health care is increased by $3.6 billion above the 2006 spending level. Spending on Pell Grants for the first time in 5 years is increased by $615.4 million. The NIH is going to receive an additional $619.6 million.

Other increases are going to support public housing, crime and law enforcement, and domestic transportation needs.

The bill even has a global focus, granting an additional $1.3 million to expand the efforts to combat HIV/AIDS and tuberculosis internationally.

Mr. Speaker, the minority, I predict, will claim that the closed rule under which we are debating this bill is a violation of the spirit of the House and a rejection of the promises Democrats made last year to open up the legislative process.

Let me be very clear, extremely clear about the past record of the House. Since 1997, the House has voted on 75 continuing resolutions, and all of them, 100 percent, were considered under a closed rule process with no amendments allowed. What is more, a third of those continuing resolutions contained substantive policy changes.

In addition to that extensive precedent, the House has already fully debated and considered eight of the appropriations measures contained here. To do so again would take us all year, and we do not have that luxury, not with the many challenges that confront our Nation at this moment in history.

Under the circumstances left for us by the former majority, we have done the best we could. We have produced a bill that will keep the government functioning and a bill that, despite its flaws, is a breath of fresh air compared with how appropriations legislation used to be handled in this Congress.

Mr. Speaker, the American people are ready for a new direction. They have proved that in this country, and that is why they put a new kind of Congress in power. This Congress is going to be defined not just by the way it does business, but by the kind of business it conducts.

This Congress is not going to pass the buck, leaving unfinished business for others to handle and leaving problems for others to fix. Democrats are making the tough choices the American people expect us to make and that they elected us to make.

At the end of the day, that is what real leadership is all about.

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

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman and the chairwoman of the Rules Committee for yielding me the customary 30 minutes, and I yield myself as much time as may I consume.

Mr. Speaker, yesterday the Rules Committee held a 3-hour hearing and took testimony from the appropriations chairman Mr. OBEY and Members that brought forth amendments to the committee in hopes of having them debated and considered on the floor here today.

Many good ideas were presented to the committee. These ideas ranged from considering a true, clean continuing resolution to restoring the lapse Federal Government safety net for 4,400 schools and 780 counties in rural America, from helping farmers with natural disaster relief, to increasing funding for local housing authorities, to taking unspent money from a rain forest education project in Iowa and, instead, spending those moneys to help millions, to help our veterans.

But unfortunately, after listening to the thoughtful testimony from Members on their ideas for improving the bill, the Rules Committee rejected every single one of them and approved this closed rule by an 8–4 vote.

So this House will spend just 1 hour, Mr. Speaker, considering this bill with no amendments even allowed to be debated and no substitute bill allowed to be offered by the minority.

So why the rush and the closed process? We are not asking for much. Give us a few minutes to sort out confusing parts of this resolution that have not passed the House previously, but have magically appeared in this resolution, like a rewriting of the formula for the distribution of section 8 housing funds. This new formula will affect hundreds of communities all across the Nation.

In my district in Washington State, multiple communities are slated to have their grants cut dramatically. In one city, city of Kennewick, the housing authority alone there will have their grant cut by $1 million. That is roughly one-third of their total budget. This rewritten formula was not approved by the House in previous spending bills for this year and clearly needs more input and discussion before becoming law. Unfortunately, we are denied the opportunity to discuss that.

One major issue that is neglected on this bill is a continuing safety net for our schools and counties in rural areas that have large amounts of Federal land and, therefore, have a very limited tax base. Recognizing the importance of this safety net, Mr. WALDEN of Oregon came to the Rules Committee and offered a bipartisan amendment with Mr. DEFAZIO of Oregon that would have provided a 1-year extension of funding so that these schools could keep their libraries open, keep the teachers at least through the end of the school year, and help counties with necessary road repairs. Let me be clear. Last year, over 4,400 schools received $400 million, and with this bill, they will receive exactly zero.

After convincing testimony by Mr. WALDEN, three Democrat members of the Rules Committee agreed to join me and Chairwoman SLAUGHTER as cosponsors of H.R. 17 which would fix the problem for an additional 7 years. Less than an hour later, however, the Rules Committee voted against even considering a bipartisan amendment that would provide 1 hour of relief for this problem, saying that it is not the right vehicle.

Mr. Speaker, please try to explain to school children when their libraries close because of insufficient funding that the Congress wanted to act but chose not to because they did not feel this was the right vehicle.

Meanwhile, Mr. Speaker, hundreds of unauthorized programs continue to be funded in this underlying resolution. We do not have a complete list of the unauthorized programs because the underlying measure is not a general appropriations bill and did not go through regular order. Therefore, there is no report which is required to list all unauthorized programs that are funded.

Mr. Speaker, I heard my colleagues on the other side of the aisle speak at length about the open process they would have when they were in charge. I want to believe them, I truly do. I have had discussions with my colleagues up in the Rules Committee every time we have met this year, but unfortunately, the actions simply do not match the promises that were made.

□ 1030

At the beginning of the 110th Congress, I heard my colleagues on the majority side say that after we wrap up our first 100 hours agenda, we will have an open process. It has now been nearly 4 weeks. The 100 hours are long past, and yet the House is yet to consider a bill under an open rule. Most have been closed out without any amendments.

I have to ask when, when will this House have the opportunity to debate and consider the bills? When will the minority be permitted to truly participate in this process? Because I can think of no better time than right now when we are considering the funding for our Nation's priorities and funding for almost the entire Federal Government.

Let us have a real debate on the $463 billion in this omnibus. I urge my colleagues to vote against this rule.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds.

Just as a response to my colleague from Washington to remind him that, just a month ago, the minority was the majority. If he thinks the things he points out today were serious problems, he should have fixed them then.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentlewoman for the time.

Mr. Speaker, let me simply make a few observations about the gentleman's comments. With respect to the forest funded school program that he is talking about, it needs to be understood that is not within the jurisdiction of our committee. The problem with that program is that the authorizing committee has allowed that program to expire, and it is a mandatory program. Any time the Appropriations Committee tries to involve itself in mandatory programs we get skinned by people on both sides of the aisle, and we are told to mind our own business. We have.

I am very sympathetic about the gentleman's problem, but this is not an appropriated program. The Appropriations Committee deals with discretionary spending, not mandatory spending.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. OBEY. Surely.

Mr. HASTINGS of Washington. I appreciate the gentleman for yielding.

Mr. Speaker, I appreciate the conversation we had earlier that this is not in your jurisdiction, but we were given waivers in this bill for legislation that is also not under your jurisdiction, and the rewrite, if I am not mistaken, of the formula that I mentioned on formula 8.

Mr. OBEY. But the fact is we have not reauthorized expired programs. That is the difference. We do not have the authority to reauthorize a mandatory program. If we did, we would have to find another $320 million, and I would like to know where that offset is going to come from.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. OBEY. The gentleman is right to want this program to continue, but he is wrong if he thinks that the Appropriations Committee is the proper venue for it.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. OBEY. I would prefer not to. I only have 5 minutes. The gentleman as the bill manager has more time than I do.

The SPEAKER pro tempore. The gentleman from Wisconsin has the time.

Mr. OBEY. Mr. Speaker, I yield for 30 seconds.

Mr. HASTINGS of Washington. I appreciate the gentleman for yielding.

Mr. Speaker, the amendment that was offered by our colleague from Oregon, while, yes, it refers to as a mandatory program was simply a 1-year program so that this problem could be fixed.

Mr. OBEY. I understand that. We had nine other requests to do the same thing. If we had done so, Members on your side of the aisle would have come and attacked us and scalped us for doing things that we had no business doing. So he can't have it both ways, which is what many Members in the minority are trying to do today.

I would be happy to join with the gentleman in urging the authorizing committee to fix the problem, but it is not within our purview to do.

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

Mr. Speaker, I don't want to prolong the comments on the rule. Let me simply say that the majority had 8 months to deal with the most basic responsibility of a legislative body, which is to pass the Federal budget. They were in the majority. They now are not. Now they are in the minority.

We are trying to clean up their spilt milk, and they can squawk all they want about how we did it. The fact is, there are no new issues here. Virtually every single issue that will be debated today was already debated when we passed the appropriation bills. These are the bills that the House passed last summer in the previous session of the Congress. We had hundreds of amendments to these bills.

Now because the Republicans in the House couldn't convince the Republicans in the Senate to vote for these bills, we have before us what is, in essence, a pre-conferenced conference report, and we have boiled down this almost 1,000 pages. This is what it would look like if we had an omnibus appropriation bill. We would have had 1,000 pages of legislative material. We have boiled it down to about 150 pages.

We have basically decided to stick with the fiscal year 2006 basic funding level for most programs. We try to then adjust programs for agencies so that they don't have to lay off workers, so that they don't have to have furloughs, such as the Social Security Department and the FBI, who both told us that they desperately needed these adjustments or they would have to shut down their operations or lay off people.

We then decided that there are some priorities on both sides of the aisle, and we used almost $10 billion, which we had cut from other portions of the bill, to finance those items.

You may not like the choices we have made, but, in contrast to the last Congress which ducked its responsibility to make these choices, at least we have made the choices. At least we have made them, and we are going to vote on this today. We are going to send it to the Senate so that when the President submits his new budget on February 5, he has a clean slate and so do we, and that is the way it ought to be.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished ranking member of the Rules Committee, Mr. DREIER from California.

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

Mr. DREIER. Mr. Speaker, I rise in strong opposition to this rule. We keep hearing that every time this has come before us it has been considered under a closed rule. A closed rule is the norm for this. The fact of the matter is, in 1987 is the last time that we considered a year-long CR that would have allowed for consideration of the entire budget.

Guess what? It was under a Democratic Congress, and at that time they made eight amendments in order. Since that time, we considered short-term continuing resolutions, and they have been done under unanimous consent, they have been done under suspension of the rules. But it is a complete mischaracterization to say every time we consider something like this it has been done under a closed rule.

Mr. Speaker, at some point, at some point, and I don't know when that will be, the Democratic leadership is going to run out of excuses as to why they deny both Democrats and Republicans, Democrats and Republicans, the opportunity to participate in the process.

First, it was, we promised to get the Six for '06 done in 100 hours. We considered a lot of this stuff in the last Congress. Then it was, well, this is the same rule that was considered back in the 103rd Congress. Now it is, well, this is your mess, Republicans, and we have to clean it up.

The fact of the matter is, the argument that our friends on the other side of the aisle have continued to make over and over and over again is shutting out more than half of the American people. As I say, it is shutting out the opportunity for both Democrats and Republicans to participate in the process.

We offered 21 amendments, very thoughtful amendments, that would have taken $44.5 million, $44.5 million, that is utilized right now for rain forest education in Iowa and transfer that spending to help provide desperately needed assistance to the war wounded. These are the kinds of priorities that we have set forward, Mr. Speaker. Tragically, this process has denied us to help the war wounded over those who want to focus attention on rain forest education in Iowa.

Oppose this rule and oppose this measure.

Ms. SLAUGHTER. Mr. Speaker, I want to yield 1 minute to Mr. OBEY from Wisconsin for whatever he wants to do with it.

Mr. OBEY. Mr. Speaker, we have just heard unmitigated nonsense from the gentleman. The gentleman is somehow claiming that we are funding that silly rain forest that your party agreed to 2 years ago in Iowa. The fact is that Senator BYRD and I made clear we would provide no earmarks in the 2006 bill.

Mr. DREIER. Would the gentleman yield?

Mr. OBEY. I am not going to yield, so let me finish my thought. The gentleman does it all the time, and it is highly rude.

Mr. DREIER. I always yield.

Mr. OBEY. I would simply point out that we had no requirement to retroactively go back 2 years earlier and repeal silly things that your side of the aisle did 2 years ago. There is not a dollar in this bill for that rain forest. You know it as well as I do. Quit trying to pretend otherwise.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4¼ minutes to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Speaker, I want to thank my colleague from Washington State for yielding time.

Mr. Speaker, I am here today to talk about the Secure Rural Schools and Community Self-Determination Act, H.R. 17, of which the chairman of the Rules Committee is a cosponsor.

I went before the Rules Committee yesterday with an amendment cosponsored by my colleague from Oregon (Mr. DEFAZIO) to reauthorize, or to appropriate, I should say, not reauthorize, for 1 year, just 1 year, funds for our schools and roads in our communities, $400 million.

To meet the PAYGO test, we provided a mechanism. It is not the most elegant mechanism out there, but it was an across-the-board reduction in all spending by .00086 percent, or 1 penny out of $11.59 spent in this bill.

Today, across America, in more than 4,400 school districts in 600 counties, layoff notices are going out for teachers, for sheriffs' deputies, for search-and-rescue patrols, for essential services in our counties. Libraries in Jackson County, Oregon, will close in April, all 15 of them, because the last Congress and now this Congress has failed to take action, failed.

The distinguished gentleman who chairs the Appropriations Committee says, this is mandatory spending; we can't touch it in our bill. You can't authorize in this bill, oh, unless you got a waiver from the Rules Committee, because you cannot stand here and tell me there aren't programs being funded in this bill that have fully been authorized. I don't believe it is the case. This is one such program, and you made the choice not to do it here.

Now, many of you have indicated that you will work with us to fund this somewhere else, and I am deeply appreciative of that. The chairwoman of the Rules Committee, a cosponsor of this reauthorization legislation, made that commitment yesterday, I believe, to work with us on some other vehicle.

But I just have to tell you how dramatic this is in my district and in districts across this country where school board administrators are having to tell their teachers, next year I can't guarantee you will have a contract, and I have to be able to do that by March 1. They are putting out the layoff notices. They are looking at shutting down vital services. All because this Federal Government made a decision at some point to stop harvesting timber on Federal forest land in a significant measure, an 80 to 85 percent reduction, that this Congress, through its actions in the past and lawsuits and everything else, brought to a dramatic halt, active management of our Federal force.

Last year in America, 9 million acres burned, and this Congress had to appropriate $1.5 billion to put out forest fires and grassland fires, the most in the history of our country, following another year that was the most.

We will not change the policy so we get commonsense management of our forests. Now, for the first time in nearly 100 years you break the commitment that the Federal Government has had since Teddy Roosevelt was President and created the great forest reserves, to be a good neighbor to the counties where up to 70 or 80 percent of the Federal lands in their counties are owned and managed or mismanaged, in some of our opinions, by the Federal Government.

School kids in my district out in Grant County boarding this bus are going to be traveling on roads where the road department is basically being eliminated.

I want to share with you a letter from a fifth grader in Ashland, Oregon. A fifth grader in Ashland, Oregon, gets it and understands that this Congress ought to be able to understand it and get it. She wrote to me after going to a Martin Luther King event and decided she ought to get involved in public service. Her mother is a school teacher; her father is a professor.

''I live in Ashland and go to Bellview School. I am in fifth grade. I use our library a lot. We always borrow books on tape for car trips. My New Year's resolution is to read all the 'Hank the Cowdog' books, and the library has them all. I need the library to stay open so I can finish my resolution. I also use a lot of books there for school reports.

''Please help to keep our library system open!

''Sincerely, Alice.''

I appreciate your willingness to work with us in the future. I wish we could have had the amendment made in order in this resolution so that Alice could get her school books and the layoff notices wouldn't go out.

The Secure Rural Schools and Community Self-Determination Act (H.R. 17 a.k.a. County Payments), in both this Congress and the last, has been a strongly bipartisan issue.

The DeFazio-Walden legislation to reauthorize and fund the County Payments program for seven years enjoys the support of 98 Members of their House.

I would like to thank the members of the Rules Committee who heard me out yesterday on a DeFazio-Walden amendment which would have restored funding for this vital program. I would like to thank Congressmen MCGOVERN, ALCEE HASTINGS (FL) and CARDOZA, who following my remarks in Committee, joined Chairwoman SLAUGHTER and Congressman DOC HASTINGS (WA) as cosponsors of H.R. 17.

As I have said in eight of 18 one-minute Floor speeches, the failure of Congress to reauthorize the County Payments program is a breach of faith to more than 600 forested counties and 4,400 school districts across America.

The DeFazio-Walden amendment offered in the Rules Committee yesterday would have provided the vital $400 million to fund this program for one year as we work to fully reauthorize and fund the program. The amendment would have met the PAYGO rule by providing a .00086 percent across-the-board reduction in the [$463 billion] CR we are considering today. This fraction of a percent reduction amounts to one penny out of every $11.59 which will be appropriated in this CR.

One penny is all that rural counties and school districts across this country need.

Without this penny, what will happen to rural America's forested counties and school districts? Severe cuts in funding for jail beds, sheriff's patrols, and criminal prosecutions, and the pursuit of meth cooks. Rural school districts will forego overdue repairs, not buy textbooks, or face significant challenges bussing kids to school.

Libraries will close in places like Jackson County, Oregon. In fact, during the Rules Committee discussion yesterday, Chairwoman SLAUGHTER commented that ''even during the Depression we didn't close libraries.'' I would like to draw your attention to a letter I received from Alice, a fifth-grader from Ashland, Oregon who utilizes one of the 15 Jackson County libraries scheduled to close in April if this vital funding is not restored.

There are further impacts. Surely you remember the searches for the Kim Family in southern Oregon and the mountain climbers on Mt. Hood? Both Jackson and Hood River Counties used equipment and personnel paid for in part by the County Payments program in those searches. The Klamath County, Oregon sheriff's force of 35 officers will be cut by one-third. They patrol an area 100 times the size of the District of Columbia.

These vital county services and rural school programs were once funded by timber receipts. The virtual elimination of timber harvest in our Federal forests prompted Congress to provide payments to develop forest health improvement projects on public lands and simultaneously stimulate job development and community economic stability.

Consider that Oregon's Second District, which I represent, is 60 percent public land; 78 percent of Harney County is public land; 79 percent of Deschutes County is public land; 72 percent of Hood River County is public land.

While these forest and range lands are America's treasures, these vast tracts of land do not provide a tax base for communities, greatly reducing the amount of revenue that can be generated for services like schools, libraries, and law enforcement.

I appreciate the kind words from the Rules Committee members and their commitment to work with Congressman DEFAZIO and myself to find the appropriate legislative vehicle to deal with this rural Federal funding crisis.

We must not wait any longer—pink slips are being sent to county employees, rural school programs are being cut, and Alice, the fifth-grader from Ashland, Oregon is losing her library—time is running out.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

□ 1045

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on this.

I understand my colleague from Oregon being frustrated. This is an issue we have discussed over the last year, and I imagine his frustration has doubled because the committee that he was a member of in the last Congress, the bill did not find its way into law because of what happened in the prior Congress. I understand his going with my colleague, Mr. DEFAZIO, to the Rules Committee and flagging the issue because while it is not quite as critical in my direct district, it affects them and it affects my State. And not just Oregon, but there are people in rural America across the United States for whom this is serious.

I am sorry that the last Congress failed in its responsibility. I worked with him then. I will work with him now.

I respectfully disagree slightly in terms of the tactic, in terms of venting frustration at the Rules Committee or the Appropriations Committee. I take the Chair of the Appropriations Committee at his word that he is concerned. He will work with us. The Chair of the Rules Committee, Ms. SLAUGHTER, is a cosponsor with us. And I look forward, as we move forward with this year's budget, to doing the best we can.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I would be happy to yield to the gentleman from Washington.

Mr. DICKS. I think it is the Ways and Means Committee. Is it Agriculture or Ways and Means?

Mr. BLUMENAUER. It is Natural Resources, isn't it?

Mr. WALDEN of Oregon. Mr. Speaker, if the gentleman will yield, I think I can clarify it, although I am on the minority side.

Mr. BLUMENAUER. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Speaker, the bill, I think, has been referred to both the Natural Resources Committee and the Agriculture Committee. In the last Congress, my subcommittee and the full Resources Committee passed the bill out to the Agriculture Committee, where no further action was taken, nor was there any action taken by the United States Senate, which was no great surprise.

Mr. BLUMENAUER. Thank you.

Mr. DICKS. And if the gentleman will continue to yield, then, of course, under PAYGO, we have to find an offset; isn't that correct?

Mr. BLUMENAUER. Right.

Mr. DICKS. Mr. Speaker, I certainly want to tell the gentleman I want to work with him as well because this is a major concern in our whole area out there in the Northwest, and I appreciate his leadership on this issue.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I want to divide the issues here. I appreciate my friend and colleague clarifying that it was both committees, neither of which I am a member of, but I am working with him, Mr. DEFAZIO, Mr. DICKS and others in the Northwest to try to resolve this. We are frustrated that the process broke down, but I want us to get started on the right foot.

Mr. DICKS. Mr. Speaker, if the gentleman will yield again just briefly.

Mr. BLUMENAUER. Yes.

Mr. DICKS. Mr. Speaker, when we first had the forest plan, the major reduction in timber harvesting, we worked on a bipartisan basis to get an offset. I think it was like $250 million, something like that, and a phase out over a number of years. But I realize some of the schools, especially in Oregon, get a very substantial amount of money for this program, and I hope we can find an offset.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I appreciate Mr. DICKS' willingness to come forward, his interaction with my colleague even now, Mr. WALDEN.

This is important business. It failed last Congress. It is not going to be achieved this Congress unless we are able to do it in a bipartisan fashion, unless we are able to look seriously at dealing with the funding. Wedging it in here, with all due respect, is ill-advised. Having an across-the-board cut for everybody on something where I know Mr. OBEY has been working very hard to clear the decks so we can get busy on this year's budget and that we can start looking at the overall fiscal situation.

I will continue my efforts to work with the gentleman, but I don't think we ought to confuse it today with the matter before us. I think it is appropriate to use as a vehicle to raise the issue. I think it was a point well made before the Rules Committee. I appreciate his coming to the floor here today to talk about unmet needs. There may be others that could talk about unmet needs. The issue before us is moving forward.

For me, I hope this is the last time this CR action happens. I appreciate the Appropriations Committee being willing to make some very tough decisions. This is not something that would have been ideal. I am sure Mr. DICKS, as a senior member of that committee, there are things that he would have done differently. I am sure Mr. OBEY didn't want to be in this situation. But the fact is we are picking up from the abject failure of the Republican leadership last Congress, a breakdown in the process, a failure to pass the legislation, and now we must move forward.

I support this rule. I don't think we have to go back 20 years to find one exception. The fact is we have a plan to move forward. I appreciate the work that has been done. We don't have to bring up extraneous issues. I, too, like Mr. OBEY, choked hearing about the reference to the rain forest, which wasn't something that is dealt with in this bill. You could go back over time and start undoing the work that Mr. DREIER or others disagree with when they were in the majority. I hope they come to the Appropriations Committee with proposals to rescind things that they did, but do it in the course of regular order in terms of the authorizing committee or coming forward with their own amendments in the course of what is going to happen this year.

To somehow pick on this rule, pick on this CR, trying to deal with the mess that the Appropriations Committee inherited, I think is out of line, uncalled for, and, frankly, hypocritical.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Mississippi (Mr. WICKER), a member of the Appropriations Committee.

Mr. WICKER. Mr. Speaker, I am glad to hear that my friend from Oregon supports regular order. That is not what we are seeing today.

But the pundits say there is no point in talking about the legislative process in this debate today. They say people don't care about the rights of the legislative minority. I am not so sure about that. When people outside the Beltway hear that the funding bill for the rest of the year was basically drawn up by two people—one Senate chairman and one House chairman, in a closed room with no input from anyone else—they might conclude that doesn't sound quite right. And then when they hear this bill cuts military construction by $730 million below last year's level and falls over $3 billion short of the redeployment needs of our servicemen and their families, then most people might feel a little more debate and a few more people in the room could have resulted in a solution that fully funded these essential programs. That is the way the legislative process works. Someone drafts up a proposal. Then it is debated and amended, and in the end, a consensus is possible.

But this is the first time in recent memory where the leadership simply puts two people in a room and lets them write an entirely new bill, moving the numbers around to suit their own preferences. And then the House is told ''just take it or leave it.'' No amendments. No give and take. No one else allowed to submit a better idea. And only 30 minutes of debate for the minority side.

Maybe that is why this bill does not meet the critical needs of our soldiers, such as basic housing allowance and research for Gulf War veterans and amputees.

So, Mr. Speaker, process may be considered inside baseball and a nonissue to some. But to me, democracy calls for a fair process, even in a continuing resolution; and, more often than not, it results in a better bill for the average citizen.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. WALSH), a member of the Appropriations Committee.

Mr. WALSH of New York. Mr. Speaker, I thank the gentleman for yielding.

I would like to begin by acknowledging the work of Chairman OBEY and his staff in consulting with us on the Labor-HHS chapter of this bill. I know the gentleman from Wisconsin, chairman of the Appropriations Committee, has been put in a difficult position. A position we in the House lamented all last year when the other body neglected to schedule time for our bills.

But I would remind everyone that under Chairman LEWIS' leadership, we completed work on every bill but one by July 4 of last year.

This process insist my view is beyond the pale. First of all, this is a continuing resolution in name only. For all practical purposes, it is an omnibus bill. To my knowledge, not one Member of the House other than the bill's sponsor saw this product in its entirety until Monday night. Let us be clear. This is not an inconsequential bill. It provides roughly half the money needed to run the government for an entire, and we are going to whisk it off the House floor in a grand total of 2 hours. The Appropriations Committee has not met to discuss the contents of the bill, let alone to offer amendments that could improve it. And Members of the House have had only slightly more than one day to decode the unorthodox language contained in this 137-page document. Furthermore, the bill before us is not amendable by the body as a whole. I cannot recall the entire time I have been a Member of the House a single appropriations bill that has not been open to amendment at some level.

The American people who watch this debate will see us spend $463.5 billion of their money with a grand total of 2 hours of discussion, 1 hour on the rule, 1 hour of general debate. If you do the math, that is $3.8 billion per minute of public debate. Frankly, that is a travesty, and the American people deserve better.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise in support of the Continuing Resolution for Fiscal 2007 and I join in complimenting our distinguished chairman, Mr. OBEY, for accomplishing in a few weeks, with the distinguished Senate Appropriations Chairman, ROBERT BYRD, what their predecessors were both unwilling and unable to do.

A mess was inherited from the prior Congress, and this bill cleans those up and corrects them in a very responsible fashion.

If any of our colleagues on the other side want to criticize this package, I ask why didn't they fix it when they had a chance? I also ask why did they create this irresponsible problem by delaying passage of these necessary measures in the first place? It should have been done by the end of September of last year. Despite the constitutional expectations to pass all appropriation bills by September 30 in time for the new fiscal year, the last time all appropriation bills passed on time was 1994, when the Democrats were in charge, and thank goodness we are again.

The action today roughly provides cuts in over 60 programs and rescinds unobligated balances in order to transfer $10 billion in savings that are used to address critical investments such as our veterans' health care and health accounts of the Department of Defense to care for our returning wounded veterans. It will keep our Social Security offices open rather than shutting them down. Community policing is increased by $70 million. And it provides important help for students, Pell grants, about $260 more per year for each of them. It covers additional children with disabilities. It provides $103.7 million for Head Start. It provides funding to expand some of our community health centers to take care of people who don't have any health insurance. It keeps our Public Housing authorities utility costs at least paid for the moment. It provides $125 million for 38,000 additional students below grade level. And we provide an additional $197.1 million for the Clean Water State Revolving Loan Fund. Federal Highway funds are provided at levels guaranted in SAFETEA and Amtrak funding is maintained at 2006 levels. We know that is still $266 million below 2004 levels. We just don't have the funds to do everything we want to do. But at least we want to move forward.

Our Nation has many needs, Mr. Speaker, and we need to understand and meet those responsibilities for our troops in Iraq and Afghanistan. But surely we have responsibilities here at home, and we have a responsibility to meet the need for a defensible budget policy that imposes tough decisions in tough time.

I want to congratulate Mr. OBEY as our new chairman of the Appropriations Committee, somebody who is not only well suited to this position, but probably the finest chairman of Appropriations I have ever had the opportunity to serve with.

Thank you for doing what you had to do for the Nation. Congratulations.

Please, I ask all my colleagues to vote for this continuing resolution on behalf of all the citizens of our country.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to my colleague on the Rules Committee, Mr. SESSIONS of Texas.

□ 1100

Mr. SESSIONS. I thank the gentleman from the State of Washington.

Mr. Speaker, I rise today in opposition to this closed rule and to the underlying 137-page, as they call it, omnibus appropriations measure that is being rushed to the floor of the House of Representatives today without committee oversight, regular order, or input from the vast majority of Members of this body.

Last night in the Rules Committee, I offered an amendment that would have eliminated $44.5 million in unspent funds from an earmark that dates back to the 2004 omnibus appropriations measure that would have created an indoor rain forest in Coralville, Iowa. Because the project failed to meet its non-Federal matching funds matching requirement, this money remains unspent. It is sitting waiting for it to be spent.

Last night, I offered an amendment that could be used for better purposes. It could be used to make sure that we move the money to the veterans health care program, and that is exactly what my amendment said. Despite their claim of support for veterans health care and their stated opposition to earmarks, Democrats rejected my commonsense proposal on a party line vote of 9–4.

They also rejected along the same party line margin an amendment offered by my colleague from California (Mr. CAMPBELL) which would have replaced the Democrats' omnibus spending bill with a clean continuing resolution that would have saved taxpayers around $7 billion.

Mr. Speaker, we are on the floor today because we believe that the process that should have included more time and more opportunity for feedback but at least the ability in the Rules Committee to do the right thing was rejected by the Democrats who stand up and say that they are for an open and fair process.

Mr. Speaker, I am going to vote against this bill.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to my former colleague on the Rules Committee, Mr. GINGREY from Georgia.

Mr. GINGREY. Mr. Speaker, I rise today to oppose this rule and the underlying resolution. No amendments allowed, no committee hearings, no committee votes taken, all we have is simply a closed rule, a closed process, a bunch of broken promises.

So here we go again, Mr. Speaker. Once more, Members of the House find themselves with really no good choices, forced to accept the ''our way or the highway'' mentality of the new majority, despite their promises to do otherwise.

As if the majority's broken promises for civility and openness in the people's House wasn't disconcerting enough, this continuing resolution is one giant broken promise.

For instance, the Democrats promise no earmarks in this continuing resolution. They even include ''window-dressing'' language to that effect for the

purpose of their talking points and sound bites. Yet, on closer inspection, one realizes that, while this resolution does eliminate earmarks for organizations such as the Boys and Girls Clubs of America, various law enforcement programs, schools and hospitals, it somehow still provides funding for several notorious million-dollar earmarks such as the Bridge to Nowhere.

Mr. Speaker, the Democratic rationale for picking at which earmarks stay and which earmarks go strikes me as bizarre and hypocritical, to say the least.

Even more troubling, this continuing resolution shortchanges our military, their families and our communities transitioning under the BRAC process by almost $3.1 billion, not to mention an additional billion dollar shortfall for military construction. Clearly, the majority has a ''tough love'' philosophy when it comes to our military, their families and the war on terrorism.

Mr. Speaker, we could have even fixed some of these problems right here, right now if Members had been allowed to offer amendments. But I guess that is not the way it works in this moveon.org Congress.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. Mr. Speaker, I want to also commend the chairman of the committee, Mr. OBEY, for the work that he has done on this bill. I had some reservations, I must say, when we started down this road. But I now realize that Chairman OBEY and our counterpart chairman in the Senate had a good plan to put this thing together.

I regret that last year we did not pass 9 of the 11 appropriations bills. Thank goodness, we passed Defense and Homeland Security. And I do think it is important to point out, and I am sure Mr. OBEY did this, that we passed most of the bills except for HHS in the House.

So I do not blame our colleagues here for what happened. It was the other body that refused to bring the bills up in a timely way.

Now, we have, you know, we had a difficult hand that we were dealt. There is some very good programs like rural water development and some very important school money that we could not include because they were earmarks.

But I do think it is important for everyone to recognize that, for Indian Health Services, we were able to increase that by $125 million. If we had not done that, hundreds of thousands of members of the tribes would not have been able to get health care.

We were able to take care of the LANDSAT for the U.S. Geological Survey, plus $16 million; U.S. Forest firefighting costs, plus $70; EPA Homeland Security hazard, plus $9.5; and operational shortfalls.

One of the biggest problems we have with our land management agencies is that they do not have enough money in the President's budget to cover fixed costs, and 80 to 90 percent of their costs are employees. So when that happens they have been, over the last 7 years, forced to cut employment, not fill vacancies. This has affected the Park Service. This has also affected the Bureau of Land Management, the Forest Service, the Fish and Wildlife Service. They are all hurting. They do not have enough resources. So we have some very major issues that we have to deal with.

Conservation has been hit by this administration. From 2001 to 2006, the Interior budget has been reduced by 1.2 percent in real terms. EPA has been cut by 6.6 percent. We put these two agencies together in this bill.

So this is a question of priority; and what I am hopeful of, with the new majority and with a new budget and with a new allocation, we will be able to stop the bleeding in these conservation agencies. No one has been a bigger supporter of these agencies than the chairman of the committee who has worked with me on a series of conservation initiatives over the years, but this is a serious problem that we have to face up to.

You know, we may have to work to get new legislation enacted in order to increase the amount of money. The land and water conservation money, the amount of money that the administration proposed, has never shown up in the budget. So it is time for us to find some new solutions.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr SHADEGG. Mr. Speaker, I thank the gentleman for yielding.

I rise in opposition to this closed rule and to the bill that comes to the floor under that closed rule. I think it is important to understand that this 137 page bill comes to the floor as a critically important piece of legislation, a piece of legislation that will control the vast amount of spending of the Federal Government for the balance of the fiscal year.

And yet the process by which it is coming to the floor is no less than stunning. The leaders on the other side said, as soon as the 100 hours are over, we will accord you procedural fairness. I have here the Boston Globe and the Washington Post in which each of them said, ''As soon as that is done, on January 18,'' the majority leader said, ''Republicans will enjoy more rights and power than they allowed Democrats in the entire 12 years the Democrats were in the minority.''

Yet this bill comes to us under a stunning procedure. Indeed, this bill, these 137 pages, at the Appropriations Committee level received no hearing, no hearing whatsoever. At the markup level, no markup occurred.

What does that mean? That means no Democrat was allowed an opportunity at the committee level to offer an amendment, and no Republican was allowed an opportunity to offer an amendment to this bill.

Ladies and gentlemen, if you are represented by either a Member of the majority or a Member of the minority, you get no say in this bill.

So the bill then proceeded to the Rules Committee. Well, at the Rules Committee, the Democrats and Republicans in theory could offer amendments. Would you like to know how many amendments were made in order for the minority party? Answer: Zero. Not one. Not one.

How about the Democrats? Were they allowed to offer an amendment?

This is not a fair procedure, and this is not democracy.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, my only response to some of the comments I have heard from the other side of the aisle is, you are really something else. You are really something else. You spent all of the last year trying to pass appropriation bills. You passed all but one through the House. You could not get your Republican friends in the Senate to support any of them. So when you relinquished your duties we had no domestic budget for the coming year.

I offered on the floor to make any substantive compromises necessary when you were still in control. I offered to make any procedural concessions necessary to enable you to pass the bills on your watch. You did not do it.

Your own chairman at the time admitted that the Republican floor leader in the Senate blocked the bills from passage. So you have forfeited any right to squawk about how we cleaned up your mess.

Now I want to comment on a few claims that have been made. You say there has been no participation by the minority side.

This bill was negotiated at the staff level for 3½ weeks, 7 days a week, around the clock. Your staff was invited to every meeting. Some of them they did not come because they did not like the choices that were being made. But someone had to make the decisions, because you did not.

So the staff negotiated virtually all of those compromises. When they could not reach agreement, then they brought the Members in. You had Senator DOMENICI on the Republican side and Mr. VISCLOSKY going on and on about the Energy and Water bill, for instance. You had ROSA DELAURO in the ag bill involved, you had Mr. DICKS in the Interior bill involved as the appropriate subcommittee chairs. If you did not bring your subcommittee ranking members into the mix, that is your fault, not mine.

All I know is, our people participated. If they did not on your side, it is either because they did not want to or because you did not invite them to. I do not know which is which. Do not blame us for your screw-ups.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POMEROY). All Members are reminded that they should address their remarks to the Chair.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. KELLER).

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

Mr. Speaker, I oppose the rule because it is a closed rule that does not provide a fair and open amendment process.

On the positive side, the underlying continuing resolution increases funding for Pell Grants and COPS while not exceeding the spending caps set by the President's budget. As the ranking member on the Higher Education Subcommittee, I am pleased that the Pell Grant maximum awards go up $260 from $4,050 to $4,310.

I also believe in putting more cops on the street through increased funding to the COPS Program, especially since my home town of Orlando saw its murder rate more than double in the past year. I sent a letter to the appropriators signed by Anthony Weiner and 101 Members calling for an increase in COPS funding. I am pleased that this bill increases COPS funding by $70 million, which is enough money to put 900 new cops on the street.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, you know, last year, I watched the worst budget failure since the 1995 government shutdown led by the Republican Congress. You only passed two appropriations bills, you got no budget resolution passed to get your work done, and then you are sitting here complaining after we are trying to clean up the mess you left behind.

We have a phrase for that in Chicago. It is called chutzpah. You cannot do that. You cannot sit here and come to the floor and complain about what has happened here. Because you handed off nothing but lemons and we are trying to make lemonade out of the lemons that you handed off here.

I compliment us for doing exactly what we said we were going to do. There are no earmarks, there is no pay rise, and there are no gimmicks. It is a new day in Washington from the failures of what happened in the past, and we are very clear that this will be a new day from the type of politics that ran here, and there will be none of that until we pass an increase in the minimum wage. We have done right by what we said.

I compliment, as the Republican speaker beforehand, my colleague, said, from Florida, this is a budget that veterans can be proud of, the education of our children, our health care needs and our law enforcement needs, that directly help people. While college costs have gone up close to 35 percent since 2003, we have held Pell Grants frozen. They are now going up $260. 5.3 million more students will get the assistance they need.

Increases for veterans, $3.6 billion to provide health care for 325,000 veterans.

In the area of the National Institutes of Health Care, 500 research projects will be funded that would not have been funded. This is direct help to the American people.

□ 1115

And in the law enforcement area, 31,000 positions, including 12,000 FBI agents and 2,500 intelligence analysts will be verified, doubling the number of intelligence analysts since 9/11 at the FBI. This is exactly the type of investments we need to do. So from top to bottom, investing in the education, health care, research and law enforcement areas that have been sorrily missed in past budgets, this continuing resolution makes the investments and turns around what were the dire consequences in those areas.

And in addition to that, it makes clear that this is a new day in Washington. We will have no earmarks, no pay raise and no gimmicks. And we are actually turning the page over so we can go forward with the type of budget and the type of appropriations that will continue to put our fiscal house in order, invest in the education and health care and energy and environmental security of this country. This turns the page on a past that was broken and that was failed. And I am proud that we have done that. And I am sure there will be some colleagues, like in the past, that will point to things. But we are pointing in a new direction and turning the page on a broken and failed past and towards a future that, in fact, puts America's priorities and its fiscal house in order.

Mr. HASTINGS of Washington. Mr. Speaker, I am sorry that the gentleman wouldn't yield. I just wanted to ask one brief question. But I am pleased to yield 1¾ minutes to the gentleman from Georgia (Mr. KINGSTON), a member of the Appropriations Committee.

Mr. KINGSTON. Mr. Speaker, I am curious about this new day for the Democrat Party because in the budget that I have a little more control over or interest in, the Ag Committee, they have cut food stamps by $11 million. I want to make sure my Republican colleagues understand that. That is right.

We just heard from the Democrat leader that it is a new day and the Democrats, on their first day of this new day, have cut food stamps $11 million.

They have also, in this budget, cut conservation programs right and left. They cut, for example, the Equip Program. The Equip Program is a program designed to help farmers with conservation and watershed and water run off and nutrients going into streams. They cut it by $70 million.

On the conservation operations account, which is an account that helps farmers create habitat for wildlife, they cut that by $72 million. It helps with surface water retention so that we can reduce the impact of drought on farmers. They have cut that, again, $72 million. It also helps with nutrient management.

There is a small dams program that they cut by $74.2 million, which affects Arkansas, Florida, Hawaii, Illinois, Iowa, Kansas, Kentucky, North Carolina, Nebraska, Pennsylvania, Indiana, Virginia, Texas, Pennsylvania, New Jersey and Oklahoma. And, Mr. Speaker, I am reading out these States so that the Democrat Members from these States can realize that they are, a vote for this bill is a vote to cut their own dams program in their own States by $74 million.

Now, we have also heard about energy independence. This account also cuts the biomass program in the USDA by $2 million. But don't think your taxpayers are going to get any of this money. Where does the money go? To the bureaucracy. The FDA, who only asked for a $20 million increase, gets $100 million under this omnibus bill.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me simply point out to the gentleman who just spoke that our committee took no action whatsoever on all of the items he just mentioned. They are all mandatory programs. All this resolution does is to carry forward the same limitations in those programs that you had in them last year.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Florida (Mr. WELDON), a member of the Appropriations Committee.

Mr. WELDON of Florida. Mr. Speaker, I would like to address some of the lemonade that the gentleman from Illinois was referring to, the impact on NASA in this omnibus continuing resolution.

The Democratic majority rejected my request to be permitted to offer an amendment addressing some of the devastating cuts to NASA that are included in this bill. The Democrat majority has chosen, I believe, partisanship over partnership. The rhetoric about an open process transparency partnership is nothing but a sham. There is no transparency, there is no openness.

This House passed a NASA budget. We passed $16.7 billion for NASA. Nearly all of the increased funds in that bill went to fund the replacement for the shuttle. Now, this bill drastically reduces those funds. It will result in delays in producing the vehicle to replace the shuttle, the need to continue the shuttle beyond 2010. In my opinion, these cuts in the NASA budget will lead to billions of dollars of increased funds needed in the outyears to keep the Orion Project on track.

There is only one way to interpret this, my colleagues, and that is to say this is a back-handed way to destroy

the manned space flight program, to destroy the work that is going on in places like Kennedy Space Center, Marshall Space Flight Center, Johnson Space Flight Center.

And to say that there are no earmarks in this bill, in my opinion, is a little bit tongue in cheek. Within this budget is a huge transfer of funds that the administration did not ask for. I don't know what else you can call it other than an earmark.

Ms. SLAUGHTER. Mr. Speaker, may I inquire of my colleague how many speakers he has remaining.

Mr. HASTINGS of Washington. Mr. Speaker, in response to the chairwoman, we have about four or five speakers left.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1¼ minutes to the gentleman from Missouri (Mr. HULSHOF).

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

Mr. HULSHOF. Mr. Speaker, looking back over this week's legislative accomplishments, I am sure democracy has somehow been furthered by our vote on Monday to congratulate the winners of the Orange Bowl, or our debate yesterday commending the two coaches of the Super Bowl.

But today's vote has some significant consequences in that we are about to do great harm to our Nation's land grant colleges by erasing, zeroing out $186 million in agricultural research grants. Today's vote has real consequences. There are 24 of you on that side of the political aisle that represent colleges that get this money, and I specifically urge five of you that are first-term Members here, Mrs. BOYDA, Ms. SHEA-PORTER, Mr. ELLISON, Mr. COURTNEY, and Mr. WELCH, to consider the following: Your vote on this continuing resolution zeros out critical research grants in your home districts.

At the University of Missouri-Columbia, my alma mater, this resolution forces 20 faculty reductions, the dismissal of 93 staff and 49 graduate students. You can argue that you open college doors by increasing Pell Grants, and yet those students are going to find the doors of plant and animal science laboratories locked tight.

I urge a ''no'' vote on this CR.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POMEROY). All Members are reminded to address their comments to the Chair and not to others in the second person.

Ms. SLAUGHTER. Mr. Speaker, I yield 15 seconds to Mr. OBEY of Wisconsin.

Mr. OBEY. Mr. Speaker, you can't have it both ways. The previous two speakers claimed that there were earmarks in the bill. Now the gentleman is objecting because we eliminated agricultural earmarks. The fact is, those earmarks are very good things. I agree with the gentleman. But we promised we would eliminate all earmarks in this bill, and that is what we did, and I make no apology for it.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, rarely in the history of America has a Congress spent more money with less accountability than this Congress is doing today: $463 billion with 1, count it, 1 hour of accountability. One hour of general debate. Mr. Speaker, that is $7.7 billion per minute of the people's money that is being spent here today. Families all across America will spend more time deliberating over the purchase of a new dryer than we will spend in debating how we spend $463 billion of their hard-earned money.

Now, as the Democrats have taken over, Speaker PELOSI recently said, ''Democrats believe we must return to accountability by restoring fiscal discipline and eliminating deficit spending.''

This is fiscal discipline? This is accountability?

Mr. Speaker, if this becomes law, everybody's share of the national debt will go up from roughly $28,860 to $30,399.

This is cutting out deficit spending? This is accountability? This is fiscal responsibility?

Real fiscal responsibility would have been for the Rules Committee to allow for the amendment from the gentleman from California (Mr. CAMPBELL) to pass a true CR. That would have saved $6 billion.

We need to vote this rule down.

Ms. SLAUGHTER. Mr. Speaker, I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, today we are considering this Democrat joint resolution, which really is nothing more than a big old omnibus bill. It is a bill that uses what appears to be budget gimmicks and what appears to be some misleading rhetoric to mask their true passion, which is spending more of the taxpayer dollars on government programs. And we know government does not have a revenue problem. Government has a spending problem.

And despite their campaign promises, they are refusing to allow the House to discuss and vote on something that they advocated just last month, which would have been a true continuing resolution to restore fiscal responsibility and to pay down the deficit.

Now, as my colleague from Texas said, Representative CAMPBELL offered an amendment, which would have been a true CR. It would have spent $6.2 billion less. But they didn't want that. They wanted the omnibus. If they were committed to fiscal responsibility, they would join us in that CR. They would help pass PAUL RYAN's line item veto bill, and they would show what fiscal responsibility looks like. It is another action of the hold-onto-your-wallet Congress.

I urge my colleagues to oppose the bill.

Ms. SLAUGHTER. Mr. Speaker, I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, yesterday I was before the Rules Committee requesting permission to offer an amendment, and I appreciate the courtesy that was extended to me by the Rules Committee, but would like to highlight, once again, that this omnibus spending bill does not include something that is of high priority to me and a high priority to many of my colleagues on the Republican side, but clearly a priority to Democrats who, last fall, signed a discharge petition attempting to bring to the House floor the issue of disaster assistance for farmers across the country. And despite the fact that 196 Members of the House, Democrat Members of the House, signed a discharge petition, we are still not at the point in which we are able to vote upon providing disaster assistance to farmers across the Midwest and around the country due to weather-related losses.

And I would encourage my colleagues, as we continue to work ourselves through the appropriation process, that we have other opportunities to pursue this. And I hope that the words that were expressed to me yesterday in the Rules Committee that that would be the case remains true.

Ms. SLAUGHTER. Mr. Speaker, I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time is left?

The SPEAKER pro tempore. The gentleman from Washington has 30 seconds remaining. The gentlewoman from New York has 15 seconds remaining.

□ 1130

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I will be asking Members to vote ''no'' on the previous question so I can insert Mr. SESSIONS and Mr. WALDEN's amendment that was rejected in the committee. I ask unanimous consent to insert in the RECORD at the appropriate place the amendment that I will be asking my Members to consider if we defeat the previous question.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I want to make certain that everybody understands that the money we are operating under is the money that the Republicans voted last year to spend. We are under their spending levels, not ours, so the complaints ring hollow.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

Amendment in the nature of a substitute:

Strike all after the resolved clause and insert:

''That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H. J. Res. 20) making further continuing appropriations for the fiscal year 2007, and for other purposes. All points of order against the joint resolution and against its consideration are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; (2) the amendment in section 2 of this resolution if offered by Representative Walden of Oregon or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

''SEC. 2. The amendment referred to in section 1 is as follows:

Page 39, after line 24, insert the following:

''SEC. 20327. Of the uncosted balances available from funds appropriated under Section 130 of Division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199) under the heading 'Department of Energy, Energy Programs, Science', as amended by Section 315 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), for the Iowa Environmental and Education project in Coralville, Iowa, $44,569,000 is rescinded.''.

Page 87, line 6, strike ''$25,423,250,000'' and insert ''$25,467,819,000''.

At the end of chapter 5 of title II of the division B being added by section 2, add the following new section:

''SEC. 20522. (a) In addition to amounts otherwise appropriated or made available by this division, $400,000,000 is appropriated for the purpose of making payments for fiscal year 2007 under sections 102 and 103 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note). The Secretary of the Treasury shall use such funds to make such payments in lieu of using funds in the Treasury not otherwise appropriated, as otherwise authorized by sections 102(b)(3) and 103(b)(2) of such Act.

''(b) There is hereby rescinded an amount equal to .00086 percent of the budget authority provided (or obligation limit imposed) for fiscal year 2007 for any discretionary account pursuant to this division.''.

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

The Vote on the Previous Question: What It Really Means

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed in the following order:

H. Res. 59, by the yeas and nays;

H. Con. Res. 34, by the yeas and nays;

The previous question on H. Res. 116, by the yeas and nays;

Adoption of H. Res. 116, if ordered.

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

SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENGINEERS WEEK

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 59.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LIPINSKI) that the House suspend the rules and agree to the resolution, H. Res. 59, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 18, as follows:

[Roll No. 64]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor

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

NOT VOTING—18

Alexander
Buyer
Davis, Jo Ann
Farr
Fossella
Gilchrest
Hastert
Higgins
Hodes
King (NY)
Maloney (NY)
McDermott
Meek (FL)
Norwood
Oberstar
Paul
Reynolds
Rush

□ 1156

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE OF PERCY LAVON JULIAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 34.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 34, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 16, as follows:

[Roll No. 65]

YEAS—418

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

NOT VOTING—16

Alexander
Buyer
Davis, Jo Ann
Farr
Fossella
Gilchrest
Hastert
Higgins
King (NY)
Maloney (NY)
McDermott
Meek (FL)
Murphy (CT)
Norwood
Paul
Reynolds

□ 1207

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.J. RES. 20, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 116, on which the yeas and nays are ordered.

The Clerk read the title of the joint resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 192, not voting 16, as follows:

[Roll No. 66]

YEAS—227

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
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
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
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meehan
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
Simpson
Sires
Skelton
Slaughter
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
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

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

NOT VOTING—16

Alexander
Buyer
Davis, Jo Ann
Farr
Fossella
Gilchrest
Hastert
Higgins
Hobson
King (NY)
Maloney (NY)
McDermott
Meek (FL)
Norwood
Paul
Reynolds

□ 1216

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Ms. SLAUGHTER. 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 225, noes 191, not voting 19, as follows:

[Roll No. 67]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
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
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meehan
Meeks (NY)
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
Simpson
Sires
Skelton
Slaughter
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
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—191

Aderholt
Akin
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, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
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)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Alexander
Buyer
Davis (AL)
Davis, Jo Ann
Farr
Fossella
Gilchrest
Hastert
Higgins
King (NY)
Maloney (NY)
McDermott
McHugh
Meek (FL)
Melancon
Norwood
Paul
Pickering
Reynolds

□ 1225

Mr. BAKER changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS AS CONGRESSIONAL ADVISERS ON TRADE POLICY AND NEGOTIATIONS

The SPEAKER pro tempore. Pursuant to section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House as congressional advisers on trade policy and negotiations:

Mr. RANGEL, New York
Mr. LEVIN, Michigan
Mr. TANNER, Tennessee
Mr. MCCRERY, Louisiana
Mr. HERGER, California

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CHARLES B. RANGEL, Chairman, Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 17, 2007.

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

DEAR MADAM SPEAKER, I am forwarding to you the Committee's recommendations for certain positions for the 110th Congress.

First, pursuant to Section 8002 of the Internal Revenue Code of 1986, the Committee designated the following Members to serve on the Joint Committee on Taxation: Mr. Rangel, Mr. Stark, Mr. Levin, Mr. McCrery, Mr. Herger.

Second, pursuant to Section 161 of the Trade Act of 1974, the Committee recommended the following Members to serve as official advisors for international conference meetings and negotiating sessions on trade agreements: Mr. Rangel, Mr. Levin, Mr. Tanner, Mr. McCrery, Mr. Herger.

Third, pursuant to House Rule X, Clause 5 (2)(A)(i), the Committee designated the following Members to serve on the Committee on the Budget: Mr. Becerra, Mr. Doggett, Mr. Blumenauer, Mr. Tiberi, Mr. Porter.

Best regards,

CHARLES B. RANGEL,
Chairman.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 116, I call up the joint resolution (H.J. Res. 20) making further continuing appropriations for the fiscal year 2007, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 20

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "Revised Continuing Appropriations Resolution, 2007".

SEC. 2. The Continuing Appropriations Resolution, 2007 (Public Law 109–289, division B), as amended by Public Laws 109–369 and 109–383, is amended to read as follows:

"DIVISION B—CONTINUING APPROPRIATIONS RESOLUTION, 2007

"The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2007, and for other purposes, namely:

"TITLE I—FULL-YEAR CONTINUING APPROPRIATIONS

"SEC. 101. (a) Such amounts as may be necessary, at the level specified in subsection (c) and under the authority and conditions provided in the applicable appropriations Act for fiscal year 2006, for projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise provided for and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

"(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006.

"(2) The Energy and Water Development Appropriations Act, 2006.

"(3) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006.

"(4) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006.

"(5) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006.

"(6) The Legislative Branch Appropriations Act, 2006.

"(7) The Military Quality of Life and Veterans Affairs Appropriations Act, 2006.

"(8) The Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006.

"(9) The Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006.

"(b) For purposes of this division, the term 'level' means an amount.

"(c) The level referred to in subsection (a) shall be the amounts appropriated in the appropriations Acts referred to in such subsection, including transfers and obligation limitations, except that—

"(1) such level shall not include any amount designated as an emergency requirement, or to be for overseas contingency operations, pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006; and

"(2) such level shall be calculated without regard to any rescission or cancellation of funds or contract authority, other than—

"(A) the 1 percent government-wide rescission made by section 3801 of division B of Public Law 109–148;

"(B) the 0.476 percent across-the-board rescission made by section 439 of Public Law 109–54, relating to the Department of the Interior, environment, and related agencies; and

"(C) the 0.28 percent across-the-board rescission made by section 638 of Public Law 109–108, relating to Science, State, Justice, Commerce, and related agencies.

"SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

"SEC. 103. Appropriations provided by this division that, in the applicable appropriations Act for fiscal year 2006, carried a multiple-year or no-year period of availability shall retain a comparable period of availability.

"SEC. 104. Except as otherwise expressly provided in this division, the requirements, authorities, conditions, limitations, and other provisions of the appropriations Acts referred to in section 101(a) shall continue in effect through the date specified in section 106.

"SEC. 105. No appropriation or funds made available or authority granted pursuant to

section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were specifically prohibited during fiscal year 2006.

''SEC. 106. Unless otherwise provided for in this division or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this division shall be available through September 30, 2007.

''SEC. 107. Expenditures made pursuant to this division prior to the enactment of the Revised Continuing Appropriations Resolution, 2007, shall be charged to the applicable appropriation, fund, or authorization provided by this division (or the applicable regular appropriations Act for fiscal year 2007) as in effect following such enactment.

''SEC. 108. Funds appropriated by this division may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

''SEC. 109. With respect to any discretionary account for which advance appropriations were provided for fiscal year 2007 or 2008 in an appropriations Act for fiscal year 2006, the levels established by section 101 shall include advance appropriations in the same amount for fiscal year 2008 or 2009, respectively, with a comparable period of availability.

''SEC. 110. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2006, and for activities under the Food Stamp Act of 1977, the levels established by section 101 shall be the amounts necessary to maintain program levels under current law.

''(b) In addition to the amounts otherwise provided by section 101, the following amounts shall be available for the following accounts for advance payments for the first quarter of fiscal year 2008:

''(1) 'Department of Labor, Employment Standards Administration, Special Benefits for Disabled Coal Miners', for benefit payments under title IV of the Federal Mine Safety and Health Act of 1977, $68,000,000, to remain available until expended.

''(2) 'Department of Health and Human Services, Centers for Medicare and Medicaid Services, Grants to States for Medicaid', for payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act, $65,257,617,000, to remain available until expended.

''(3) 'Department of Health and Human Services, Administration for Children and Families, Payments to States for Child Support Enforcement and Family Support Programs', for payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $1,000,000,000, to remain available until expended.

''(4) 'Department of Health and Human Services, Administration for Children and Families, Payments to States for Foster Care and Adoption Assistance', for payments to States or other non-Federal entities under title IV–E of the Social Security Act, $1,810,000,000.

''(5) 'Social Security Administration, Supplemental Security Income Program', for benefit payments under title XVI of the Social Security Act, $16,810,000,000, to remain available until expended.

''SEC. 111. (a)(1) In addition to any amounts otherwise provided by this division, such sums as may be necessary are hereby appropriated to fund, for covered employees under a statutory pay system (as defined by section 5302 of title 5, United States Code), 50 percent of any increase in rates of pay which became effective under sections 5303 through 5304a of such title 5 in January 2007.

''(2)(A) In addition to any amounts otherwise provided by this division, such sums as may be necessary are hereby appropriated to provide the amount which would be necessary to fund, for covered employees not described in paragraph (1), 50 percent of the cost of an increase in rates of pay, calculated as if such employees were covered by paragraph (1) and as if such increase had been made on the first day of the first pay period beginning in January 2007 based on the rates that were in effect for such employees as of the day before such first day.

''(B) Subparagraph (A) is intended only to provide funding for pay increases for covered employees not described in paragraph (1). Nothing in subparagraph (A) shall be considered to modify, supersede, or render inapplicable the provisions of law in accordance with which the size or timing of any pay increase actually provided with respect to such employees is determined.

''(b) Appropriations under this section shall include funding for pay periods beginning on or after January 1, 2007, and the pay costs covered by this appropriation shall include 50 percent of the increases in agency contributions for employee benefits resulting from the pay increases described in subsection (a).

''(c) For purposes of this section, the term 'covered employees' means employees whose pay is funded in whole or in part (including on a reimbursable basis) by any account for which funds are provided by this division (other than by chapters 2 and 11 of title II of this division) after October 4, 2006.

''SEC. 112. Any language specifying an earmark in a committee report or statement of managers accompanying an appropriations Act for fiscal year 2006 shall have no legal effect with respect to funds appropriated by this division.

''SEC. 113. Within 30 days of the enactment of this section, each of the following departments and agencies shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending, expenditure, or operating plan for fiscal year 2007 at a level of detail below the account level:

''(1) Department of Agriculture.

''(2) Department of Commerce, including the United States Patent and Trademark Office.

''(3) Department of Defense, with respect to military construction, family housing, the Department of Defense Base Closure accounts, and 'Defense Health Program'.

''(4) Department of Education.

''(5) Department of Energy.

''(6) Department of Health and Human Services.

''(7) Department of Housing and Urban Development.

''(8) Department of the Interior.

''(9) Department of Justice.

''(10) Department of Labor.

''(11) Department of State and United States Agency for International Development.

''(12) Department of Transportation.

''(13) Department of the Treasury.

''(14) Department of Veterans Affairs, including 'Construction, Major Projects'.

''(15) National Aeronautics and Space Administration.

''(16) National Science Foundation.

''(17) The Judiciary.

''(18) Office of National Drug Control Policy.

''(19) General Services Administration.

''(20) Office of Personnel Management.

''(21) National Archives and Records Administration.

''(22) Environmental Protection Agency.

''(23) Indian Health Service.

''(24) Smithsonian Institution.

''(25) Social Security Administration.

''(26) Corporation for National and Community Service.

''(27) Corporation for Public Broadcasting.

''(28) Food and Drug Administration.

''SEC. 114. Within 15 days after the enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate—

''(1) a report specifying, by account, the amounts provided by this division for executive branch departments and agencies; and

''(2) a report specifying, by account, the amounts provided by section 111 for executive branch departments and agencies.

''SEC. 115. Notwithstanding any other provision of this division and notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31), the percentage adjustment scheduled to take effect under such section for 2007 shall not take effect.

''TITLE II—ELIMINATION OF EARMARKS, ADJUSTMENTS IN FUNDING, AND OTHER PROVISIONS

''CHAPTER 1—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

''SEC. 20101. Notwithstanding section 101, the level for each of the following accounts for Agricultural Programs of the Department of Agriculture shall be as follows: 'Common Computing Environment', $107,971,000; 'Economic Research Service', $74,825,000; 'National Agricultural Statistics Service', $146,543,000, of which up to $36,074,000 shall be available until expended for the Census of Agriculture; 'Agricultural Research Service, Buildings and Facilities', $0; 'Cooperative State Research, Education, and Extension Service, Research and Education Activities', $671,224,000; 'Cooperative State Research, Education, and Extension Service, Extension Activities', $450,252,000; 'Animal and Plant Health Inspection Service, Salaries and Expenses', $841,970,000; 'Agricultural Marketing Service, Payments to States and Possessions', $1,334,000; 'Grain Inspection, Packers and Stockyards Administration, Salaries and Expenses', $37,564,000; 'Food Safety and Inspection Service', $886,982,000; and 'Farm Service Agency, Salaries and Expenses', $1,028,700,000.

''SEC. 20102. The amounts included under the heading 'Cooperative State Research, Education, and Extension Service, Research and Education Activities' in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97) shall be applied to funds appropriated by this division as follows: by substituting '$322,597,000' for '$178,757,000'; by substituting '$30,008,000' for '$22,230,000'; by substituting 'for payments to eligible institutions (7 U.S.C. 3222), $40,680,000' for 'for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), $37,591,000'; by substituting '$0' for '$128,223,000'; by substituting 'competitive grants for agricultural research on improved pest control' for 'special grants for agricultural research on improved pest control'; by substituting '$190,229,000' for '$183,000,000'; by substituting '$1,544,000' for '$1,039,000'; by substituting 'competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242' for 'noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C.

3242'; by substituting 'to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $12,375,000' for 'to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee and West Virginia State University, $12,312,000'; by substituting '$3,342,000' for '$2,250,000'; by substituting '$10,083,000' for '$50,471,000'; by substituting '$2,561,000' for '$2,587,000'; and by substituting '$2,030,000' for '$2,051,000'.

''SEC. 20103. The amounts included under the heading 'Cooperative State Research, Education, and Extension Service, Extension Activities' in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 shall be applied to funds appropriated by this division as follows: by substituting '$285,565,000' for '$275,730,000'; by substituting '$3,321,000' for '$3,273,000'; by substituting '$63,538,000' for '$62,634,000'; by substituting 'at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $16,777,000' for 'at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $16,777,000'; by substituting '$3,000,000' for '$1,196,000'; by substituting 'payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $35,205,000' for 'payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State University, $33,868,000'; and by substituting '$6,922,000' for '$25,390,000'.

''SEC. 20104. Notwithstanding section 101, the level for each of the following accounts for Conservation Programs of the Department of Agriculture shall be as follows: 'Natural Resources Conservation Service, Conservation Operations', $759,124,000; and 'Natural Resources Conservation Service, Watershed and Flood Prevention Operations', $0.

''SEC. 20105. Notwithstanding section 101, the level for each of the following accounts for Rural Development Programs of the Department of Agriculture shall be as follows: 'Rural Development Salaries and Expenses', $160,349,000; 'Rural Business-Cooperative Service, Rural Cooperative Development Grants', $26,718,000; and 'Rural Utilities Service, Rural Telephone Bank Program Account', $0.

''SEC. 20106. Notwithstanding section 101, the level for 'Rural Housing Service, Rental Assistance Program' shall be $616,020,000, to remain available through September 30, 2008, and the second and third provisos under such heading shall not apply to funds appropriated by this division. Using funds available in such account, the Secretary of Agriculture may enter into or renew contracts under section 521(a)(2) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(2)) for two years. Any unexpended balances remaining at the end of such two-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of such Act (42 U.S.C. 1471 et seq.).

''SEC. 20107. Notwithstanding section 101, the level for 'Food and Nutrition Service, Child Nutrition Programs' shall be $13,345,487,000, of which $7,614,414,000 is appropriated funds and $5,731,073,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

''SEC. 20108. Notwithstanding section 101, the level for each of the following accounts for Foreign Assistance and Related Programs of the Department of Agriculture shall be as follows: 'Foreign Agricultural Service, Salaries and Expenses', $155,422,000; 'Foreign Agricultural Service, Public Law 480 Title I Ocean Freight Differential Grants', $0; and 'Foreign Agricultural Service, Public Law 480 Title II Grants', $1,214,711,000.

''SEC. 20109. Notwithstanding section 101, the level for 'Food and Drug Administration, Salaries and Expenses' shall be $1,965,207,000, of which $352,200,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2008 but collected in fiscal year 2007, $43,726,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j and shall be credited to this account and remain available until expended, and $11,604,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j and shall be credited to this account and remain available until expended: *Provided*, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2007, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2007 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $453,180,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $567,594,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which not less than $34,900,000 shall be for the Office of Generic Drugs; (3) $209,180,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $103,544,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $253,710,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $41,751,000 shall be for the National Center for Toxicological Research; (7) $68,609,000 shall be for Rent and Related activities, of which $25,552,000 is for relocation expenses, other than the amounts paid to the General Services Administration for rent; (8) $146,013,000 shall be for payments to the General Services Administration for rent; and (9) $121,626,000 shall be for other activities, including the Office of the Commissioner, the Office of Management, the Office of External Relations, the Office of Policy and Planning, and central services for these offices.

''SEC. 20110. Notwithstanding section 101, the level for 'Food and Drug Administration, Buildings and Facilities' shall be $4,950,000.

''SEC. 20111. Notwithstanding any other provision of this division, the following provisions included in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 shall not apply to funds appropriated by this division: the last proviso under the heading 'Common Computing Environment'; the provisos under the heading 'Economic Research Service'; the third, fourth, sixth, and eighth through twelfth provisos under the heading 'Agricultural Research Service, Salaries and Expenses'; the set-aside of funds under the heading 'Agricultural Marketing Service, Payments to States and Possessions'; the set-aside of $753,252,000 under the heading 'Food Safety and Inspection Service' and the first three provisos under such heading; the first proviso under the heading 'Natural Resources Conservation Service, Resource Conservation and Development'; the set-aside of $5,600,000 in the seventh proviso under the heading 'Rural Development Programs, Rural Community Advancement Program'; the first proviso under the heading 'Rural Development Salaries and Expenses'; the second proviso in the second paragraph under the heading 'Rural Housing Service, Rural Housing Insurance Fund Program Account'; the last paragraph under the heading 'Rural Business-Cooperative Service, Rural Economic Development Loans Program Account'; the set-aside of $2,500,000 under the heading 'Rural Business-Cooperative Service, Rural Cooperative Development Grants'; the proviso under the heading 'Rural Business-Cooperative Service, Rural Empowerment Zones and Enterprise Communities Grants'; the last paragraph under the heading 'Rural Utilities Service, Rural Telephone Bank Program Account'; the second proviso under the heading 'Food and Nutrition Service, Food Stamp Program'; the first paragraph, including the proviso in such paragraph, under the heading 'Foreign Agricultural Service, Public Law 480 Title I Direct Credit and Food for Progress Program Account'; and the first four provisos under the heading 'Food and Drug Administration, Salaries and Expenses'.

''SEC. 20112. The following provisions of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 shall be applied to funds appropriated by this division by substituting '2007' and '2008' for '2006' and '2007', respectively, each place they appear: the second paragraph under the heading 'Animal and Plant Health Inspection Service, Salaries and Expenses'; the availability of funds clause under the heading 'Natural Resources Conservation Service, Conservation Operations'; the eighth proviso under the heading 'Rural Development Programs, Rural Community Advancement Program'; the first proviso in the second paragraph under the heading 'Rural Housing Service, Rural Housing Insurance Fund Program Account'; the proviso under the heading 'Rural Housing Service, Mutual and Self-Help Housing Grants'; the fourth proviso under the heading 'Rural Housing Service, Rural Housing Assistance Grants'; the three availability of funds clauses under the heading 'Rural Business-Cooperative Service, Rural Development Loan Fund Program Account'; the second proviso under the heading 'Food and Nutrition Service, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'; section 719; section 734; and section 738.

''SEC. 20113. Section 704 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 shall be applied to the funds appropriated by this division by substituting 'avian influenza programs' for 'low pathogen avian influenza program'.

''SEC. 20114. The following sections of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 shall be applied to funds appropriated by this division by substituting $0 for the following dollar amounts: section 721, $2,500,000; section 723, $1,250,000; section 755, $1,000,000; section 764, $650,000; section 766, $200,000; section 767, $2,250,000; section 779, $6,000,000; section 790, $140,000, $400,000, $200,000, $500,000, and $350,000; and section 791, $1,000,000.

''SEC. 20115. The following sections of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 shall not apply for fiscal year 2007: section 726; paragraphs (1) and (2) of section 754; section 768; section 785; and section 789.

''SEC. 20116. The following sections of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 authorized or required certain actions by the Secretary of Agriculture that have been performed before the date of the enactment of this division and need not reoccur: section 761; section 770; section 782; and section 783.

''SEC. 20117. Of the unobligated balances under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), $37,601,000 is rescinded.

''SEC. 20118. Of the unobligated balances of funds provided pursuant to section 16(h)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)(A)), $11,200,000 is rescinded.

''SEC. 20119. Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 940c), $74,000,000 shall not be obligated and $74,000,000 is rescinded.

''SEC. 20120. In addition to amounts otherwise appropriated or made available by this division, $31,000,000 is appropriated to the Secretary of Agriculture for the costs of loan and loan guarantees under the Rural Development Mission Area to ensure that the fiscal year 2006 program levels for such loan and loan guarantee programs are maintained for fiscal year 2007. The Secretary may transfer funds, to the extent practicable, among loan and loan guarantee programs within the Rural Development Mission Area to ensure that the fiscal year 2006 program levels for such programs and activities are maintained during fiscal year 2007.

''SEC. 20121. For the programs and activities administered by the Secretary of Agriculture under the Farm Service Agency, Agricultural Credit Insurance Fund, the Secretary may transfer funds made available by this division among programs and activities within such Fund: *Provided*, That the fiscal year 2006 program levels for such programs and activities are at least maintained.

''SEC. 20122. With respect to any loan or loan guarantee program administered by the Secretary of Agriculture that has a negative credit subsidy score for fiscal year 2007, the program level for the loan or loan guarantee program, for the purposes of the Federal Credit Reform Act of 1990, shall be the program level established pursuant to such Act for fiscal year 2006.

''SEC. 20123. The Secretary of Agriculture shall continue the Water and Waste Systems Direct Loan Program and the loan guarantee programs of the Agricultural Credit Insurance Fund under the authority and conditions (including the borrower's interest rate and fees as of September 1, 2006) provided by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006.

''SEC. 20124. Of the appropriations available for payments for the nutrition and family education program for low-income areas under section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)), if the payment allocation pursuant to section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)) would be less than $100,000 for any institution eligible under section 3(d)(2) of the Smith-Lever Act, the Secretary of Agriculture shall adjust payment allocations under section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to ensure that each institution receives a payment of not less than $100,000.

''CHAPTER 2—DEPARTMENT OF DEFENSE

''SEC. 20201. For purposes of title I, the appropriations Acts listed in section 101(a) shall be deemed to include the Department of Defense Appropriations Act, 2006 for purposes of activities of the Department of Defense under the 'Environmental Restoration' accounts.

''SEC. 20202. In addition to amounts otherwise provided in this division or any other Act, amounts are appropriated for certain military activities of the Department of Defense for the fiscal year ending September 30, 2007, as follows:

''(1) For an additional amount for 'Military Personnel, Army', $3,902,556,000, to be available for the basic allowance for housing for members of the Army on active duty.

''(2) For an additional amount for 'Military Personnel, Navy', $3,726,778,000, to be available for the basic allowance for housing for members of the Navy on active duty.

''(3) For an additional amount for 'Military Personnel, Marine Corps', $1,241,965,000, to be available for the basic allowance for housing for members of the Marine Corps on active duty.

''(4) For an additional amount for 'Military Personnel, Air Force', $3,278,835,000, to be available for the basic allowance for housing for members of the Air Force on active duty.

''(5) For an additional amount for 'Reserve Personnel, Army', $321,642,000, to be available for the basic allowance for housing for members of the Army Reserve on active duty.

''(6) For an additional amount for 'Reserve Personnel, Navy', $204,115,000, to be available for the basic allowance for housing for members of the Navy Reserve on active duty.

''(7) For an additional amount for 'Reserve Personnel, Marine Corps', $43,082,000, to be available for the basic allowance for housing for members of the Marine Corps Reserve on active duty.

''(8) For an additional amount for 'Reserve Personnel, Air Force', $76,218,000, to be available for the basic allowance for housing for members of the Air Force Reserve on active duty.

''(9) For an additional amount for 'National Guard Personnel, Army', $457,226,000, to be available for the basic allowance for housing for members of the Army National Guard on active duty.

''(10) For an additional amount for 'National Guard Personnel, Air Force', $258,000,000, to be available for the basic allowance for housing for members of the Air National Guard on active duty.

''(11) For an additional amount for 'Operation and Maintenance, Army', $1,810,774,000, to be available for facilities sustainment, restoration and modernization.

''(12) For an additional amount for 'Operation and Maintenance, Navy', $1,202,313,000, to be available for facilities sustainment, restoration and modernization.

''(13) For an additional amount for 'Operation and Maintenance, Marine Corps', $473,141,000, to be available for facilities sustainment, restoration and modernization.

''(14) For an additional amount for 'Operation and Maintenance, Air Force', $1,684,019,000, to be available for facilities sustainment, restoration and modernization.

''(15) For an additional amount for 'Operation and Maintenance, Defense-Wide', $86,386,000, to be available for facilities sustainment, restoration and modernization.

''(16) For an additional amount for 'Operation and Maintenance, Army Reserve', $202,326,000, to be available for facilities sustainment, restoration and modernization.

''(17) For an additional amount for 'Operation and Maintenance, Navy Reserve', $52,136,000, to be available for facilities sustainment, restoration and modernization.

''(18) For an additional amount for 'Operation and Maintenance, Marine Corps Reserve', $10,004,000, to be available for facilities sustainment, restoration and modernization.

''(19) For an additional amount for 'Operation and Maintenance, Air Force Reserve', $53,850,000, to be available for facilities sustainment, restoration and modernization.

''(20) For an additional amount for 'Operation and Maintenance, Army National Guard', $387,579,000, to be available for facilities sustainment, restoration and modernization.

''(21) For an additional amount for 'Operation and Maintenance, Air National Guard', $177,993,000, to be available for facilities sustainment, restoration and modernization.

''SEC. 20203. Notwithstanding any other provision of law or of this division, amounts are appropriated for the Defense Health Program of the Department of Defense, as follows:

''(1) For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $21,217,000,000, of which $20,494,000,000 shall be for Operation and Maintenance, of which not to exceed 2 percent shall remain available until September 30, 2008, and of which up to $10,887,784,000 may be available for contracts entered into under the TRICARE program; of which $375,000,000, to remain available for obligation until September 30, 2009, shall be for Procurement; and of which $348,000,000, to remain available for obligation until September 30, 2008, shall be for Research, Development, Test and Evaluation.

''(2) Of the amount made available in this section for Research, Development, Test and Evaluation, $217,500,000 shall be made available only for peer reviewed cancer research activities, of which $127,500,000 shall be for breast cancer research activities; of which $10,000,000 shall be for ovarian cancer research activities; and of which $80,000,000 shall be for prostate cancer research activities.

''(3) Amounts made available in this section are subject to the terms and conditions set forth in the Department of Defense Appropriations Act, 2007 (Public Law 109–289).

''CHAPTER 3—ENERGY AND WATER DEVELOPMENT

''SEC. 20301. Notwithstanding section 101, the level for each of the following accounts shall be as follows: 'Corps of Engineers, Construction', $2,334,440,000; and 'Corps of Engineers, General Expenses', $166,300,000.

''SEC. 20302. The limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2007 to any project that received funds provided in this division.

''SEC. 20303. All of the provisos under the heading 'Corps of Engineers—Civil, Department of Army, Investigations' in Public Law 109–103 shall not apply to funds appropriated by this division.

''SEC. 20304. All of the provisos under the heading 'Corps of Engineers—Civil, Department of Army, Construction' in Public Law 109–103 shall not apply to funds appropriated by this division.

''SEC. 20305. All of the provisos under the heading 'Corps of Engineers—Civil, Department of Army, Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee' in Public Law 109–103 shall not apply to funds appropriated by this division.

''SEC. 20306. All of the provisos under the heading 'Corps of Engineers—Civil, Department of Army, Operation and Maintenance' in Public Law 109–103 shall not apply to funds appropriated by this division.

''SEC. 20307. The last proviso under the heading 'Corps of Engineers—Civil, Department of Army, General Expenses' in Public

Law 109–103 shall not apply to funds appropriated by this division.

''SEC. 20308. Section 135 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103) shall not apply to funds appropriated by this division.

''SEC. 20309. The last proviso under the heading 'Department of the Interior, Bureau of Reclamation, Water and Related Resources' in Public Law 109–103 shall not apply to funds appropriated by this division.

''SEC. 20310. The last proviso under the heading 'Department of the Interior, Bureau of Reclamation, California Bay-Delta Restoration' in Public Law 109–103 shall not apply to funds appropriated by this division.

''SEC. 20311. Section 208 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103) shall not apply to funds appropriated by this division.

''SEC. 20312. Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note) is amended—

''(1) in subsection (a) by striking '2006' and inserting '2011'; and

''(2) in subsection (b) by striking '2006' and inserting '2011'.

''SEC. 20313. Notwithstanding section 101, the level for each of the following accounts shall be as follows: 'Department of Energy, Elk Hills School Lands Fund', $0; 'Department of Energy, Northeast Home Heating Oil Reserve', $5,000,000; 'Department of Energy, Energy Information Administration', $90,314,000; 'Department of Energy, Science', $3,796,393,000; 'Department of Energy, Nuclear Waste Disposal', $99,000,000; 'Department of Energy, National Nuclear Security Administration, Weapons Activities', $6,275,103,000; and 'Department of Energy, Defense Environmental Cleanup', $5,730,448,000.

''SEC. 20314. Notwithstanding section 101, the level for 'Department of Energy, Energy Supply and Conservation' shall be $2,153,627,000, of which not less than $1,473,844,000 shall be for Energy Efficiency and Renewable Energy Resources.

''SEC. 20315. Notwithstanding section 101, the level for salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $35,000, shall be $275,789,000, to remain available until expended, of which $43,075,000 shall be available for cyber-security activities and of which $7,000,000 shall be available for necessary administrative expenses of the loan guarantee program authorized in title XVII of the Energy Policy Act of 2005, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $123,000,000 in fiscal year 2007 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2007, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2007 appropriation from the general fund estimated at not more than $152,789,000.

''SEC. 20316. Notwithstanding section 101, the level for 'Department of Energy, National Nuclear Security Administration, Defense Nuclear Nonproliferation' shall be $1,683,339,000, of which $472,730,000 shall be for International Nuclear Material Protection and Cooperation and of which $115,495,000 shall be for Global Threat Reduction Initiative.

''SEC. 20317. Notwithstanding section 101, the level for necessary expenses of the Nuclear Regulatory Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses (not to exceed $15,000), and including purchase of promotional items for use in the recruitment of individuals for employment, shall be $813,300,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $45,700,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $659,055,000 in fiscal year 2007 shall be retained and used for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2007 so as to result in a final fiscal year 2007 appropriation estimated at not more than $154,245,000.

''SEC. 20318. The Secretary of Energy may not make available any of the funds provided by this division or previous appropriations Acts for construction activities for Project 99–D–143, mixed oxide fuel fabrication facility, Savannah River Site, South Carolina, until August 1, 2007.

''SEC. 20319. Section 302 of Public Law 102–377 is repealed.

''SEC. 20320. (a) Notwithstanding section 101, subject to the Federal Credit Reform Act of 1990, as amended, commitments to guarantee loans under title XVII of the Energy Policy Act of 2005 shall not exceed a total principal amount, any part of which is to be guaranteed, of $4,000,000,000: *Provided*, That there are appropriated for the cost of the guaranteed loans such sums as are hereafter derived from amounts received from borrowers pursuant to section 1702(b)(2) of that Act, to remain available until expended: *Provided further*, That the source of payments received from borrowers for the subsidy cost shall not be a loan or other debt obligation that is made or guaranteed by the Federal government. In addition, fees collected pursuant to section 1702(h) in fiscal year 2007 shall be credited as offsetting collections to the Departmental Administration account for administrative expenses of the Loan Guarantee Program: *Provided further*, That the sum appropriated for administrative expenses for the Loan Guarantee Program shall be reduced by the amount of fees received during fiscal year 2007: *Provided further*, That any fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

''(b) No loan guarantees may be awarded under title XVII of the Energy Policy Act of 2005 until final regulations are issued that include—

''(1) programmatic, technical, and financial factors the Secretary will use to select projects for loan guarantees;

''(2) policies and procedures for selecting and monitoring lenders and loan performance; and

''(3) any other policies, procedures, or information necessary to implement title XVII of the Energy Policy Act of 2005.

''(c) The Secretary of Energy shall enter into an arrangement with an independent auditor for annual evaluations of the program under title XVII of the Energy Policy Act of 2005. In addition to the independent audit, the Comptroller General shall conduct an annual review of the Department's execution of the program under title XVII of the Energy Policy Act of 2005. The results of the independent audit and the Comptroller General's review shall be provided directly to the Committees on Appropriations of the House of Representatives and the Senate.

''(d) The Secretary of Energy shall promulgate final regulations for loan guarantees under title XVII of the Energy Policy Act of 2005 within 6 months of enactment of this division.

''(e) Not later than 120 days after the date of enactment of this division, and annually thereafter, the Secretary of Energy shall transmit to the Committees on Appropriations of the House of Representatives and the Senate a report containing a summary of all activities under title XVII of the Energy Policy Act of 2005, beginning in fiscal year 2007, with a listing of responses to loan guarantee solicitations under such title, describing the technologies, amount of loan guarantee sought, and the applicants' assessment of risk.

''SEC. 20321. For fiscal year 2007, except as otherwise provided by law in effect as of the date of enactment of this division or unless a rate is specifically set by an Act of Congress thereafter, the Administrators of the Southeastern Power Administration, the Southwestern Power Administration, the Western Power Administration, shall use the 'yield' rate in computing interest during Construction and interest on the unpaid balance of the cost of Federal power facilities. The yield rate shall be defined as the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity.

''SEC. 20322. The second proviso under the heading 'Department of Energy, Energy Programs, Nuclear Waste Disposal' in title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103) shall not apply to funds appropriated by this division.

''SEC. 20323. The provisos under the heading 'Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities' in title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103) shall not apply to funds appropriated by this division.

''SEC. 20324. The second proviso under the heading 'Power Marketing Administrations, Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration' in title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103) shall not apply to funds appropriated by this division.

''SEC. 20325. Title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103) is amended by striking sections 310 and 312.

''SEC. 20326. Section 14704 of title 40, United States Code, is amended by striking 'October 1, 2006' and inserting 'October 1, 2007'.

''CHAPTER 4—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

''SEC. 20401. Notwithstanding section 101, the level for each of the following accounts shall be as follows: 'Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation', $26,382,000; 'Bilateral Economic Assistance, Funds Appropriated to the President, Other Bilateral Economic Assistance, Assistance for Eastern Europe and the Baltic States', $273,900,000; 'Bilateral Economic Assistance,

Funds Appropriated to the President, Other Bilateral Economic Assistance, Assistance for the Independent States of the Former Soviet Union', $452,000,000; 'Bilateral Economic Assistance, Department of State, Andean Counterdrug Initiative', $721,500,000; 'Bilateral Economic Assistance, Department of State, Migration and Refugee Assistance', $832,900,000; 'Bilateral Economic Assistance, Department of State, United States Emergency Refugee and Migration Assistance Fund', $55,000,000; 'Military Assistance, Funds Appropriated to the President, Foreign Military Financing Program', $4,550,800,000, of which not less than $2,340,000,000 shall be available for grants only for Israel and $1,300,000,000 shall be available for grants only for Egypt; and 'Military Assistance, Funds Appropriated to the President, Peacekeeping Operations', $223,250,000, of which not less than $50,000,000 should be provided for peacekeeping operations in Sudan: *Provided*, That the number in the third proviso under the heading 'Military Assistance, Funds Appropriated to the President, Foreign Military Financing Program' in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall be deemed to be $610,000,000 for the purpose of applying funds appropriated under such heading by this division.

''SEC. 20402. Notwithstanding section 101, the level for 'Bilateral Economic Assistance, Funds Appropriated to the President, Other Bilateral Economic Assistance, Economic Support Fund' shall be $2,455,010,000: *Provided*, That the number in the first proviso under the heading 'Other Bilateral Economic Assistance, Economic Support Fund' in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall be deemed to be $120,000,000 for the purpose of applying funds appropriated under such heading by this division: *Provided further*, That the number in the second proviso under the heading 'Other Bilateral Economic Assistance, Economic Support Fund' in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall be deemed to be $455,000,000 for the purpose of applying funds appropriated under such heading by this division: *Provided further*, That up to $50,000,000 shall be made available for assistance for the West Bank and Gaza and up to $50,000,000 shall be made available for the Middle East Partnership Initiative: *Provided further*, That not less than $5,000,000 shall be made available for the fund established by section 2108 of Public Law 109–13: *Provided further*, That the fourteenth and twentieth provisos under the heading 'Bilateral Economic Assistance, Funds Appropriated to the President, Other Bilateral Economic Assistance, Economic Support Fund' in Public Law 109–102 shall not apply to funds made available under this division.

''SEC. 20403. Notwithstanding section 101, the level for each of the following accounts shall be as follows: 'Bilateral Economic Assistance, Department of State, Global HIV/AIDS Initiative', $3,246,500,000, of which $377,500,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25) for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria; and 'Bilateral Economic Assistance, Funds Appropriated to the President, United States Agency for International Development, Child Survival and Health Programs Fund', $1,718,150,000, of which $248,000,000 shall be made available for programs and activities to combat malaria.

''SEC. 20404. Notwithstanding section 101, the level for each of the following accounts shall be $0: 'Multilateral Economic Assistance, Funds Appropriated to the President, Contribution to the Multilateral Investment Guarantee Agency'; 'Multilateral Economic Assistance, Funds Appropriated to the President, Contribution to the Inter-American Investment Corporation'; and 'Multilateral Economic Assistance, Funds Appropriated to the President, Contribution to the European Bank for Reconstruction and Development'.

''SEC. 20405. (a) Of the unobligated balances available from funds appropriated under the heading 'Funds Appropriated to the President, International Financial Institutions, Contribution to the International Development Association' in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102), $31,350,000 is rescinded.

''(b) Of the unobligated balances available from funds appropriated under the heading 'Bilateral Economic Assistance, Funds Appropriated to the President, Other Bilateral Economic Assistance, Economic Support Fund', $200,000,000 is rescinded: *Provided*, That such amounts shall be derived only from funds not yet expended for cash transfer assistance.

''SEC. 20406. Notwithstanding any other provision of this division, the eighth proviso under the heading 'Bilateral Economic Assistance, Funds Appropriated to the President, United States Agency for International Development, Development Assistance' in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall not apply to funds appropriated by this division.

''SEC. 20407. Section 599D of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) is amended by striking 'certifies' and all that follows and inserting the following: 'reports to the appropriate congressional committees on the extent to which the World Bank has completed the following:

'''(1) World Bank procurement guidelines have been applied to all procurement financed in whole or in part by a loan from the World Bank or a credit agreement or grant from the International Development Association (IDA).

'''(2) The World Bank proposal ''Increasing the Use of Country Systems in Procurement'' dated March 2005 has been withdrawn.

'''(3) The World Bank maintains a strong central procurement office staffed with senior experts who are designated to address commercial concerns, questions, and complaints regarding procurement procedures and payments under IDA and World Bank projects.

'''(4) Thresholds for international competitive bidding have been established to maximize international competitive bidding in accordance with sound procurement practices, including transparency, competition, and cost-effective results for the Borrowers.

'''(5) All tenders under the World Bank's national competitive bidding provisions are subject to the same advertisement requirements as tenders under international competitive bidding.

'''(6) Loan agreements between the World Bank and the Borrowers have been made public.'.

''SEC. 20408. Section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall be applied to funds made available under this division by substituting '$1,022,086,000' for the first dollar amount.

''SEC. 20409. Notwithstanding any other provision of this division, the following provisions in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall not apply to funds appropriated by this division: the proviso in subsection (a) under the heading 'Bilateral Economic Assistance, Funds Appropriated to the President, Other Bilateral Economic Assistance, Assistance for Eastern Europe and the Baltic States'; the eleventh proviso under the heading 'Bilateral Economic Assistance, Funds Appropriated to the President, United States Agency for International Development, Development Assistance'; the third proviso under the heading 'Bilateral Economic Assistance, Department of State, Migration and Refugee Assistance'; subsection (d) under the heading 'Bilateral Economic Assistance, Funds Appropriated to the President, Other Bilateral Economic Assistance, Assistance for the Independent States of the Former Soviet Union'; the fourth proviso of section 522; subsections (a) and (c) of section 554; and the first proviso of section 593.

''SEC. 20410. The Inter-American Development Bank Act (22 U.S.C. 283—283z–10) is amended by adding at the end the following:

'''SEC. 39. FIRST REPLENISHMENT OF THE RESOURCES OF THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND.

''''(a) CONTRIBUTION AUTHORITY.—

''''(1) IN GENERAL.—The Secretary of the Treasury may contribute on behalf of the United States $150,000,000 to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund.

''''(2) SUBJECT TO APPROPRIATIONS.—The authority provided by paragraph (1) may be exercised only to the extent and in the amounts provided for in advance in appropriations Acts.

''''(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the United States contribution authorized by subsection (a), there are authorized to be appropriated not more than $150,000,000, without fiscal year limitation, for payment by the Secretary of the Treasury.'.

''SEC. 20411. The authority provided by section 801(b)(1)(ii) of Public Law 106–429 shall apply to fiscal year 2007.

''SEC. 20412. (a) Notwithstanding any other provision of this division, section 534(m) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall not apply to funds and authorities provided under this division.

''(b) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

''(1) in section 599D (8 U.S.C. 1157 note)—

''(A) in subsection (b)(3), by striking 'and 2006' and inserting '2006, and 2007'; and

''(B) in subsection (e), by striking '2006' each place it appears and inserting '2007'; and

''(2) in section 599E (8 U.S.C. 1255 note), in subsection (b)(2), by striking '2006' and inserting '2007'.

''SEC. 20413. Notwithstanding section 653(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2413), the President shall transmit to Congress the report required under section 653(a) of that Act with respect to the provision of funds appropriated by this division: *Provided*, That such report shall include a comparison of amounts, by category of assistance, provided or intended to be provided from funds appropriated for fiscal years 2006 and 2007, for each country and international organization.

''SEC. 20414. The seventh proviso under the heading 'Bilateral Economic Assistance, Funds Appropriated to the President, United States Agency for International Development, Child Survival and Health Programs

Fund' of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall be applied to funds made available under this division by substituting 'The GAVI Fund' for 'The Vaccine Fund'.

''SEC. 20415. Section 501(i) of H.R. 3425, as enacted into law by section 1000(a)(5) of division B of Public Law 106–113 (appendix E, 113 Stat. 1501A–313), as amended by section 591(b) of division D of Public Law 108–447 (118 Stat. 3037), shall apply to fiscal year 2007.

''CHAPTER 5—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

''SEC. 20501. Notwithstanding section 101, the level for each of the following accounts shall be as follows: 'Bureau of Land Management, Management of Lands and Resources', $862,632,000; 'United States Fish and Wildlife Service, Resource Management', $1,009,037,000; 'National Park Service, Historic Preservation Fund', $55,663,000; 'United States Geological Survey, Surveys, Investigations, and Research', $977,675,000; and ''Environmental Protection Agency, Hazardous Substance Superfund'', $1,251,574,000.

''SEC. 20502. Notwithstanding section 101, the level for 'National Park Service, Operation of the National Park Service', shall be $1,758,415,000, of which not to exceed $5,000,000 may be transferred to the United States Park Police.

''SEC. 20503. Notwithstanding section 101, under 'National Park Service, Construction', the designations under Public Law 109–54 of specific amounts and sources of funding for modified water deliveries and the national historic landmark shall not apply.

''SEC. 20504. The contract authority provided for fiscal year 2007 under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–10a) is rescinded.

''SEC. 20505. Notwithstanding section 101, the level for 'Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians', shall be $42,000,000 for payments required for settlements approved by Congress or a court of competent jurisdiction.

''SEC. 20506. Notwithstanding section 101, the 'Minerals Management Service, Royalty and Offshore Minerals Management' shall credit an amount not to exceed $128,730,000 under the same terms and conditions of the credit to said account as in Public Law 109–54. To the extent $128,730,000 in addition to receipts are not realized from sources of receipts stated above, the amount needed to reach $128,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993.

''SEC. 20507. Notwithstanding section 101, within the amounts made available under 'Environmental Protection Agency, State and Tribal Assistance Grants', $1,083,817,000, shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended, and no funds shall be available for making special project grants for the construction of drinking water, wastewater, and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the mangers in Conference Report 109–188.

''SEC. 20508. Notwithstanding section 101, for 'Forest Service, State and Private Forestry', the $1,000,000 specified in the second proviso and the $1,500,000 specified in the third proviso in Public Law 109–54 are not required.

''SEC. 20509. Notwithstanding section 101, the level for 'Forest Service, National Forest System', shall be $1,445,646,000, except that the $5,000,000 specified as an additional regional allocation is not required.

''SEC. 20510. Notwithstanding section 101, the level for 'Forest Service, Wildland Fire Management', shall be $1,816,091,000 of which the allocation provided for fire suppression operations shall be $741,477,000; the allocation for hazardous fuels reduction shall be $298,828,000; and other funding allocations and terms and conditions shall follow Public Law 109–54.

''SEC. 20511. Notwithstanding section 101, of the level for 'Forest Service, Capital Improvement and Maintenance', the $3,000,000 specified in the third proviso is not required.

''SEC. 20512. Notwithstanding section 101, the level for 'Indian Health Service, Indian Health Services', shall be $2,817,099,000 and the $15,000,000 allocation of funding under the eleventh proviso shall not be required.

''SEC. 20513. Notwithstanding section 101, the level for 'Smithsonian Institution, Salaries and Expenses' shall be $533,218,000, except that current terms and conditions shall not be interpreted to require a specific grant for the Council of American Overseas Research Centers or for the reopening of the Patent Office Building.

''SEC. 20514. Notwithstanding section 101, no additional funding is made available by this division for fiscal year 2007 based on the terms of section 134 and section 437 of Public Law 109–54.

''SEC. 20515. Notwithstanding section 101, the level for 'Bureau of Indian Affairs, Operation of Indian Programs' shall be $1,984,190,000, of which not less than $75,477,000 is for post-secondary education programs.

''SEC. 20516. The rule referenced in section 126 of Public Law 109–54 shall continue in effect for the 2006–2007 winter use season.

''SEC. 20517. Section 123 of Public Law 109–54 is amended by striking '9' in the first sentence and inserting '10'.

''SEC. 20518. For fiscal year 2007, the Minerals Management Service may retain 3 percent of the amounts disbursed under section 31(b)(1) of the Coastal Impact Assistance Program, authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456(a)), for administrative costs, to remain available until expended.

''SEC. 20519. Of the funds made available in section 8098(b) of Public Law 108–287, to construct a wildfire management training facility, $7,400,000 shall be transferred not later than 15 days after the date of the enactment of the Continuing Appropriations Resolution, 2007, to the ''Forest Service, Wildland Fire Management'' account and shall be available for hazardous fuels reduction, hazard mitigation, and rehabilitation activities of the Forest Service.

''SEC. 20520. Section 337 of division E of Public Law 108–447 is amended by striking '2006' and inserting '2007'.

''SEC. 20521. No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management or for carrying out any activities associated with such right-of-way or similar approval.

''CHAPTER 6—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

''SEC. 20601. (a)(1) Notwithstanding section 101, the level for 'Employment and Training Administration, Training and Employment Services' shall be $2,670,730,000 plus reimbursements.

''(2) Of the amount provided in paragraph (1)—

''(A) $1,672,810,000 shall be available for obligation for the period July 1, 2007, through June 30, 2008, of which (i) $341,811,000 shall be for dislocated worker employment and training activities; (ii) $70,092,000 shall be for the dislocated workers assistance national reserve; (iii) $79,752,000 shall be for migrant and seasonal farmworkers, including $74,302,000 for formula grants, $4,950,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $500,000 for other discretionary purposes; (iv) $878,538,000 shall be for Job Corps operations; (v) $14,700,000 shall be for carrying out pilots, demonstrations, and research activities authorized by section 171(d) of the Workforce Investment Act of 1998; (vi) $49,104,000 shall be for Responsible Reintegration of Youthful Offenders; (vii) $4,921,000 shall be for Evaluation; and (viii) not less than $1,000,000 shall be for carrying out the Women in Apprenticeship and Nontraditional Occupations Act (29 U.S.C. 2501 et seq.);

''(B) $990,000,000 shall be available for obligation for the period April 1, 2007, through June 30, 2008, for youth activities, of which $49,500,000 shall be available for the Youthbuild Program; and

''(C) $7,920,000 shall be available for obligation for the period July 1, 2007, through June 30, 2010, for necessary expenses of construction, rehabilitation and acquisition of Job Corps centers.

''(3) The Secretary of Labor shall award the following grants on a competitive basis: (A) Community College Initiative grants or Community-Based Job Training Grants awarded from amounts provided for such purpose under section 109 of this division and under the Department of Labor Appropriations Act, 2006; and (B) grants for job training for employment in high growth industries awarded during fiscal year 2007 under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998.

''(4) None of the funds made available in this division or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.

''(b) Notwithstanding section 101, the level for 'Employment and Training Administration, Program Administration' shall be $116,702,000 (together with not to exceed $82,049,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund), of which $28,578,000 shall be for necessary expenses for the Office of Job Corps.

''(c) None of the funds made available in this division or under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 shall be used to reduce Job Corps total student training slots below 44,491 in program year 2006 or program year 2007.

''(d) Of the funds available under the heading 'Employment and Training Administration, Training and Employment Services' in the Department of Labor Appropriations Act, 2006 for the Responsible Reintegration of Youthful Offenders, $25,000,000 shall be used for grants to local educational agencies to discourage youth in high-crime urban areas from involvement in violent crime.

''(e) Notwithstanding section 101, the level for 'Employment and Training Administration, Community Service Employment for Older Americans' shall be $483,611,000.

''(f) Notwithstanding section 101, the level for administrative expenses of 'Employment

and Training Administration, State Unemployment Insurance and Employment Service Operations' shall be $106,252,000 (together with not to exceed $3,234,098,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund), of which $63,855,000 shall be available for one-stop career centers and labor market information activities. For purposes of this division, the first proviso under such heading in the Department of Labor Appropriations Act, 2006 shall be applied by substituting '2007' and '2,703,000' for '2006' and '2,800,000', respectively.

''SEC. 20602. Notwithstanding section 101, the level for 'Employee Benefits Security Administration, Salaries and Expenses' shall be $140,834,000, of which no less than $5,000,000 shall be for the development of an electronic Form 5500 filing system (EFAST2).

''SEC. 20603. Notwithstanding section 101, the level for 'Employment Standards Administration, Salaries and Expenses' shall be $416,308,000 (together with $2,028,000 which may be expended from the Special Fund in accordance with sections 39 (c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act).

''SEC. 20604. Notwithstanding section 101, the level for 'Occupational Safety and Health Administration, Salaries and Expenses' shall be $485,074,000, of which $7,500,000 shall be for continued development of the Occupational Safety and Health Information System, and of which $10,116,000 shall be for the Susan Harwood training grants program. Notwithstanding any other provision of this division, the fifth proviso under such heading in the Department of Labor Appropriations Act, 2006 shall not apply to funds apprpriated by this division.

''SEC. 20605. Notwithstanding section 101, the level for 'Mine Safety and Health Administration, Salaries and Expenses' shall be $299,836,000.

''SEC. 20606. Notwithstanding section 101, the level for 'Bureau of Labor Statistics, Salaries and Expenses' shall be $468,512,000 (together with not to exceed $77,067,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund).

''SEC. 20607. Notwithstanding section 101, the level for 'Departmental Management, Salaries and Expenses' shall be $297,272,000 (together with not to exceed $308,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund), of which $72,516,000 shall be for contracts, grants, or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including $60,390,000 for child labor activities, and of which not to exceed $6,875,000 may remain available until September 30, 2008, for Frances Perkins Building Security Enhancements.

''SEC. 20608. (a) Notwithstanding section 101, the level for 'Veterans Employment and Training, Salaries and Expenses' shall not exceed $193,753,000 which may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of sections 4100 through 4113, 4211 through 4215, and 4321 through 4327 of title 38, United States Code, and Public Law 103–353, of which $1,967,000 is for the National Veterans Employment and Training Services Institute.

''(b) Notwithstanding section 101, the level to carry out the Homeless Veterans Reintegration Programs and the Veterans Workforce Investment Programs shall be $29,244,000, of which $7,435,000 shall be available for obligation for the period July 1, 2007, through June 30, 2008.

''SEC. 20609. Notwithstanding section 101, the level for 'Office of the Inspector General' shall be $66,783,000 (together with not to exceed $5,552,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund).

''SEC. 20610. Section 193 of the Workforce Investment Act of 1998 (29 U.S.C. 2943) is amended to read as follows:

''SEC. 193. TRANSFER OF FEDERAL EQUITY IN STATE EMPLOYMENT SECURITY REAL PROPERTY TO THE STATES.

''(a) TRANSFER OF FEDERAL EQUITY.—Notwithstanding any other provision of law, any Federal equity acquired in real property through grants to States awarded under title III of the Social Security Act (42 U.S.C. 501 et seq.) or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) is transferred to the States that used the grants for the acquisition of such equity. The portion of any real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under this Act, the Wagner-Peyser Act (29 U.S.C. 49 et seq.), or title III of the Social Security Act (42 U.S.C. 501 et seq.). Any disposition of such real property shall be carried out in accordance with the procedures prescribed by the Secretary and the portion of the proceeds from the disposition of such real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under this Act, the Wagner-Peyser Act, or title III of the Social Security Act.

''(b) LIMITATION ON USE.—A State shall not use funds awarded under this Act, the Wagner-Peyser Act, or title III of the Social Security Act to amortize the costs of real property that is purchased by any State on or after the date of enactment of the Revised Continuing Appropriations Resolution, 2007.'.

''SEC. 20611. (a)(1) Notwithstanding section 101 or any other provision of this division, the level for 'Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services' shall be $6,883,586,000.

''(2) Of the amount provided in paragraph (1)—

''(A) $1,988,000,000 shall be for carrying out section 330 of the Public Health Service Act (42 U.S.C. 254b; relating to health centers), of which $25,000,000 shall be for base grant adjustments for existing health centers and $13,959,000 shall be for carrying out Public Law 100–579, as amended by section 9168 of Public Law 102–396 (42 U.S.C. 11701 et seq.);

''(B) $184,746,000 shall be for carrying out title VII of the Public Health Service Act (42 U.S.C. 292 et seq.; relating to health professions programs) of which (i) $31,548,000 shall be for carrying out section 753 of the Public Health Service Act (42 U.S.C. 294c; relating to geriatric programs); and (ii) $48,851,000 shall be for carrying out section 747 of the Public Health Service Act (42 U.S.C. 293k; relating to training in primary care medicine and dentistry), of which (I) not less than $5,000,000 shall be for pediatric dentistry programs; (II) not less than $5,000,000 shall be for general dentistry programs; and (III) not less than $24,614,000 shall be for family medicine programs;

''(C) $1,195,500,000 shall be for carrying out part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.; relating to Ryan White CARE Grants); and

''(D) $495,000,000 shall be transferred to 'Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund' to carry out sections 319C–2, 319F, and 319I of the Public Health Service Act (42 U.S.C. 247d–3b, 247d–6, 247d–7b; relating to hospital preparedness grants, bioterrorism training and curriculum development, and credentialing/emergency systems for advance registration of volunteer health professionals).

''(b) Notwithstanding any other provision of this division, the parenthetical preceding the first proviso under the heading 'Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services' in the Department of Health and Human Services Appropriations Act, 2006 shall not apply to funds appropriated by this division.

''(c) Amounts made available by this division to carry out parts A and B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.; relating to Ryan White Emergency Relief Grants and CARE Grants) shall remain available for obligation by the Secretary of Health and Human Services through September 30, 2009.

''(d) Any assets and liabilities associated with any program under section 319C-2, 319F, or 319I of the Public Health Service Act (42 U.S.C. 247d–3b, 247d–6, 247d–7b; relating to hospital preparedness grants, bioterrorism training and curriculum development, and credentialing/emergency systems for advance registration of volunteer health professionals) shall be permanently transferred to the Secretary of Health and Human Services.

''SEC. 20612. Notwithstanding section 101, the level for 'Department of Health and Human Services, Health Resources and Services Administration, Vaccine Injury Compensation Program Trust Fund', for necessary administrative expenses, shall not exceed $3,964,000.

''SEC. 20613. (a) Notwithstanding section 101, the level for 'Department of Health and Human Services, Centers for Disease Control and Prevention; Disease Control, Research, and Training' shall be $5,829,086,000, of which (1) $456,863,000 shall be for carrying out the immunization program authorized by section 317(a), (j), and (k)(1) of the Public Health Service Act (42 U.S.C. 247b(a), (j), and (k)(1)); (2) $99,000,000 shall be for carrying out part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.; relating to preventive health and health services block grants); and (3) $134,400,000 shall be for equipment, construction, and renovation of facilities.

''(b) None of the funds appropriated by this division may be used to (1) implement section 2625 of the Public Health Service Act (42 U.S.C. 300ff–33; relating to the Ryan White early diagnosis grant program); or (2) enter into contracts for annual bulk monovalent influenza vaccine.

''(c) Of the amounts made available in the Department of Health and Human Services Appropriations Act, 2006 for 'Department of Health and Human Services, Centers for Disease Control and Prevention; Disease Control, Research, and Training', $29,680,000 for entering into contracts for annual bulk monovalent influenza vaccine is rescinded.

''SEC. 20614. (a) Notwithstanding section 101, the levels for the following accounts of the Department of Health and Human Services, National Institutes of Health, shall be as follows: 'National Institute of Child Health and Human Development', $1,253,769,000; 'National Center for Research Resources', $1,133,101,000; 'National Center on Minority Health and Health Disparities', $199,405,000; 'National Library of Medicine', $319,910,000; and 'Office of the Director', $1,095,566,000, of which up to $14,000,000 may be used to carry out section 217 of the Department of Health and Human Services Appropriations Act, 2006, $69,000,000 shall be available to carry out the National Children's Study, and $483,000,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act.

''(b) The seventh, eighth, and ninth provisos under the heading 'Department of Health and Human Services, National Institutes of Health, Office of the Director' in the

Department of Health and Human Services Appropriations Act, 2006, pertaining to the National Institutes of Health Roadmap for Medical Research, shall not apply to funds appropriated by this division.

''(c) Funds appropriated by this division to the Institutes and Centers of the National Institutes of Health may be expended for improvements and repairs of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, not to exceed $2,500,000 per project.

''SEC. 20615. (a) Notwithstanding section 101, the level for 'Department of Health and Human Services, Centers for Medicare and Medicaid Services, Program Management' shall be $3,136,006,000, of which $15,892,000 shall be for Real Choice Systems Change Grants to States, $48,960,000 shall be for contract costs for the Healthcare Integrated General Ledger Accounting System, and $106,260,000 shall remain available until September 30, 2008, for contracting reform activities of the Centers for Medicare and Medicaid Services.

''(b) The Secretary of Health and Human Services shall charge fees necessary to cover the costs incurred under 'Department of Health and Human Services, Centers for Medicare and Medicaid Services, Program Management' for conducting revisit surveys on health care facilities cited for deficiencies during initial certification, recertification, or substantiated complaints surveys. Notwithstanding section 3302 of title 31, United States Code, receipts from such fees shall be credited to such account as offsetting collections, to remain available until expended for conducting such surveys.

''SEC. 20616. Notwithstanding any other provision of this division, the provision of the Department of Health and Human Services Appropriations Act, 2006, 'Department of Health and Human Services, Centers for Medicare and Medicaid Services, Health Maintenance Organization Loan and Loan Guarantee Fund', shall not apply to funds appropriated by this division.

''SEC. 20617. Notwithstanding section 101, the level for 'Department of Health and Human Services, Administration for Children and Families, Refugee and Entrant Assistance' shall be $587,823,000, of which $95,302,000 shall be for costs associated with the care and placement of unaccompanied alien children under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

''SEC. 20618. Notwithstanding any other provision of this division, the first proviso under the heading 'Department of Health and Human Services, Administration for Children and Families, Payments to States for the Child Care and Development Block Grant' in the Department of Health and Human Services Appropriations Act, 2006 may be applied to child care resource and referral and school-aged child care activities without regard to any specific designation therein.

''SEC. 20619. Notwithstanding section 101, the level for 'Department of Health and Human Services, Administration for Children and Families, Children and Families Services Programs' shall be $8,937,059,000, of which (1) $6,888,571,000 shall be for making payments under the Head Start Act; (2) $186,365,000 shall be for Federal administration; and (3) $5,000,000 shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act (42 U.S.C. 673b).

''SEC. 20620. Notwithstanding section 101, the level for 'Department of Health and Human Services, Administration on Aging, Aging Services Programs' shall be $1,382,859,000, of which $398,919,000 shall be for Congregate Nutrition Services and $188,305,000 shall be for Home-Delivered Nutrition Services.

''SEC. 20621. Notwithstanding section 101, the level for 'Department of Health and Human Services, Public Health and Social Services Emergency Fund' shall be $160,027,000, of which $100,000,000 shall be transferred within 30 days of enactment of the Revised Continuing Appropriations Resolution, 2007, to 'Department of Health and Human Services, Centers for Disease Control and Prevention; Disease Control, Research, and Training' for preparedness and response to pandemic influenza and other emerging infectious diseases.

''SEC. 20622. Notwithstanding section 208 of the Department of Health and Human Services Appropriations Act, 2006, not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) that are appropriated for the current fiscal year for the Department of Health and Human Services in this division may be transferred among appropriations, but no such appropriation to which such funds are transferred may be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this division: *Provided further*, That the Committees on Appropriations are notified at least 15 days in advance of any transfer.

''SEC. 20623. Section 214 of the Department of Health and Human Services Appropriations Act, 2006 shall be applied to funds appropriated by this division by substituting '2006' and '2007' for '2005' and '2006', respectively, each place they appear.

''SEC. 20624. Notwithstanding any other provision of this division, sections 222 and 223 of the Department of Health and Human Services Appropriations Act, 2006 shall not apply to funds appropriated by this division.

''SEC. 20625. (a) Notwithstanding section 101 or any other provision of this division, the level for 'Department of Education, Education for the Disadvantaged' shall be $14,725,593,000.

''(b) Of the amount provided in subsection (a)—

''(1) $7,172,994,000 shall become available on July 1, 2007, and shall remain available through September 30, 2008, of which (A) $5,451,387,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA); (B) $125,000,000 shall be for school improvement grants authorized under section 1003(g) of the ESEA; and (C) not to exceed $2,352,000 shall be available for section 1608 of the ESEA; and

''(2) $7,383,301,000 shall become available on October 1, 2007, and shall remain available through September 30, 2008, for academic year 2007-2008, of which (A) $1,353,584,000 shall be for basic grants under section 1124 of the ESEA; (B) $2,332,343,000 shall be for targeted grants under section 1125 of the ESEA; and (C) $2,332,343,000 shall be for education finance incentive grants under section 1125A of the ESEA.

''(c) Notwithstanding any other provision of this division, the last proviso under the heading 'Department of Education, Education for the Disadvantaged' in the Department of Education Appropriations Act, 2006 may be applied to activities authorized under part F of title I of the ESEA without regard to any specific designation therein.

''SEC. 20626. For purposes of this division, the proviso under the heading 'Department of Education, Impact Aid' shall be applied by substituting '2006–2007' for '2005–2006'.

''SEC. 20627. Of the amount provided by section 101 for 'Department of Education, School Improvement Programs', $33,907,000 shall be for programs authorized under part B of title VII of the ESEA and $33,907,000 shall be for programs authorized under part C of title VII of the ESEA. Notwithstanding any other provision of this division, the second proviso under such heading in the Department of Education Appropriations Act, 2006 shall not apply to funds appropriated by this division.

''SEC. 20628. Notwithstanding section 101 or any other provision of this division, (1) the level for 'Department of Education, Innovation and Improvement' shall be $837,686,000, of which not to exceed $200,000 shall be for the teacher incentive fund authorized in subpart 1 of part D of title V of the ESEA; and (2) the first proviso under such heading in the Department of Education Appropriations Act, 2006 may be applied to advanced credentialing activities authorized under subpart 5 of part A of title II of the ESEA without regard to any specific designation therein.

''SEC. 20629. Notwithstanding section 101 or any other provision of this division, (1) the level for 'Department of Education, Safe Schools and Citizenship Education' shall be $729,518,000, of which (A) not less than $72,674,000 shall be used to carry out subpart 10 of part D of title V of the ESEA; and (B) $48,814,000 shall be used for mentoring programs authorized under section 4130 of the ESEA; and (2) the last proviso under such heading in the Department of Education Appropriations Act, 2006 may be applied to civic education activities authorized under subpart 3 of part C of title II of the ESEA without regard to any specific designation therein.

''SEC. 20630. (a)(1) Notwithstanding section 101, the level for 'Department of Education, Special Education' shall be $11,802,867,000.

''(2) Of the amount made available in paragraph (1), $6,175,912,000 shall become available on July 1, 2007, and shall remain available through September 30, 2008, of which $5,358,761,000 shall be for State grants authorized under section 611 (20 U.S.C. 1411) of part B of the Individuals with Disabilities Education Act (IDEA).

''(b) None of the funds appropriated by this division may be used for State personnel development authorized in subpart 1 of part D of the IDEA (20 U.S.C. 1451 et seq.).

''(c) Notwithstanding any other provision of this division, the first and second provisos under the heading 'Department of Education, Special Education' in the Department of Education Appropriations Act, 2006 shall not apply to funds appropriated by this division. For purposes of this division, the last proviso under such heading shall be applied by substituting '2006' for '2005'.

''SEC. 20631. Notwithstanding any other provision of this division, the second appropriation under the heading 'Department of Education, Rehabilitation Services and Disability Research' in the Department of Education Appropriations Act, 2006 shall not apply to funds appropriated by this division.

''SEC. 20632. The provision pertaining to funding for construction under 'Department of Education, Special Institutions for Persons With Disabilities, National Technical Institute for the Deaf' shall not apply to funds appropriated by this division.

''SEC. 20633. (a) Notwithstanding section 101, the level for 'Department of Education, Student Financial Assistance' shall be $15,542,456,000.

''(b) The maximum Pell Grant for which a student shall be eligible during award year 2007–2008 shall be $4,310.

''SEC. 20634. (a) In addition to the amounts provided under section 101 of this division,

amounts obligated in fiscal year 2006 from funding provided in section 458(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)(1)) (as reduced by the amount of account maintenance fees obligated to guaranty agencies for fiscal year 2006 pursuant to section 458(a)(1)(B) of that Act) shall be deemed to have been provided in an applicable appropriations Act for fiscal year 2006.

''(b) Notwithstanding section 101, the level for 'Department of Education, Student Aid Administration' shall be $718,800,000, to remain available until expended.

''SEC. 20635. Of the amount provided by section 101 for 'Department of Education, Higher Education', $11,785,000 shall be for carrying out section 317 of the Higher Education Act of 1965 (20 U.S.C. 1059d).

''SEC. 20636. Notwithstanding section 101, the level for 'Department of Education, Departmental Management, Program Administration' shall be $416,250,000, of which $2,100,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, DC.

''SEC. 20637. Notwithstanding any other provision of this division, section 305 of the Department of Education Appropriations Act, 2006 (title III of Public Law 109–149; 119 Stat. 2870) shall not apply to this division.

''SEC. 20638. Notwithstanding section 101, the level for 'Corporation for National and Community Service, Domestic Volunteer Service Programs, Operating Expenses' shall be $316,550,000, of which $3,500,000 shall be for establishment in the Treasury of a VISTA Advance Payments Revolving Fund (in this section referred to as the 'Fund') for the Corporation for National and Community Service which, in addition to reimbursements collected from eligible public agencies and private nonprofit organizations pursuant to cost-share agreements, shall be available until expended to make advance payments in furtherance of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951–4995): *Provided*, That up to 10 percent of funds appropriated to carry out title I of such Act may be transferred to the Fund if the Chief Executive Officer of the Corporation for National and Community Service determines that the amounts in the Fund are not sufficient to cover expenses of the Fund: *Provided further*, That the Corporation for National and Community Service shall provide detailed information on the activities and financial status of the Fund during the preceding fiscal year in the annual congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate.

''SEC. 20639. (a) Notwithstanding section 101, the level for the 'Corporation for National and Community Service, National and Community Service Programs, Operating Expenses' shall be $494,007,000, of which (1) $117,720,000 shall be transferred to the National Service Trust; and (2) $31,131,000 shall be for activities authorized under subtitle H of title I of the National and Community Service Act of 1990.

''(b) Notwithstanding any other provision of this division, the eleventh and thirteenth provisos under the heading 'Corporation for National and Community Service, National and Community Service Programs, Operating Expenses' in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 shall not apply to funds appropriated by this division.

''SEC. 20640. Notwithstanding section 101, the level for 'Corporation for National and Community Service, Salaries and Expenses' shall be $68,627,000.

''SEC. 20641. Notwithstanding section 101, the level for 'Corporation for National and Community Service, Office of Inspector General' shall be $4,940,000.

''SEC. 20642. In addition to amounts provided by section 101 of this division, funds appropriated to the Medicare Payment Advisory Commission under section 106(b)(1)(B) of the Medicare Improvements and Extension Act of 2006 (division B of Public Law 109–432) shall be used to carry out section 1805 of the Social Security Act (42 U.S.C. 1395b-6).

''SEC. 20643. Notwithstanding section 101, the level for 'Railroad Retirement Board, Dual Benefits Payments Account' shall be $88,000,000.

''SEC. 20644. Notwithstanding section 101, the level for 'Railroad Retirement Board, Limitation on Administration' shall be $103,018,000.

''SEC. 20645. (a) ADMINISTRATIVE EXPENSES.—Notwithstanding section 101, the level for the first paragraph under the heading 'Social Security Administration, Limitation on Administrative Expenses' shall be $9,136,606,000.

''(b) CONFORMING CHANGE.—Notwithstanding section 101, the level for the first paragraph under the heading 'Social Security Administration, Supplemental Security Income Program' shall be $29,058,000,000, of which $2,937,000,000 shall be for administrative expenses.

"CHAPTER 7—LEGISLATIVE BRANCH

''SEC. 20701. (a) Notwithstanding section 101, the level for 'Senate, Contingent Expenses of the Senate, Senators' Official Personnel and Office Expense Account' shall be $361,456,000.

''(b)(1) The Architect of the Capitol may acquire (through purchase, lease, transfer from another Federal entity, or otherwise) real property, for the use of the Sergeant at Arms and Doorkeeper of the Senate to support the operations of the Senate—

''(A) subject to the approval of the Committee on Rules and Administration of the Senate; and

''(B) subject to the availability of appropriations and upon approval of an obligation plan by the Committee on Appropriations of the Senate.

''(2) Subject to the approval of the Committee on Appropriations of the Senate, the Secretary of the Senate may transfer funds for the acquisition or maintenance of any property under paragraph (1) from the account under the heading 'Senate, Contingent Expenses of the Senate, Sergeant at Arms and Doorkeeper of the Senate' to the account under the heading 'Architect of the Capitol, Senate Office Buildings'.

''(3) This subsection shall apply with respect to fiscal year 2007 and each fiscal year thereafter.

''(c)(1) Section 10 of the Legislative Branch Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3170) is amended—

''(A) by inserting '(a) IN GENERAL.—' before 'The Office'; and

''(B) by adding at the end the following new subsection:

'''(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.'''.

''(2) The amendments made by this subsection shall take effect as though included in the Legislative Branch Appropriations Act, 2005.

''SEC. 20702. (a) Notwithstanding section 101, the level for 'House of Representatives, Salaries and Expenses' shall be $1,129,454,000, to be allocated in accordance with an allocation plan submitted by the Chief Administrative Officer and approved by the Committee on Appropriations of the House of Representatives.

''(b) Sections 103 and 107 of H.R. 5521, One Hundred Ninth Congress, as passed by the House of Representatives on June 7, 2006, are enacted into law.

''SEC. 20703. (a) Notwithstanding section 101, the level for 'Capitol Guide Service and Special Services Office' shall be $8,490,000, and the provisos under the heading 'Capitol Guide Service and Special Services Office' in the Legislative Branch Appropriations Act, 2006 (Public Law 109–55; 119 Stat. 571) shall not apply.

''(b) Notwithstanding section 101, the level for 'Capitol Police, General Expenses' shall be $38,500,000: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2007 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

''(c)(1) Notwithstanding section 101, the level for 'Architect of the Capitol, Capitol Power Plant' shall be $73,098,000.

''(2) Notwithstanding section 101, the level for 'Architect of the Capitol, Library Buildings and Grounds' shall be $27,375,000.

''(3) Notwithstanding section 101, the level for 'Architect of the Capitol, Capitol Police Buildings and Grounds' shall be $11,753,000, of which $2,000,000 shall remain available until September 30, 2011.

''(4) Notwithstanding section 101, amounts made available under such section for projects and activities described under the heading 'Architect of the Capitol, Capitol Visitor Center' in the Legislative Branch Appropriations Act, 2006 may be transferred among the accounts and purposes specified in such heading, upon the approval of the Committees on Appropriations of the House of Representatives and Senate.

''(d)(1) Notwithstanding section 101, the level for 'Library of Congress, Salaries and Expenses' shall be $385,000,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2007 and shall remain available until expended under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150), and not more than $350,000 shall be derived from collections credited to this appropriation during fiscal year 2007 and shall remain available until expended for the development and maintenance of an international legal information database (and related activities).

''(2) The eighth, tenth, and eleventh provisos under the heading 'Library of Congress, Salaries and Expenses' in the Legislative Branch Appropriations Act, 2006 (Public Law 109–55; 119 Stat. 580) shall not apply to funds appropriated by this division.

''(3) Of the unobligated balances available under the heading 'Library of Congress, Salaries and Expenses', the following amounts are rescinded:

''(A) Of the unobligated balances available for the National Digital Information Infrastructure and Preservation Program, $47,000,000.

''(B) Of the unobligated balances available for furniture and furnishings, $695,394.

''(C) Of the unobligated balances available for the acquisition and partial support for implementation of an Integrated Library System, $1,853,611.

''(4) Notwithstanding section 101, the level for 'Library of Congress, Books for the Blind and Physically Handicapped, Salaries and Expenses' shall be $53,505,000, of which $16,231,000 shall remain available until expended.

''(5) The proviso under the heading 'Books for the Blind and Physically Handicapped, Salaries and Expenses' in the Legislative Branch Appropriations Act, 2006 (Public Law 109—55; 119 Stat. 582) shall not apply to funds appropriated by this division.

''(6) Section 3402 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 272) is repealed, and each provision of law amended by such section is restored as if such section had not been enacted into law.

''(e) Notwithstanding section 101, the level for 'Government Printing Office, Government Printing Office Revolving Fund' shall be $1,000,000.

''(f) Notwithstanding section 101, the amount applicable under the first proviso under the heading 'Government Accountability Office, Salaries and Expenses' in the Legislative Branch Appropriations Act, 2006 (Public Law 109–55; 119 Stat. 586) shall be $5,167,900, and the amount applicable under the second proviso under such heading shall be $2,763,000.

"CHAPTER 8—MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS

''SEC. 20801. Notwithstanding section 101, the level for each of the following accounts of the Department of Defense for projects authorized in division B of Public Law 109–364 shall be as follows: 'Military Construction, Army', $2,013,000,000; 'Military Construction, Navy and Marine Corps', $1,129,000,000; 'Military Construction, Air Force', $1,083,000,000; 'Military Construction, Defense-Wide', $1,127,000,000; 'Military Construction, Army National Guard', $473,000,000; 'Military Construction, Air National Guard', $126,000,000; 'Military Construction, Army Reserve', $166,000,000; 'Military Construction, Navy Reserve', $43,000,000; and 'Military Construction, Air Force Reserve', $45,000,000.

''SEC. 20802. Of the total amount specified in section 20801, the amount available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, under the headings 'Military Construction, Army', 'Military Construction, Navy and Marine Corps', 'Military Construction, Air Force', and 'Military Construction, Defense-Wide' shall not exceed $541,000,000.

''SEC. 20803. Notwithstanding any other provision of this division, the following provisions included in the Military Quality of Life, Military Construction, and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114) shall not apply to funds appropriated by this division: the first two provisos under the heading 'Military Construction, Army'; the first proviso under the heading 'Military Construction, Navy and Marine Corps'; the first proviso under the heading 'Military Construction, Air Force'; and the second proviso under the heading 'Military Construction, Defense-Wide'.

''SEC. 20804. Notwithstanding section 101, the level for each of the following accounts for the Department of Defense shall be as follows: 'Family Housing Construction, Army', $579,000,000; 'Family Housing Operation and Maintenance, Army', $671,000,000; 'Family Housing Construction, Navy and Marine Corps', $305,000,000; 'Family Housing Operation and Maintenance, Navy and Marine Corps', $505,000,000; 'Family Housing Construction, Air Force', $1,168,000,000; 'Family Housing Operation and Maintenance, Air Force', $750,000,000; 'Family Housing Construction, Defense-Wide', $9,000,000; 'Family Housing Operation and Maintenance, Defense-Wide', $49,000,000; 'Chemical Demilitarization Construction, Defense-Wide', $131,000,000; and 'Department of Defense Base Closure Account 2005', $2,489,421,000.

''SEC. 20805. Of the funds made available under the following headings in Public Law 108–132, the following amounts are rescinded: 'Military Construction, Navy and Marine Corps', $19,500,000; and 'Military Construction, Defense-Wide', $9,000,000.

''SEC. 20806. Of the funds made available under the following headings in Public Law 108–324, the following amounts are rescinded: 'Military Construction, Navy and Marine Corps', $8,000,000; 'Military Construction, Air Force', $2,694,000; 'Military Construction, Defense-Wide', $43,000,000; and 'Family Housing Construction, Air Force', $18,000,000.

''SEC. 20807. Of the funds made available under the following headings in Public Law 109–114, the following amounts are rescinded: 'Military Construction, Army', $43,348,000; 'Military Construction, Defense-Wide', $58,229,000; and 'Military Construction, Army National Guard', $2,129,000.

''SEC. 20808. Notwithstanding section 101, the level for each of the following accounts of the Department of Veterans Affairs shall be as follows: 'Veterans Health Administration, Medical Services', $25,423,250,000; 'Veterans Health Administration, Medical Administration', $3,156,850,000; 'Veterans Health Administration, Medical Facilities', $3,558,150,000; 'Departmental Administration, General Operating Expenses', $1,472,164,000, provided that the Veterans Benefits Administration shall be funded at not less than $1,161,659,000; 'Departmental Administration, Construction, Major Projects', $399,000,000, of which $2,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contracts disputes; and 'Departmental Administration, National Cemetery Administration', $159,983,000.

''SEC. 20809. The first proviso under the heading 'Veterans Benefits Administration, Compensation and Pensions' in the Military Quality of Life, Military Construction, and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114) shall be applied to funds appropriated by this division by substituting '$28,112,000' for '$23,491,000'.

''SEC. 20810. Notwithstanding any other provision of this division, the following provisions included in the Military Quality of Life, Military Construction, and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114) shall not apply to funds appropriated by this division: the first, second, and last provisos, and the set-aside of $2,200,000,000, under the heading 'Veterans Health Administration, Medical Services'; the set-aside of $15,000,000 under the heading 'Veterans Health Administration, Medical and Prosthetic Research'; the set-aside of $532,010,000 under the heading 'Departmental Administration, Construction, Major Projects'; and the set-aside of $155,000,000 under the heading 'Departmental Administration, Construction, Minor Projects'.

''SEC. 20811. Notwithstanding any other provision of this division, the following sections included in the Military Quality of Life, Military Construction, and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114) shall not apply to funds appropriated by this division: section 217, section 224, section 228, section 229, and section 230.

''SEC. 20812. Notwithstanding section 101, the level for each of the following accounts of the American Battle Monuments Commission shall be as follows: 'Salaries and Expenses', $37,000,000; and 'Foreign Currency Fluctuations Account', $5,000,000.

''SEC. 20813. Notwithstanding section 101, the level for 'United States Court of Appeals for Veterans Claims, Salaries and Expenses' shall be $20,100,000.

''SEC. 20814. Section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445) is amended by striking the first table of authorized Army construction and land acquisition projects for inside the United States and by adding at the end of the remaining table the last two items in the corresponding table on pages 366 and 367 of House Report 109–702, which is the conference report resolving the disagreeing votes of the House of Representatives and the Senate on the amendment of the Senate to H.R. 5122 of the 109th Congress.

"CHAPTER 9—SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES

''SEC. 20901. (a) Notwithstanding section 101, the level for each of the following accounts of the Department of Justice shall be as follows: 'General Administration, Salaries and Expenses', $97,053,000; 'General Administration, Justice Information Sharing Technology', $123,510,000; 'General Administration, Narrowband Communications/Integrated Wireless Network', $89,188,000; 'General Administration, Detention Trustee', $1,225,788,000; 'General Administration, Office of Inspector General', $70,118,000; 'United States Parole Commission, Salaries and Expenses', $11,424,000; 'Legal Activities, Salaries and Expenses, Foreign Claims Settlement Commission', $1,551,000; 'United States Marshals Service, Salaries and Expenses', $807,967,000; 'United States Marshals Service, Construction', $6,846,000; 'Salaries and Expenses, Community Relations Service', $10,178,000; 'Assets Forfeiture Fund', $21,211,000; 'Interagency Law Enforcement, Interagency Crime and Drug Enforcement', $494,793,000; 'Drug Enforcement Administration, Salaries and Expenses', $1,737,412,000; 'Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses', $979,244,000; 'Federal Prison System, Salaries and Expenses', $4,974,261,000; 'Office of Justice Programs, Justice Assistance', $237,689,000; 'Office of Justice Programs, Community Oriented Policing Services', $541,697,000; and 'Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs', $382,534,000.

''(b) In addition to the amount otherwise appropriated by this division for 'Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance' for the Edward Byrne Memorial Justice Assistance Grant program, there is appropriated $108,693,000 for such purpose.

''SEC. 20902. Notwithstanding section 101, the level for 'Department of Justice, Legal Activities, Salaries and Expenses, Antitrust Division' shall be $147,002,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $129,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Anti-trust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year 2007 appropriation from the general fund estimated at not more than $18,002,000.

''SEC. 20903. Notwithstanding section 101, the level for 'Department of Justice, Legal Activities, United States Trustee System Fund', as authorized, shall be $222,121,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That notwithstanding any other provision of law, $222,121,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year 2007 appropriation from the Fund estimated at $0.

''SEC. 20904. Notwithstanding section 101, the level for 'Department of Justice, Federal Bureau of Investigation, Salaries and Expenses' shall be $5,962,219,000.

''SEC. 20905. Notwithstanding section 101, the level for 'Department of Justice, Federal Bureau of Investigation, Construction' shall be $51,392,000.

''SEC. 20906. Notwithstanding section 101, the level for 'Department of Justice, National Security Division', as authorized by section 509A of title 28, United States Code, shall be $66,741,000: *Provided*, That upon a determination by the Attorney General that emergent circumstances require additional funding for activities of the National Security Division, the Attorney General may transfer such amounts to the National Security Division from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of Public Law 109–108 and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

''SEC. 20907. Notwithstanding section 101, the level for 'Department of Justice, United States Attorneys, Salaries and Expenses' shall be $1,645,613,000.

''SEC. 20908. Notwithstanding section 101, the level for 'Department of Justice, Administrative Review and Appeals' shall be $228,066,000.

''SEC. 20909. Notwithstanding section 101, the level for 'Department of Justice, General Legal Activities, Salaries and Expenses' shall be $672,609,000.

''SEC. 20910. Notwithstanding section 101, the level for 'Department of Justice, Federal Prison System, Buildings and Facilities' shall be $432,290,000.

''SEC. 20911. Notwithstanding section 101, the level for 'Bureau of the Census, Periodic Censuses and Programs' shall be $511,603,000 for necessary expenses related to the 2010 decennial census and $182,489,000 for expenses to collect and publish statistics for other periodic censuses and programs provided for by law.

''SEC. 20912. Notwithstanding section 101, the level for 'Department of Commerce, Science and Technology, Technology Administration, Salaries and Expenses' shall be $2,000,000.

''SEC. 20913. Notwithstanding section 101, the level for the following accounts of the National Institute of Standards and Technology shall be as follows: 'Scientific and Technical Research and Services', $432,762,000; and 'Construction of Research Facilities', $58,651,000.

''SEC. 20914. Notwithstanding section 101 under 'National Oceanic and Atmospheric Administration, Operations, Research, and Facilities', $79,000,000 shall be derived by transfer from the fund entitled 'Promote and Develop Fishery Products and Research Pertaining to American Fisheries'.

''SEC. 20915. Notwithstanding section 101, the level for the following accounts of the National Aeronautics and Space Administration shall be as follows: 'Science, Aeronautics and Exploration', $10,075,000,000, of which $5,251,200,000 shall be for science, $890,400,000 shall be for aeronautics research, $3,401,600,000 shall be for exploration systems, and $531,800,000 shall be for cross-agency support programs; 'Exploration Capabilities', $6,140,000,000; and 'Office of Inspector General', $32,000,000.

''SEC. 20916. Notwithstanding section 101, the level for 'National Science Foundation, Research and Related Activities' shall be $4,665,950,000, of which not to exceed $485,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic Program: *Provided*, That from funds provided under this section, such sums as are necessary shall be available for the procurement of polar icebreaking services: *Provided further*, That the National Science Foundation shall reimburse the Coast Guard according to the existing memorandum of agreement.

''SEC. 20917. Notwithstanding section 101, the level for 'Antitrust Modernization Commission, Salaries and Expenses' shall be $462,000.

''SEC. 20918. Notwithstanding section 101, the level for 'Legal Services Corporation, Payment to the Legal Services Corporation' shall be $348,578,000.

''SEC. 20919. Of the unobligated balances available under the heading 'Department of Justice, General Administration, Working Capital Fund', $2,500,000 is rescinded.

''SEC. 20920. Of the unobligated balances available under the heading 'Department of Justice, General Administration, Telecommunications Carrier Compliance Fund', $39,000,000 is rescinded.

''SEC. 20921. Of the unobligated balances available under the heading 'Department of Justice, Violent Crime Reduction Trust Fund', $8,000,000 is rescinded.

''SEC. 20922. Of the unobligated balances available under the heading 'Department of Justice, Legal Activities, Assets Forfeiture Fund', $170,000,000 shall be rescinded not later than September 30, 2007.

''SEC. 20923. Of the unobligated balances available from prior year appropriations under any 'Department of Justice, Office of Justice Programs' account, $109,000,000 shall be rescinded, of which no more than $31,000,000 shall be rescinded from 'Department of Justice, Office of Justice Programs, Community Oriented Policing Services', not later than September 30, 2007: *Provided*, That funds made available for 'Department of Justice, Office of Justice Programs, Community Oriented Policing Services' program management and administration shall not be reduced due to such rescission.

''SEC. 20924. Of the unobligated balances available under the heading 'Department of Commerce, National Oceanic and Atmospheric Administration', $25,000,000 is rescinded.

''SEC. 20925. Of the unobligated balances available under the heading 'Department of Commerce, National Institute of Standards and Technology, Industrial Technology Services', $7,000,000 is rescinded.

''SEC. 20926. The third proviso under the heading 'Department of Justice, Legal Activities, Salaries and Expenses, United States Attorneys', of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006 (Public Law 109–108) shall not apply to funds appropriated by this division.

''SEC. 20927. The first through third provisos under the heading 'Department of Justice, Federal Bureau of Investigation, Construction' of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006 (Public Law 109–108) shall not apply to funds appropriated by this division.

''SEC. 20928. The tenth through twelfth provisos under the heading 'Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses' of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006 (Public Law 109–108) shall not apply to funds appropriated by this division.

''SEC. 20929. The matter pertaining to the National District Attorneys Association in paragraph (12) under the heading 'Department of Justice, Office of Justice Programs, Community Oriented Policing Services' of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006 (Public Law 109–108) shall not apply to funds appropriated by this division.

''SEC. 20930. Sections 207, 208, and 209 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108) shall not apply to funds appropriated by this division.

''SEC. 20931. Notwithstanding any other provision of this division, the following provisions of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), relating to the Department of Commerce, National Oceanic and Atmospheric Administration, shall not apply to funds appropriated by this division: the twelfth proviso under the heading 'Operations, Research and Facilities'; the fifth proviso under the heading 'Procurement, Acquisition and Construction'; and the set-aside of $19,000,000 under the second proviso under the heading 'Fisheries Finance Program Account'.

''SEC. 20932. In the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), under the heading 'National Aeronautics and Space Administration, Administrative Provisions', the paragraph beginning 'Funding made available under' and all that follows through 'conference report for this Act.' shall not apply to funds appropriated by this division.

''SEC. 20933. Title VIII of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108–447, division B) is amended by striking 'fiscal years 2005 and 2006' each place it appears and inserting 'fiscal years 2005, 2006, and 2007'.

''SEC. 20934. Notwithstanding section 101, the level for 'Department of Commerce, United States Patent and Trademark Office, Salaries and Expenses' shall be $1,771,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to section 1113 of title 15 of the United States Code, and sections 41 and 376 of title 35 of the United States Code, are received during fiscal year 2007, so as to result in a fiscal year 2007 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2007, should the total amount of offsetting fee collections be less than $1,771,000,000, this amount shall be reduced accordingly.

''SEC. 20935. Funds appropriated by section 101 of this division for International Space Station Cargo Crew Services/International Partner Purchases and International Space Station/Multi-User System Support within the National Aeronautics and Space Administration may be obligated in the account and budget structure set forth in the pertinent Act specified in section 101(a)(8).

''SEC. 20936. The matter pertaining to paragraph (1)(B) under the heading 'Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance' of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006 shall not apply to funds appropriated by this division.

''SEC. 20937. The Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), under the heading 'National Aeronautics and Space Administration, Science, Aeronautics and Exploration' is amended by striking ', of which amounts' and all that follows through 'as amended by Public Law 106–377'.

''SEC. 20938. The Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), under

the heading 'National Aeronautics and Space Administration, Exploration Capabilities' is amended by striking ', of which amounts' and all that follows through 'as amended by Public Law 106–377'.

''SEC. 20939. Notwithstanding section 101, or any other provision of law, no funds shall be used to implement any Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2007.

''SEC. 20940. Any terms, conditions, uses, or authorities put into effect, available, or exercised pursuant to the reprogramming notification dated August 10, 2006, relating to the Department of Justice with respect to the Office of Justice Programs, the Office of Community Oriented Policing Services, or the Office on Violence Against Women are hereby made applicable, available, and effective with respect to Fiscal Year 2007 appropriations for those Offices.

''SEC. 20941. Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

''(1) in paragraph (1)—

''(A) in the matter preceding subparagraph (A), by striking 'To facilitate' and all that follows through 'the Secretary' and inserting 'The Secretary'; and

''(B) in subparagraph (B), by striking 'if' and inserting 'to facilitate the assignment of persons to Iraq and Afghanistan or to posts vacated by members of the Service assigned to Iraq and Afghanistan, if';

''(2) in paragraph (2), by striking 'subparagraphs (A) or (B) of such paragraph' and inserting 'such subparagraph'; and

''(3) in paragraph (3), by striking 'paragraph (1)' and inserting 'paragraph (1)(B)'.

''SEC. 20942. Notwithstanding section 101, the level for each of the following accounts and activities shall be $0: 'Department of State, Administration of Foreign Affairs, Centralized Information Technology Modernization Program'; and the grant to the Center for Middle Eastern-Western Dialogue Trust Fund made available in the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108) under the heading 'Department of State, Other, Center for Middle Eastern-Western Dialogue Trust Fund'.

''SEC. 20943. Notwithstanding section 101, the level for each of the following accounts shall be as follows: 'Department of State, Administration of Foreign Affairs, Educational and Cultural Exchange Programs', $445,275,000; 'Department of State, Administration of Foreign Affairs, Emergencies in the Diplomatic and Consular Service', $4,940,000; 'Department of State, Administration of Foreign Affairs, Payment to the American Institute in Taiwan', $15,826,000; 'Department of State, International Organizations, Contributions for International Peacekeeping Activities', $1,135,275,000; 'Related Agency, Broadcasting Board of Governors, International Broadcasting Operations', $636,387,000; 'Related Agency, Broadcasting Board of Governors, Broadcasting Capital Improvements', $7,624,000; and 'Related Agencies, Commission on International Religious Freedom, Salaries and Expenses', $3,000,000.

''SEC. 20944. Notwithstanding any other provision of this division, the fourth proviso under the heading 'Department of State, Administration of Foreign Affairs, Diplomatic and Consular Programs' in the Science, State, Justice, Commerce, and Related Appropriations Act, 2006 (Public Law 109–108) and section 406 of such Act shall not apply to funds appropriated by this division.

''SEC. 20945. The appropriation to the Securities and Exchange Commission pursuant to this division shall be deemed a regular appropriation for purposes of section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) and sections 13(e), 14(g), and 31(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee(k)).

''SEC. 20946. Section 302 of the Universal Service Antideficiency Temporary Suspension Act (Public Law 108–494; 118 Stat. 3998) is amended by striking 'December 31, 2006,' each place it appears and inserting 'December 31, 2007,'.

''SEC. 20947. Notwithstanding section 101, the level for 'Small Business Administration, Salaries and Expenses' shall be $326,733,000, and section 613 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2336) shall not apply to such funds.

''SEC. 20948. Notwithstanding section 101, the level for 'Small Business Administration, Disaster Loans Program Account' shall be $113,850,000, to remain available until expended, which shall be for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, of which $112,365,000 may be transferred to and merged with 'Small Business Administration, Salaries and Expenses', and of which $1,485,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General.

''SEC. 20949. Of the unobligated balances available under the heading 'Small Business Administration, Salaries and Expenses', $6,100,000 is rescinded.

''SEC. 20950. Of the unobligated balances available under the heading 'Small Business Administration, Business Loans Program Account', $5,000,000 is rescinded.

''SEC. 20951. Of the unobligated balances available under the heading 'Small Business Administration, Disaster Loans Program Account', $2,300,000 is rescinded.

''CHAPTER 10—TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES

''SEC. 21001. Of the amounts provided by section 101 for 'Department of Transportation, Office of the Secretary, Transportation, Planning, Research, and Development', for activities of the Department of Transportation, up to $9,900,000 may be made available for the purpose of agency facility improvements and associated administrative costs as determined necessary by the Secretary.

''SEC. 21002. (a) Section 44302(f)(1) of title 49, United States Code, shall be applied by substituting the date specified in section 106 of this division for 'August 31, 2006, and may extend through December 31, 2006'.

''(b) Section 44303(b) of title 49, United States Code, shall be applied by substituting the date specified in section 106 of this division for 'December 31, 2006'.

''SEC. 21003. Of the funds made available under section 101(a)(2) of Public Law 107–42, $50,000,000 is rescinded.

''SEC. 21004. Notwithstanding section 101, no funds are provided by this division for activities or reimbursements described in section 185 of Public Law 109–115.

''SEC. 21005. Notwithstanding section 101, the level for 'Federal Aviation Administration, Operations' shall be $8,330,750,000, of which $5,627,900,000 shall be derived from the Airport and Airway Trust Fund, of which no less than $6,704,223,000 shall be for air traffic organization activities; no less than $997,718,000 shall be for aviation regulation and certification activities; not to exceed $11,641,000 shall be available for commercial space transportation activities; not to exceed $76,175,000 shall be available for financial services activities; not to exceed $85,313,000 shall be available for human resources program activities; not to exceed $275,156,000 shall be available for region and center operations and regional coordination activities; not to exceed $144,617,000 shall be available for staff offices; and not to exceed $35,907,000 shall be available for information services.

''SEC. 21006. Notwithstanding section 101, the level for 'Federal Aviation Administration, Research, Engineering, and Development (Airport and Airway Trust Fund)' shall be $130,000,000.

''SEC. 21007. Of the amounts provided by section 101 for limitation on obligations under 'Federal Aviation Administration, Grants-in-Aid for Airports (Liquidation of Contract Authorization) (Limitation on Obligations) (Airport and Airway Trust Fund)', not to exceed $74,971,000 shall be obligated for administrative expenses; up to $17,870,000 shall be available for airport technology research, to remain available until expended; not less than $10,000,000 shall be for airport cooperative research; and $10,000,000 shall be available and transferred to 'Office of the Secretary, Salaries and Expenses' to administer the small community air service development program to remain available until expended.

''SEC. 21008. Notwithstanding section 101, the level for liquidation of contract authorization under 'Federal Aviation Administration, Grants-in-Aid for Airports (Liquidation of Contract Authorization) (Limitation on Obligations) (Airport and Airway Trust Fund)' shall be $4,399,000,000.

''SEC. 21009. Of the amounts authorized for the fiscal year ending September 30, 2007, and prior years under sections 48103 and 48112 of title 49, United States Code, $621,000,000 is rescinded.

''SEC. 21010. Notwithstanding section 101, the level for 'Federal Highway Administration, Federal-Aid Highways (Limitation on Obligations) (Highway Trust Fund)' shall be $39,086,464,683.

''SEC. 21011. Notwithstanding section 101, sections 110, 112, and 113 of division A of Public Law 109–115 shall not apply to fiscal year 2007.

''SEC. 21012. Funds appropriated under this division pursuant to section 1069(y) of Public Law 102–240 shall be distributed in accordance with the formula set forth in section 1116(a) of Public Law 109–59.

''SEC. 21013. Notwithstanding section 101, the level for the limitation on obligations and transfer of contract authority for 'National Highway Traffic Safety Administration, Operations and Research (Highway Trust Fund) (Including Transfer of Funds)' shall be $121,232,430: *Provided*, That notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the equity bonus program, the Secretary of Transportation shall deduct from all sums so authorized such sums as may be necessary to fund this section: *Provided further*, That funds made available under this section shall be transferred by the Secretary of Transportation to and administered by the National Highway Traffic Safety Administration: *Provided further*, That the

Federal share payable on account of any program, project, or activity carried out with funds made available under this section shall be 100 percent: *Provided further*, That the sum deducted in accordance with this section shall remain available until expended: *Provided further*, That all funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this division or any other Act: *Provided further*, That the obligation limitation made available for the programs, projects, and activities for which funds are made available under this section shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years: *Provided further*, That, notwithstanding any other provision of law, prior to making any distribution of obligation limitation for the Federal-aid highway program under section 1102 of Public Law 109–59 for fiscal year 2007, the Secretary of Transportation shall not distribute from such limitation amounts provided under this section: *Provided further*, That, notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for fiscal year 2007, the Secretary of Transportation shall make the required calculations under that section as if this section had not been enacted.

''SEC. 21014. Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $3,471,582,000 is rescinded: *Provided*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title.

''SEC. 21015. Notwithstanding section 101 and section 111, the level for each of the following accounts under the heading 'Federal Motor Carrier Safety Administration' shall be as follows: 'Motor Carrier Safety Operations and Programs (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)', $223,000,000; and 'Motor Carrier Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)', $294,000,000.

''SEC. 21016. Notwithstanding section 101 and section 111, the level for each of the following accounts under the heading 'National Highway Traffic Safety Administration' shall be as follows: 'Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)', $107,750,000; 'National Driver Register (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)', $4,000,000; and 'Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)', $587,750,000.

''SEC. 21017. Notwithstanding section 101, the level for 'Federal Railroad Administration, Safety and Operations' shall be $149,570,000.

''SEC. 21018. Notwithstanding section 101, the level for 'Federal Railroad Administration, Railroad Research and Development' shall be $34,524,000.

''SEC. 21019. Notwithstanding section 101, the level for 'Federal Railroad Administration, Efficiency Incentive Grants to the National Railroad Passenger Corporation' shall be $31,300,000 and section 135 of division A of Public Law 109–115 shall not apply to fiscal year 2007.

''SEC. 21020. Notwithstanding section 101, no funds are appropriated under this division for 'Federal Railroad Administration, Alaska Railroad Rehabilitation'.

''SEC. 21021. Notwithstanding section 101 and section 111, the level for each of the following accounts under the heading 'Federal Transit Administration' shall be as follows: 'Administrative Expenses', $85,000,000; 'Research and University Research Centers', $61,000,000; and 'Capital Investment Grants', $1,566,000,000.

''SEC. 21022. Notwithstanding section 101, the level for the liquidation of contract authorizations for 'Federal Transit Administration, Formula and Bus Grants (Liquidation of Contract Authorization)' available for payment of obligations incurred in carrying out the provisions of sections 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 of title 49, United States Code, and section 3038 of Public Law 105–178 shall be $4,660,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended.

''SEC. 21023. Notwithstanding section 101, the level for the limitation on obligations for 'Federal Transit Administration, Formula and Bus Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Including Transfer of Funds)' shall be $7,262,775,000: *Provided*, That no funds made available to modernize fixed guideway systems shall be transferred to 'Capital Investment Grants'.

''SEC. 21024. Notwithstanding any other provision of law, funds appropriated or limited under this division and made available to carry out the new fixed guideway program of the Federal Transit Administration shall be allocated at the discretion of the Administrator of the Federal Transit Administration for projects authorized under subsections (a) through (c) of section 3043 of Public Law 109–59 and for activities authorized under section 5309 of title 49, United States Code.

''SEC. 21025. Notwithstanding section 101, the level for 'Maritime Administration, Operations and Training' shall be $111,127,000.

''SEC. 21026. Of the unobligated balances under the heading 'Maritime Administration, National Defense Tank Vessel Construction Program', $74,400,000 is rescinded.

''SEC. 21027. Of the unobligated balances under the heading 'Maritime Administration, Ship Construction', $2,000,000 is rescinded.

''SEC. 21028. Notwithstanding section 101, the level for each of the following accounts under the heading 'Pipeline and Hazardous Materials Safety Administration' shall be as follows: 'Administrative Expenses', $18,000,000; 'Hazardous Materials Safety', $26,663,000; and 'Pipeline Safety (Pipeline Safety Fund) (Oil Spill Liability Trust Fund)', $74,832,000, of which $14,850,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2009, of which $59,982,000 shall be derived from the Pipeline Safety Fund, of which $24,000,000 shall remain available until September 30, 2009.

''SEC. 21029. Notwithstanding section 101, the level for 'Research and Innovative Technology Administration, Research and Development' shall be $7,716,260, of which $2,000,000 shall be for the air transportation statistics program.

''SEC. 21030. Notwithstanding section 101, the level for 'Department of Transportation, Office of Inspector General, Salaries and Expenses' shall be $63,643,000.

''SEC. 21031. Notwithstanding section 101, the level for the 'National Transportation Safety Board, Salaries and Expenses' shall be $78,854,000.

''SEC. 21032. Of the available unobligated balances made available to the 'National Transportation Safety Board' under Public Law 106–246, $1,000,000 is rescinded.

''SEC. 21033. Notwithstanding section 101, the level for 'Department of Housing and Urban Development, Public and Indian Housing, Tenant-Based Rental Assistance' shall be $15,920,000,000, to remain available until expended, of which $11,727,000,000 shall be available on October 1, 2006, and notwithstanding section 109, $4,193,000,000 shall be available on October 1, 2007: *Provided*, That paragraph (1) under such heading in Public Law 109-115 (119 Stat. 2440) shall not apply to funds appropriated by this division: *Provided further*, That of the amounts available for such heading, $14,436,200,000 shall be for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ('the Act' herein)): *Provided further*, That notwithstanding any other provision of law, from amounts provided under the second proviso under this section the Secretary shall, for the calendar year 2007 funding cycle, provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recently completed period of 12 consecutive months for which the Secretary determines the data is verifiable and complete, prior to prorations, and by applying the 2007 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount provided under the second proviso under this section, pro rate each public housing agency's allocation otherwise established pursuant to this section: *Provided further*, That except as provided in the following proviso, the entire amount provided under the second proviso under this section shall be obligated to the public housing agencies based on the allocation and pro rata method described above: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso: *Provided further*, That from amounts provided under the second proviso of this section up to $100,000,000 shall be available only: (1) for adjustments for public housing agencies that experienced a significant increase, as determined by the Secretary, in renewal costs resulting from unforeseen circumstances or from the portability under section 8(r) of the Act of tenant-based rental assistance; and (2) for adjustments for public housing agencies that could experience a significant decrease in voucher funding that could result in the risk of loss of voucher units due to the shift to using VMS data based on a 12-month period: *Provided further*, That none of the funds provided under the second proviso of this section may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract.

''SEC. 21034. Notwithstanding section 101, the level for each of the following accounts for Public and Indian Housing of the Department of Housing and Urban Development shall be as follows: 'Project-Based Rental Assistance', $5,976,417,000, of which $5,829,303,000 shall be for activities specified in paragraph (1) under such heading in Public Law 109–115 (119 Stat. 2442); 'Public Housing Operating Fund', $3,864,000,000; and 'Indian Housing Loan Guarantee Fund Program Account',

$6,000,000: *Provided*, That such funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $251,000,000.

''SEC. 21035. Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated under the headings referred to under the heading 'Department of Housing and Urban Development, Public and Indian Housing, Housing Certificate Fund' in Public Law 109–115 (119 Stat. 2442) for fiscal year 2006 and prior years, $1,650,000,000 is rescinded: *Provided*, That the provisions under such heading shall be applied to such rescission by substituting 'September 30, 2007' for 'September 30, 2006' and '2007 funding cycle' for '2006 funding cycle'.

''SEC. 21036. None of the funds appropriated by this division may be used for the following activities under the heading 'Department of Housing and Urban Development, Public and Indian Housing' in Public Law 109–115: the activities specified in the last three provisos under the heading 'Public Housing Capital Fund' (119 Stat. 2444); and the first activity specified in the second proviso under the heading 'Native American Housing Block Grants' (119 Stat. 2445).

''SEC. 21037. Notwithstanding section 101, the level for each of the following accounts for Community Planning and Development of the Department of Housing and Urban Development shall be as follows: 'Community Development Fund', $3,771,900,000, of which $3,710,916,000 shall be for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended: *Provided*, That none of the funds made available by this section for such account may be used for grants for the Economic Development Initiative, neighborhood initiatives, or YouthBuild program activities; 'Self-Help and Assisted Homeownership Opportunity Program', $49,390,000, of which $19,800,000 shall be for the Self Help Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, and $29,590,000 shall be made available through a competition for activities authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note); and 'Homeless Assistance Grants', $1,441,600,000.

''SEC. 21038. None of the funds appropriated by this division may be used for activities specified in the first proviso under the heading 'Department of Housing and Urban Development, Housing Programs, Housing for the Elderly' in Public Law 109–115 (119 Stat. 2452).

''SEC. 21039. The first proviso in the first paragraph under the heading 'Department of Housing and Urban Development, Federal Housing Administration, General and Special Risk Program Account' in Public Law 109–115 (119 Stat. 2454) shall be applied in fiscal year 2007 by substituting ''$45,000,000,000'' for ''$35,000,000,000''.

''SEC. 21040. Notwithstanding section 101, the level for 'Department of Housing and Urban Development, Policy Development and Research, Research and Technology' shall be $50,087,000: *Provided*, That none of the funds made available by this section for such account may be used for activities under the first four provisos under such heading in Public Law 109–115 (119 Stat. 2455).

''SEC. 21041. Funds appropriated by this division for 'Department of Housing and Urban Development, Office of Lead Hazard Control, Lead Hazard Reduction' shall be made available without regard to the limitations that are set forth after 'needs' in the second proviso under such heading in Public Law 109–115 (119 Stat. 2457)''.

''SEC. 21042. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of (1) the date specified in section 106 of this division, or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

''SEC. 21043. (a) Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

''(1) in subsection (a)(1), by striking 'October 1, 2006' and inserting 'October 1, 2011', and

''(2) in subsection (b), by striking 'October 1, 2006' and inserting 'October 1, 2011'.

''(b) The repeal made by section 579(a)(1) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 shall be deemed not to have taken effect before the date of the enactment of the Revised Continuing Appropriations Resolution, 2007, and subtitle A of such Act shall be in effect as if no such repeal had been made before such date of enactment.

''SEC. 21044. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the Secretary of Housing and Urban Development may, until the date specified in section 106 of this division, insure and enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z–20(g)).

''SEC. 21045. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

''(1) in subsection (m)(1), by striking '2003' and inserting '2007'; and

''(2) in subsection (o), by striking ''September 30, 2006'' and inserting ''September 30, 2007''.

''SEC. 21046. Section 710 of Public Law 109–115 (119 Stat. 2491) shall be applied to funds appropriated by this division by substituting '2007' and '30 days' for '2006' and '60 days', respectively.

''SEC. 21047. Section 711 of Public Law 109–115 (119 Stat. 2492) shall be applied to funds appropriated by this division by substituting '2007' for '2006' each place it appears, and by substituting 'September 30, 2008' for 'September 30, 2007'.

''SEC. 21048. Notwithstanding section 101, the level for 'Department of the Treasury, Departmental Offices, Salaries and Expenses' shall be $215,167,000, of which not less than $23,826,000 shall be for the following increases for the following activities: $9,352,000 to expand the overseas presence of the Department of the Treasury; $3,761,000 for intelligence analysts; $1,000,000 for additional secure workspace for intelligence analysts; $2,050,000 to support the Department of the Treasury's participation as co-lead agency in the Iraq Threat Finance Cell; $1,483,000 to support economic sanctions efforts against terrorist networks; $946,000 to support economic sanctions efforts against proliferators of Weapons of Mass Destruction; $542,000 for General Counsel support of the Office of Terrorism and Financial Intelligence; $492,000 for Chief Counsel support of the Office of Foreign Assets Control; and $4,200,000 to reimburse the United States Secret Service for the security detail to the Secretary of the Treasury.

''SEC. 21049. Notwithstanding section 101, the level for 'Department of the Treasury, Departmental Offices, Department-wide Systems and Capital Investments Programs' shall be $30,268,000, of which not less than $6,100,000 shall be for an increase for the Treasury Foreign Intelligence Network.

''SEC. 21050. Notwithstanding section 101, the level for each of the following accounts of the Internal Revenue Service shall be as follows: 'Taxpayer Services', $2,142,042,391; 'Enforcement', $4,708,440,879; 'Operations Support', $3,461,204,720; 'Health Insurance Tax Credit Administration', $14,846,000; and 'Business Systems Modernization', $212,310,000.

''SEC. 21051. Funds appropriated by section 101 of this division for the Internal Revenue Service may be obligated in the account and budget structure set forth in title II of H.R. 5576 (109th Congress), as passed by the House of Representatives.

''SEC. 21052. Funds for the Internal Revenue Service for fiscal year 2007 under the 'Taxpayer Services', 'Enforcement', and 'Operations Support' accounts may be transferred between the accounts and among budget activities to the extent necessary to implement the restructuring of the Internal Revenue Service accounts after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the House of Representatives and Senate and a period of 30 days has elapsed: *Provided*, That the limitation on transfers is 10 percent in fiscal year 2007.

''SEC. 21053. Funds appropriated by this division for 'Internal Revenue Service, Business Systems Modernization' are available for obligation without the prior approval of the Committees on Appropriations of the House of Representatives and the Senate for employee salaries and expenses.

''SEC. 21054. (a) Notwithstanding section 101, the level for 'The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses' shall be $4,498,130,000, of which $20,371,000 shall be available for critically understaffed workload associated with immigration and other law enforcement needs.

''(b) Notwithstanding section 402 of Public Law 109–115, of the amount provided by this section, not to exceed $80,954,000 shall be available for transfer between accounts to maintain fiscal year 2006 operating levels.

''SEC. 21055. Notwithstanding section 101, within the amount provided by this division for 'The Judiciary, Administrative Office of the United States Courts, Salaries and Expenses', $990,000 shall not be required for the National Academy of Public Administration for a review of the financial and management procedures of the Federal Judiciary.

''SEC. 21056. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended—

''(1) in the second sentence, by inserting 'the district of Kansas,' after 'Except with respect to'; and

''(2) by inserting after the second sentence the following: 'The first vacancy in the office of district judge in the district of Kansas occurring 16 years or more after the confirmation date of the judge named to fill the temporary judgeship created for such district under this subsection, shall not be filled.'.

''SEC. 21057. (a) Notwithstanding section 101, the level for 'Office of National Drug Control Policy, Counterdrug Technology Assessment Center' shall be $20,000,000, which shall remain available until, and obligated and expended by, September 30, 2008, consisting of $10,000,000 for counternarcotics research and development projects, of which up to $1,000,000 is to be directed to supply reduction activities, and $10,000,000 for the continued operation of the technology transfer program.

''(b) The Office of National Drug Control Policy shall expend funds provided for 'Counterdrug Technology Assessment Center' by Public Law 109–115 in accordance with the Joint Explanatory Statement of the Committee of Conference for Public Law 109–115 (House Report 109–307) within 60 days after the date of the enactment of this section.

''(c) Funding for counternarcotics research and development projects shall be available

for transfer to other Federal departments or agencies within 45 days after the date of the enactment of this section. Any unexpended funds from previous fiscal years shall be expended in fiscal year 2007 to reinstate the demand instrumentation program as instructed in the Joint Explanatory Statement of the Committee of Conference for Public Law 109–115 (House Report 109–307). The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate an accounting of fiscal year 2006 funds, including funds that are unexpended for fiscal year 2007.

''SEC. 21058. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006, and none of the funds appropriated or otherwise made available by this division may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

''SEC. 21059. (a) Funds appropriated or otherwise made available by this division for 'Federal Drug Control Programs, High Intensity Drug Trafficking Areas Program' shall remain available until September 30, 2008.

''(b) The Office of National Drug Control Policy shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate for the initial High Intensity Drug Trafficking Areas allocation funding within 90 days after the date of the enactment of this section and the discretionary High Intensity Drug Trafficking Areas funding within 150 days after the date of the enactment of this section. Within the discretionary funding amount, $2,000,000 shall be available for new counties, not including previously funded counties, with priority given to meritorious applicants who have submitted applications previously and have not been funded.

''SEC. 21060. Notwithstanding section 101, the level for 'Election Assistance Commission, Salaries and Expenses' shall be $16,236,000, of which $4,950,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

''SEC. 21061. Notwithstanding section 101, the level for each of the following accounts for the General Services Administration shall be as follows: 'Operating Expenses', $82,975,000; and 'Office of Inspector General', $52,312,000.

''SEC. 21062. Notwithstanding GSA Order ADM 5440 of December 21, 2006, the Office of Governmentwide Policy and the Office of Congressional and Intergovernmental Affairs shall continue to exist and operate separately, and none of the funds appropriated or otherwise made available by this division or any other Act may be used to establish or operate an Office of Congressional and Intergovernmental Affairs and Governmentwide Policy or any combination thereof without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

''SEC. 21063. Notwithstanding section 101—

''(1) the aggregate amount of new obligational authority provided under the heading 'General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue' for Federal buildings and courthouses and other purposes of the Fund shall be $7,598,426,000, including repayment of debt, of which not less than $280,872,000 shall be for courthouse construction, and not less than $96,539,000 shall be for border station construction, and of which $89,061,000 shall be from the additional amount provided by paragraph (2) of this subsection;

''(2) for an additional amount to be deposited in the 'General Services Administration, Real Property Activities, Federal Buildings Fund', $89,061,000 is appropriated, out of any money in the Treasury not otherwise appropriated;

''(3) the Administrator of General Services is authorized to initiate design, construction, repair, alteration, leasing, and other projects through existing authorities of the Administrator: *Provided*, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds to the Committees on Appropriations of the House of Representatives and the Senate within 30 days of enactment of this section; and

''(4) none of the funds appropriated or otherwise made available in this division for the 'General Services Administration, Real Property Activities, Federal Buildings Fund' may be obligated for the Coast Guard consolidation and development of St. Elizabeths campus in the District of Columbia.

''SEC. 21064. Notwithstanding section 101, the level for 'Merit Systems Protection Board, Salaries and Expenses' shall be $35,814,000, together with not to exceed $2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

''SEC. 21065. Notwithstanding section 101, the level for 'National Archives and Records Administration, Electronic Records Archives' shall be $45,214,000.

''SEC. 21066. (a) Notwithstanding section 101, the level for 'National Archives and Records Administration, Repairs and Restoration' shall be $9,120,000.

''(b) Within the amount provided by this section, the following amounts shall not be required:

''(1) $1,485,000 for construction of a new regional archives and records facility.

''(2) $990,000 for repair and restoration of a plaza surrounding a presidential library.

''SEC. 21067. (a) Notwithstanding section 101, the level for 'National Archives and Records Administration, Operating Expenses' shall be $278,235,000.

''(b) Within the amount provided by this section, $1,980,000 shall not be required for the initial move of records, staffing, and operations of a presidential library.

''SEC. 21068. Section 403(f) of Public Law 103–356 (31 U.S.C. 501 note) shall be applied by substituting the date specified in section 106 of this division for 'October 1, 2006'.

''SEC. 21069. The text of section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended to read as follows: 'There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2007'.

''SEC. 21070. Notwithstanding section 101, the level for 'Office of Personnel Management, Salaries and Expenses' shall be $111,095,000, of which $6,913,170 shall remain available until expended for the Enterprise Human Resources Integration project and $1,435,500 shall remain available until expended for the Human Resources Line of Business project; and in addition $112,017,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $13,000,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems.

''SEC. 21071. Notwithstanding section 101, the level for 'Office of Special Counsel, Salaries and Expenses' shall be $15,407,000.

''SEC. 21072. Notwithstanding section 101, the level for 'United States Postal Service, Payment to the Postal Service Fund' shall be $29,000,000; and, in addition, $6,915,000, which shall not be available for obligation until October 1, 2007, and shall be in addition to amounts provided under section 109.

''SEC. 21073. (a) Notwithstanding section 101, the level for 'Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia', shall be $209,594,000, of which $133,476,000 shall be for necessary expenses of the Community Supervision and Sex Offender Registration, $45,220,000 shall be available to the Pretrial Services Agency, and $30,898,000 shall be transferred to the Public Defender Service of the District of Columbia.

''(b) Notwithstanding section 101, the level for 'Federal Payment to the Office of the Chief Financial Officer of the District of Columbia' shall be $20,000,000, and shall be used only for upgrading and expanding public transportation capacity, in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment. Such Federal Payment may be applied to expenditures incurred as of October 1, 2006.

''(c) Notwithstanding section 101, any appropriation or funds made available to the District of Columbia pursuant to this division for 'Federal Payment for School Improvement' which are made available to expand quality public charter schools in the District of Columbia shall remain available until expended to the extent that the appropriation or funds are used for public charter school credit enhancement and direct loans.

''(d) Notwithstanding section 101, no appropriation or funds shall be made available to the District of Columbia pursuant to this division with respect to any of the following items in the District of Columbia Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2508 et seq.):

''(1) The item relating to 'Federal Payment for the National Guard Youth Challenge Program'.

''(2) The item relating to 'Federal Payment for Marriage Development and Improvement'.

''(e) Notwithstanding section 101, the level for 'Federal Payment for Emergency Planning and Security Costs in the District of Columbia' shall be $8,533,000.

''(f) Notwithstanding section 101, the level for 'Defender Services in District of Columbia Courts' shall be $43,475,000.

''(g) Notwithstanding any other provision of this division, except section 106, the District of Columbia may expend local funds for programs and activities under the heading 'District of Columbia Funds' for such programs and activities under title V of H.R. 5576 (109th Congress), as passed by the House of Representatives, at the rate set forth under 'District of Columbia Funds, Summary of Expenses' as included in the Fiscal Year 2007 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia on June 5, 2006 as amended on January 16, 2007.

''(h) Section 203(c) of the 2005 District of Columbia Omnibus Authorization Act (Public Law 109–356; 120 Stat. 2038) is amended by striking '6 months' and inserting '1 year'.

''(i) Not later than 60 days after the enactment of this section, the Mayor of the District of Columbia shall submit a plan for the expenditure of the funds made available to the District of Columbia pursuant to this division to the Committees on Appropriations of the House of Representatives and the Senate.

''SEC. 21074. Within the amount provided by this division for 'Other Federal Drug Control

Programs', the following amount shall not be required: $1,980,000 as a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended.

''SEC. 21075. Within the amount provided by this division for 'Other Federal Drug Control Programs', $1,980,000 is provided, as authorized, under the Drug-Free Communities Support Program, for training, technical assistance, evaluation, research, and capacity building for coalitions.

''SEC. 21076. Notwithstanding section 101, no funds shall be appropriated or otherwise made available by this division for the following accounts of the Department of the Treasury: 'Air Transportation Stabilization Program Account'; and 'Treasury Building and Annex Repair and Restoration'.

''SEC. 21077. For purposes of this division, section 206 of Public Law 109–115 shall not apply.

''SEC. 21078. (a) The Federal Election Commission may charge and collect fees for attending or otherwise participating in a conference sponsored by the Commission, and notwithstanding section 3302 of title 31, United States Code, any amounts received from such fees during a fiscal year shall be credited to and merged with the amounts appropriated or otherwise made available to the Commission during the year, and shall be available for use during the year for the costs of sponsoring such conferences.

''(b) This section shall apply with respect to fiscal year 2007 and each succeeding fiscal year.

"CHAPTER 11—DEPARTMENT OF HOMELAND SECURITY

''SEC. 21101. Not to exceed $155,600,000 shall be transferred to 'Department of Homeland Security, Transportation Security Administration, Expenses', to liquidate obligations incurred against funds appropriated in fiscal years 2002 and 2003, of which $150,300,000 shall be from unobligated balances currently available to the Transportation Security Administration, $300,000 shall be from unobligated balances currently available to the Office of the Secretary and Executive Management, and $5,000,000 shall be from unobligated balances currently available to the Under Secretary for Management: *Provided*, That the Transportation Security Administration shall not utilize any unobligated balances from the following programs: screener partnership program; explosive detection system purchase; explosive detection system installation; checkpoint support; aviation regulation and other enforcement; air cargo; air cargo research and development; and operation integration: *Provided further*, That of the funds transferred, $2,000,000 shall be from the 'Secure Flight Program'; $100,000 shall be from the 'Immediate Office of the Deputy Secretary'; $100,000 shall be from the 'Office of Legislative and Intergovernmental Affairs'; $100,000 shall be from the 'Office of Public Affairs'; and $5,000,000 shall be from 'MAX–HR Human Resource System'.

''This division may be cited as the 'Continuing Appropriations Resolution, 2007'.''.

Mr. PRICE of Georgia. Mr. Speaker, I demand the question of consideration.

The SPEAKER pro tempore (Mr. DEFAZIO). The gentleman from Georgia demands the question of consideration. Under clause 3 of rule XVI, the question is: Will the House now consider the joint resolution?

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Mr. PRICE of Georgia. I ask for a division on that vote, Mr. Speaker.

The SPEAKER pro tempore. A recorded vote has already been ordered. The vote will proceed. Members will record their vote by electronic device. It will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 179, not voting 33, as follows:

[Roll No. 68]

AYES—222

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
Capps
Capuano
Cardoza
Carnahan
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
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
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
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
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
Wu
Wynn
Yarmuth

NOES—179

Aderholt
Akin
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)
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
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)

NOT VOTING—33

Abercrombie
Ackerman
Alexander
Brown-Waite, Ginny
Butterfield
Buyer
Carney
Culberson
Davis, Jo Ann
Delahunt
Farr
Fossella
Gilchrest
Hastert
Hastings (WA)
Higgins
Johnson, Sam
Jones (OH)
Kennedy
King (NY)
LaTourette
Maloney (NY)
McCrery
McDermott
Myrick
Norwood
Ortiz
Paul
Peterson (PA)
Reynolds
Rush
Stark
Sullivan

□ 1258

Mrs. WILSON of New Mexico, Mr. ROHRABACHER and Mr. SALI changed their vote from ''aye'' to ''no.''

Mr. KUCINICH and Ms. MOORE of Wisconsin changed their vote from ''no'' to ''aye.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

Mr. ISSA. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. The question is on the motion to table the motion to reconsider.

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

RECORDED VOTE

Mr. ISSA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 180, not voting 29, as follows:

[Roll No. 69]

AYES—226

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
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
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
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—180

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

NOT VOTING—29

Alexander
Bachus
Burton (IN)
Buyer
Culberson
Davis, Jo Ann
Davis, Tom
English (PA)
Farr
Fossella
Giffords
Gilchrest
Hastert
Hastings (WA)
Higgins
Johnson, Sam
Jones (OH)
King (NY)
Lamborn
Maloney (NY)
McDermott
Myrick
Norwood
Paul
Peterson (PA)
Poe
Reynolds
Ruppersberger
Stark

□ 1323

Ms. SLAUGHTER and Mr. HINOJOSA changed their vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

POINT OF ORDER

Mr. McHENRY. Mr. Speaker, I rise to make a point of order.

The SPEAKER pro tempore (Mr. DEFAZIO). The gentleman will state his point of order.

Mr. McHENRY. Under the new House rules, there is an anti-earmark rule that governs the House, which the rule governing this bill does not waive that rule of the House; and sections of this legislation actually go forward and violate that anti-earmark legislation. Therefore, I rise to make a point of order against H.J. Res. 20, as title I, section 101(a)(2), violates rule XXI, clause 9, of the House rules, stating, ''There shall be no Member-directed earmarks,'' which this legislation does possess.

The SPEAKER pro tempore. Does any Member wish to be heard?

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would simply note that on page H988 of the CONGRESSIONAL RECORD there is listed the following statement:

Under clause 9(a) of rule XXI, lists or statements on congressional earmarks, limited tax benefits or limited tariff benefits are submitted as follows offered by myself: H.J. Res. 20 making further continuing appropriations for fiscal year 2007, and for other purposes, 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.

Mr. McHENRY. Will the gentleman yield?

Mr. OBEY. No.

Mr. McHENRY. The gentleman will not yield for the question.

The SPEAKER pro tempore. On a point of order there is no yielding. The chair will hear each Member in turn. Does the gentleman from North Carolina wish to be heard on his point of order?

Mr. McHENRY. Yes. I wish to speak further.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. McHENRY. Mr. Speaker, the gentleman is stating, simply because legislation states that there are no earmarks, that you can contain thousands of earmarks after that statement. It defies logic and defies reason.

And, furthermore, your section explaining that there shall be no congressional earmarks is further on in the legislation. Therefore, it is not operational over the violation that I am stating in section 101. Therefore, under the legislation here, it is not operational. Therefore, it is a very crafty way, and I have got to compliment the gentleman for putting together a very crafty piece of legislation to try to slip this by. But under these House rules, this is a clear violation of the anti-earmarking provision that is very important to the rules of debate, even when the minority is not able to offer any amendments, even when the minority has no other means of removing congressional earmarks.

The SPEAKER pro tempore. The gentleman will restrict himself to the point of order.

Mr. OBEY. Mr. Speaker, I ask for a ruling from the Chair.

The SPEAKER pro tempore. Under clause 9(a) of rule XXI, it is not in order to consider an unreported bill or joint resolution unless the chairman of each committee of initial referral has caused to be printed in the CONGRESSIONAL RECORD a list of congressional

earmarks, limited tax benefits, or limited tariff benefits contained in the measure, or a statement that the measure contains no such earmarks or benefits.

Under clause 9(c) of rule XXI, a point of order under clause 9(a) of rule XXI may be based only on the failure of the submission to the CONGRESSIONAL RECORD to include such a list or statement.

The Chair has examined the CONGRESSIONAL RECORD and finds that it contains the statement contemplated by clause 9(a) of rule XXI.

Accordingly, the point of order is overruled.

Mr. MCHENRY. Mr. Speaker, I appeal the ruling of the Chair.

MOTION TO TABLE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to table the appeal.

The SPEAKER pro tempore. The question is on the motion to table.

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

Mr. MCHENRY. Division. I ask for a division vote, Mr. Speaker.

Mr. OBEY. Mr. Speaker, I ask for the yeas and nays.

Mr. MCHENRY. Wait a second, Mr. Speaker. I asked for a division vote.

The SPEAKER pro tempore. Under the Constitution, the yeas and nays have precedence over a request for a division.

The yeas and nays are requested. Those favoring a vote by the yeas and nays will rise. A sufficient number having risen, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 226, nays 184, not voting 25, as follows:

[Roll No. 70]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
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
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
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
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
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
Ramstad
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
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—184

Aderholt
Akin
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
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
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)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Alexander
Bachmann
Boucher
Buyer
Cubin
Cummings
Davis, Jo Ann
English (PA)
Farr
Fossella
Gilchrest
Hastert
Higgins
Johnson, Sam
King (NY)
Maloney (NY)
McCaul (TX)
McDermott
Myrick
Norwood
Paul
Reynolds
Skelton
Stark
Watson

□ 1350

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. MCHENRY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. DEFAZIO). The gentleman will state his parliamentary inquiry.

Mr. MCHENRY. We just had a vote on this floor about rule XXI, section 9. Just for clarification, for the body's purposes going forward with this new rule, in essence, this is the parliamentary inquiry, if I may state it. The summary of rule XXI, section 9 is that as long as the legislation states that there are no earmarks, there may be thousands of earmarks within that legislation, but only operationally must the legislation include text that states that there are no earmarks. Is that the ruling of the Chair? I would be happy to give the Speaker numerous examples of earmarks in this.

The SPEAKER pro tempore. The Chair does not respond to hypothetical questions raised under the guise of a parliamentary inquiry.

Mr. MCHENRY. Further parliamentary inquiry then.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MCHENRY. Rule XXI, section 9, states that a bill or joint resolution reported by a committee, unless the report includes a list of congressional earmarks, limited tax benefits, limited tariff benefits in the bill or in the report and the name of any Member, Delegate or Resident Commissioner who submits 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. Does this legislation state that and conform to rule XXI, section 9?

The SPEAKER pro tempore. The Chair previously ruled on that question, and the House sustained the Chair by tabling an appeal.

Mr. MCHENRY. Further parliamentary inquiry. Operationally, may a committee Chair simply sign and attest to the Parliamentarian that there are no earmarks within said legislation?

The SPEAKER pro tempore. The Chair will not render advisory opinions. That is not a proper parliamentary inquiry.

Mr. MCHENRY. Further parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman have a proper parliamentary inquiry?

Mr. MCHENRY. I appreciate the Speaker operating in such an unbiased way. It is very kind of you.

The SPEAKER pro tempore. If the gentleman will refrain for a moment, the Chair is operating under the precedents and rules of the House of Representatives and properly respecting those rules. So, if the gentleman has a proper parliamentary inquiry, he would please state it.

Mr. MCHENRY. Parliamentary inquiry, Mr. Speaker. What is an earmark? Under House rules, what is an earmark?

The SPEAKER pro tempore. The gentleman has again not stated a proper parliamentary inquiry.

Pursuant to House Resolution 116, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. I thank the Speaker. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I simply want to thank Janet Airis and her staff at the CBO scoring unit; Ira Forstater and Nadia Soree and the entire staff at the Legislative Council; and certainly, most of all, the staff of the Appropriations Committee, both majority and minority, both Senate and House, especially Rob Nabors and David Reich.

This is a bill that needs to pass so that everyone who is reliant upon programs contained therein understands what the rules of the game will be for the remainder of the fiscal year. I urge passage.

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

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to do something that I have never done before, and that is to oppose House passage of an appropriations bill.

My friends on the other side of the aisle, and I use the term ''friends'' sincerely, have produced an 8-month omnibus spending bill that appropriates $463.5 billion. It is legislation that few have seen, which cannot be amended in any way, and that will pass this House after only 1 hour of debate. It is the first omnibus spending bill that I have seen during my time in Congress written and considered without the input of the chairman or ranking members of any appropriations subcommittee, without the input of any Republican or Democratic subcommittee members, without the benefit of a full Appropriations Committee markup, without the standard three days for circulating the bill to committee members before markup, without the standard 3 days for circulating the bill to all House Members after full committee consideration, without any prior debate whatsoever, and without the opportunity to offer even one amendment on the House floor.

I do not fault my friend, Mr. OBEY, the chairman of the Appropriations Committee, for he is doing what he is asked to be done by his leadership. He is in the position today because of the former Senate majority leader's complete failure to schedule and pass the fiscal year 2007 appropriations bills. The House and the Senate Appropriations Committee did their work last year, and Mr. OBEY and I worked very closely in attempting to see it was fully completed. The Senate leadership did not.

As the former chairman of the committee, I know that Mr. OBEY feels strongly about maintaining regular order and passing other appropriations bills. I can vividly recall a conversation Mr. OBEY had with me shortly after I became chairman when he suggested that perhaps I would be the last chairman of the Appropriations Committee because of the breakdown of regular order.

I looked to his comments and have taken them to heart because I committed to him and to our Members that we would pass our spending bills in regular order, and the 2 years I served as chairman we did.

Today, my fear is that Mr. OBEY may be the last chairman of the Appropriations Committee because of the very concern he expressed to me, the breakdown of that regular order. Shutting both Republicans and Democrats out of the legislative process is a highly, highly unusual circumstance, but that is exactly what has occurred.

Both Republicans and Democrats are being denied a full and open debate on this legislation that will spend, as I suggested earlier, $463.5 billion, roughly one-half of the annual Federal budget.

Speaker PELOSI and Leader HOYER, both former members of the Appropriations Committee, know that our process is very open and a collaborative one. Historically, appropriations bills are brought to the floor under an open rule to encourage debate and create better legislation. Our spending bills reflect not just the will of the Appropriations Committee but, indeed, the will of the entire bipartisan House. It is not uncommon to have hours and hours of debate and more than 100 Democrat or Republican amendments offered on a single spending bill. That is, until today.

The House will debate this legislation today for 1 hour. Not one amendment has been made in order. The Senate, that is, the other body, on the other hand, will have the opportunity to debate the legislation for up to 15 days and with the potential for an unlimited number of amendments.

□ 1400

Let me repeat, it is important that the Members hear that. One hour of debate in the House with no amendments, 15 days of debate in the Senate with potentially unlimited amendments.

Speaker PELOSI has vowed to run the House in a more open, democratic and inclusive way. A spirit of bipartisanship, she said, would prevail in the people's House. That pledge was put on the shelf so the new majority could complete their first 100 hours agenda.

The new majority then promised that business would soon return to regular order with plenty of opportunity for Democrats and Republicans to participate in the democratic process. Members of the House, Democrats and Republicans, are still waiting for the Speaker to keep her word.

In closing, I would suggest that our country would be better served by extending for a full year the clean continuing resolution the House and Senate passed in December. That legislation, a mere 19 pages long, contained no gimmicks, no policy changes, and did not reward or punish agencies indiscriminately, as is done in this 137-page package.

This omnibus spending bill before us today totally disregards the once proud tradition of regular order within the House Appropriations Committee and violates the longstanding bipartisan customs of the people's House. I urge that my colleagues join me in a ''no'' vote.

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

Mr. OBEY. Mr. Speaker, I yield to the gentleman from Texas (Mr. LAMPSON) for a unanimous consent request.

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

Mr. LAMPSON. Mr. Speaker, the Energy Policy Act of 2005 which was signed by the President in August of 2005, included four directed spending programs that will each make a significant positive contribution to the security and reliability of the energy supply and infrastructure of this Nation. The Energy Policy Act authorized these programs with full funding so that they could be implemented as soon as possible. It should be made clear that it is the intent of the Continuing Resolution to remove any impediments that may have arisen to the timely implementation of the four Energy Policy Act provisions—Section 105, the Energy Saving Performance Contracts; Section 384, Coastal Impact Assistance; Section 999, Ultra-deepwater and Unconventional Onshore Natural Gas and Other Petroleum Research and Development; and Section 1211, Electric Reliability Organization. These programs were clearly authorized and directly funded by the Energy Policy Act of 2005 and should be fully funded and implemented immediately.

Mr. OBEY. Mr. Speaker, I yield myself 12 minutes.

Mr. Speaker, on Monday, the President will submit to the Congress his new budget. It would be kind of nice if we had disposed of his last year's budget request before the President brings

his new budget forward, because I believe that he is entitled to start the year with a clean slate, and I think we are entitled to start the year with a clean slate as well.

Unfortunately, we cannot do that because of the failures of the last Congress. This resolution represents the last remaining legislation that must be passed in order to clean up the mess left to us by the last Congress.

Now, we all know the story. Last year, the House debated and passed every single appropriation bill except the Labor, Health, Education bill. That was held up because of the now-well-known division between the two parties on the minimum wage and also because moderate Republicans in this House, led by people like Mr. CASTLE and others, were demanding that the Republican leadership add at least $3 billion to the Labor, Health, Education appropriation bill in order to get their votes on the Republican budget resolution.

The then chairman, Mr. LEWIS from California, my good friend, specifically said on the House floor that the reason the Congress was not allowed to finish its work is because the Senate majority leader, Senator Frist, shielded the Senate from any painful votes on appropriations before the election. Then, after the election, the majority party walked away from their responsibility to finish the budget, and they left us to clean up the mess as they walked out the door.

When we considered the CR under which we are now operating, I specifically said from this place on the House floor that I would make any substantive compromise that was necessary and I would make any procedural compromise that was necessary in order to enable the then majority Republicans to finish the bills on their watch, on their terms. I said I was willing to recognize that they still controlled the Congress and so they had a right to have Republican priorities reflected in those bills, even if I disagreed with those priorities.

But I also warned that if they did not live up to their responsibilities to pass the budget, then they would forfeit their right to complain and whine about how we went about cleaning up their leftover jobs.

So when it became apparent that they would not meet their responsibilities, Senator BYRD and I announced that we would proceed by doing two things. We announced, first of all, that we would provide no congressional earmarks. We told anybody who had an earmark in a 2007 bill that if they wanted it considered in the following fiscal year they would need to present it under the reform process, which we were in the process of putting together; and we announced at that time that we intended to cut earmarks by 50 percent in comparison to the 2007 bill.

The second thing that we announced is that we would take the 2006 continuing resolution and make whatever adjustments were necessary in order to avoid shutdowns of agencies or layoffs or furloughs and in order to recognize priorities that we thought people had on both sides of the aisle. That is what we did.

In this bill, we started with the fiscal 2006 base. We then cut or rescinded $9- to $10 billion, almost $10 billion, in items that we thought could be cut or rescinded. We cut over 60 programs. We generated $10 billion or so in savings, and we added that to the $7 billion that still remained within the Republican budget resolution cap, and then we allocated that money on the basis of what we thought were better priorities.

Now, the gentleman from California says we should have just stuck with the existing 2006 continuing resolution. We could have done that. If we had, we would not have been able to add $3.6 billion in veterans' health care, which we have done in this bill, which is our number one priority. We would not have been able to add $1.2 billion in defense health, which we add in this bill. We would not have been able to add $500 million for basic housing allowances for our military, and we would not have been able to add the $1 billion that we added for BRAC, the base closing operations. We would also not have been able to add the $216 million that we added to the FBI budget at the request of the administration.

In education, two weeks ago, when the Democratic Party brought to this House floor a proposition to lower interest rates on student loans, we were told, ''oh, that is just tokenism. What you ought to do is add to the Pell Grants.''

That is what we have done. We added enough to the Pell Grant program to allow an increase in the maximum grant of $260. We wouldn't have been able to do that either if we had followed Mr. LEWIS' suggestion and simply stuck to the CR under which we are now operating.

In addition to that, we added $250 million to Title I and $100 million to Head Start so we could end the decline in enrollment in that program.

In the area of science, we were asked by a number of Members on the Republican side of the aisle in this House, and on our side, plus the Senate on both sides, to add money for NIH. Members did not like the fact that, under the alternative, we were going to lose at least 500 medical grants in cancer research, heart disease, Alzheimer's and the rest.

I have not met a single constituent who said, ''Hey, OBEY, I think you ought to save money by cutting cancer research grants.'' We added $620 million to reverse the decline in the number of research grants at NIH, and we added some additional funds to the National Science Foundation.

We added some additional money to energy conservation and energy research programs, in addition to which we provided a $200 million add-on for the Clean Water Revolving Fund. There isn't a small community in this country that doesn't need some help with clean water.

We added $100 million for park maintenance, and we added $90 million for firefighting.

We also were requested by the administration to provide at least the amount that they asked for the global AIDS program and to combat malaria and TB. So we added $1.4 billion to do that, and we added $146 million to prevent the Social Security Administration from having a 10-day furlough for their employees. That is what we did.

We also provided a suspension of all earmarks.

Now, I want to make clear a lot of the earmarks that we suspended are perfectly defensible. They accomplish laudatory public purposes. I think it is sad that we haven't been able to fund them. But the fact is that it became apparent to me that the earmarking process had been so discredited by the Cunningham case and by other cases that we have no choice but to start over. So we wanted to clear the decks, clean up the process, and start over.

Ninety-nine percent of the Members of this House on both sides of the aisle have immense integrity. They don't ask the Congress for things that are illegitimate, but it is that 1 percent that has fouled the nest for everybody else. So we are trying to clean up the nest so that we can approach next year with a clean start and so that we will have a process so that both parties will know what earmarks the other party is putting into the bills.

I want the minority to be fully cognizant of whatever earmarks the majority puts in the bills, and I want us to be fully cognizant of the other earmarks you put in the bills. That is the only way we can protect the integrity of this institution.

So we are being criticized in some quarters because we are being told, ''Well, when you eliminated the earmarks, you should also have eliminated the money in those programs.'' We didn't do that for one very simple reason. We didn't want to reduce the amount of money in the COPS program, for instance.

What we are doing, by eliminating earmarks, and let's be clear about it, we are not saving a dime by eliminating earmarks. But what we are doing is transferring the power to decide where that money goes from the congressional branch to the executive branch. I don't like that, but it is a price I am willing to pay to clean up the system. What that means is that the administration will have much more authority than normal to decide where money goes, whether it is in the Army Corps of Engineers program or COPS or you name it.

I would simply say, we may have made some wrong choices. Undoubtedly, we did. But the process was this.

For 3½ weeks our staffs worked 7 days a week round the clock, and they negotiated with the Senate, Republican

and Democratic staff alike. The Republican staff was invited to every meeting that took place. If they attended or didn't, that was up to them.

Whenever the staff could not reach agreement, the Members were brought in order to argue it up. If you don't think that occurred, talk to Mr. VISCLOSKY, talk to Senator DOMENICI, talk about the arguments they had on the Energy and Water bill, and there are countless other examples.

We are now in a situation in which we have to move on. We may have made some wrong choices, but at least, in contrast to last year, we made those choices, we made them. They may not be popular, but they were necessary so that we can turn the page, get on the next year.

This bill is the functional equivalent of a conference report. All of the appropriation bills that were not completed action on last year, this is what they look like. This is what they look like. This is a continuing resolution that we are producing today in order to direct where the spending in these bills ought to go.

Now, you may say you don't think it fits the traditional definition of a continuing resolution. Either you can have an automatic continuing resolution, or you can have a thinking man's continuing resolution. I don't think that we were obligated to lock ourselves into the 2006 numbers, because that would have prevented us from providing the initiatives that I talked about for veterans, for education and the like.

This is a responsible document. Nothing was sneaked in. Everybody knows what is in this package. All the staff knows.

I would urge an ''aye'' vote for the bill so that, come Monday, we can deal with the President's new budget, rather than continuing to deal with the spilt milk of yesterday's majority.

□ 1415

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to my colleague, the ranking member of the Homeland Security Subcommittee of Appropriations (Mr. ROGERS of Kentucky).

Mr. ROGERS of Kentucky. Mr. Speaker, I am sad to say that this is a sad day for the U.S. House.

Why do I say that? Well, Mr. Speaker, the power of the purse is the most important power of the Congress. James Madison called the power of the purse ''the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people.''

The power of the purse of the Congress is exercised through its Appropriations Committee and the appropriations process that is longstanding in this body.

Today, we are throwing out that procedure. We are saying in this bill that all of the work that has gone on in the hearings, hundreds of hearings, hours and hundreds of hours of testimony that we have taken in the various subcommittee hearings from the administration, from outside witnesses, from Members of Congress, the Senate and so on, all of those hearings are being disregarded and thrown out. The testimony from the agency and the department heads and the Inspectors General and all of the people that are in the executive branch that are in charge of keeping track of the money, the GAO reports, budget reports, policy expert reports, all of those are being tossed out in favor of the judgment of two Members of the Congress, one from the House, one from the Senate. The bill before us is the product of two people, one from the House, one from the Senate.

All of the debate that took place on the House floor on these individual bills as they came before this body, and Members expressed their views, offered amendments, had some won, some lost, but nevertheless, the process worked. That is being thrown out.

These bills were chock full of reporting requirements of oversight provisions, congressional controls, money closely tied to results from the administration. The bills were carefully crafted in an open process, input from every Member, and all 10 of the 11 bills passed through the House gained widespread bipartisan support. Legislation we can be proud of. And yet we are throwing that out.

The bipartisan work, we are throwing it away. This annual process we call the appropriations process is being discarded. We are cutting the purse strings, blindly handing over the money to the executive branch with no leverage, no new oversight of nearly half of the Federal discretionary budget.

The new majority, Mr. Speaker, has been very righteous in saying it will conduct much more oversight than the previous Congress. And yet this so-called CR completely abdicates the majority's responsibilities as conducting any oversight. Just give the money to the executive branch. Spend it as you please. We don't care. That is what we are saying.

And, Mr. Speaker, I don't like it.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman talks about how we should have stuck with the bills that they produced last year. There is only one problem. They couldn't convince their Republican brethren in the Senate to buy them. And so we had to try something else.

I can't help it that the majority party did not meet its responsibilities to pass these appropriations because you had an internal fight within the Republican Party. But now the responsibility is passed to us, and at least we are producing a proposal which can pass both Houses. That is more than can be said for the work product of the last Congress.

Mr. Speaker, I now yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I heard the term ''abdication of responsibility'' used. I consider abdication of responsibility only passing two out of 13 appropriation bills last year.

Today is a good day for America's veterans. As someone who has fought hard for veterans over the years, I want to applaud Chairman OBEY and Democratic leaders for placing such a high priority on veterans in this resolution. It is the right thing to do. Our veterans fought for our country, and now it is time for us to stand up for them.

Unfortunately, though, since October 1 of last year, for the last 4 months, VA health care has been woefully underfunded. Why? Because those who are arguing against this resolution today failed to pass for the entire year the 2007 VA appropriations bill when they were in charge of this House and the other body, continued underfunding that put veterans health care seriously at risk.

VA medical care in this resolution has increased by $3.6 billion. That means $300 million each month once this resolution becomes law, helping to provide better health care for our men and women who have served our country.

Let me personalize what those numbers mean to our veterans. Without the vital funding increase in this resolution, millions of veterans could see their health care services reduced. Hundreds of thousands of veterans could have to wait in line longer, perhaps months longer, to get the medical services they need and they deserve. Tens of thousands of veterans might not even receive any medical care at all from the VA without this resolution.

A vote for this resolution is a vote to respect our veterans. It says we will not only respect our veterans with our words. We will respect them with our deeds. Our veterans deserve no less. Vote ''yes'' for our veterans by voting ''yes'' for this resolution.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I thank Mr. LEWIS for yielding.

I rise in opposition to the resolution. And let me just stipulate it probably has a lot of very good things in it. But when I was chairman of two different subcommittees, we always had complete consultation, and if what I am saying is not accurate, those Members should come down here and attack me for it, complete consultation before we sent the bills out. And what I am concerned about is the precedent that we are establishing.

I have a resolution to put the Congress on record in support of the Iraq Study Group. Now, am I going to be foreclosed from offering that resolution? Here is a group of men and women, Baker and Hamilton, who spent 8 months. It was one of these evil earmarks that you hear all about it. Am I going to be foreclosed from offering the Baker-Hamilton solution to the

problem? The administration doesn't like it. Probably Members on both sides of the aisle don't like it. But am I going to be foreclosed? Here is a group that spent 8 months looking at this. And Jim Baker is a good man and Lee Hamilton is a good man. They were bipartisan. Chuck Robb; Bill Perry; Leon Panetta, who served over here; and Ed Meese. Based on what we are seeing here now, I will be foreclosed. Any resolution that comes from this side of the aisle is automatically foreclosed. We have watched it for the whole month of January.

So let me just say I am sure, Mr. OBEY, this is probably a lot of good stuff. But we on the minority side have to be treated the way we should be. Do unto others as you would have them do unto you.

Now, the test will be with my resolution, and there are only two of us on it, GILCHREST and myself. Will I be foreclosed by the Rules Committee in 2 weeks from my resolution that puts the Congress on record in support of the Baker-Hamilton Commission? Ten people, five Republicans, five Democrats, spent more time looking at this issue of Iraq than this Congress has, than the Republican Party has and the Democratic Party has. And based on what is taking place so far today, I will be foreclosed.

And I hope I am not foreclosed because when you are in the minority and you don't have that opportunity to offer amendments, then, frankly, you are being cut out of the process.

Mr. Speaker, I rise in opposition to this resolution.

This is a continuing resolution like no other that I have seen before. It is an omnibus appropriations bill that will fund nearly one-half of the federal government for fiscal year 2007.

When I was Chairman of the Science, State, Justice Subcommittee, we had in-depth discussions and consultations with our Ranking and minority members. On our committee we worked in a bi-partisan manner. The precedent that this CR is setting troubles me.

I have a resolution supporting the recommendations of the recently released Iraq Study Group, also known as the Baker-Hamilton report.

Based on this CR process with its closed rule and no committee debate, does this mean that I am going to be foreclosed from offering the resolution?

The chairman of the Appropriations Committee has been quoted saying that most of the negotiations on the CR were conducted by staff. While we have terrific staff on both sides of the aisle, this is not the way this institution is supposed to operate.

The resolution before the House includes $31.2 billion for the State, Foreign Operations accounts.

This is an increase of $1 billion dollars over the Fiscal Year 2006 level.

I am in no way criticizing the Gentlelady from New York, but I did not meet with the chairwoman of the subcommittee to discuss the CR. I know she is fair and reaches out across the aisle, and perhaps her hands were tied in this unfair process.

To be candid, there are some positive aspects of the State, Foreign Operations chapter. One is the full funding of the president's request for Global HIV/AIDS. This funding will provide life saving drugs to thousands of people infected with HIV/AIDS and will meet President Bush's goal of treating 2 million people, preventing 7 million new infections, and caring for 10 million people by 2009.

In addition, another $50 million is provided for the African Union's Mission in Sudan, and another $113 million for United Nations' international peacekeeping.

But, these funding increases had to result in decreases elsewhere. The president's 2007 Budget request included $3.2 billion for the Economic Support Fund, the continuing resolution cuts $746 million from the request, and is $148 million below the 2006 enacted level. A reduction of this magnitude will affect the Administration's ability to carry out critical foreign policy priorities, including democracy, infrastructure, and economic development programs in Iraq.

The president's 2007 Request included an increase of $709 million for stability and reconstruction programs in Iraq, these programs are essential to improving the safety of our troops in the country. Yet, the majority directed that there be no mention of funding for anything related to Iraq in the resolution.

This process is not the way the House's business should be conducted. I urge members to vote against this measure to make a statement about the way this entire process has been handled.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I just want to say to my good friend, my colleague, Mr. WOLF, I look forward to working closely with you. And as you may know, or I am surprised if you don't know, my staff was working with your staff every single step of the way, and your input and the input of your staff was invaluable. So we can have further discussions. Thank you very much.

And I want to commend Chairman OBEY and all the staff on both sides of the aisle, because we worked on the bill together, for their tireless work.

It is a shame, frankly, that the Republican leadership of the 109th Congress failed to finish its work on the fiscal year 2007 appropriations bills, leaving vital programs in the lurch.

And while this bill is the result of the Republicans' abdication of duty in the 109th Congress, it is a fair, balanced, and bipartisan attempt to continue essential government programs and services and address critical priorities.

Specifically, this joint resolution provides a total of $4.55 billion for global HIV/AIDS and TB, almost $300 million above the President's fiscal year 2007 request, including $724 million for the Global Fund. We have also increased PEPFAR funding by $75 million over the President's request to put hundreds of thousands more people on lifesaving medications.

In addition to keeping the momentum in our HIV/AIDS initiatives, the joint resolution also addresses the ongoing genocide in Darfur, Sudan. Two-and-a-half years after Congress declared the atrocities to be genocide, violence continues unabated. This bill provides $50 million in additional funds for the only peacekeepers on the ground, the African Union forces.

Additionally, this bill meets our commitment for Israel and Egypt as requested for fiscal year 2007.

And, finally, having just returned from Afghanistan, I do believe there is still a glimmer of hope that our assistance can make a positive impact there. I am pleased that the joint resolution provides over $1 billion for reconstruction programs, counternarcotics and other priorities. And I urge my colleagues to join me in supporting this joint resolution.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the ranking member of our Transportation Subcommittee of Appropriations (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.J. Res. 20 as it is currently written.

The CR includes authorization language that will change the formula for distributing section 8 housing assistance that will cut funding from 31 States and 1,227 PHAs, permanently.

I make no bones about this. Both in my State of Michigan, in Detroit and in Pontiac, PHAs in the State of Michigan as a whole would be severely impacted by the language in this bill. But I am just one of many Members, 31 States, who are impacted by this legislation, by this bill.

I ask why are we doing this now? There is no need to make the change now. There is no urgent situation that needs fixing. Under the current system, every PHA would have received an increase that fully covers the cost of running their section 8 program. No one gets cut; no one gets hurt.

This language has one impact. It creates instability and uncertainty by creating a new set of winners and losers every year.

And in their very first budget, the new majority would cut $460 million for 1,227 PHAs from what would have been provided if the program had been left alone. A complete list of the PHAs being impacted has been made available for all Members to review.

And this is not a one-time sweep, by the way, of so-called excess funds. The losses being imposed on the PHAs with this language are permanent losses, not just for this year.

This is not the system that we worked so hard to develop. Where stability and uncertainty has been the order of the day, we are now having disruption and uncertainty.

The principal claim by the supporters of this provision is that there are excess funds in PHAs that can be redistributed to other entities so that more families can be served. But that is not what the people who run the program say. Of the nearly $29 billion in funds that has been provided to the PHAs over the last 2 years, only 2.5 percent is

actually deemed excess. Two-and-a-half percent. That hardly seems like a crisis to me.

□ 1430

To take away those funds permanently from those areas and the families that could be served is not the solution. Getting the funds spent on families in those areas by those PHAs is the right solution.

It is clear from the language in the bill that the majority has no real certainty on what this provision is going to do. They have set aside $100 million of the funds for unanticipated outcomes. But there will be no doubt about the outcome, and $100 million is a drop in the bucket.

Again, according to the Department, the top 10 PHAs, including New York City, L.A. County, L.A. City, Sacramento, Dallas, Cook County, Miami/Dade, and San Diego County, will be cut $132 million alone; and that leaves $328 million, or 70 percent, of the destruction being caused in smaller PHAs throughout the country untouched.

Finally, the majority has argued that the administration is proposing the same change in 2008 and 2009. No one has seen the HUD budget. We have very conflicting information coming through. Regardless of what is wrong, I would urge all Members on both sides of the aisle with those PHAs that will be impacted like mine, 31, I strongly suggest they look at all of these losses; and I strongly oppose this legislation.

Mr. LEWIS of California. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Illinois (Mrs. BIGGERT).

(Mrs. BIGGERT asked and was given permission to revise and extend her remarks.)

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I support provisions in this resolution that provide funding for roads and transit, Pell Grants, Special Education, NCLB, veterans' healthcare and scientific research at places like NIH and Argonne National Laboratory.

However, I do not support a provision in this bill that will slash housing assistance for hundreds of families and seniors in my district and for thousands more nationwide.

It is unfortunate that the leadership and appropriators on the other side of the aisle decided that it was OK to completely rewrite the funding formula for the disbursement of Section 8 housing funds in this bill without consulting with the authorizing committee, Financial Services. The last time I checked, authorizing on an appropriations bill is against the House rules. But of course, the rule for this bill denies us any opportunity to raise a point of order, or amend the bill. At least during previous Republican-led Congresses, our leadership had the courtesy to allow Democrats to offer amendments and points of order and followed rules that reflect a truly democratic process.

Now, I must point out that the other side of the aisle still has a chance to do this the right way. As the new Ranking Member of the Financial Services Housing Subcommittee, I am perfectly happy to work with the majority to craft a comprehensive, bipartisan Section 8 reform package that will provide stability and predictability for our public housing authorities and those whom they serve.

My constituents are not well served by this abrupt and drastic change in the formula, and I would warn my colleagues from Illinois to look closely at the new numbers for their districts.

The Chicago suburbs are hit hard by this new formula. Each housing authority in all three counties of my Congressional district will receive a funding cut this year. The housing authority in Cook County will lose $8 million, Joliet will lose $1.1 million, Aurora and DuPage County will lose over a million dollars.

These are not just dollars; these are families and seniors who are being hurt here. With this bill's proposed cuts to Section 8 housing funding, more than 100 families in DuPage County, about 150 in Will County, and thousands across the country will be kicked to the curb in 2007. This is unacceptable.

I am disappointed by the thoughtlessness of those on the other side of the aisle who determined the new formula and numbers in this bill. I urge my colleagues to alert their constituents who will become homeless this year about this fly-by-night formula change that our dear colleagues have brought to the floor today. I invite the Democratic leadership to explain to the neediest citizens in the suburbs of Chicago and in communities across our Nation why they won't have a roof over their heads in 2007. This is no way to start the New Year.

Mr. OBEY. Mr. Speaker, may I ask how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Wisconsin has 12 minutes. The gentleman from California has 16.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Speaker, this joint resolution includes important increases above the fiscal year 2006 level for programs that are truly necessary in our Commerce Justice Appropriations Subcommittee. I appreciate the inclusion of increased funding for FBI counterterrorism and intelligence and for the cost of conducting a timely and accurate focus on our next census.

Also included are important increases for basic scientific research, an additional $335 million for the National Science Foundation research, which will set the groundwork for new technologies that will spark innovation and ensure our competitiveness.

Mr. Speaker, I am very concerned, however, about funding for drug enforcement. Funding is included in this resolution to maintain the current rate of operations for every Department of Justice entity except the Drug Enforcement Agency. The funding for the DEA will result in a loss of over 160 agents and deep cuts to the Mobile Enforcement Team program, the DEA's primary tool to fight meth and violent drug crime at the State and municipal levels.

With violent crime on the rise and many communities dealing with methamphetamine, that crisis, this is the wrong time to retreat on funding for the DEA. For this and many other reasons I rise to oppose this resolution.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts, the chairman of the Financial Services Committee (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, when I hear some of my Republican colleagues leap to the defense of section 8, I can only compare that to learning that Ahmadinejad had applied for membership in B'nai Brith. We have been trying to defend section 8 against assault for some time.

One form of the assault has been formulaic rules that prevent all of the money that is appropriated from being spent. Because there is a lot of support for section 8, the administration has been unhappy when we have voted here more money than they have asked for. So they have had a series of formulaic restrictions that keep us from getting it all spent.

I will note, by the way, that the particular change here that the committee has recommended is supported by the National Association of Housing and Redevelopment Officials, the Council of Large Public Housing Authorities, and the Public Housing Authorities Directors Association. That is, all of those who administer section 8 through their organizations endorse it.

Here is the way it has worked. There were formulas put in there that kept some agencies from spending money which they received. That is, many agencies were given money that could not be spent and had not been spent that came out of the hide of agencies that needed to spend more. What this bill does is to make sure that every appropriation is spent; and as to those agencies that might be losing an allocation, in every case they are losing money that they had not been able to spend because they did not have the legal authority to do it.

This bill guarantees, and we will be here to make good on that guarantee, that any agencies that can say, well, we are not getting the same allocation that we got before, they will have reserves available to them on which they can draw. So we can guarantee that no one will be unable to serve everyone they are now serving.

What it does mean is that money which this formula has prevented from being spent in some agencies will now be spent. We will not give some agencies more than they can spend and some less. We will even it out.

And I stress again that the reserves will be available, and that is why every one of the agencies in this country that spends money on section 8, all of the public housing authorities have explicitly supported this particular change.

COUNCIL OF LARGE PUBLIC HOUSING AUTHORITIES,
Washington, DC, January 31, 2007.

Hon. DAVID OBEY,
Chairman, House of Representatives, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: The Council of Large Public Housing Authorities (CLPHA) represents 60 of the nation's largest housing authorities that own and manage 40 percent of the nation's public housing and administer over 30 percent of the Housing Choice Voucher program. We are writing to support the FY 2007 Joint Resolution in the House of Representatives.

CLPHA greatly appreciates the inclusion of an additional $300 million for Public Housing Operating Fund in the legislation and the $487 million increase in the Housing Choice Voucher account. The increase in operating funds is a good start in addressing the chronic under-funding of public housing programs. Public housing is still significantly under-funded and we look forward to working with Congress to provide full funding for public housing.

CLPHA commends the House for unraveling the complicated and inefficient funding system HUD has imposed on housing authorities since 2004. By adopting a formula. that bases funding on the most recent 12 months of leasing and cost data the House action will guarantee funding for all vouchers in use. The increase in funds, combined with the change in how these funds are distributed ensure that housing authorities do not have to reduce the number of families they currently serve.

However, in order to effectively transition to this new formula, housing authorities need access to currently allocated funds to help them to offset losses and to increase leasing levels in their communities. Congress must protect these funds and prohibit HUD from recapturing them for either punitive reasons or to meet a rescission target.

Thank you again for supporting public and assisted housing programs. We look forward to working with you on these most important issues.

Sincerely,

SUNIA ZATERMAN,
Executive Director.

PUBLIC HOUSING AUTHORITIES DIRECTORS ASSOCIATION,
Washington, DC, January 31, 2007.

Hon. DAVID OBEY,
Chairman, House of Representatives, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: PHADA represents the professional administrators of almost 1,900 local housing authorities from all over the United States. I am writing in regard to the FY 2007 Joint Resolution the House of Representatives will soon consider.

PHADA supports and appreciates the inclusion of $300 million more in operating funds included in the legislation. The summary accompanying the resolution notes that this increase still leaves HAs with a significant shortfall in FY 2007. Still, the measure is a welcome step in the right direction. PHADA wants to work with you and your Senate colleagues on future efforts to bring public housing funding up to more adequate levels.

PHADA also supports the Housing Choice Voice (HCV) funding and formula in the legislation. The association has long supported a more rational voucher formula based on actual leasing and voucher costs. Your bill establishes the inception of such a policy. Recent experience demonstrates that the Bush Administration's ''snapshot'' voucher formula has not been successful. Inefficiencies in that formula have over-funded some housing agencies and underfunded others. Moving to a formula based on actual voucher lease up and costs distributes funding to agencies as it is actually being used and thus guarantees funding for all vouchers in use. Importantly, the bill also includes $100 million to protect housing agencies and residents that might otherwise be harmed during the transition to the new formula.

Thank you again for your support of public and assisted housing programs. PHADA looks forward to working with you on the implementation of this legislation and during the FY 2008 budget process that begins next week.

Sincerely,

TIMOTHY G. KAISER,
Executive Director.

NATIONAL ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS,
Washington DC, January 31, 2007.

Hon. DAVID OBEY,
Chairman, House Committee on Appropriations, Washington, DC.

Hon. JOHN OLVER,
Chairman, House Appropriations Subcommittee on Transportation, HUD, and Related Agencies, Washington, DC.

Hon. JERRY LEWIS.,
Ranking Member, House Committee on Appropriations, Washington, DC.

Hon. JOSEPH KNOLLENBERG,
Ranking Member, House Appropriations Subcommittee on Transportation, HUD, and Related Agencies, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS: I am writing to express the strong support of the National Association of Housing and Redevelopment Officials (NAHRO) for the Section 8 Tenant-Based Rental Assistance voucher- renewal formula included in H. J. Res. 20. Formed in 1933, with more than 22,000 agency and individual members, NAHRO is the nation's oldest and largest nonprofit organization composed of local agencies and officials engaged in creating and maintaining affordable housing opportunities. NAHRO members are responsible for administering more than 80 percent of all Section 8 Housing Choice vouchers.

This revision to the voucher distributional formula is a long-overdue correction of a policy that has simply proven not to work. Prior to the adoption of the current law policy in 2004, the voucher program was highly successful in serving families it was charged to assist. The funding policies in place provided the incentives and stability necessary for agencies to efficiently administer the program.

Since the current law formula was instituted in 2004, this highly-successful program has lost well over 100,000 vouchers, and by some estimates are as many as 150,000 vouchers, due to inefficiencies in the formula. In contrast, H. J. Res. 20 will provide all agencies sufficient funding to continue assisting the same number of families served in FY 2006, and some may be able to make some progress toward restoring lost vouchers.

INEFFICIENCY OF CURRENT FORMULA LED TO LOSS OF VOUCHERS

Newspapers across the country have chronicled the numbers of families whose assistance was abruptly terminated or denied, dismissed from waiting lists, or for whom rent burdens have increased since 2004. The loss of assistance for these tens of thousands of families has not been due to a shortage of funding provided by Congress. In fact, Congress appropriated sufficient funding each year to support these families.

These dramatic losses are, in fact, due to the inefficiency of tbe formula in place since 2004. The current formula bases funding to each agency upon an outdated and unrepresentative ''snapshot'' of data from three months in 2004. As a result, it has distributed more money to some agencies than necessary to serve 100 percent of their authorized families, while at the same time, deeply cutting other agencies, forcing them to reduce the number of families served. The depth of the inefficiency has grown with time.

H J RES. 20 MAKES MORE EFFICIENT USE OF AVAILABLE FUNDS

The revised formula contained in H J Res. 20, as written, will ensure that all public housing agencies will receive at least the amount necessary to serve the number of families served in their voucher programs in 2006, plus inflation. These agencies will not lose funding needed to maintain their programs at the levels existing in 2006, and some may be able to make progress in restoring lost vouchers. In addition, agencies have access to a $100 million adjustment pool for any agency tbat has increased need due to unforeseen circumstances or any hardship caused by the transition to the new formula.

The net result is a more accurate formula than the one in use from 2004 through 2006. This formula will utilize tbe funding provided more efficiently than the previous formula, assisting a larger number of families with the appropriated amounts than would occur under the previous formula.

FOCUS MUST BE ON SERVING THE GREATEST NUMBER OF FAMILIES WITH DOLLARS PROVIDED

Detractors opposing formula revision have unfortunately relied on data that provides a misleading picture of the impact of the revised formula. This is because the data focus solely on the amounts distributed to each community rather than on the efficiency with which those dollars will be used to serve eligible families. Because the current formula is based on outdated ''snapshot'' information, much of the funding cited as a ''net loss'' under the H J Res. 20 formula is actually in excess of the amounts needed to serve 100 percent of those agencies' authorized families in 2007. These are funds that would be distributed but could not be used by agencies to serve families if the present formula were retained. Therefore, the data do not provide an accurate picture of the families served by those dollars, the most important measure of success for this program.

The agency-by-agcncy listing in the data does not show the half of all agencies who receive less funding under the current formula than under H J Res. 20. For these agencies, the consequences of loss of dollars under the current formula will have a real and severe impact on the number of families they can serve. The H J Res. 20 formula is based on the amount necessary to continue serving the number of families presently assisted, Failing to enact it would mean that these agencies will not receive the funds necessary to serve families in place last year and perhaps make some progress in restoring lost vouchers,

We do not dispute that there is much unmet need for housing assistance across the country. However, providing some agencies with funding above 100 percent of their authorized vouchers while others continue to lose assistance for families in place last year is not a sound national policy. Instead, it is an inefficient use of taxpayers' dollars that needlessly leaves thousands of families unassisted.

In sum, we congratulate you on your willingness to correct in this voucher funding policy. Repairing the damage done to this program over the past three years will take time. The funding policy provided by H J Res. 20 is a good step in that direction. With continued funding support from Congress for both vouchers and the administrative funds necessary to help families find housing, and

efficient funding policies, we can set this critical program back on its former path of success and restore the number of vouchers lost in recent years.

Please feel free to contact me if you have any questions about this information

Sincerely,

SAUL N. RAMIREZ, Jr.,
Executive Director.

CENTER ON BUDGET AND POLICY PRIORITIES,
Washington, DC, January 30, 2007.

Hon. DAVID OBEY,
Chair, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CONGRESSMAN OBEY: I am writing to state our strong support for the provisions relating to ''Section 8'' Housing Choice Vouchers in H.J. Res. 20, the Joint Funding Resolution for Fiscal Year 2007.

Section 8 vouchers are the leading source of federal housing assistance, and provide access to affordable housing for approximately two million low-income households, including working families with children, the elderly, and people with disabilities.

H.J. Res. 20 fully funds the President's request for voucher renewals, by providing the $487 million above the FY 2006 level that the President has said is needed to maintain the program. In a bill where resources were very constrained, this is a notable achievement.

Even more important, however, the bill makes a badly needed change in the formula used to allocate funding among the 2400 state and local housing agencies that administer the voucher program. For the past three years, voucher funding has been distributed under a highly flawed and inefficient formula. This formula relies on outdated data about housing trends, and has been providing many agencies with more funds than they can use, while others have had to make significant cuts. In all, a staggering 150,000 vouchers have been lost since 2004.

H.J. Res. 20 would ensure that the funding for each voucher in use in 2006 is renewed, by basing agencies' funding on their actual leasing rates and costs in the prior year. This simple but critical reform would stem the tide of voucher cuts, and restore badly needed stability to the program, at no additional cost to the federal government. By contrast, had the formula not been altered, thousands of vouchers in use in 2006 would have been in jeopardy.

I commend you and Members of the Committee for including this provision in the bill, and would urge others to support your efforts.

Sincerely,

ROBERT GREENSTEIN,
Executive Director.

NATIONAL LOW INCOME HOUSING COALITION,
Washington, DC, January 31, 2007.

DEAR REPRESENTATIVE: The National Low Income Housing Coalition urges you to support H.J. Res. 20, the joint funding resolution that will fund the federal government for the remainder of FY07. The bill provides necessary program increases and policy changes to critical low income housing programs.

In particular, I want to call to your attention the provisions that will make important improvements to the Department of Housing and Urban Development's housing choice voucher program.

In 2004, HUD and Congress changed the formula for distribution of housing choice voucher funds to the 2600 public housing agencies that manage the program. This was done as a cost-cutting measure. Unfortunately, this change resulted in a system that has proved to be inefficient and wasteful, while at the same time reducing the number of vouchers available to many communities.

Under this new distribution formula, many public housing authorities were forced to reduce the number of families that were served by vouchers. As a result, there has been a loss of 150,000 vouchers since 2004, which could have assisted the large number of families on waiting lists for affordable housing across the country. At the same time, some public housing agencies received funding allocations that were higher than their funding needs and these funds went unused,

Congress has the opportunity to remedy this problem by adopting the new formula included in H.J. Res. 20. In 2006, this formula was included in legislation (H.R. 5443) approved by the House Financial Service Committee and in the Senate FY07 Transportation, Treasury, the Judiciary and Housing and Urban Development appropriations bill.

The change allocates funding in FY07 based on each housing agency's most recent twelve month period of voucher leasing and cost data, rather than a three-month snapshot in 2004 that is current measure. The National Low Income Housing Coalition strongly supports this formula change.

We also thank the appropriators for including the President's FY07 request for voucher funding in the joint funding resolution. If both the formula change and the funding increase are enacted, no public housing authority will have to make cuts to their voucher programs in 2007.

Thank you for considering our views.

Sincerely,

SHEILA CROWLEY, MSW, PhD.,
President and CEO.

NATIONAL LEASED HOUSING ASSOCIATION,
Washington, DC, January 31, 2007.

Hon. JOHN W. OLVER,
Washington, DC.

DEAR REPRESENTATIVE OLVER: The members of the National Leased Housing Association have reviewed Joint Resolution 20 with regard to funding for the Department of Housing and Urban Development and are writing to share our perspectives on the Section 8 programs.

First, we commend both the House and Senate for their efforts to provide adequate funding for the ''Section 8 Housing Choice Voucher'' program and for the renewals of Section 8 project-based contracts. These programs are critical to the provision of affordable housing to 3.5 million households. We are also pleased that the Joint Resolution addressed the expiration of HUD's restructuring authority under the Mark to Market program.

Further, we applaud you for addressing how vouchers are allocated to local communities. We believe that the approach taken in the Joint Resolution, which bases agencies' budgets on their leasing costs from the most recent 12 months, is sound and will lead to the most efficient and stable results for recipients, administrators, owners and other stakeholders. In the last three years, we have learned through experience that basing voucher funding on outdated information from a potentially unrepresentative three-month period, leaves many housing agencies without the resources needed to meet current commitments.

In addition, the rigid funding formula of the past few years have left current voucher holders vulnerable; minimized the ability of PHAs to utilize the vouchers authorized by Congress; exacerbated concerns that it is not prudent to lend or invest private capital in affordable housing; reduced housing choice for voucher holders; and inhibited new construction and rehabilitation of additional low income units.

By allocating funding based on the realities of the local marketplace, the Joint Resolution formula will avoid these problems, and ensure that scarce federal resources are directed where they are most needed to support current commitments.

Sincerely,

DENISE B. MUHA,
Executive Director.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, this bill before us eliminates $3.1 billion that would support the plan, approved by this Congress, to reposition our military forces throughout the world, a plan that is integral to our strategy to win the war on terror.

The cut in funding of over $3 billion has been termed devastating by Army officials. It eliminates the support for our military and their families, may I remind us, in a time of war.

Let me give you a specific example. Fourteen thousand troops and their families, including 4,000 children, are scheduled to reposition from Germany back to the States. Cutting funding for support for this plan leaves our senior military leaders with the Hobson's choice of either moving just a few units or moving our servicemembers and their families on the bases with inadequate infrastructure and training facilities.

It prevents soldiers from having the type of training facilities they need to prepare for war. It will create an uncertainty about whether their children are able to attend adequate schools. It puts in jeopardy medical treatment facilities that our military members and their families deserve access to and can force our troops into temporary housing.

Mr. Speaker, we are at war. Are we willing to cut support for those who fight this war? I say no, and I will vote ''no.'' This bill shortchanges our troops and their families and inhibits our ability to train and prepare our troops and our Nation for future attacks.

Mr. OBEY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, it is not correct that we are cutting BRAC. We are increasing BRAC $1 billion above the existing levels in the continuing resolution under which we are operating today. We will deal with the additional requests for BRAC in the supplemental, and you can bet that they will get all of their money. But we are adding $1 billion to BRAC. We are not cutting.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Speaker, we would not be in this unfortunate situation if our colleagues in the Senate had actually passed their bill. The House fulfilled its appropriation responsibilities; the other body did not.

I have no problem with my majority colleague on the subcommittee, the distinguished chairman from Indiana. He has involved the minority in the process, treated us fairly, and attempted to protect our interests.

Unfortunately, the ground rules established to this resolution disadvantage the House greatly in the negotiations with the Senate. The process adopted by the majority has undermined the ability of the subcommittee to negotiate a good CR and strip out Senate pork. There are a number of significant funding reductions that should have been taken in the CR that were not.

Again, I have no fault with my chairman. He tried. But the Senate balked at even citing the need to protect ''important'' Senators.

Let me offer a few examples. The fiscal year 2004 omnibus appropriation included a $50 million earmark in the DOE's science account for an indoor rain forest alongside the interstate highway in Iowa, which I opposed, and so did my ranking member at the time, now the chairman.

The Department of Energy has been unable to execute this earmark because the sponsor has not produced the necessary non-Federal matching funds. Nearly $45 million remains unspent and unspendable.

The House proposed to rescind this earmark, but the Senate refused to consider it. If ever there were a piece of low-hanging fruit ripe to be stripped out of the resolution, this is it. The 109th Congress had its infamous Bridge to Nowhere. The 110th Congress is now building its own legacy, starting with a $50 million ''roadside attraction'' in Iowa.

In the NNSA weapons account, the House identified several sources of significant savings. The House proposed a total of $495 million of reductions from weapons activities, but the Senate again refused to accept this reduction because of perceived impact in New Mexico. The final CR contains only $94.5 million of reduction, leaving $400 million of savings untapped.

In the fossil fuel account, 2006 funding in Energy included $49.7 million for oil and gas research, which is funded at discretionary spending in fiscal year 2006, but which is now mandatory by the Energy Policy Act of 2005.

The House proposed again, rightly, to eliminate this discretionary funding in the CR, which only duplicates the new mandatory funding. Instead, the Senate declared this account to be ''untouchable'' in the strong interest of a particular Senator in West Virginia.

Given the House majority passed H.R. 6 to take away perceived windfall profits in the oil and gas industry, it is surprising that it would now allow the same industry to ''double dip'' in the CR.

In summary, I would say again that the process being followed with this CR greatly disadvantages the House in our negotiations with the other body. Members should not delude themselves that we have stripped all of the pork from the CR. We have only succeeded in stripping out the House earmarks. Over in the other Chamber, it is, frankly, business as usual.

We have had the opportunity to realize a half billion dollars of savings in energy and water portions of the CR and to apply those funds to other priority needs such as education, health care and law enforcement. I hope you all realize that in voting for this continuing resolution today means that you have decided that several hundred million of tax dollars will be better spent on welfare for the nuclear weapons labs than on these other pressing national needs.

I encourage Members on both sides of the aisle to vote against this resolution and get rid of the pork.

Mr. OBEY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, if ever there was a case of the pot calling the kettle black, we have just heard it.

The gentleman is objecting because we were not able to go back 2 years to excise from a previous appropriation the rain forest project which was put into your bill when you were chairman. We have eliminated all earmarks for today and tomorrow. We cannot be expected to correct all of your mistakes.

The SPEAKER pro tempore. There remain 9 minutes, 50 seconds for the gentleman from California and 9 minutes and 30 seconds for the gentleman from Wisconsin.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the ranking member, Mr. LEWIS, for the opportunity to speak on this bill.

I oppose the bill; and the reason why, Mr. Speaker, is I think it is very important for our constituents to understand.

Yes, there was a mandate in November as there had been a growing mandate throughout the year to get rid of earmarks. Now when my constituents supported the President's call to get rid of $18 billion worth of earmarks, what they thought he meant was reducing spending $18 billion. They do not want earmarks eliminated for the sake of taking them out of the hands of elected people and putting them in the hands of non-elected bureaucrats, yet that is what this omnibus bill does.

Now in the ag section, the total spending has gone from 100 to $150 billion down. That sounds like a good savings, some of it. You can argue, where did the savings come from?

□ 1445

One thing that was eliminated, $70 million in environmental quality incentive program, $44 million for conservation security programs. These are programs that help farmers, and they have a cost share. It helps farmers plan on environmental repairs, keeping nutrients out of flowing into streams, safe environmental practices on dairies like building lagoons, things like that.

The bill also eliminated $74 million in watershed and flood prevention, building small dams, and it eliminates $2 million from the USDA biomass program. Now at a time when we all want energy independence, eliminating the biomass program in the USDA doesn't make sense to me.

Also it eliminates $11 million in food stamp funding for the employment and training portion of food stamps. All important things.

But where does the money go? For one thing, it goes to the FDA bureaucrats. The FDA wanted about a $20 million increase. They get, under this bill, a $100 million increase, without a single committee hearing on it.

Again, though, it is not just that the FDA is getting money. It is that the taxpayers aren't getting money. Earmarks have been eliminated, but the money does not go back to the taxpayers. It simply goes to the bureaucracy. And that is why I think we should recommit this bill because we can do a better job.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY), the chairman of the Energy and Water Subcommittee.

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

Mr. VISCLOSKY. Mr. Speaker, I would, first of all, like to thank Chairman OBEY. Under his leadership, the Appropriations Committee, and this Congress, has moved quickly to bring resolution to the fiscal work left undone in the last Congress.

I would also like to thank my partner, DAVE HOBSON, who just spoke a moment ago, and all of the members of the Energy and Water Subcommittee for their dedication and cooperation. And while I am at it, I would associate myself with the remarks of Mr. HOBSON relative to the negotiations with the other body.

I am disappointed that we are here today finishing a CR from last year. I would have liked my first role as the chairman of the Energy and Water Subcommittee to be focused on next year's responsibilities, instead of cleaning up the fiscal mess that was left to us.

Mr. Speaker, most importantly, this bill provides $300 million to improve the Department of Energy's ability to proceed with vital renewable energy and conservation research and development. This will allow the Department of Energy to pursue more technologies that would hold promise for reducing the emission of greenhouse gases and the importation of foreign oil while supporting the growth of our economy.

Given the energy crisis facing our Nation, and the implications it poses for our economy, our environment, and national security, these investments in energy research simply could not wait any longer.

This measure also provides $200 million to bolster physical science research. This increase is a first step in a long overdue improvement in government support for research into physical sciences.

Looking ahead, I hope to work with my partner, Mr. HOBSON, as well as again, all of the members of the subcommittee. And I would indicate to my colleagues that I remain very concerned about the size of our weapons complex and the lack of progress being made to rationalize it in conformity to existing treaty agreements and current international circumstances.

Given this, and several other major initiatives being proposed by the Department of Energy, coupled with its fundamental failure to bring major projects in on time, let alone under budget, I will ask for the subcommittee to carefully and judiciously examine all major initiatives being undertaken so that we may fulfill our responsibility as good stewards of the people's money.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to Mr. WAMP, the Appropriations Committee ranking member of the legislative branch.

Mr. WAMP. Mr. Speaker, the first 100 hours is over. That was the easy part; softballs, for the most part, that you campaigned on and that many of us joined you on. But this is where the tough work of governing begins, really, and I don't want to join in the blame game because there is plenty to go around from last year and the Senate Republicans and this year in this bill.

But as a 10-year member of the Appropriations Committee, I would ask the distinguished chairman of the Appropriations Committee to bring this legislation to the committee. Don't bring it straight to the floor. $463 billion worth of spending, and it is not a CR. It is not a clean CR. A lot of bells and whistles here.

As a matter of fact, the distinguished chairman is known for carrying pencils in his coat pocket, and I wonder how many of those pencils he burned up putting this together. It was a lot of work. I commend you for this work. But it is a huge shift in priorities and it didn't come to the committee. So that is what I would ask is you go through the regular order and let's not do this again.

And then let me ask you specifically about the legislative branch portion of this bill. Page 137, because our chief administrative officer, I understand, will have money in this CR to stand up a committee which is controversial, even on your own side, this proposed Select Committee for Climate Change. And I would yield the balance of my time to you, Mr. Chairman, to ask, is there money in the legislative branch portion of this bill to fund what is not an authorized committee yet, but the proposed committee, Select Committee for Climate Change?

I yield to the chairman.

Mr. OBEY. The answer is that there is money, there is adequate money to provide for that committee, if, in fact, it is created. But the formal action on creation has not yet taken place.

Mr. WAMP. And reclaiming my time, the Katrina Select Committee on our side was roughly a $400,000 committee. My understanding, the authority under this bill for the Select Committee on Climate Change would be about three times that amount, $1.2 million. I think we need to go through the regular order there as well.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WEINER) for a colloquy.

Mr. WEINER. As you know, Mr. Chairman, the President and the Republican Congress drastically cut funding for the highly successful COPS program. In 1999 Congress appropriated $1.2 billion for the COPS program, and funding has plummeted since. The President has zeroed out this program every year since taking office and Congress gave no funding for COPS in either fiscal year 2006, or in the House-passed SSJC bill for fiscal year 2007. While the Office of Justice Programs, Community Oriented Policing Services account referenced in section 20901 of the continuing resolution today includes other worthy programs, is it your preference that the additional funding be used for enhancement grants which can be used to hire additional police?

Mr. OBEY. My preference is that additional funding would be available for enhancement grants which can be used for hiring. But that final decision will be up to the administration.

Mr. LEWIS of California. Mr. Speaker, could I inquire as to how much time is remaining on each side?

The SPEAKER pro tempore (Mr. SCOTT of Georgia). The gentleman from California (Mr. LEWIS) has 5 minutes, 50 seconds. The gentleman from Wisconsin (Mr. OBEY) has 6½ minutes.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentlelady from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, I keep hearing from the other side of the aisle that they support our troops. Yet, this CR removes $3 billion from our troops and their families. I offered an amendment to fix this and they refused.

Mr. OBEY. Mr. Speaker, I yield myself 10 seconds.

I, once again, repeat, this bill does not cut BRAC. It adds $1 billion to BRAC. The fiscal 2006 level was $1.5 billion. This bill will have $2.5 billion, and we will be adding more in the emergency supplemental.

Mrs. DRAKE. Would the gentleman yield for a question?

Mr. OBEY. With whatever time I have remaining of the 15 seconds.

Mrs. DRAKE. Well, the article that I am reading, not just information that I have, is a continuing resolution released Monday night axes more than half of the money the Pentagon needs to meet its base realignment.

Mr. OBEY. With all due respect, I don't live in the world of newspaper articles. We produced this bill. I know what is in it. I would hope the gentlewoman would also learn what is in it.

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

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I want to congratulate Mr. OBEY, who was the ranking member in the last Congress, and who worked with Mr. LEWIS to try to pass our appropriation bills and, in fact, we passed all but one of the appropriation bills. Unfortunately, we reported the Labor Health bill, which is the largest bill, other than the Defense bill, in June, and it failed to ever get to the floor of this House because it included minimum wage, and that was not favored by the majority.

Now that we are in the majority, we are left with unfinished business. The gentlelady from Virginia mentions cutting something. We haven't cut anything. As a matter of fact, we have added $1 billion.

If you had passed your appropriation bills, you may have been able to fund at appropriate levels. But you did not pass your appropriation bills. Yet, we hear on the floor today constant complaining from the other side of the aisle that they don't like the way we fixed their failures.

Well, very frankly, I think the American public will. First of all, the American public will be pleased that we are acting, that we are moving on this legislation, which is, essentially, the funding of 9 appropriation bills that failed to move through the House of Representatives and the Senate and to the President as they should have.

Mr. OBEY has worked very hard with Senator BYRD. I know Mr. LEWIS' staff has been very engaged in this as well. I know the Senate staff has been engaged in it. And I am hopeful that this bill will not only pass this House with a very handy vote.

There are many people in this House, on the Republican side of the aisle who asked to achieve exactly what Mr. OBEY has achieved in this bill. He has taken care of the veterans. He has taken care of veterans health. He has taken care of, for the first time in 4 years, trying to get college students Pell Grants that will give them some additional help to fund their college costs. When we had that vote on the floor of this House, we had 124 Republicans join us in that vote. This is one additional step in trying to get college students a more affordable education.

Mr. OBEY has moved in a number of areas to make our investments more productive and a better return for the American people. And this bill will provide for getting last year's business done that was left undone, so that we can move on to have what Mr. WAMP wants, and I want, and Mr. OBEY wants and Mr. LEWIS wants. That is, full and open discussion of the bills in subcommittee, in the full committee and on this floor. I think that is what we will have.

But ladies and gentlemen of this House, we need to complete last year's undone business. It wasn't our fault that it was not done. But whoever's

fault it was, it is not useful to say that it is your fault or my fault or somebody else's fault. It is useful to say we need to move forward. We need to fund government services. We need to fund the priorities of the American people. That is what this continuing resolution does.

I congratulate Mr. OBEY, and I urge all of our colleagues to support this bill so we can finally, one-third of the way into the fiscal year, finally do what we should have done by September 30 of 2006.

Mr. LEWIS of California. Mr. Speaker, somewhat responding to the majority leader's comment, I can't help but be moved to say that he suggested directly that Mr. OBEY had spent a good deal of time with the gentleman from the Senate, Mr. BYRD, the two Members involved in this bill, and beyond that, a good deal of contact with our staff. Beyond those two Members, let me say that this has been a very fine product. It is a staff, nonelected staffperson's piece of work that involves $463.5 billion of appropriations.

I must say that it is important for me that the body know that I am committed to reducing the rate of growth of spending. $463.5 billion is a pretty significant rate of growth.

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But in the meantime, as we go about reducing spending growth, I will also work in a bipartisan spirit to move our bill through the committee and on time and under budget.

I will not, however, respond to either intimidation or any threats relative to the way we are handling the appropriations process. The Appropriations Committee will not become a small colony in the empire of this new leadership.

We renew our commitment to bills produced by regular order that will serve as a credit to our committee, to the national interest, as well as to the people from our districts we pretend to serve.

With that, the leader and I will work further together on this matter, but I am very concerned about the volume of staff direction here where in the final analysis the people know that they are not elected representatives of the House.

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

Mr. OBEY. I yield the gentleman (Mr. HOYER) another minute.

Mr. HOYER. I thank the gentleman for his comments, but I want to say, first of all, when he talks about $463 billion, I read in the newspaper today where OMB was very pleased that we stayed within the caps imposed by the Republican-passed budget. We took the Republican-passed budget, we took those numbers, we stayed within those caps. That is exactly what you did, Mr. LEWIS, when you were chairman of the committee because that was the direction from the Budget Committee. I am understanding that the White House even said that they were pleased with the fact that we stayed within the numbers when you talk about spending.

Secondly, let me say that you and I both served on the Appropriations Committee for a long period of time. In recent years, of course, we have not passed all the appropriation bills in the calendar year, much less the fiscal year, and we would pass omnibus appropriation bills with hundreds and hundreds of billions of dollars larger than this bill. One was passed January 31, the other was passed February 5. They were passed as conference reports with 1 hour of debate and no amendments, in which substantial legislative language had been added in conference and not vetted on this floor or in committee.

I understand the gentleman's representations, but he and I have been here a long time and we have a long history of knowing what has transpired in the past. This is a process that was required by the failure of the last Congress to do its work. It has been done in a way that tries to get it done so that we can get on to do exactly what the gentleman wants for the 2008 bills, give them a full airing, full hearings. And I predict to my distinguished and very close friend, Mr. LEWIS, we are going to have a lot more hearings as we did when we were in charge, we had more hearings than we have had.

We are going to have oversight, and we are going to have careful scrutiny of the taxpayers' dollars. And I look forward to joining my friend in that process in the regular order. We are doing this so that we can get on to that process to do exactly what the gentleman suggests because it is the right thing to do. And I look forward to working with him on that process.

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

Mr. OBEY. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin has 4 minutes and 5 seconds.

Mr. OBEY. Mr. Speaker, I won't take the full 4 minutes. Let me simply say that it is necessary for the House to move forward with this legislation. It is easy to nitpick. It is interesting to me that the minority today has chosen to chastise us for decisions that we made not to go back 2 years and repeal some of the mistakes that the minority made when they were in the majority. They argue that we should have done that; they argue that we should have lived with a simple continuing resolution at '06 levels. If we do that, that would mean we would not have the added funding for veterans health care, we would not have the added funding for BRAC, we would not have the added funding for the National Institutes of Health; we would not be able to raise the Pell grant by $260 for the maximum grant; we would not have the extra funding for energy research.

I would ask Members to recognize that after a full year of the Republican minority not being able to produce and finish their work, it is time for us to finish their work so we can move on. The President is producing his new budget on February 5, which is next Monday. We need to clear the decks so we can deal with that afresh.

I ask for an ''aye'' vote.

Mr. DOOLITTLE. Mr. Speaker, I rise today to express great concern over the decreased funding for the Drug Enforcement Administration (DEA) in the Continuing Resolution for Fiscal Year 2007. Specifically, I am concerned about the drastic cuts to the Mobile Enforcement Teams (MET) and the Regional Enforcement Teams (RET). The MET and RET teams are on the front line each and every day assisting state and local law enforcement agencies to combat the onslaught of drug trafficking. The MET program will be reduced by $30 million and the RET Program will be reduced by $9 million. The priorities in this bill do not represent the priorities of this Nation. How is it that $50 million can be set aside for a rainforest in Iowa in a so-called earmark-free continuing resolution, yet the DEA faces a massive reduction?

The district I represent, California's Fourth Congressional District, will feel the effects of these cuts. In particular, Nevada County faces a tremendous battle with methamphetamines every day. Methamphetamines are becoming an epidemic in this country. This reduction in funding will not only hurt the efforts of law enforcement, but also everyone who lives in a neighborhood being overrun with drugs and drug traffickers. This is the wrong time to be cutting the federal government's primary tool to combat methamphetamine on a local level.

Mr. KUCINICH. Mr. Speaker, today Congress is considering a long-term continuing appropriations bill to fund large portions of the Federal Government through the end of fiscal year 2007. This legislation is necessary because Congress did not complete the appropriations process last year.

There are many reasons to support this bill. For example, the bill increases Pell Grant funding to make college more affordable, IDEA funding by $200 million to help our neediest students, and Head Start funding by $100 million to give our youngest kids the opportunity to learn. Funding for housing opportunities is increased by $1.4 billion. Without the increase HUD would be forced to deny approximately 220,000 voucher renewals.

The bill also boosts funding for local law enforcement by increasing funding for both the COPS program and the Byrne Justice Assistance Grants which directly impact funding for local law enforcement efforts.

NASA aeronautics funding, vital to the Cleveland economy, was increased by $166 million over the president's budget request. Furthermore, the bill contained an extension of the layoff ban, and prevents the NASA Administrator from gutting NASA Glenn.

I also support the $3.6 billion increase in veterans healthcare funding that provides service for an anticipated increase of at least 325,000 patients and to meet rising healthcare costs. In the same vein, Defense Health Programs are increased by $1.2 billion to provide care for service members and their families—including treating service members wounded in action in Iraq and Afghanistan.

Our Nation is facing a crisis in healthcare. The bill provides necessary relief for the Community Health Center to finance over 300 new

or expanded health centers, serving an estimated 1.2 million new patients. The bill boosts funding for the Ryan White CARE Grants, the National Institutes of Health and the Indian Health Service.

The bill adds $1.3 billion to expand efforts to combat HIV/AIDS and TB. At the same time, $248 million was added to the Agency for International Development Malaria Programs to expand its bilateral global malaria initiative activities.

The bill adds considerable funding for the protection of the environment by adding $197.1 million for the Clean Water State Revolving Fund. The revolving fund is distributed by formula and will fund additional water and wastewater infrastructure projects in every state, including Ohio.

The bill adds $100 million to cover operational shortfalls for parks, refuges, forests and other public lands; including facilities in northeastern Ohio.

The bill adds $1.5 billion for the Energy Efficiency and Renewable Energy Resources program to accelerate research and development activities for renewable energy and energy efficiency programs.

Finally, the bill forces greater transparency in the activities of the World Bank, requiring them to report public disclosure of loan agreements between World Bank and its borrowers. This sunshine rule will help ensure the World Bank loans are not destructive to third world nations.

Unfortunately, this bill includes over $6 billion in nuclear weapons funding that I oppose. I have voted against the Energy and Water Appropriations bill, which contains funding for nuclear weapons, since 2002. I cannot bring myself to vote for any legislation that further endangers the world. I regret not being able to vote for all the positive aspects of this bill, but my conscience and my concerns about the threat which nuclear weapons pose to the world matter more.

Furthermore, I am concerned about the potential loss of jobs in Cleveland relating to the BRAC process. I appreciate that the bill contains additional funds for the BRAC process. I urge the Committee on Appropriations to fully fund the BRAC process as soon as possible to ensure the additional DFAS jobs can be transferred to Cleveland as previously scheduled.

Mr. CLAY. Mr. Speaker, I rise in strong support of H.J. Res. 20, providing further continuing appropriations for fiscal year 2007.

I commend the Appropriations Committee for working in a bipartisan manner to construct a resolution that continues to fund the government for the remainder of the fiscal year. As Chairman of the Oversight Subcommittee on Information Policy, Census, and National Archives, I am especially pleased to note that H.J. Res. 20 restores funding that is absolutely vital to conducting an accurate and cost-efficient 2010 census.

The funding in this bill will enable the Census Bureau to move forward with plans for the first-ever automated census in 2010. In addition to saving time and money, utilizing handheld computers will improve accuracy and ensure the most precise enumeration possible of the American people. According to Preston Jay Waite, Associate Director for the Decennial Census, field trials have resulted in a 91 percent accuracy rate.

As preparations for the 2010 Census proceed, active oversight will be important to ensure that all Americans are counted fairly. In 2000, the national census missed at least three million people—mostly the poor and minorities. I look forward to working with Ranking Member MICHAEL TURNER of Ohio and my other Subcommittee colleagues to conduct essential oversight needed to see that this never happens again.

Mr. Speaker, the action we have taken today will guarantee that we don't retreat from the goal of using technology to improve the way we keep track of changes in our population. I thank my colleagues for passing this continuing resolution and will support efforts in the Senate to pass this legislation with the same commitment to adequately funding the 2010 Census.,

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.J. Res. 20, which among other things avert the impeding budgetary train wreck left by the Republican-controlled 109th Congress. I want to pay particular tribute to Mr. OBEY, the Chairman of the Appropriations Committee for his incredible work in fashioning this legislation that will enable us to put behind us the mess left by last Congress and get on to the important business of addressing the real and pressing needs of the American people.

Mr. Speaker, last November millions of Americans went to the polls to register the strong disgust with the Republican dominated control of the legislative and executive branches of our Federal Government. Americans were fed up with a Republican Congress and its legacy of a culture of corruption, its failure to address the pressing needs of the American people, its unwillingness to provide effective oversight of the executive branch, its fiscal irresponsibility that resulted in record budget deficits and added trillions to the national debt, and its ability to complete one of the most basic tasks of the legislative branch: to pass the appropriations bills needed to fund the government. Is it any wonder that Americans were voting for a new way of doing the people's business when they elected the Democratic majorities in the House and Senate? I think not. We Democrats promised a new and better direction for America. And we have been delivering.

Mr. Speaker, behold what we accomplished in less than the first 100 legislative hours of our majority. We passed H.R. 1, which implements the recommendations of the 911 Commission; we passed H.R. 2, raising the minimum wage by $2.10 an hour over three years and providing a much needed raise to nearly 5 million workers; we passed H.R. 3, which will provide funding for embryonic stem cell research and provide hope for millions of Americans suffering from some of the most debilitating illnesses.

But we did not stop there. We passed H.R. 4, which requires Medicaid to negotiate lower prescription drug prices for our seniors and disabled citizens; we passed H.R. 5, which will make college more affordable to middle and working class Americans by cutting the interest rate on federally insured student loans in half; and we passed H.R. 6, which is a substantial start in making this country more energy independent.

And we accomplished all this, Mr. Speaker, after draining the swamp and ending the culture of corruption by adopting the strongest, toughest ethics and lobbying rules in history.

Today, we clean up the fiscal mess left by the Republican-led 109th Congress. The last Congress abdicated its duty to be a faithful and responsible steward of the public fisc. They shirked their responsibility to establish the right priorities and make the right choices to serve the American people. They failed to pass nine of the eleven appropriations bills needed to sustain the operations of government for Fiscal Year 2007.

Mr. Speaker, thanks to your superb leadership, and especially the extraordinary legislative craftsmanship of our remarkable Chairman of the Appropriations Committee, we rectify these Republican failures today. The Continuing Resolution we take up today, H.J. Res. 20, is not the ideal manner to fund the government and contains some provisions that each of us might not like, unlike the President's decision to escalate the war in Iraq, the choices reflected in H.J. Res. 20 represent the best available alternatives out of a universe of worst choices. That is why, Mr. Speaker, I rise to offer my support for the Fiscal Year 2007 Continuing Resolution, and my appreciation to the leadership, the Chairman and members of the Committee, and for all my colleagues who join me in voting for H.J. Res. 20.

Mr. Speaker, H.J. Res. 20, totals $463.5 billion, the amount remaining under the Republican budget resolution for the current fiscal year. Most programs are funded at FY 2006 levels with increases to cover the cost of pay increases. Of course, it was also necessary to make additions to maintain staffing levels, avoid furloughs, and generally meet increased costs or workloads for agencies, particularly the Department of Justice, the federal judiciary, the Social Security Administration, the FAA (including air traffic control), international peacekeeping operations, the Indian Health Service, the Food and Drug Administration, and the USDA Food Safety Inspection Service.

But Mr. Speaker, because the new Democratic majority knows how to, and does not shirk from, choosing wisely and setting the right priorities, in this continuing resolution we were also able to provide significant new investments for high priority needs in many areas, including veterans healthcare and assistance, law enforcement, public health, housing and education, scientific research, energy independence, transportation, and the environment. Let me discuss briefly some of the more important and beneficial provisions.

VETERANS AFFAIRS

In the area of veterans healthcare, the resolution provides $32.3 billion, an increase of $3.6 billion above the FY 2006 funding levels to provide service for the anticipated increase of at least 325,000 veteran patients and to meet rising healthcare costs', especially of our returning soldiers from Iraq and Afghanistan. As President Lincoln reminded us 142 years ago, we have a moral obligation to care for him whom has born the battle, and for his widow and orphan. We are going to keep that commitment.

We also provide $21.2 billion, an increase of $1.2 billion to provide care for service members and their families, including treating service members wounded in action in Iraq and Afghanistan.

Mr. Speaker, we will never neglect the needs of those who proudly don the uniform in the defense of the United States. That is why the resolution provides $13.4 billion to fund the Basic Allowance for Housing, an increase of $500 million. This increased funding is

needed to provide a down payment towards the funding shortfall caused by higher housing rates.

PUBLIC SAFETY AND LAW ENFORCEMENT

In the vitally important area of public safety, law enforcement, and crime prevention, the resolution increases the funding for the Federal Bureau of Investigation by $216.6 million to fully fund 31,359 positions, including 12,213 agents and 2,577 Intelligence Analysts—doubling the number of Intelligence Analysts since September 11th. This amount also includes $100 million to proceed the FBI's plan to move from paper-based case management to electronic data sharing. The resolution also includes $147.4 million for counter-terrorism and intelligence infrastructure.

Mr. Speaker, as a member of the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, I know that investing in crime prevention programs is an effective use of the taxpayers' precious dollars. That is why I am pleased that the resolution provides $520 million for Byrne Justice Assistance Formula Grants, an increase of $109 million, and $542 million for Community Oriented Policing Services (COPS), an increase of $70 million. Together these increases are the first step in reversing the drastic cuts to State and local law enforcement programs made since the Bush administration came into office in 2001. I will immediately make the request for the U.S. Justice Department to fund the new crime-prevention needs of Houston.

Mr. Speaker, as we all know, education is destiny. The surest and most certain path to continued American prosperity lies in an educated citizenry. That is why I am especially pleased that for the first time in 4 years, the maximum Pell Grant has been increased, by $260 to $4,310. This long-overdue increase will help over 5.3 million students pay rising college expenses.

The resolution also provides $10.7 billion for IDEA Part B State grants, an increase of $200 million to help school districts serve 6.9 million children with disabilities and special needs. If we are going to be serious about leaving no child behind, then we must make sure to adequately fund special education.

But there is more, Mr. Speaker. The resolution increases Title I K–12 Grants by $125 million and provides more than 38,000 additional low-income children performing below grade level with intensive reading and math instruction. Thus, we have begun to reverse the decline since 2005 in Title 1 support for elementary and secondary schools at a time of record enrollments (55 million students in 2006) and pressures for more accountability from No Child Left Behind requirements.

The resolution also contains $125 million targeted to the 6,700 schools that failed to meet No Child Left Behind requirements in the 2005–2006 school year, enabling them to implement improvement activities, such as teacher training, tutoring programs, and curriculum upgrades. According to the Department of Education, without this funding more than 80 percent of high-poverty districts would be unable to afford these improvements.

The value and efficacy of Head Start is well known and long established. That is why it is so scandalous that the Bush Administration has cut this program by 11 percent in real dollars since 2002. The resolution increases funding by $103.7 million to help prevent a drop in Head Start enrollments. The money the Department of Education will have will still allow for teacher incentive pay for Houston.

PUBLIC HEALTH PROGRAMS

The resolution provides $1.9 billion, an increase of $206.9 million to finance more than 300 critically need new or expanded health centers, serving an estimated 1.2 million new patients. We also increase Ryan White CARE Grants by $75.8 million to bring it to its authorized funding level of $1.2 billion.

SCIENTIFIC RESEARCH

One of the most important investments this nation can make to secure its long-term future is in the area of scientific research. As a long-term member of the Science Committee, I am keenly aware that to keep ahead of our international competitors we cannot scrimp when it comes to expanding the Nation's intellectual capital and knowledge base. That is why the resolution wisely funds the National Institutes of Health at $28.9 billion, an increase of $619.5 million. This level of funding reverses a projected decline in new NIH research project awards and supports an additional 500 research project grants, 1,500 first time investigators, and expands funding for high risk and high impact research.

The resolution also provides an additional $50 million in new funding for the National Institute of Standards and Technology's (NIST) innovation programs for physical science research and lab support for nanotechnology and neutron research. Equally important, the resolution increases provides funding for the National Science Foundation in the amount of $4.7 billion, an increase of $335 million. This increase is a down-payment towards enhancing U.S. global competitiveness by investing in basic science research.

Mr. Speaker, in an area close to my heart and important to my district, which is often referred to as the Energy Capital of the nation, the resolution increases funding to the Department of Energy's Office of Science by $200 million to support cutting edge research, including new energy technologies such as improved conversion of cellulosic biomass to biofuels. I also appreciate that the resolution increases funding for energy efficiency and renewable energy resources by $300 million which will enable us to accelerate research and development activities for renewable energy and energy efficiency programs. NASA and in particular the Johnson Space Center can be funded by redisbursing funds in the Agency to avoid lost jobs and the stopping of important work. I will work for the continued work of NASA.

HOUSING AND URBAN DEVELOPMENT

Mr. Speaker, as Hurricane Katrina laid bare for all the world to see, affordable housing has for too long been a neglected priority in this country. The resolution makes a modest but useful stab at correcting this woeful situation. The Section 8 Tenant-Based Program is funded at $15.9 billion, an increase of $502 million, which will enable the Department of Housing and Urban Development to renew 70,000 housing vouchers currently in use by individuals and families. The Section 8 Project-Based Program is budgeted at $5.9 billion, an increase of $939 million. This much needed increase will help HUD renew 157,000 housing vouchers currently in use by individuals and families.

Although no one likes to live in public housing, we must remember that for millions of our fellow citizens they are their home and sanctuary. For too long they have been neglected, which has led to an accelerated state of disrepair. That is why it is encouraging to see that the resolution provides an extra increase $300 million to enable Public Housing Authorities (PHAs) to address critical operating needs after last year's energy hikes saddled them with $287 million in unexpected utility costs. Although this increase is still $672 million short of the total estimated need of $4.5 billion, it will help to restore staff levels, maintenance activities, elderly service coordinators, security officers and equipment.

Also Mr. Speaker, the resolution contains language changing the funding formula for the Section 8 Tenant-Based Program. The current formula is based on information from 2004 that is out of date and results in some Public Housing Authorities (PHAs) getting more money then they can spend while others have less than they need. The resolution corrects this problem by directing HUD to use the most recent 12–month leasing and cost data. Last week HUD announced that a similar provision would be included in their 2008 budget request to be implemented in 2009. By including the language now, 2007 funds will be put to their intended use—funding housing units for low-income families and individuals rather than sitting unspent.

TRANSPORTATION GUARANTEES

Next to human capital, few things are as important to the nation's economic future as is its physical infrastructure, especially its roads and bridges. That is why it is very good news that the federal aid highway program is fully funded at the level guaranteed in the SAFETEA–LU Act by providing an obligation limitation of $39.1 billion for FY 2007, $3.5 billion over the FY 2006 enacted level; and funding for Federal mass transit programs is increased by $470 million to $8.97 billion to meet the transit funding guarantees as required by SAFETEA–LU.

GLOBAL HEALTH

Mr. Speaker, America is a generous and compassionate Nation. That is why it is consistent with our values that the resolution increases Global HIV/AIDS funding by $1.3 billion to $4.5 billion. This increase will help to expand efforts to combat HIV/AIDS, and TB programs including in the 15 focus countries and the multilateral efforts through the Global Fund to Fight HIV/AIDS, TB and Malaria.

I am proud that the United States is doing more than its share in helping to eradicate malaria, which is still too often an unnecessarily fatal disease in too many parts of the world. The resolution funds the Agency for International Development's Malaria programs in the amount of $248 million, an increase of $149 million. This will allow U.S. AID to expand its bilateral global malaria initiative activities from the current 3 countries to 7. Country programs expand access to long-lasting insecticide treated bed nets, promote and support effective malaria treatment through the use of proven combination therapies; and increase prevention efforts targeted to pregnant women.

MORATORIUM ON DIRECTED SPENDING PROJECTS

Mr. Speaker, the continuing resolution explicitly eliminates directed spending projects (''earmarks'') for Fiscal Year 2007 and retains the moratorium on earmarking in place until a reformed process was put in place. Unfortunately, many worthy earmarks are not funded

including the Boys and Girls Clubs, America's Promise, and the Thousand Points of Light Foundation. I know many of my colleagues are disappointed that the budgetary mismanagement by the Republican-controlled 109th Congress necessitated this draconian measure. In spite of this prohibition I will fight to secure funding for the TSU Lab School and other projects.

But I take some consolation in Chairman OBEY's assurance that earmarks included in this year's appropriations bills will be eligible for consideration in the 2008 process, subject to new standards for transparency and accountability and that the Committee and leadership will work to restore an accountable, above-board, transparent process for funding decisions and put an end to the abuses that have harmed the credibility of Congress.

Although the resolution eliminates earmarks for the current fiscal year, I note Mr. Speaker, that the resolution will, however, continue to help State and local governments meet the needs of their communities by providing funding for grants through authorized discretionary and formula programs including Teacher Incentive Grants, Corps of Engineers programs, Military Construction, Department of Energy science programs, Agricultural Research Service operations, and the USDA Cooperative State Research, Education, and Extension Service.

Mr. Speaker, perhaps the most compelling reason for supporting H. Res. 20 is that stated by Chairmen OBEY and BYRD in their Joint Statement of December 13, with which I close:

> There is no good way out of the fiscal chaos left behind by the outgoing Congress. Indeed, this joint resolution provides the Administration far too much latitude in spending the people's money. But that is a temporary price that we will pay in order to give the President's new budget the attention and oversight it deserves and requires, and so that we can begin work right away at putting the people's priorities front and center. We, in the new Congress, have a responsibility to build the foundation for a better future. We cannot begin that work until we fix the problems left behind by the Republican Congress. So, we must turn the page on the Republican failures and work together in the best interests of the American people.

Mr. Speaker, I urge all members to support H.J. Res. 20 so we can move forward and attend to real and pressing needs of the American people.

Ms. LEE. Mr. Speaker, I rise in support of the continuing resolution.

Today we are in this colossal mess because last year's Republican Congress failed to do its job.

Instead of passing the necessary spending bills to fund our Government, Republicans decided they would rather pass the buck.

Instead of owning up to their failure today, Republicans are crying foul! What hypocrisy Mr. Speaker!

Under Republican rule we have seen our country's finances literally flushed down the toilet. Our Nation's debt grew by over $3 trillion thanks to the Republicans. They passed massive tax cuts for the ultra rich. They got rid of common sense pay-as-you-go rules. And they started a completely unnecessary war in Iraq, whose true cost of nearly $450 billion, they have tried to hide from taxpayers.

They had their chance to try and make amends last year, but they failed to act.

Today Democrats are picking up the pieces and leading our country in a new, fiscally responsible, direction.

This CR eliminates all earmarks, suspends the Congressional pay raise and provides critical increases to a number of important programs this year.

In particular, I want to thank Chairman OBEY and my colleagues on the appropriations committee for providing over $4.7 billion for our global AIDS, tuberculosis, and malaria programs in FY07. This money will ensure the continued scale-up of these programs and will provide lifesaving anti-retroviral therapy to another 350,000 people this year.

I am also very pleased that the Department of Housing and Urban Development (HUD) will receive an increase of $300 million for its public housing operating fund. This money will help the Oakland Housing Authority in my district to keep our public housing units open so that we can provide stable housing to thousands of low-income individuals and families who are in need.

Additionally the $1.4 billion increase for Section 8 housing programs and the change in formula will provide housing assistance for a quarter of a million people and help California get its fair share of funding to reflect rising rental costs in our state.

Although not perfect, today's CR sends a very powerful message that the Democratic Congress is strongly committed to helping those who are most vulnerable in a fiscally responsible manner.

Although we have still got a long ways to go to re-order our Nation's priorities, this CR is the first step. I urge my colleagues to support it.

Mr. TERRY. Mr. Speaker, I rise in strong opposition to the process used by the majority party to write and debate the bill under consideration today.

Ranking minority members were not consulted on this legislation or provided an opportunity for input. In fact, most of the majority party's own members had no input in this process. Appropriations Committee Chairman DAVID OBEY instead directed his staff members to write major budget legislation behind closed doors without involving elected Members of Congress. It appears staff members of Senate Appropriations Committee Chairman BOB BYRD conducted negotiations on behalf of the Senate.

As reported in CongressDaily AM today, "most of the negotiations were conducted by staff." This information came from Chairman OBEY, who also said that Members of Congress only became involved in the negotiations "when matters became difficult." Let me repeat that: Unelected congressional staff for Chairmen OBEY and BYRD conducted negotiations on 9 of 11 major spending bills that make up the annual budget of the United States Government.

Why do we have an Appropriations Committee if the committee members have no input in the appropriations process? I propose the next legislation this Congress should debate is a bill to dissolve the House Appropriations Committee. It is clearly unnecessary since major budget negotiations can be conducted by staff instead of elected Members. Apparently, the Appropriations Committee consists entirely of Chairman OBEY, who can single-handedly dictate the legislative process and assign his staff to take the place of elected Members of Congress.

Handing responsibilities for major budget negotiations to congressional staff for Chairmen OBEY and BYRD is an abdication of responsibility. It also sets the stage for corruption on many levels. These staff-level negotiations were unknown to the public and the majority of elected Members. I am deeply concerned that damage and corruption to our laws will occur if Members of Congress are not thoroughly involved in the creation of legislation and knowledgable about the contents of bills brought to a vote.

In addition, allowing only 1 hour of debate and no opportunity for amendments on major $463.5 billion legislation that Members had only 1 day to review is further evidence of the majority party's lack of consideration for our system of government and the responsibilities of elected Members. I also wish Congress had completed the budget process last year, but this fact does not excuse the closed process used to write H.J. Res. 20 this week.

I sincerely hope the majority party will begin including elected Members of Congress in the process of lawmaking, as the Constitution intended, and as the American people rightly expect. Our system of government of the people, for the people, and by the people depends upon our ability to work together to accomplish the business of the American people. I urge my colleagues from both sides of the aisle to join me in calling for a return to the regular committee process and more fair and open debate of legislation with opportunities to offer amendments.

Mr. HOLT. Mr. Speaker, I rise in reluctant support of H.J. Res. 20 the Continuing Resolution for FY 2007. Mr. Speaker, this is not the bill that I or any of my colleagues wish we were voting on today. This bill eliminates all earmarks, some for worthy projects like job training, community-based healthcare, and boys and girls clubs. I had hoped that each of the eleven FY 07 appropriations bills would have passed separately into law last year, with proper funding increases to ensure that we are investing for the future. Unfortunately, the last Congress only passed two.

The last Congress failed at this, and we are left now left to pass a continuing resolution for the rest of FY07 without the detailed fine-tuning and funding increases the bills normally contain. The Republican failures on the budget created the worst budget mess since the Government shut down in 1996. It is no wonder that the debt has increased by more than $3 trillion since Republicans took control of the Government.

The funding of scientific research is crucial to our competitiveness, economic well-being, and quality of life. Flat funding in the context of inflation is difficult for everyone, but it is particularly damaging to scientific enterprise. Scientific budget items must change dramatically each year as large projects with short lives are constructed, go into operation, and are replaced. This year would be a particularly bad time for flat funding in the sciences. We have new international commitments to energy research and new national projects that have completed construction and require operating budgets. We also have unprecedented and much-needed consensus to increase funding in the sciences to keep pace with our international peers. To this end, wrote with two others letters to the Appropriations Committee raising concerns about the impact of flat funding on the Department of Energy's Office of

Science and on the National Science Foundation. These letters were signed by a sizeable fraction of the House, and I am pleased that the Appropriations Committee has addressed this matter, fully for the NSF and appreciably for the DOE Office of Science. I look forward to increased funding for research at NSF and for fusion energy in the FY 08 appropriations.

I would like to point out a few positive points in the bill. This bill provides for a $3.6 billion increase over last year's level for VA healthcare funding. I'm pleased that this increase will make it possible for us to provide services for an additional 325,000 patients in the VA medical system, and to meet rising healthcare costs as have more returning veterans than any time since the Vietnam era. I'm also pleased that the bill includes some $4 billion for our housing program for military families. These gains are important, but we have much more to do. As we begin looking at funding priorities for fiscal year 2008 and beyond, I believe it is imperative that the Congress finally meet America's obligation to provide for full funding of our veterans' health care system. VA hospital and clinic administrators cannot provide consistent, quality services and proper continuity of care over time unless they know how much money they have to work with. The existing discretionary appropriations process for VA healthcare is not working, and only a move to mandatory funding can solve this chronic problem. I look forward to voting for such a proposal this year.

The bill raises the maximum Pell grant award from $4,050 to $4,310. This increase, the first in 4 years, recognizes the essential role of the Pell grant program in improving access to higher education and as a critical component in comprehensive efforts to address college affordability. For years under Republican leadership, Congress all but ignored the growing college cost crisis that was preventing many qualified students from going to college. Now, in just the first month of this new Democratic Congress, the House has already voted overwhelmingly to cut interest rates on need-based Federal student loans. And we have another major step towards putting a college education within reach of every qualified student by boosting the Pell grant scholarship by $260.

The bill also increases Title I school funding by $125 million, bringing total funding from $12.7 to $12.8 billion. The proposed increase would reverse the decline in Title I funding since 2005 and would allow additional reading and math services for some 38,000 eligible children. I also support the proposed $125 million for the Title I school improvement fund. These funds, if passed would be targeted to the 6,700 schools designated as needing improvement under No Child Left Behind, thereby allowing them to implement professional development initiatives, tutoring programs, and other improvements designed to raise student achievement.

The bill also spends $4.5 billion, an increase of $1.3 billion, to expand efforts to combat HIV/AIDS and TB programs, including in the 15 focus countries and the multilateral efforts through the Global Fund to Fight HIV/AIDS, TB, and Malaria. The bill also spends $248 million, an increase of $149 million, to allow the Agency to expand its bilateral global malaria initiative activities from the current three countries to seven.

The chairman deserves ones thanks for negotiating a bill better than a traditional continuing resolution, which would have jeopardized American national security, resulted in thousands of layoffs, and cut off healthcare for members of the U.S. Armed Forces and veterans. For example, the Food Safety and Inspection Service would have faced a month of furloughs, resulting in the closure of 6,000 meat processing plants; the federal judiciary would have had to fire 2,500 workers; and the Princeton Plasma Physics Lab and other research facilities would have had to stop projects and layoff scientists. I ask my colleagues to pass this bill so that we can begin the FY 08 appropriations and make more important investments in our future.

Mr. STARK. Mr. Speaker, I rise today in support of cleaning up the Republicans' mess. The previous Congress failed to pass 9 of 11 appropriations bills, creating the worst budget mess since the Government shut down in 1996.

Today's resolution is far from perfect. But while adhering to the spending limit in the Republican budget, it provides significant funding increases to several important programs.

First, the continuing resolution for fiscal year 2007 provides housing assistance to 227,000 people through a $1.4 billion increase for section 8 housing programs. Second, it finances construction of hundreds of new community health centers and improvements to existing facilities. Third, today's bill increases funding for Head Start by $104 million to help prevent a drop in enrollments. Fourth, it raises the maximum Pell grant by $260, which will help more than 5.3 million students afford college.

It's time to get to work on the people's business. Cleaning up a mess is never fun, but because Republicans failed to take ''personal responsibility'' for this year's budget, it is necessary. I urge my colleagues to vote ''yes.''

Mr. ORTIZ. Mr. Speaker, today is a day when being in the majority is about paying for the very long list of mistakes from the last (Republican) Congress that simply refused to pay the bills.

Well, this Congress will not proceed down that road. Before we can begin the regular funding process, we have to pay the bills the last Congress ran up, then did not pay. That's where we are today. And it is a position none of us are happy about.

There is a long list of items that should be in this CR that would have benefited the people in my south Texas Congressional district, but since the previous Congress could not be bothered to pay the bills, we will have to begin again to put these in our appropriations bills this year.

Among the many items that will now go unfunded is an improvement to help speed up repair of helicopters coming home from and going back to Iraq and Afghanistan at the Corpus Christi Army Depot.

The items that this CR is not funding are not the wasteful spending that characterized the last several Congresses. The items we are cutting here are important national priorities for the health, education and well being of our children and the less fortunate among us, as well as defense priorities for the Nation.

Just this morning, I chaired my first Readiness Subcommittee hearing—a joint hearing with Tactical Air and Land Subcommittee—where we heard time and time again about how much more help the depots needed to repair the equipment our soldiers in the field need so very much.

Not including the funding for helicopter repair at CCAD is part of the price we—as a nation—are paying for the disregard the previous Congress showed for the readiness of our troops, and for the disposition of the job Congress is elected to do.

Mr. UDALL of Colorado. Mr. Speaker, there are many things that can be said against this continuing resolution, as the House has heard during today's debate. But after all those things have been said, I am convinced the only responsible choice is to vote for it—and I will do so.

In fact, it was the failure of responsibility on the part of last year's Republican leadership in Congress that brought us to where we find ourselves today. If they had done their job of developing and enacting the legislation to fund the essential functions of government, it would not be necessary for us to be acting now to make up for their failures.

In fairness, much of the blame rests with the Republican-led Senate. While the House last year did pass all but one of the regular appropriations bills, only two of those bills ever received a final vote in the other body—and only those two were enacted into law.

But even here in the House, the Republican leadership never even brought to the floor the bill to fund the Departments of Labor and Health and Human Services—not before the election, evidently because they did not want to have to discuss it during their campaigns, but not even in the lame-duck session last year.

Given the situation the resulted from their predecessors' failure, Chairman OBEY and his colleagues on the Appropriations Committee decided that the best way to proceed was to bring forward this long-term continuing resolution, intended to complete action on appropriations for the remainder of this fiscal year, and then to begin work on the appropriations bills for the fiscal year that lies ahead.

I support that decision, and I will support this continuing resolution.

There are parts of it that I think fall short of what should be done in a number of areas. But there are other parts that I strongly support, including the provision that withholds any increase in the pay of Members of Congress—something that I think is overdue.

More than a year ago—in October of 2005—I urged the House's conferees to agree to a Senate amendment to the fiscal year 2006 appropriations bill that would have withheld a cost of living raise for Members of Congress. I regret that my plea was in vain, because I think we should be prepared to do our part when our country is at war, our homeland security must be improved, and the federal budget remains deep in deficit.

Withholding a congressional pay raise will make only a small change in the budget because the amount involved is minor compared with other expenditures. However, I think it is an appropriate first step for Members of Congress to forego this increase in our pay, and I am glad this legislation will have that effect.

I also am very pleased that the resolution includes $300 million in additional funding for the Department of Energy's Energy Efficiency and Renewable Energy, EERE, programs. My colleague Representative PERLMUTTER and I worked hard to get this funding included in the legislation, and I intend to work closely with

our colleagues in Congress and with the Department of Energy to ensure that the research programs carried out at National Renewable Energy Laboratory, NREL, in Colorado benefit from a good deal of those funds.

Despite the importance of NREL's work, flat or decreased funding for NREL in recent years—coupled with earmarks and inflationary cost increases—has effectively reduced the funding for renewable energy research, which has led to a continuing struggle for needed resources and great instability at the lab. This in turn has severely affected the lab's ability to develop new technologies and continue the United States' leadership in renewable energy technologies. The boost for EERE funding in this bill could go a long way toward helping NREL regain its critical momentum.

The parts of the legislation dealing with defense and national security include increased funding for defense health programs, for basic allowance for housing, and for two important Department of Energy nonproliferation programs—the International Nuclear Material Protection and Cooperation program, which secures weapons-grade nuclear materials in the former Soviet States, and the Global Threat Reduction Initiative, which secures high-risk nuclear material around the world.

It also includes $2.5 billion for implementation of a round of military base closures authorized in 2005. While the $2.5 billion is an increase from the funding provided for fiscal year 2006, it will still leaves us $3.1 billion short of meeting our Base Realignment and Closure, BRAC, commitments and nearly $1 billion short of the funds needed for military construction projects. Since the Army links its military construction and troop movement plans to BRAC implementation, this shortfall could have broad impacts on the rotation and return of troops and the building of new brigades.

It has been indicated that additional needs for BRAC and military housing will be addressed in the supplemental war spending bill we will soon consider in Congress. I hope that will be the case, and will work to achieve that result as well as to ensure that the Defense Department takes into account Colorado priorities as it makes the hard choices about which military construction projects to fund.

I also am pleased that Chairman OBEY and his colleagues recognized the importance of science programs across different agencies, allowing for increases at the Department of Energy's Office of Science, the National Science Foundation, and the National Institute of Standards and Technology, NIST.

However, I am greatly concerned about the impact this resolution could have on the National Oceanic and Atmospheric Administration, NOAA.

In my district, NOAA operates the Earth System Research Laboratory, which has the largest concentration of NOAA research staff in the Nation—300—as well as the largest concentration of university staff funded by NOAA research, for a total of 1,000 Federal and contract employees. NOAA's programs in Boulder include the Space Environment Center, which provides essential space weather forecasting services; the NOAA Profiler Network, which gathers key weather information for a range of other agencies, including the Departments of Defense and Transportation; and the National Geophysical Data Center, the world's largest archive of geophysical data on observations of earth from space.

Funding for NOAA under previous continuing-resolution levels saw significant decreases, so I am pleased that overall the agency will see a return to the funding levels provided for fiscal year 2006. However, it is unclear how this will be distributed, and so there is a possibility that many important programs will not be adequately funded. I believe that we will have to work to address these issues when we consider the appropriation bills for fiscal year 2008.

NIST also has a significant presence in Colorado. The NIST facilities at Boulder have contributed to great scientific advances, but these facilities are now over fifty years old and have not been well maintained. Many environmental factors such as the humidity and vibrations from traffic can affect the quality of research performed in the NIST labs. Scientists have difficulty conducting cutting edge research in labs that have leaking roofs. NIST has included building renovations as a priority in past budgets, yet the final budgets have included so many earmarks that the agency's needs have not been met. The absence of similar earmarks from this resolution means that NIST may finally be able to address some of its most dire needs, including renovations of the Boulder facilities. I will work to ensure that much of the nearly $60 million in the NIST construction budget will be dedicated to renovating these facilities.

The appropriators had many tough choices to make with regards to funding the National Aeronautics and Space Administration, NASA. Balancing the needs of the different NASA programs is critical and I appreciate that the appropriators realized that congressional intent needs to be clear and specific to ensure that no one program is completely devastated by funding cuts. While I am pleased that the decline in aeronautics research funding will be halted, I am also concerned about the cuts to the science and exploration programs, as well as to the space operations. It is not yet clear how NASA will accommodate these cuts. NASA is important to the Nation, and I will continue to push for adequate funding from my position as chairman of the Space and Aeronautics Subcommittee of the House Science and Technology Committee.

Education is vital to our country's youth and our economic future and I am pleased that the appropriators have provided several important programs with funding increases that will help keep our country strong. These include increases above the fiscal 2006 funding levels for Pell Grants, the Individuals with Disabilities Education Act, IDEA, and Head Start. Furthermore, the appropriators made a step in the right direction by increasing funding in Title I of the No Child Left Behind Act, NCLB.

And I am pleased that by this resolution the Federal-aid highway program, in the Federal Highway Administration, is fully funded at the level guaranteed in the Safe, Accountable Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA–LU, with an obligation limitation of $39.1 billion for fiscal 2007, $3.5 billion over the fiscal 2006 enacted level.

So, in conclusion, Mr. Speaker, I think Chairman OBEY and his colleagues deserve the thanks of the House for the work they have done to clear away the rubble left by the Republican leadership last year and to replace it with a firm foundation on which to build in the future. Adoption of this resolution will write an end to last year's sorry story and take the first step on a better, more responsible approach to carrying out our duties as legislators. I urge approval of the joint resolution.

Mr. LEVIN. Mr. Speaker, I rise in support of the resolution before the House.

Few will take any great satisfaction with the manner in which the Congress is at last completing the budget process for 2007. This work was supposed to have been completed 4 months ago. It is important for everyone to understand how we got to this point and why we are forced to take the extraordinary step of approving a continuing resolution to fund nearly every domestic program for the balance of this fiscal year.

We are here today because the Republican majority that controlled the House last year failed to do its work. Last May, they voted for a budget resolution that was so unrealistic that not even they could find a way to live within it. As a direct result after 8 months, the former majority was able to complete action on just 2 of the 11 regular appropriations bills. Then, in early December, the outgoing leaders of the House and Senate decided to punt on the remaining funding bills, pass a stopgap spending bill to keep the Government operating through February 15, adjourn the Congress, and leave town.

So now it is up to the new Congress to clean up this budgetary mess as best we can, and that's what the bill before the House does. It is an imperfect solution. There are any number of programs that deserve a lot more funding than we are able to give them here today. We are still constrained by the overall funding levels adopted in last year's budget resolution, a budget that not a single Democrat voted for. At the same time, I am glad that the measure we are considering today manages to increase funding in a number of priority areas, especially veterans health care, medical care for U.S. troops wounded in Iraq and Afghanistan, the Federal highway program, medical research at the National Institutes of Health as well as some key education programs. I also applaud the decision to put a moratorium on Members' earmarks until a reformed process is put in place to provide an accountable and transparent process for funding these projects.

Even so, some of my colleagues on the other side of the aisle have gotten up to complain that we should have done better. They want less spending in some areas and more spending in others. After sitting on their hands for 8 months last year, they now object to the procedure we're using to clean up the mess they made. It is unfortunate that the people who are complaining the loudest today were unwilling to convince their own leadership to make these spending decisions last year by passing the individual funding bills on time and getting them to the President for his signature.

The reality is that we are already 4 months into fiscal year 2007. There isn't time to spend another month or two debating spending bills that should have been completed last September. The agencies and the States have waited long enough for Congress to act, and the President is submitting his 2008 budget request to us next week. It's time for Congress to complete this work.

Mr. ETHERIDGE. Mr. Speaker, I rise in reluctant support of House Joint Resolution 20 to fund the essential services of the Federal Government through September 20 of this year.

On November 7, the American people voted to fire the former Republican majority for gross

mismanagement of the Nation's finances and woeful neglect of the priorities of the American people. This imperfect legislation is necessary to clean up the mess the former majority left behind.

Mr. Speaker, the former Republican majority passed only 2 of the 11 bills necessary to fund the discretionary accounts of the Federal Government. Failing to pass their obligatory legislation by October 1, 2006, the former majority passed a stopgap measure to keep the Government functioning when they adjourned the 109th Congress. Our new Democratic majority was left with the unfinished business of the fiscal year 2007 appropriations legislation. Today marks the 123rd day since the start of fiscal year 2007, and the President's 2008 budget request is scheduled to be delivered to this Congress on Monday. Now is the time to finish last year's work, so we can move on to the essential work at hand to deliver a new direction for the American people.

Although I am disappointed that funding priorities for our districts were left out of this bill, it is important to note several important improvements this bill makes over previous year's appropriations. For example, H.J. Res. 20 will raise the maximum Pell grant award from $4,050 to $4,310, the first increase in 4 years of this critical effort to make college more affordable for working families. The bill increases special education funding under the Individuals with Disabilities Education Act, IDEA, by $200 million. This Continuing Resolution will increase low-income public schools' Title I funding by $125 million and thereby reverse the decline in Title I education funding. Even with these increases, Federal investment in education continues to lag far behind the levels needed to create a first-class school system for the 21st century, and I look forward to working to address these shortfalls in the fiscal year 2008 appropriations legislation.

I am concerned about the military construction projects left out of this legislation, and I want Congress to work on a bipartisan basis to address this problem in the fiscal year 2007 supplemental appropriations legislation. This bill includes an important increase of $3.6 billion for veterans health care to meet the needs of an additional 325,000 patients, and it increases funding for health care services at the Department of Defense by $1.2 billion, including treating soldiers wounded in action in Iraq and Afghanistan. The CR also increases funding for the basic allowance for military housing by $500 million. Finally, the bill increases funding for intelligence analysts at the FBI that are critical to protect the American people from the terrorist threat as well as increasing funding for COPS local law enforcement.

Mr. Speaker, as a new member of the House Budget Committee, I have learned over the past several weeks that the budget mess created by the former majority is far worse than the American people know. It will take a lot of hard work to restore order to our Nation's books. H.J. Res. 20 is the first necessary if unpleasant step in that vital effort. I urge my colleagues to join me in voting for this legislation.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to express my opposition to the Democrats' omnibus spending bill. The text of this legislation that would spend more than $463.5 billion in taxpayer dollars was first distributed to the minority less than 48 hours ago and will be debated for only one hour. In October the Democrats promised the American people increased transparency and accountability, but apparently, these promises are hard to keep in January.

While there are billions of dollars being spent without oversight or accountability, the omnibus also includes a provision that will alter the formula for distributing Section 8 housing funds. The current formula bases funding on an average of funding levels for May, June and July of 2004 with adjustments for inflation.

The altered formula contained in the omnibus bill will base funding levels on the previous twelve months funding, accounting for inflation. The formula change will cut significant amounts of funding for more than half of our nation's public housing authorities.

The formula change would result in a decrease in funding for three of the four major public housing authorities in my District. The Covington Housing Authority would lose $197,321, the Ashland Public Housing Authority would lose $75,578, and the Maysville Housing Authority would see a loss of $71,274, which is 23.4 percent of its operating budget. These housing authorities provide critical services to my constituents and an unexpected funding cut like this will only worsen the already poorly funded public housing system.

Changing the formula for Section 8 is a topic that deserves debate, but the formula included in the Democrats' omnibus spending bill has yet to see the light of day in either the House Financial Services Committee or, until now, on the House floor. Changing the formula midway through the year without debate or discussion is an unwise move and would wreak havoc on our public housing system.

Contrary to claims made by Democratic leaders, it has been discovered that this bill contains numerous hidden earmarks that Democrats apparently hoped to ram through the House without debate. It is in the interest of the American people that we ask our colleagues across the aisle what else is buried in the 135 pages of this bill that will harm real people in our districts without ever having been debated in this House?

Mr. STEARNS. Mr. Speaker, this omnibus appropriations bill we consider on the floor today is not a typical Continuing Resolution, but changes funding levels and re-prioritizes projects from prior years. This CR is the longest in recent history. Most of them are 1–2 pages. This is 137 pages. Some of these changes are controversial as well as complicated, and I feel that the whole House would have benefited from a thorough appraisal of these proposals, a vigorous committee process, so that all Members would have been fully apprised of the nuances and we could pass a wellthought out, carefully crafted omnibus spending bill. However, I was pleased that the crafters of this bill saw fit to include funding levels for Veterans' Affairs that come close to what the House Republicans passed in the last Congress, and funding levels close to the Administration's request. However, they should be higher. I do lament that the priorities of the current leadership to continue funding ineffective and wasteful programs have limited the amount of available funds that could improve the quality of life for our brave veterans even more.

For example, this bill does not eliminate 28 earmarks totaling $70 million, including the famed $50 million Rainforest in Iowa project. That $50 million could instead have been allocated to improving adaptive housing for disabled veterans. This bill also funds assistance to Independent States of the former Soviet Union at a level that is $11 million above the Administration's request. Had this bill been considered in Committees, we may have been able to determine that this $11 million excess may be better spent on rehabilitation programs for blind veterans. Finally, instead of allocating $316 million for ''Corporation for National and Community Service, Domestic Volunteer Service Programs,'' which includes funds to pay people to volunteer in the Americorps program. We could have used some of that money to increase the medical care for spinal cord injured veterans, or increasing benefits for survivors of service members who have sacrificed and given their lives in this Global War on Terror, defending the safety and freedom enjoyed by all of us back here in the States. This CR also breaks the Nation's obligation to provide soldiers and families adequate quality of life—affects the all volunteer force and unravels the Army's synchronized stationing and BRAC plan.

Mr. OBERSTAR. Mr. Speaker, today I rise in support of H.J. Res. 20, the Revised Continuing Appropriations Resolution for Fiscal Year (FY) 2007. I commend Chairman OBEY and our House Leadership for bringing this Joint Resolution to the floor. While a Resolution such as this is not the ideal way to fund Government programs, the failure of the last Congress to complete its work left us with no viable alternative. In a very limited amount of time, the Appropriations Committee has done yeoman's work to bring the FY 2007 appropriations cycle to a close in the Resolution that is before us today.

Many difficult choices had to be made in this Joint Resolution. I am pleased that one of those choices was to fund highway, transit, and highway safety programs at the levels guaranteed by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). Under H.J. Res. 20, highway programs will be funded at $38.962 billion, an increase of $3.411 billion over FY 2006 enacted levels; transit programs will be funded at $8.975 billion, an increase of $470 million over FY 2006; motor carrier safety programs will be funded at $520.5 million, an increase of $30 million over FY 2006; and highway safety programs will be funded at $821 million, an increase of $14 million over FY 2006.

These programs are funded by highway user revenues that have been deposited into the Highway Trust Fund, where they are held in trust for the purpose of meeting our surface transportation infrastructure needs. These needs are reaching crisis proportions. Congestion has worsened dramatically in recent years. In 2003, traffic congestion cost motorists $63.1 billion in terms of wasted time and fuel.

In addition to meeting our infrastructure investment needs, the highway and transit funding levels set by this Joint Resolution will create an additional 192,000 family-wage construction jobs.

I would also like to mention one aviation-related matter. Under the previous Continuing Resolution, there was a technical anomaly that had the effect of reducing the amount of Airport Improvement Program contract authority

well below the intended program level. I am pleased that H.J. Res. 20 corrects this anomaly, and further, ensures that the full amount of contract authority that is authorized for the Airport Improvement Program in FY 2007 remains available. This will set the stage for a successful reauthorization of Federal aviation programs later this year, and I thank the Appropriations Committee for their assistance in this matter.

All too often, long-term investments in our nation's infrastructure are short-changed in the face of the more immediate need to fund day-to-day operations. This Joint Resolution avoids such a short-sighted approach. Instead, it takes a longer-term view and recognizes the far-reaching effects transportation infrastructure investments have on our nation's economy, our competitiveness in the world marketplace, and the quality of life in our communities. Again, I applaud Chairman OBEY and House Leadership for recognizing the value of fully funding highway and transit programs, and I urge my colleagues to support the Joint Resolution.

COMPARISON OF DISTRIBUTION OF FY 2007 HIGHWAY FUNDING UNDER H.J. RES. 20 (SAFETEA–LU LEVELS) AND A FREEZE AT FY 2006 ENACTED FUNDING LEVELS*

State	Estimated FY 2007 based on FY 2006 enacted level	Estimated FY 2007 based on H. J. Res. 20	Increase in highway funds under H. J. Res. 20	Job gains
Alabama	548,699,954	600,869,788	52,169,834	2,478
Alaska	250,266,768	270,731,918	20,465,150	972
Arizona	538,528,974	593,277,405	54,748,431	2,601
Arkansas	347,184,100	381,949,909	34,765,809	1,651
California	2,408,038,182	2,680,526,468	272,488,286	12,943
Colorado	360,141,090	400,663,892	40,522,802	1,925
Connecticut	366,382,281	402,325,874	35,943,593	1,707
Delaware	109,353,384	121,131,724	11,778,340	559
District of Columbia	111,043,293	123,804,359	12,761,066	606
Florida	1,406,290,504	1,544,927,499	138,636,995	6,585
Georgia	969,691,811	1,067,010,791	97,318,980	4,623
Hawaii	115,267,040	127,596,268	12,329,228	586
Idaho	203,333,283	222,829,360	19,496,077	926
Illinois	910,387,767	1,010,811,302	100,423,535	4,770
Indiana	704,288,252	775,353,318	71,065,066	3,376
Iowa	295,143,803	330,589,700	35,445,897	1,684
Kansas	278,297,493	309,772,956	31,475,463	1,495
Kentucky	472,046,550	520,949,132	48,902,582	2,323
Louisiana	428,615,786	474,862,364	46,246,578	2,197
Maine	122,527,132	136,355,671	13,828,539	657
Maryland	441,365,185	490,032,577	48,667,392	2,312
Massachusetts	451,909,116	501,926,732	50,017,616	2,376
Michigan	821,004,265	909,761,902	88,757,637	4,216
Minnesota	437,257,769	485,442,279	48,184,510	2,289
Mississippi	329,837,415	367,059,847	37,222,432	1,768
Missouri	645,399,673	711,268,494	65,868,821	3,129
Montana	262,635,121	287,386,573	24,751,452	1,176
Nebraska	201,576,731	223,867,736	22,291,005	1,059
Nevada	189,509,480	210,350,302	20,840,822	990
New Hampshire	124,655,305	137,769,576	13,114,271	623
New Jersey	742,676,203	822,265,394	79,589,191	3,780
New Mexico	263,313,362	290,194,749	26,881,387	1,277
New York	1,235,368,254	1,366,155,757	130,787,503	6,212
North Carolina	790,657,686	872,183,722	81,526,036	3,872
North Dakota	170,820,553	189,098,718	18,278,165	868
Ohio	1,003,336,242	1,109,710,100	106,373,858	5,053
Oklahoma	417,430,679	459,904,524	42,473,845	2,018
Oregon	312,842,891	347,410,836	34,567,945	1,642
Pennsylvania	1,231,575,368	1,357,719,130	126,143,762	5,992
Rhode Island	138,243,095	154,154,462	15,911,367	756
South Carolina	463,551,501	511,384,433	47,832,932	2,272
South Dakota	183,777,294	202,845,805	19,068,511	906
Tennessee	608,526,292	672,761,834	64,235,542	3,051
Texas	2,336,793,323	2,574,558,747	237,765,424	11,294
Utah	198,304,703	220,645,255	22,340,552	1,061
Vermont	116,195,870	129,379,891	13,184,021	626
Virginia	752,517,077	830,852,486	78,335,409	3,721
Washington	464,963,105	519,595,013	54,631,908	2,595
West Virginia	297,110,356	325,592,845	28,482,489	1,353
Wisconsin	535,232,750	586,036,437	50,803,687	2,413
Wyoming	187,339,698	207,256,184	19,916,486	946
State Total	27,301,253,809	30,170,912,038	2,869,658,229	136,309
Allocated Programs	8,249,534,225	8,794,320,215	544,785,990	25,877
Grand Total	35,550,788,034	38,965,232,253	3,414,444,219	162,186

*Prepared by Transportation Committee Staff based on information provided by the Federal Highway Administration (FHWA).
Pursuant to FHWA estimates, the table assumes that $1 billion of federal highway program investment creates or sustains 47,500 jobs.

COMPARISON OF DISTRIBUTION OF FY 2007 TRANSIT FUNDING UNDER H.J. RES. 20 (SAFETEA–LU LEVELS) AND A FREEZE AT FY 2006 ENACTED FUNDING LEVELS*

State	Estimated FY 2007 based on FY 2006 enacted level	Estimated FY 2007 based on H.J. Res. 20	Increase in transit funds under H.J. Res. 20
Alabama	34,196,079	35,917,557	1,721,478
Alaska	40,664,169	43,684,864	3,020,695
American Samoa	363,526	378,709	15,183
Arizona	70,874,803	74,566,555	3,691,752
Arkansas	20,595,782	21,624,106	1,028,325
California	860,977,967	909,011,398	48,033,431
Colorado	68,133,405	71,734,965	3,601,560
Connecticut	111,473,570	116,161,350	4,687,780
Delaware	12,343,553	12,964,684	621,131
District of Columbia	133,885,672	143,436,741	9,551,069
Florida	243,852,407	257,204,462	13,352,054
Georgia	122,588,444	129,936,520	7,348,076
Guam	826,259	860,325	34,067
Hawaii	29,830,942	31,400,084	1,569,142
Idaho	12,817,986	13,451,401	633,415
Illinois	398,577,515	416,783,541	18,206,026
Indiana	66,046,492	69,315,270	3,268,778
Iowa	25,968,993	27,268,158	1,299,165
Kansas	21,426,288	22,494,657	1,068,369
Kentucky	34,144,499	35,861,830	1,717,331
Louisiana	48,410,251	50,782,933	2,372,682
Maine	10,575,926	11,097,740	521,814
Maryland	138,222,300	145,473,348	7,251,048
Massachusetts	254,271,639	266,324,153	12,052,514
Michigan	97,312,254	102,276,279	4,964,026
Minnesota	71,558,372	75,538,579	3,980,208
Mississippi	18,738,808	19,670,220	931,412
Missouri	61,239,190	64,470,702	3,231,511
Montana	10,551,605	11,063,093	511,487
N. Mariana Islands	947,400	992,767	45,367
Nebraska	15,919,675	16,710,183	790,507

COMPARISON OF DISTRIBUTION OF FY 2007 TRANSIT FUNDING UNDER H.J. RES. 20 (SAFETEA–LU LEVELS) AND A FREEZE AT FY 2006 ENACTED FUNDING LEVELS*—Continued

State	Estimated FY 2007 based on FY 2006 enacted level	Estimated FY 2007 based on H.J. Res. 20	Increase in transit funds under H.J. Res. 20
Nevada	32,042,239	33,656,870	1,614,630
New Hampshire	10,102,458	10,578,619	476,161
New Jersey	400,436,239	419,100,009	18,663,771
New Mexico	19,119,184	20,069,956	950,771
New York	1,034,549,971	1,082,343,021	47,793,050
North Carolina	71,964,676	75,614,146	3,649,470
North Dakota	7,931,785	8,318,217	386,432
Ohio	139,489,673	146,321,569	6,831,896
Oklahoma	27,609,464	28,993,943	1,384,479
Oregon	58,396,279	61,754,430	3,358,151
Pennsylvania	292,172,210	304,365,432	12,193,221
Puerto Rico	61,813,245	65,063,169	3,249,924
Rhode Island	20,017,356	21,037,377	1,020,021
South Carolina	30,039,096	31,551,605	1,512,509
South Dakota	7,979,266	8,366,497	387,232
Tennessee	50,312,876	52,887,946	2,575,071
Texas	275,785,086	200,572,826	14,787,739
Utah	37,117,405	38,989,277	1,871,872
Vermont	4,741,909	4,970,440	228,531
Virgin Islands	1,075,588	1,124,292	48,704
Virginia	96,647,748	102,361,435	5,713,687
Washington	146,151,127	154,794,791	8,643,665
West Virginia	16,647,112	17,618,937	971,825
Wisconsin	58,738,414	61,751,045	3,012,631
Wyoming	6,369,396	6,673,663	304,268
State Subtotal	5,944,585,574	6,247,336,688	302,751,114
Oversight	42,456,256	44,626,313	2,170,057
Total	5,987,041,830	6,291,963,001	304,921,171
Tribal Transit Program	7,920,000	10,000,000	2,080,000
National RTAP	1,152,360	1,212,000	59,640
Grand Total	5,996,114,190	6,303,175,001	307,060,811

*Amounts shown above include total formula apportionments for non-urbanized formula (sec. 5311), state planning, metropolitan planning, elderly & disabled program (sec. 5310), new freedom, job access and reverse commute (JARC), rural transportation assistance program (RTAP), fixed guideway modernization, and urbanized area formula (sec. 5307) programs.

Mr. PEARCE. Mr. Speaker, I rise today in opposition to this massive $463 billion dollar spending bill because it fails four critical tests: the accountability test, the common sense test, the compassion test, and most of all—the smell test.

Hatched behind close doors by the chairmen of the House and Senate appropriations committees with no input from Members or their constituents, H.J. Res. 20 levels a devastating blow against New Mexicans and their communities. Our most vulnerable low-income residents will pay the heaviest price.

As Deputy Ranking Member of the Housing and Community Opportunity Subcommittee, I wish to point out that the Majority's arbitrary choices are ripping nearly one million dollars away from the public housing authorities in my district and the people they serve; including $272,428 from the Las Cruces Housing Authority; $158,355 from the Dona Ana Housing Authority; $30,461 from the Gallup Housing Authority; $40,717 from the Truth or Consequences Housing Authority; $15,076 from the Bernalillo Housing Authority, $43,596 from the Los Lunas Housing Authority; and a combined total of $416,173 from the Region V and Region II Housing Authorities.

A Section 8 voucher manager of one of my District's housing authorities described these drastic cuts as comparable to losing an entire month's worth of vouchers to the poor and needy families she serves. Another New Mexico housing authority representative stated that 100 families per month could lose access to vouchers in the region that housing authority serves.

The Majority's carelessly slung meat cleaver doesn't stop there. H.J. Res. 20 strips critical funding from the restoration of the Our Lady of Guadalupe Mission; essential economic development funding for a Business Park in Anthony-Berino; and desperately needed emergency ambulance services for the citizens of the Village of Columbus.

Two weeks ago, New Mexico Governor Bill Richardson and I announced our bipartisan determination to fight the dangerous scourge of methamphetamine use, production, and distribution in our state. Tragically, the Majority's ill-considered cuts will slash funding for the Drug Enforcement Administration Mobile Enforcement Teams (MET) by $30 million and 134 agents and Regional Enforcement Teams (RET) by $9 million and 23 agents. Our local and state law enforcement officers depend upon the MET and RET initiatives as two of their most effective tools in this fight. Many officers in my district have told me that even at current levels, MET funding is insufficient.

Perhaps the Majority's leadership has decided this battle isn't worth fighting. A few moments with the individuals and families whose lives this evil drug has destroyed might change their minds. But they don't seem to have the time to stop and think about how their choices will affect the safety of real people.

H.J. Res. 20 also reduces the funding associated with the Base Realignment and Closure Commission (BRAC) process by nearly $4 billion, causing delays in the scheduled repositioning of the 1st Armored Division from Germany to Fort Bliss and the Air Force Special Operations Command from overseas to Cannon Air Force Base. The Majority's decision not only perpetuates inefficient overseas bases; it severely impacts the painstaking community development plans devised by cities like Las Cruces, Alamogordo, and Clovis in New Mexico.

Last, but certainly not least given the Majority's lip service in support of supplemental and alternative energy technologies, H.J. Res. 20 shreds funding for promising initiatives in this area. Consider, for example, a letter I submit for the RECORD from Karl Gawell of the Geothermal Energy Association. Mr. Gawell states that this legislation "will be a serious setback for efforts in the House and Senate to restore the DOE geothermal research program."

I have worked with Mr. Gawell to explore opportunities for expanded geothermal energy development in Southern New Mexico and I take his concerns very seriously. I hope that my colleagues will, too.

Mr. Speaker, as one who remains committed to vigorously fighting wasteful spending, I understand—and share—the Majority's desire to eliminate unnecessary earmarks. A rushed and ham-handed bill designed for appearances isn't the right way to do it. My constituents deserve the chance to have their voices heard—an opportunity which the normal process of public hearings is designed to provide.

Certainly, H.J. Res. 20 contains positive elements, such as the significant increase it provides in funding for veterans. I wish I could vote yes for that reason alone—but I cannot support a bill that inflicts so much pain on so many New Mexicans in an indiscriminate and slipshod manner.

I urge my colleagues to join me in casting a "no" vote.

GEOTHERMAL ENERGY ASSOCIATION,
Washington, DC, January 30, 2007.

DEAR REPRESENTATIVE: I am writing to express our serious concern about the direction being set by the FY 07 Appropriations bill, H.J. Res. 20, that the House will be considered tomorrow. This bill will be a serious setback for efforts in the House and Senate to restore the DOE geothermal research program.

While the bill includes a generic $300 million increase in funding for renewable energy, it allows the Secretary of Energy to distribute those funds. Meanwhile, we are told that the base for funding will be the Administration's FY 07 request, which for geothermal energy was ZERO!

The House adopted an amendment last year to the Energy and Water Appropriations Bill sponsored by Representative Millender-McDonald appropriating $5 million for geothermal research in FY 07, and the Senate Appropriations Bill as reported by Subcommittee and Committee would have restored the entire $23.5 million geothermal program.

There is simply no justification for terminating geothermal energy research at the Department of Energy. Recent studies by the National Research Council, the Western Governors Association Clean Energy Task Force, and MIT all support expanding geothermal research funding to develop the technology necessary to utilize this vast, untapped domestic renewable energy resource.

We urge the House to take action to address this tragic situation as it considers the

FY 07 Appropriations bill and ensure continued funding for DOE's geothermal research efforts.

Sincerely,

KARL GAWELL,
Executive Director.

Mr. SERRANO. Mr. Speaker. I rise today to express my support for the final passage of H.J. Res. 20, a joint funding resolution to provide continuing appropriations for fiscal year 2007. Let me be clear, although we have been able to take care of some of the most significant shortfalls, this is not a perfect funding resolution. This is also not the process that we would have preferred, because, as we all know, the funding for fiscal year 2007 should have been completed during the 109th session of Congress under the Republican majority.

With respect to the agencies included within the jurisdiction of the Financial Services and General Government Subcommittee, a bi-partisan attempt was made to address the most pressing needs. For example:

SBA disaster loans will receive $114 million for administrative costs.

SBA Salaries and expenses will receive an additional $17.7 million.

The District of Columbia will receive additional funds for public safety programs and $20 million for public transportation.

Treasury will receive an additional $26.6 million for high-priority anti-terror and financial intelligence analyst activities.

Judiciary will receive an additional $179.1 million to avoid furloughs and support critical functions.

OPM Retirement Systems Modernization will receive $13 million.

National Archives will receive $7.7 million in additional funding for the Electronic Records Archive and $3 million for repairs relating to the flooding of Archives headquarters.

Many important language provisions were also included in this resolution such as a continuation of resources to help rural communities, schools, and libraries afford telecommunications and information services. Without this language, funding would have to be cut or Universal Service fees would have to increase.

I was disappointed that we were unable to address the serious issue of privatized debt collection by the Internal Revenue Service, a practice that many Members have raised objections to continuing. I had also hoped to be able to address the HAVA funding that some states, including New York, may lose because of their inability to secure voting machines within the designated time frame. In addition, language provisions enacted in previous appropriations bills placing restrictions on how the District of Columbia is able to spend its own budget are, unfortunately, continued in this resolution.

However, I do intend to vote in favor of this Continuing Resolution. As I stated earlier, it is not perfect, but it is the best that we could do with the funds that we had. Beyond the immediate Financial Services agency issues, there was an attempt to write a resolution that addressed our nation's highest priority needs. Veterans Healthcare will receive $32.3 billion, which is an increase of $3.6 billion above the 2006 funding level. Defense Health Programs will receive $21.2 billion, an increase of $1.2 billion to provide care for our service members and their families. Providing health care for our veterans and military personnel is the right thing to do. Significant numbers of our veterans are now returning from Iraq and Afghanistan and we have an obligation to provide funding for their health care needs.

I was pleased that additional funding was provided for Pell grants. This increased funding will help over 5.3 million of our students help to pay for ever increasing college costs. This Continuing Resolution also provided additional dollars for Head Start, a program that has proven its effectiveness. The National Institutes of Health received additional funds to support 500 more research project grants.

Our community health centers were allocated an increase of $206.9 million to allow for the expansion or creation of over 300 health centers. These centers provide important health care services throughout the United States, and this funding will be utilized for priority health care needs. Ryan White CARE grants were increased to bring them to the authorized level. Finally, this resolution addresses important section 8 and public housing needs in our communities. All of these budget increases are a part of a carefully crafted resolution that attempts to address some of our nation's greatest needs.

I would urge my colleagues to vote in favor of H.J. Res 20 so that it can go to the Senate and we can complete our work before our current resolution expires on February 15th. We will be receiving the President's 2008 budget next week, and as a Congress it is time to move forward and work on the 2008 funding needs for our government.

Mr. LAHOOD. Mr. Speaker, I do not believe that it is in the best interest of the country to play the blame game on how we reached the current appropriations situation. The fact of the matter is that the 109th Congress did not get its work done on time, and we are here today to correct that problem. Before we vote on this bill, I feel compelled to make a couple of observations. First and foremost, I want to thank Mr. OBEY and his staff for the hard work that they have put into this bill. Mr. OBEY faced an enormous task, and I believe that no matter how hard he tried, it would be impossible to address all of the funding needs.

However, I am concerned that despite all the rhetoric that the majority would work with the minority in crafting legislation, this bill was put together in the back room by the House and Senate majority, with little to no input from the minority. In addition, when discussing the nature of the CR, the majority stressed that this bill would not contain any earmarks. Yet, after negotiations were completed between the House and Senate Appropriations Committees, it appears that this bill will continue to fund a limited number of earmarks championed by the Senate. While these earmarks are technical in nature, and the case can be made that they should not be considered earmarks, the fact of the matter is that they are earmarks, and I believe that it is wrong for us to stand up and claim that this bill does not contain earmarks when it does.

Given that we are operating under a closed rule, and that it us unlikely that the Senate will remove their earmarks, I am resigned to the fact that it is unlikely that we will have an opportunity to change this legislation. Had we operated under regular order, I believe that a bipartisan Appropriations committee could have crafted a more balanced bill, which I would have been willing to support.

Mr. COSTA. Mr. Speaker, I rise on behalf of my constituents in the small rural town of Mendota, California.

I thank my friends Chairman OBEY and Ranking Member LEWIS, and Chairman MOLLOHAN and Ranking Member WOLF for their hard work and specifically for including sufficient funding to complete the construction of the Mendota Federal Correction Institution.

Crowding at Federal medium-security facilities currently is 37 percent over capacity.

The Federal Bureau of Prisons expects 7,500 new Federal inmates annually.

Once constructed, Mendota would provide 1,552 beds to help address the growing demand.

The BOP has spent $100 million to complete 40 percent of a prison in Mendota.

With this bill, the Federal Government is stepping up to a commitment that was made to California and Mendota by providing enough funds to complete the prison.

Mendota, is a city with an 18.6 percent unemployment rate and 42 percent living below the poverty line.

The prison will provide good jobs and a major boost to a very depressed local economy.

Again, thank you to my colleagues, completing Mendota is a sign that our new majority is committed to responsible governance.

Mr. BISHOP of Georgia. Mr. Speaker, I rise today in support of the Continuing Resolution and commend my colleagues in moving forward from the budgetary crisis left to us the 109th "Do-Nothing" Congress. I especially commend Chairman OBEY for the overall balance and fairness reflected in this CR given the difficult choices confronting him and the leadership in tackling such a complex fiscal policy challenge. I am pleased to see that key areas such as Veterans and Defense Health, Homeland Security, Transportation, Education and Social Security will be provided modest increases in funding to keep pace with inflation.

However, I am concerned that not fully funding BRAC will likely delay some projects—for example in my district, Fort Benning may not have the ability to undertake the new construction projects planned in conjunction with the growth resulting from the BRAC process.

Additionally, I recognize the explosion of congressional earmarks in recent years which funded special interest projects and promulgated negative perceptions about this legislative body. But the complete omission of earmarks on this year's CR is disconcerting. I am supportive of the process knowing that my district, which is among the poorest in the country, has benefited tremendously from earmarks. Specifically in my district, previously House-approved projects that stand to lose in the CR include funding for: hospitals; water management systems; family counseling and youth mentoring; cancer education and early detection; upgrading sewer systems; and the list goes on.

In many cases, the earmark process has provided an important vehicle for Members of Congress to direct much needed federal support to very worthy projects and organizations which otherwise would be ignored.

We must not throw the "baby out with the bathwater." Moving forward, I pledge to work closely with the leadership on real and effective reforms especially in regards to transparency, efficiency, accountability, and ethics.

Mr. HALL of Texas. Mr. Speaker, I rise today to speak on the FY 2007 Continuing Resolution.

I am pleased to see that the Appropriations Committee followed the President's recommendations with the American Competitiveness Initiative by increasing funds to physical sciences research. The funding that we put into basic research at the National Science Foundation and the Departments of Energy and Commerce will pave the way for innovative breakthroughs. I am hopeful that the Senate will also prioritize these important science initiatives so that we can ensure that America remains globally competitive well into the future.

While many science accounts are adequately supported, the NASA account is not. H.J. Res. 20 reduces NASA's planned FY 2007 funding by $545.3 million. Most of the savings come from the Exploration Systems account, the program that funds development of the next space vehicle. As this Congress understands, we need to retire the Space Shuttle in 2010 and introduce its successor shortly thereafter. The more we cut this budget item, the longer our nation must wait for continued manned access to space. At a time when countries like China and India are challenging America in outer space, we need to remain leaders in this field. We cannot do that if Congress does not adequately fund our ventures into space.

I am also disappointed that the Space Shuttle and International Space Station as well as the Space Science and Aeronautics programs are also underfunded.

It is for these reasons that I introduced an amendment yesterday to restore funding to NASA. Unfortunately, the Rules Committee did not accept any amendments to this bill, and Congress will not have the opportunity to vote on this important program. In the last Congress, we voted to support the Vision for Space Exploration and return to the Moon. If we are to live up to that promise, then we need to follow through with adequate appropriations. We also need to give our current programs the best chance to succeed.

I will work with Chairman BART GORDON and the appropriators to ensure that the Fiscal Year 2008 budget will adequately address our Nation's space and aeronautics needs.

Mr. BAIRD. Mr. Speaker, I rise today to discuss an issue of importance to my congressional district in Southwest Washington.

The White Pass Ski Area is located in the majestic Cascade Mountains in the Gifford Pinchot and Wenatchee National Forests. The area is commonly referred to by skiers as "the jewel of the Pacific Northwest" for its breathtaking views of Mt. Rainer and exciting skiing opportunities. The area, which provides critical tourism revenue to the surrounding rural communities, is now looking to expand to provide greater opportunities to skiers in the Pacific Northwest.

The Washington State Wilderness Act of 1984 added over 23,000 acres of land to the Goat Rocks Wilderness Area and removed from wilderness designation 800 acres adjacent to the White Pass Ski Area as having "significant potential for ski development" and urging the Secretary of Agriculture to "utilize this potential, in accordance with applicable laws, rules and regulations."

The Gifford Pinchot National Forest Land and Resource Management Plan allocated the 800-acre area that Congress had withdrawn from the Wilderness Area back in 1984 to Developed Recreation in recognition of the intent of Congress. However, the LRMP concurrently inventoried as roadless the same 800-acre area.

It is well-understood that it was congressional intent to permit expansion of the White Pass Ski Area. I would like to submit for the record a letter signed by all living Members of the 1984 congressional delegation, stating that it was their intent to provide for the expansion of White Pass Ski Area. In a February 3, 2004 letter, the U.S. Department of Agriculture also confirmed this congressional intent, stating: "We agree that the intent of Congress was clearly to allow for ski area development in the Hogback Basin."

The Fiscal Year 2007 Interior Appropriations Bill that passed the House in May of last year included important information clarifying congressional intent to permit expansion of White Pass Ski Area. The language stated:

The Committee notes that the Washington State Wilderness Act of 1984 removed from wilderness designation 800 acres of land adjacent to the White Pass Ski Area in Washington State for potential ski development. The Committee notes that the Gifford Pinchot National Forest Land and Resource Management Plan allocated the 800-acre area as Developed Recreation to allow for ski area expansion, while concurrently inventorying the same land as roadless to reflect its current physical character. The Committee recognizes that it was the intent of Congress to permit ski area expansion into this 800-acre area and urges the Secretary of Agriculture, once the Environmental Impact Statement for the White Pass Ski Area's Master Development Plan is properly completed, to move forward expeditiously in approving the expansion plans in accordance with all applicable laws, rules, and regulations.

Unfortunately, the Continuing Resolution that we are going to pass today does not include any report language, including the language clarifying congressional intent as it relates to White Pass Ski Area.

I wanted to bring this issue to the attention of my colleagues and highlight the fact that the House Appropriations Committee was prepared and willing to clarify congressional intent, and that the full House approved that clarification by voting for the Fiscal Year 2007 Interior Appropriations Bill in May. In keeping with this, I urge the Secretary of Agriculture to move forward expeditiously in approving the expansion plans in accordance with all applicable laws, rules, and regulations—once the Environmental Impact Statement is properly completed.

JULY 7, 2005.

MIKE JOHANNS,
Secretary of Agriculture,
Washington, DC.

DEAR SECRETARY JOHANNS: As members of the 1984 Washington Congressional delegation, we are writing to express our collective dismay over an injustice that has continued over the past 21 years.

Over two decades ago, we succeeded in passing through the Congress the Washington Wilderness Act of 1984 (Washington Wilderness Act; P.L. 98–339). This legislation added 23,000 acres of wilderness along and near Highway 12, while removing from wilderness designation 800 acres that are adjacent to the White Pass Ski Area. As reported language stated, legislation removed the 800 acres from wilderness so the Secretary of Agriculture could evaluate its "significant potential for ski area development."

Now, twenty one years after passage of this Act, the White Pass Ski Area remains mired down in its third attempt at completing an Environmental Impact Study to add these acres. Something has gone terribly wrong.

The White Pass Ski Area, which began operations in 1952, is located at the crest of the Cascade Mountains in south-central Washington State within the boundaries of the Wenatchee-Okanagan and Gifford Pinchot National Forests. Plans for expansion of the White Pass Ski Area were first initiated in the late 1950's and included the Hogback Basin.

In 1961, the White Pass Company submitted to the Forest Service a survey and formal request for additional expansion area on the north slope of Hogback Mountain, and requested it not be incorporated within the anticipated wilderness boundary. The Forest Service concurred with the proposed boundary adjustments.

However, these discussions were not brought forward during Congressional evaluation of the proposed wilderness legislation. The Wilderness Act of 1964 (PL 88–577) subsequently incorporated the Goat Rocs Wild Area, including most of Hogback Basin, into the National Wilderness Preservation System as the Goat Rocks Wilderness. Despite the incorporation of the proposed expansion area into the Goat Rocks Wilderness, discussions concerning White Pass expansion plans and the need for a boundary adjustment continued over the next 20 years.

In the early 1980's supporters of the ski area approached Congress to lobby for a wilderness boundary adjustment during the days preceding passage of the 1984 Washington Wilderness Act. Environmental interests were concerned with the precedent created by adjusting the Wilderness boundary, but "agreed with the expansion of downhill skiing opportunities in exchange for significant expansion of Goat Rocks . . ." (Sid Morrison letter to Supervisor O'Neal April 17, 1989).

The purpose of the 1984 Washington Wilderness Act were to "(1) designate certain National Forest System lands in the state of Washington as components of the National Wilderness Preservation System, . . . and (2) insure that certain other National Forest System lands in the State of Washington be available for non-wilderness multiple uses." (PL 98–336, Sec 2(b)(1 and 2) Through the 1984 legislation, some 23,000 acres of land were added to the Goat Rocks Wilderness while 800 acres were released from the wilderness area (refer to Goat Rocks Add. West Side map #WA–W–109, March 1984).

The Senate Energy and Natural Resources Committee Report (98–461) describing the legislation and its objectives provides further explanation of the wilderness release language in the Act. "As reported, S. 837 would add approximately 23,143 acres to the existing Goat Rocks Wilderness established by Congress in 1964. In addition, some 800 acres would be deleted from the existing wilderness. The 800 acres deleted from the existing Goat Rocks Wilderness Area have significant potential for ski development and should be managed by the Secretary of Agriculture to utilize this potential, in accordance with applicable laws, rules and regulations (Senate Rpt. 98–461, page 10)."

The dilemma is that, because of multiple land use designations for the proposed expansion area, in combination with other procedural issues, efforts to approve expansion plans have been repeatedly thwarted. The conflicting, confusing and uncertain status of the subject lands needs addressing.

The need for administrative action with respect to the White Pass Ski Area expansion

project is evident from the 40-year history of expansion attempts. Maintaining this area in a non-developed recreation status is not consistent with the intent of Congress. Over the past 21 years, various actions have continually frustrated the intent of Congress to allow for the potential expansion of White Pass Ski Area.

In order to prevent the failure of a third attempt to resolve the expansion need, White Pass is committed to complete another NEPA analysis. Based on findings from the analysis, we the undersigned strongly urge the current Washington Congressional delegation and the Secretary of Agriculture to provide a vehicle for the White Pass Company to expand into Hogback Basin without further delay and the threat of costly appeals and judicial reviews.

We hope that you will agree that the conflicting, confusing and uncertain status of the subject lands deserve your thoughtful clarification, correction and resolution.

Sincerely,

Sid Morrison, U.S. Congressman 4th District, Mike Lowry, Governor, U.S. Congressman, 7th District, Slade Gorton, U.S. Senator, Al Swift, U.S. Congressman 2nd District, Don Bonker, U.S. Congressman 3rd District, Norm Dicks, U.S. Congressman 6th District, Dan Evans, U.S. Senator, Governor, Tom Foley, U.S. Congressman 5th District.

Mr. SKELTON. Mr. Speaker, at the conclusion of the 109th Congress, Republicans adjourned for the year without completing work on 9 of the 11 budget bills that fund the operations of the federal government. Completion of the federal government's annual budget is one of Congress' most critical tasks, but even though several months have gone by since the beginning of the fiscal year, only 2 of the 11 bills for fiscal year 2007—Defense and Homeland Security Appropriations—have been signed into law.

This failure to complete Congress' most basic task—to pay the country's bills—has left newly elected leaders of the House and the Senate with no choice but to make tough choices with regard to the fiscal year 2007 budget.

Since October 2006, the federal government has been operating on the basis of a temporary measure known as a continuing resolution. This resolution is set to expire on February 15, 2007, and unless Congress approves funding for federal programs covering Agriculture; Commerce, Justice, and Science; Energy and Water; Foreign Operations; Interior and the Environment; Labor, Health & Human Services, and Education; Legislative Branch; Military Construction and Veterans Affairs; and Transportation, Treasury, and Housing, federal government operations in these areas will cease.

Over the past weeks, House leaders have been writing legislation that would ensure the federal government remains operational through fiscal year 2007. Today, the House is considering H.J. Res. 20, a joint resolution that will keep the federal government open and require most federal programs to operate under tight budget constraints. While modest increases were allotted to some of America's high priority items, such as veterans' and military health care, law enforcement, and education, the bill cuts over 60 federal programs and rescinds unobligated balances on many other programs to pay for them. Further, the bill explicitly eliminates special funding provisions, commonly referred to as "earmarks."

H.J. Res. 20 is not a perfect bill, and I am concerned about how it might impact some federal programs that are important to Missouri residents. Despite my concerns, I have concluded that it is in our nation's best interest to quickly approve this appropriations package and focus our attention toward the President's fiscal year 2008 budget and the President's anticipated supplemental appropriations request for military efforts in Iraq and Afghanistan. I commend Congressman OBEY for drafting such complex legislation that makes the best of a bad situation.

Mr. YOUNG of Florida. Mr. Speaker, I rise today to discuss the funding recommendations for accounts under the jurisdiction of the Defense Subcommittee.

The House approved the conference report on the Defense Appropriations Act for fiscal year 2007 on September 26th, 2006 by a vote of 394 to 22, and the President signed the bill into law on September 29th. However, several important accounts that were previously within the jurisdiction of the Subcommittee on Military Quality of Life have been transferred back to the Defense Subcommittee, and therefore are addressed in this continuing resolution.

Two of the most important of these are the Basic Allowance of Housing for our active duty members of the military, and the Defense Health Program.

I am pleased this continuing resolution provides the minimum funding level necessary for both these activities. This legislation provides an increase of $500 million for Basic Allowance for House above the fiscal year 2006 enacted level, and an increase of $1.2 billion for the Defense Health Program.

However, we need to recognize that both programs will need additional funds during the rest of this fiscal year. Rates for Basic Allowance for Housing were increased late last year following the normal survey of market housing rates. This has created a shortfall of $1.4 billion.

In addition, due to inflationary increases in health care costs and an Administration proposal for an increase in insurance co-payments that was not approved by the Congress, the Defense Health Program faces an additional shortfall of at least $700 million.

We must address these funding shortfalls later this year. Our highest priority in the Defense budget should be for the well-being of our military personnel, and I know my Subcommittee chairman shares my concerns. This continuing resolution is just a first step toward meeting that responsibility in fiscal year 2007.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 116, the joint resolution is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I have a motion to recommit with instructions at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. LEWIS of California. Yes, I am opposed to the bill in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis of California moves to recommit the joint resolution, H. J. Res. 20, to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

On page 26, line 2, strike "$3,902,556,000" and insert $3,977,556,000".

On page 26, line 6, strike "$3,726,778,000" and insert "$3,926,778,000".

On page 33, line 5, strike $6,275,103,000" and insert "$5,875,103,000".

On page 33, line 5, strike "and" and on line 6, before the period, insert the following:

"; and 'Fossil Energy Research and Development', $542,314,000".

On page 39, after line 24, insert the following new sections:

"Sec. 20327. Notwithstanding section 101, the level for 'Independent Agencies, Denali Commission' shall be $2,500,000.

"Sec. 20328. Of the funds appropriated under section 130 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199) under the heading 'Department of Energy, Energy Programs, Science', as amended by section 315 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103) for the Iowa Environmental and Education project in Coralville, Iowa, $44,569,000 is hereby deobligated and rescinded.

On page 54, line 18, strike "$2,670,730,000" and insert "$2,663,855,000".

On page 62, line 3, strike "$6,883,586,000" and insert "$6,844,303,000".

On page 64, after line 13, insert the following:

"(e) Notwithstanding any other provision of this division, the twelfth proviso under the heading 'Health Resources and Services Administration, Health Resources and Services' in the Department of Health and Human Services Appropriations Act, 2006 shall not apply to funds appropriated by this division.

On page 79, after line 2, insert the following:

"Sec. 20646. Notwithstanding any other provision of this division, section 105 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109–149) shall not apply to funds appropriated by this division.

On page 84, line 17, strike "$2,013,000,000" and insert "$2,053,017,000".

On page 85, line 23. strike "$579,000,000" and insert "$594,991,000".

On page 85, line 24, strike "$671,000,000" and insert "$676,829,000".

On page 86, line 2, strike "$505,000,000" and insert "$509,126,000".

On page 86, line 3, strike "$1,168,000,000" and insert "$1,183,138,000".

On page 86, line 4 strike "$750,000,000" and insert "$755,071,000".

On page 90, line 13, strike "$1,737,412,000" and insert "$1,787,412,000".

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. LEWIS of California. Mr. Speaker, the legislation before us is intended to eliminate earmarks to fund a variety of important Federal programs. In spite of those best intentions, however, a close reading of the bill revealed that earmarks were, in fact, left in.

Additionally, a number of critical programs affecting new law enforcement, military construction and military families have been shortchanged. In an effort to live up to the spirit of what this bill intended, my motion to recommit would eliminate nearly $600 million in earmarks, other unnecessary spending, and also use those funds to fully fund the Drug Enforcement Administration's effort to combat methamphetamines and other illicit drugs, restore critically needed funds to military construction and military family housing accounts, and reduce the Federal deficit.

Specifically, this motion would accomplish the following:

First, rescind the remaining $44.6 million from the Senate's rain forest in Iowa earmark, eliminate $94 million unnecessary and unrequested funding for the Denali Commission, funding that is nothing more than a thinly-disguised Senate earmark for Alaska. Eliminate $400 million of ongoing earmarks from the NNSA weapons activity accounts. Eliminate $49.7 million of spending in DOE's fossil energy account, spending that duplicates mandatory funding by the Energy Policy Act of 2005.

My motion would distribute these savings in the following manner:

First, $50 million for the DEA's efforts to combat meth and other illicit drugs; $275 million for basic allowance for housing; $86 million for critically needed military construction and family housing; $178 million for deficit reduction.

Mr. Speaker, I encourage my colleagues, both Republicans and Democrats, to live up to the spirit of this legislation by voting to eliminate earmarks and put those funds to better use by combating meth, supporting our military families and reducing the deficit.

I urge a strong bipartisan vote on this motion to recommit.

Mr. Speaker, I yield whatever time may remain to Mr. PEARCE of New Mexico.

Mr. PEARCE. Mr. Speaker, I rise to support the Republican motion to recommit.

Last year, I held nearly 40 town hall meetings across New Mexico talking to our local communities about combating methamphetamine use in our towns. Twenty of these meetings were in schools with our school kids, and we found that five times the national average of kids in New Mexico are addicted to methamphetamines, up to 15 percent of our elementary and high school students are already addicted.

Two weeks ago, New Mexico Governor Bill Richardson and I announced our bipartisan determination to fight the dangerous scourge of methamphetamine use, production and distribution in our State. Tragically, the majority's ill-considered cuts will slash funding for the Drug Enforcement Administration Mobile Enforcement Teams, the MET teams, by $30 million and 134 agents, and Region Enforcement Teams, the RETs, by $9 million and 23 agents.

Our local and State law enforcement officers depend on the MET and RET initiative as two of the most effective tools in this fight. Many officers in my district have told me that even at current level of funding, MET is insufficient.

Perhaps the majority leadership has decided battles against illegal drugs are not worth fighting. A few moments with the individuals and families who I met with in my 20 school meetings and 19 additional town hall meetings might change their minds. But we did not seem to have time to consider the people and the effects on the lives of kids in the real America that we face today. We were explained, well, maybe we made a few mistakes. Do tell. We made mistakes that affect the lives of the young people of this Nation and the heart and the soul of this country.

I urge my colleagues to support this motion to recommit. Work with us to protect and defend the families of New Mexico and all of America.

The SPEAKER pro tempore. The gentleman has 30 seconds remaining.

Mr. LEWIS of California. I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, the fact is that this is simply a nit-picking motion which, if adopted, would kill our chances of passing this resolution in the United States Senate and result in us living on an '06 continuing resolution, which would deny us the ability to provide additional funds for veterans health care, for education, for veterans housing and the like.

I would point out, this resolution already adds $500 million to the basic allowance for housing. This CR already increases family housing construction by $210 million and funds military construction at the level of the President's request that have been authorized.

This motion would eliminate the weapons research account that has been of some controversy today. I would point out, we have already cut that account by $94 million. I doubt that the House wants to eliminate that nuclear weapons research.

I would also say that in a new found and sudden burst of false piety, we are now being chastised because we did not reach back and eliminate an item that was approved 2 years ago for the State of Iowa by the majority. In fact, the gentleman who was chairman of the committee when that item was approved is none other than the gentleman offering the motion right now.

I don't mind clearing up the mistakes for last year, of the gentleman, I do mind being asked to go back 2 years to clear up your mistakes. That is asking too much, even for us.

Secondly, I would say that some of us may not like the Denali Commission, but it is a perfectly authorized program. And as much as I might like to see a project like that in my district, I don't have one, neither does the gentleman. I think it is illegitimate for us to single out one legitimate program for elimination that would require us, I think in the interest of fairness, to go back and look at hundreds of other programs that have been approved in the past. So I urge a ''no'' vote.

□ 1515

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

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. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of House Joint Resolution 20, if ordered, and the motion to suspend the rules and agree to House Concurrent Resolution 5.

The vote was taken by electronic device, and there were—yeas 196, nays 228, not voting 11, as follows:

[Roll No. 71]

YEAS—196

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
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, 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
Gillmor
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
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.

Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
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
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
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
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
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
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Alexander
Buyer
Davis, Jo Ann
Gilchrest
Hastert
Higgins
Lantos
McDermott
Norwood
Paul
Slaughter

□ 1541

Messrs. MOLLOHAN, GENE GREEN of Texas, STUPAK and HARE changed their vote from ''yea'' to ''nay.''

Mr. KUHL of New York 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 against:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 71, I arrived at the door when the vote was called. I was detained at the office. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

RECORDED VOTE

Mr. OBEY. 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 286, noes 140, not voting 9, as follows:

[Roll No. 72]

AYES—286

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
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)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—140

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jordan
Kanjorski
King (IA)
Kingston
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions

Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Alexander
Buyer
Davis, Jo Ann
Gilchrest
Hastert
Higgins
McDermott
Norwood
Paul

□ 1550

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HIRE A VETERAN WEEK

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 5.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 5, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 23, as follows:

[Roll No. 73]

YEAS—411

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

NOT VOTING—23

Ackerman
Alexander
Brady (TX)
Buyer
Camp (MI)
Davis, Jo Ann
Gilchrest
Gohmert
Hastert
Hastings (WA)
Hensarling
Higgins
Hobson
Hunter
LaHood
Lowey
McDermott
Murphy (CT)
Murtha
Norwood
Paul
Porter
Wamp

□ 1558

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PORTER. Mr. Speaker, I was unduly delayed for the vote on H. Con. Res. 5, Expressing the Support for the designation and goals of "Hire a Veteran Week." Had I been able to vote, I would have voted "yea" on H. Con. Res. 5.

The Armed Services provide invaluable experience to the men and women who serve this great nation. With this experience, veterans are an extremely valuable asset to our workforce in Southern Nevada and throughout the United States.

PERSONAL EXPLANATION

Mr. HIGGINS. Mr. Speaker, I was unable to attend rollcall votes today, January 31, 2007. I would like to enter into the RECORD how I intended to vote on the missed rollcall votes:

On roll No. 64, On a Motion to Suspend the Rules and Pass H. Res. 59, Supporting the goals and ideas of National Engineers Week, I would have voted "yes."

On roll No. 65, On a Motion to Suspend the Rules and Pass H. Con. Res. 34, Honoring the life of Percy Lavon Julian, I would have voted "yes."

On roll No. 66, On Ordering the Previous Question on H. Res. 16, I would have voted "yes."

On roll No. 67, On Agreeing to the Resolution on H. Res. 16, I would have voted "yes."

On roll No. 68, On Consideration of the Joint Resolution for H.J. Res. 20, I would have voted "yes."

On roll No. 69, On Tabling the Motion to Reconsider re H.J. Res. 20, I would have voted "yes."

On roll No. 70, On Tabling the Appeal of the Ruling of the Chair re H.J. Res. 20, I would have voted "yes."

On roll No. 71, On the Motion to Recommit with Instructions re H.J. Res. 20, I would have voted "no."

On roll No. 72, On Passage of H.J. Res. 20, I would have voted "yes."

On roll No. 73, On Motion to Suspend the Rules and Pass H. Con. Res. 5, Establishing Hire A Veteran Week, I would have voted "yes."

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks during debate on H.J. Res. 20.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I yield to my friend, the majority leader, for information about next week's schedule.

Mr. HOYER. I appreciate the gentleman yielding.

Mr. Speaker, on Monday, the House will meet at 2 p.m. for legislative business. We will consider several bills under suspension. There will be no votes, however, until 6:30.

On Tuesday, the House will meet at 10:30 for morning hour business and noon for legislative business. We will consider additional bills under suspension of the rules. A complete list of the suspension bills for the week will be announced later this week.

On Wednesday and Thursday, the House will meet at 10. In addition to suspension bills, we will consider H.R. 547, the Advanced Fuels Infrastructure Research and Development Act. Now, because we have come to a point where, as you know, the committees have just recently been fully organized, they are starting to have hearings but because we have not produced as much legislation, we have been dealing with a lot of work so far, I know the gentleman will be upset and my colleagues will be upset that they will have to work at home on Friday.

I want to reiterate that. When Members are home, they are working. They are listening to their constituents. They are having town meetings. They are attending meetings. They are attending the chamber of commerce or the Lion's Club or the Rotary or the PTA.

So that, although we will not be here on Friday, I want to assure the public that I know, I know that Mr. BLUNT knows and every Member here knows that when they are not here, they are in their home, they are working on behalf of their constituents. So we will not be here on Friday as scheduled because the flow of work will not be ready for Friday that we can go through the regular order.

As I have told the gentleman and his colleagues, we really do want to get to the regular order so that there are opportunities to consider bills in committees, report them through the Rules Committee, amend them on the floor and proceed as both sides, I think, would like.

□ 1600

Mr. BLUNT. Reclaiming my time, Mr. Speaker, I thank the gentleman for the information.

I don't want to belabor the point. I certainly do want to join him in sharing this sense of how hard our Members do work and where they work. We talked about this at great length a couple of weeks ago. And I think the early discussion of being on the floor of the House 5 days every single week was widely enjoyed by the late-night comedians and others. And I said at that time, and I still believe, our problem is not that the Members of Congress don't work 5 days a week.

Frankly, our problem is that too many Members of Congress work 7 days a week. And on those times when we don't have work in Washington and can be in the district, people want to meet with Members in their office. It does give Members a chance to, during the normal workweek, relate to people, activities, and ongoing events that they otherwise can't relate to. I think almost all of our Members are more than willing to take time on a Saturday to meet with people who normally work Monday through Friday. Frankly, most of the people that you would want to meet with see that as a much greater imposition than the Members of Congress who really do work more than 5 days a week at home and in Washington. The work of the Congress is important work, and it doesn't all occur here on the floor of the House while we are voting, nor does it all occur in Washington.

I would like to yield to my friend, the ranking member on the Rules Committee. He has an observation, I think.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I congratulate both the majority leader and the distinguished minority whip for recognizing especially those of us who are in California.

I have a whole series of meetings that I am going to be holding in California in the next couple of days, and it has been virtually impossible to hold any kind of weekday meeting with constituents because of the challenges that we have faced over the past month.

And I know that our 3-hour workdays and then the half hour on a Friday have made it important to note that we have been working here, but it has made it virtually impossible to be able to hold, as I said, any weekday meetings in California.

I would like to just raise a question, Mr. Speaker, to the distinguished majority leader about the issue of the schedule for next week. Now, it is my understanding that the legislation that we are scheduled to consider in the Rules Committee may come up under an open amendment process, allowing us an opportunity to have amendments proposed on the floor. The thing that concerns me is that while we have had a wide range of measures brought to the floor under suspension of the rules, I have looked back at this legislation that we are going to be addressing next week, and while it will be wonderful to have an open amendment process, it will be great if that, in fact, is going to be decided by the Rules Committee, it will be a wonderful thing to be seeing, but the fact is when this legislation was last considered, it was considered under suspension of the rules and passed unanimously without a recorded vote. A voice vote, in fact, was all that was necessary.

So I will, just for the record, Mr. Speaker, say to the distinguished majority leader, and I thank the distinguished minority whip for yielding to me, that I am concerned about the notion of utilizing an open amendment process on a matter that is noncontroversial and very easily could be considered under suspension of the rules if it is being done solely for the purpose of saying, aha, we have moved beyond closed rules and we are now considering issues under an open amendment process when, in fact, there may not even be any amendments proposed because when this last came before us, it was considered under suspension of the rules.

I thank my friend for yielding, and if you would like to yield to the majority leader to respond.

Mr. BLUNT. I would be pleased to yield to my friend, the majority leader, for a response to that.

Mr. HOYER. I will say to my friend this is such a difficult process on this side of the aisle. We considered last week a piece of legislation, and one of your Members went to the Rules Committee and asked for an amendment. We gave him an amendment, and then he wrote, apparently, and it caused a great deal of controversy, that we allowed the amendment and he really didn't want the amendment.

So then we came to the floor with the amendment still allowed. Of course, he didn't have to offer it. Nobody was forcing him to offer it. But there was great consternation that we had allowed the amendment and, indeed, a substitute, which you apparently didn't want either. So it is very difficult for us. Now we bring a bill that has an open rule and it is so lacking in controversy that it ought to be perhaps a closed rule or a suspension.

We will try to figure out what you really want, and when we do, we will try to do something that pleases you. We are having difficulty so far.

Mr. BLUNT. Reclaiming my time, Mr. Speaker, I think the point my good friend from California is making, and I would like to emphasize, is we hope we are now moving to rules that are open when possible, that allow amendments when an open rule is not possible. I think the point he was making was that hopefully this just isn't to go on the record and say, as my good friend just did, well, once we allowed you an amendment that the Member decided he didn't want and then you complained about that. We don't want this to be cited as, well, don't you remember the time we gave you the open rule on a bill that passed unanimously without amendment in the last Congress? It is time to move on.

My good friend from Maryland knows my high regard for him, and I am going to do my very best, at these weekly opportunities to talk about the schedule, to not just complain about the process. But I do know that my friend, who has been here longer than I have and understands and appreciates the process in the House, knows that it is to everybody's advantage if we get to the place where we are debating these bills, where the ideas that are brought to the floor can stand the challenge of debate and amendment, and we need to get

there. As I said last week, I am prepared to look forward, as disappointed as I was about the way the previous few weeks have been handled, but there are only so many weeks that you can just be satisfied to think that, well, I am hopeful that next week will be better, and I guess here we would be hopeful that the open rule would not just be the example of the open rule we got on this kind of bill, but the beginning of real debate and real opportunity to amend in this Congress.

I would like to yield again to my friend.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would simply like to say to the majority leader that I didn't bring up the issue of process, but since my very good friend and classmate from Maryland did bring up the issue of process, pointing to the fact that an amendment was made in order even when that Member did not want to have the amendment made in order, which was clearly stated in a letter that was submitted to the distinguished Chair of the Rules Committee, recognizing that that was an unprecedented move, because I will tell you, having served as chairman of the Rules Committee, time and time again, we would have Members testify before the Rules Committee, making a request that amendments be made in order, and then we would get a letter from that Member asking that that amendment be withdrawn, and every time we would immediately disseminate that.

So the only reason that there was a great deal of consternation on the issue that my friend has raised is that the action that was taken by the Rules Committee was completely unprecedented. In fact, in all the research that we did, we were never able to find any instance that ever before, under either the Democratic majority or the Republican majority, had action like that been taken. So that led us to be concerned. Similarly, as we look at the prospect of moving ahead with very important legislation that passed unanimously without any amendment, I would simply say, Mr. Speaker, that to simply use, as the distinguished minority whip has said, that as an argument to say we provided open rules is, I think, a little bit of a stretch.

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman from California. Of course, the gentleman to which he refers, as he knows, voted for the rule. In addition, as the gentleman knows, we gave your side the opportunity to have unanimous consent to amend the rule. You chose not to ask for that. We would not have objected to it. It gives us both good talking points, I suppose, but I think the point of this whole discussion is we want to get beyond talking points.

I say to my friend, and everybody in this House knows that Roy Blunt and Steny Hoyer are good friends who spend time together and respect one another, like one another. It is very difficult, I know, having been in your position for 4 years, not to take the opportunity to express grievances about what you believe is not being done that is fair to particularly the minority side. I understand that.

I simply want to say that we intend, as we have said, and one of the reasons we are not meeting Friday is because we have told committees we want them to do the regular order, have hearings, have votes in committee, bring bills to the Rules Committee, allow amendments, and as a result, they have said that is going to take us a little more time. So we do not have work to do. And we are not going to hold Members here, as Roy Blunt and I have discussed, if we don't have work to do. But we are going to try to get to substance.

I will say, for instance, on today's bill, we were very pleased that 57 Members on your side of the aisle voted with us on this. It was not a bipartisan two or three or four or five or six Members. A quarter of your caucus, indeed over a quarter of your caucus, voted for this bill. It was a bill that we needed to get through on substance. We think that speaks well for the substance, and that is what we are really talking about. We want to get to substance in a fair way. And we want to work with you, Mr. DREIER.

Certainly, I want to work with my good friend, the Republican whip, who is, I think, very sincere in his desire to make sure that we have legislation move through this body in a way that all the participants can feel they got a fair shot, whether they win or lose.

I thank the gentleman for yielding.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for his response.

I would say that while we don't want to debate the bill again that we voted on today, all of the Republicans voted for the motion that would have improved the bill. Certainly the option of the February 15 deadline has impact. I don't even want to argue the point that some of our Members then voted for final passage, but all of our Members would have liked to have had a more wide-ranging debate on the points that were raised in the motion to recommit that all of our Members voted for.

We also noted in the bill we just passed that rather than allocating funds to Members' committees and other offices of the House, this bill, essentially a bill that contained the funding for half of the discretionary spending, provided a lump sum in excess of $1 billion. I think the exact quote that I will refer to for the leader was "to be allocated in accordance with the allocation plans submitted by the chief administrative officer and approved by the Committee on Appropriations."

A pretty wide-ranging ability to now set specific allocations and for the Appropriations Committee to approve those.

I am wondering specifically, does the majority intend to use these funds to create a new committee that is not currently in existence or currently authorized?

I will yield to my friend for a response.

Mr. HOYER. I thank the gentleman for yielding.

Certainly, those dollars which are allocated in contemplation of the administrative officer having an ability after a change, obviously, in management, if you will, to some degree, to have some flexibility, and as they plan, we will have a better idea of how they are going to spend that money, which will obviously have to be approved in the funding resolution out of House Administration, brought to this floor and voted upon by the Members. But certainly, parts of that fund would be available if the House decided to create a committee. You refer to the Select Committee on, I am sure, Energy.

Mr. BLUNT. I am. Or other select committees but that one, specifically.

Mr. HOYER. Or other select committees, if the House chose to do that through whatever mechanism it chose to do that. Yes. The answer to your question is a portion of that money would be available for that objective.

Mr. BLUNT. And if I understand what my good friend said, that money would be available, but would be authorized specifically by the funding resolution that would come from the House Administration?

Mr. HOYER. Of course, any committee, select committee or otherwise, unless there was a separate bill appropriating money towards that committee, we would expect that to be in the funding resolution for committees out of House Administration.

Mr. BLUNT. Again, reclaiming my time, just to be sure I am right on this, the funding resolution would come before the entire body before the appropriating committee would decide to do their allocation out of this one billion-plus dollars?

I yield to my friend.

Mr. HOYER. I don't know that that refers to all the money. That probably would not be accurate. And if I go further than I have already gone, I may be incorrect, and I don't want to misinform either you or the body because I have not talked to either House Administration or to Mr. OBEY about the specific allocation of these funds. Obviously, if the CR passes, they are appropriated to this fund for the CAO under the language that you read subject to the Appropriations Committee's approval.

□ 1615

However, in terms of the select committee or committee, my expectation would be that that specific item, not necessarily other items, would be subject to the funding resolution out of House Administration and come to this body.

Mr. BLUNT. Mr. Speaker, reclaiming my time I have here, does the gentleman have a sense on the specific Select Committee on Global Warming and the Environment, or whatever it might be called, when that issue may come to the floor as a question?

Mr. HOYER. Well, if it is included in the House Administration funding resolution, and I am not saying that it will be, it may be in some other vehicle. But, if it did, that usually comes middle of March, late March, so that the committees can have a sense of what their funding capabilities are.

Mr. BLUNT. I thank my friend for that information. I am sure that all of our Members, as they hear the news about the ability to work in their districts on Friday, will be hoping to be on a plane Thursday night or Friday morning. I am not sure that I listened carefully to your sense of what would be the end of the day on Thursday since we would not be here on Friday. I am sure you said that, but if you would repeat.

Mr. HOYER. I don't think I said a time on Thursday. As you know as well, perhaps better than I do over the last years, particularly as you were the leader, you cannot always predict the time frame. But I would hope on Thursday we would get out at a reasonable hour to facilitate Members returning home.

Mr. BLUNT. Would you expect that the Thursday schedule would meet the standard that we have been trying to set on the Friday schedule, if we can at all?

Mr. HOYER. Yes.

Mr. BLUNT. That is all I need to know.

Mr. HOYER. Let me retract that because I don't want to make a rule on that.

Mr. BLUNT. I understand.

Mr. HOYER. I want to have Members be very clear. If we are able to do our work within the time frame of Thursday, it may well be a late Thursday. When I say late, 5, 6, 7 o'clock Thursday, as opposed to 1 or 2 o'clock. So I maybe answered too quickly on the Friday schedule. Because on Friday we very definitely will be trying to get out, as I have said, no later than 2 o'clock and as close to 1 as we can. That gives us 4 hours. As you know, we have agreed that we will go in at 9. So that gives us 4 hours of legislative time to work on Fridays.

Committees, as I might tell my friend, you might be interested, the Government Operations Committee will be having hearings on Friday of next week, notwithstanding the fact that we are not here. So not only are they working at home, but there also will be people working here in Washington, notwithstanding the fact that we are not on the floor.

Mr. BLUNT. I would also like to say, Mr. Speaker, as it might make that answer easier for the future, I did not mean in any way to set a standard for future weeks. But I was thinking in terms of this week, looking at 2 days of suspensions, 1 day of a bill that we have had on suspension before, even though it would have a rule, that I would think it would not be an unreasonable goal for us to set to get our, particularly our west coast Members, on the way home on late Thursday afternoon, rather than having to wait until Friday morning.

But I would also assume, having done both of the jobs you have held in the last few months, that there will be times when we will not necessarily need to be here on Friday, but to meet that goal we may have to work late enough on Thursday that many Members would not be on Thursday flights. I clearly understand that.

Mr. HOYER. I don't want to prolong this, but I do want to say that the gentleman is correct in terms of, that is why I answered glibly and quickly. So I think the gentleman may be correct. I don't want to pledge that, but he may be correct because of the factors that he has pointed out.

I would say, in closing, that I know there has been some, joviality is a kind word, about what Mr. DREIER mentioned in the schedule getting out at 3 o'clock in the afternoon.

But I will say with all due respect to my friend, notwithstanding that joviality, we believe that the last 3 weeks in terms of what this House has done in terms of its ethical standards, in terms of dealing with the safety of Americans in the 9/11 bill, in terms of dealing with the minimum wage, energy, dealing with college costs, dealing with prescription drugs and dealing with stem cell research, dealing with passing a CR that has funding for work that sat on the tarmac, if you will, and never got off the ground to the President for approximately 14 months or 13 months. We believe that we have provided a schedule in which we have done very substantial work. We hope the American people are pleased with that, and we continue to try to do that.

Mr. BLUNT. I thank the gentleman for yielding back.

I know many of my colleagues on the floor assume that yielding that time gave you a good chance to talk about the last few weeks, and there are things to talk about. But I am sure you are getting plenty of discussion from all of the Members of the House, including the Members of the majority, about the schedule. I think that the determination for next week, which I believe would have been the first 5-day week we have had scheduled to work all 5 days, I think the determination of next week shows the leader's willingness to look at the facts of the week, rather than to be pinned down to a standard that doesn't necessarily let the Members do all of the work they need to do in the various places they need to do it. I am glad to see that change.

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.

NO PLAN FROM DEMOCRATS

(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 ask my colleagues on the other side of the aisle for their plan for winning the war on terror and for the current situation in Iraq. The only things that we have heard from Democrats has been criticism.

I also want to point out an article in today's Wall Street Journal and insert the entire article in the RECORD. The article is entitled, ''Progress in Baghdad''; and it says, Capitol Hill has probably been too busy running for political cover to notice, but the last few days in Iraq have actually featured good news, as the government seems to be making some progress on key political and security issues.

And it ends with, the Bush administration has itself made many mistakes trying to micromanage Iraq's political development, but it now seems to understand that it is fated to deal with the Shiite-led government it has. Congressmen who are sincere in wanting to take the Iraq issue off the table in 2008 could help by showing a similar combination of resolve and humility.

I think we need the resolve and humility to say that we are there for victory and that failure is not an option.

[From the Wall Street Journal]

PROGRESS IN BAGHDAD

Capitol Hill has probably been too busy running for political cover to notice. But the last few days in Iraq have actually featured good news, as the government seems to be making some progress on key political and security issues.

One step forward is that Prime Minister Nouri al-Maliki has won parliamentary backing for his Baghdad security plan. This means the elected representatives of Iraq's Shiites, Sunnis and Kurds remain capable of compromise and are willing to give the new strategy a chance to work.

There's also evidence that the Baghdad plan is having an effect. Yes, al Qaeda bombs targeted the Shiite Ashoura holiday as expected. But there are also widespread reports of Sunni jihadists fleeing the capital in anticipation of a crackdown. Prime Minister Maliki has already started moving against Shiite militias, which might explain an apparent drop in sectarian violence. No one should get overconfident, but clearly the bad guys are taking the joint U.S.-Iraqi effort to pacify the capital seriously. Meanwhile, the weekend saw an encouraging performance by the Iraqi security forces who took control of the Najaf area only about a month ago. Acting on their own intelligence, Iraqi police

and a battalion from the Eighth Army Division confronted a radical Shiite sect calling themselves the Soldiers of Heaven who had reportedly planned to assassinate mainstream Shiite clerics, including the moderate Grand Ayatollah Ali Sistani.

Some observers are trying to spin this battle as a defeat for the government, because the first Iraqi units on the scene had to call for reinforcements and for American air power. But the fact that Iraqi forces were able to pre-empt the attack on Najaf before it began, and that everyone involved was able to coordinate the operation and soundly defeat the enemy makes it sound like a success to us. Hundreds of the insurgents were killed, compared to a handful of Iraqi and U.S. troops. This may well be a model for how U.S. troops might play a supporting role down the road—assuming Washington gives them a chance to get Baghdad under control first.

For the moment at least, Iraq seems to be inching in the right direction. After a week of Western lamentations about the gracelessness of the Saddam hanging, it became clear that the primary effect of the execution was to enhance Prime Minister Maliki's stature in Iraq. Mr. Maliki, in turn, is using that political capital. The last thing he needs is to have his efforts undermined by votes of no-confidence in Washington—or meddling by Congressmen with ''benchmarks'' who pretend to know better than he does how to deal with the most difficult issues, such as how best to marginalize Moqtada al-Sadr.

The Bush Administration has itself made many mistakes trying to micromanage Iraq's political development, but it now seems to understand that it is fated to deal with the Shiite-led government it has. Congressmen who are sincere in wanting to take the Iraq issue off the table in 2008 could help by showing a similar combination of resolve and humility.

Let's unite.

IN SUPPORT OF THE CONTINUING RESOLUTION'S PASSAGE

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important for us to reflect on the last couple of hours of debate, and I call it fixing of the fiscal calamity that occurred over the last year when this body and the majority of my friends on the other side of the aisle failed to complete our funding responsibilities.

Today, we passed a vigorous CR, and I think it should not be interpreted as a negative, but we should look at the positives that we will be able to provide, if you will, the continuing of funding and get immediately into, one, the emergency supplemental but also the appropriations process. $3.6 billion now goes extra to our veterans, many of them returning from Iraq for their health care.

The change in the section 8 for many that are not being housed because of a faulty formula, we now can provide housing for many in our community. And, yes, an enhanced funding for scientific research. The ability for our agencies to reprogram their dollars. Many of us will be working, for instance in my district, I will be working to ensure the funding of the Texas Southern University Laboratory School through the Department of Housing; and, yes, we will be working to get NASA funding by redeploying or to redistribute those funds.

This is a good CR. The agencies can work with it. Make sure the agencies work right on behalf of the American people.

CONGRATULATING ROSWELL HIGH SCHOOL ON THEIR CHAMPIONSHIP SEASON

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

Mr. PRICE of Georgia. Mr. Speaker, today, I proudly rise to honor and congratulate some spectacular student athletes from Georgia's Sixth District. This past month one of our hometown high schools brought home the State football championship.

After an inspired season that united our community, Roswell High School awed all of Georgia with their first State football title in 36 years; and because of the passion and commitment and intensity shown by the players, coaches, classmates and the community alike, this season will forever be marked in history.

The Roswell Hornets won the 5A State championship in what was an extraordinary example of both skill and athleticism. These talented young men showed what is possible with hard work and unyielding determination.

These student athletes will always cherish the memory of this season. The players, their families and their classmates who cheered them on will always look back to the 2006 season as a source of pride, accomplishment and satisfaction. Roswell High School learned more than how to win a championship this last year. They learned what happens when everyone comes together in pursuit of a dream.

I know that the House of Representatives joins me in congratulating Roswell High School from Roswell, Georgia.

REAUTHORIZE THE SAFE AND SECURE COUNTY AND RURAL SCHOOLS ACT

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

Mr. DEFAZIO. Mr. Speaker, well, today Congress passed a continuing resolution making up for some of the problems created by the Republican majority not getting their work done, but they did not got another crucial piece of work done, the reauthorization of the Safe and Secure County and Rural Schools Act. If that is not reauthorized, if that is not funded in short order, over 4,400 rural schools in 40 States will lose funding, 780 rural counties will lose funding for roads, county officials will be forced to lay off critical public safety, rescue, law enforcement and other employees. In my State alone, there will be up to 1,000 people losing their jobs beginning quite soon.

Congress must act and soon. We will soon request that the leadership put in the emergency supplemental, money to fund for 1 year the Safe and Secure County Rural Schools Act to give the authorizing committees time to put in place a full 7-year reauthorization suitably offset with other funds.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1630

HRANT DINK'S FINAL ARTICLE

The SPEAKER pro tempore (Mr. SCOTT of Georgia). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, about a week and a half ago, a courageous journalist by the name of Hrant Dink was murdered outside of his newspaper office in Istanbul. I would like to read today some of the comments that he made in his last newspaper article Agos on January 19, the day that he was shot dead.

He wrote, ''At first, when an investigation was launched against me for insulting Turkishness, I did not feel troubled. This was not the first time . . .

''I had complete trust in what I'd written and what had been my intentions.

''Once the prosecutor had the chance to evaluate the text of my editorial as a whole, not that single sentence, which made no sense by itself, he would understand that I had no intention of insulting Turkishness and this comedy would come to an end. I was sure of myself. But, surprise! A lawsuit was filed.

''In covering every hearing, the newspapers, editorials and television programs all referred to how I had said that the blood of the Turk is poisonous.

''Each time they were adding to my fame as the enemy of the Turk.

''In the corridors of the courthouse, the fascists physically attacked me with racist curses.

''They bombarded me with insults. Hundreds of threats hailed down for months by phone, e-mail and post, increasing all the time.

''I persevered through all of this with patience, awaiting the decision that would acquit me.

''Then the truth would prevail and all those people would be ashamed of what they had done.

''My only weapon was my sincerity. But when the decision came out, my hopes were crushed. From then on, I was in the most distressed situation a person can possibly be in.

''The judge had made a decision in the name of the Turkish nation and it had legally registered that I had denigrated Turkishness. I could have coped with anything but this.

''In my understanding, the denigration of a person on the basis of any difference, ethnic or religious, is racism, and there was no way this could ever be forgiven . . .

''Those who tried to single me out and weaken me have succeeded. With the false information they oozed into society, they created a significant segment of the population who saw Hrant Dink as someone who insults Turkishness.

''The memory of my computer is filled with angry, threatening lines sent by citizens from this sector.

''How real are these threats? To be honest, it is impossible for me to know for sure.

''What is truly threatening and unbearable for me is the psychological torture I placed myself in. The question that really gets to me is: What are these people thinking about me?

''Unfortunately, I am now better known than before and I feel people looking at me, thinking: Oh, look, isn't he that Armenian guy?

''I am just like a pigeon, equally obsessed by what goes on on my left and right, front and back. My head is just as mobile and fast.

''What did foreign Minister Gul say? Or Justice Minister Cicek? There is no need to exaggerate about Article 301 on insulting Turkishness. Has anyone been actually put in prison?

''As if going to prison was the only price to pay. This is the price. This is the price.

''Do you ministers know the price of making someone as scared as a pigeon?

''What my family and I have been through has not been easy. I have considered leaving this country at times . . .

''But leaving a boiling hell to run to a heaven is not for me. I wanted to turn this hell into heaven.

''We stayed in Turkey because that was what we wanted, out of respect for the thousands of people here who supported me in my fight for democracyer. . . .

''I am now applying to the European Court of Human Rights. I don't know how long the case will take, but I do know that I will continue living here in Turkey until the case is finalized.

''And if the Court rules in my favor, I will be very happy and will never have to leave my country.

''2007 will probably be an even harder year for me. The Court cases will continue. New ones will be initiated and God knows what kind of additional injustices I will have to face.

''I may see myself as frightened as a pigeon, but I know that in this country people do not touch pigeons.

''Pigeons can live in cities, even in crowds. A little scared perhaps, but free.''

Well, Mr. Dink, unfortunately, found otherwise when he was gunned down outside of his office by young men no doubt inflamed by the passions that the government did so little to quell. Hrant Dink, who had the courage to talk about some of the darkest periods of Ottoman history, of the genocide of the Armenian people, the first genocide of last century that claimed a million and a half lives, paid for that courage with his life.

Well, we will have the courage here soon to take up a resolution on the Armenian genocide. All we have to do is vote. That is very little compared to what Hrant Dink did and the price that he paid.

I had a chance to meet him in Istanbul a couple of years ago. He was optimistic about the future. He was optimistic about Turkey's future, about its willingness to examine its past. Regrettably, that optimism was misplaced.

Today we remember a courageous journalist, Hrant Dink. And his legacy lives on.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING ALAN M. HANTMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I am pleased tonight to come to the floor for a special order presentation. Let me start out by reading some names. Dr. William Thornton, Benjamin Henry Latrobe, Charles Bulfinch, Thomas U. Walter, Edward Clark, Elliott Woods, David Lynn, J. George Stewart, George M. White, and Alan M. Hantman.

My colleagues, I read these names. They are the names of the 10 architects of the United States Capitol.

This week will mark the last days in service to the United States Congress, and this historic structure, of the Architect of the United States Capitol, Alan M. Hantman. And I am pleased to rise this evening to recognize his service.

Of course, we have had many presidents, we have had many Speakers of the House. We have only had 10 architects who have been in charge of this incredible structure that we call our United States Capitol.

Alan Hantman will leave his service, leaving a legacy untold by almost any of his predecessors. And it has been my honor and pleasure to work with him on a project that will dramatically change the nature of the United States Capitol, that is, the United States Capitol Visitors Center.

Let me reminisce for just a minute, as I thank him for his 10 years of dedicated and sometimes difficult and trying service to Congress. But let me reminisce, if I may, about Alan Hantman coming to serve as our United States Capitol architect.

I have been involved in the Capitol Visitors Center for some 14 years, since I came to Congress, committed that the people who visit this institution should have the opportunity to have an enjoyable, informative and memorable visit to the United States Capitol. Instead, in the past, they have stood in the rain, snow, sleet, cold, ice, without even common comforts or courtesy in front of our most historic structure, and sometimes denied access to the structure or again common conveniences.

I was a little bit afraid because I know the way this place runs, when they were selecting an architect, some 10 years ago, that they might find someone in this process that would deep six the project, so I spent a particular amount of time as author of two authorization measures for the project, talking to Alan Hantman, and I was convinced he was the right person at the right time in the history of the United States Capitol.

He undertook that expansion of the United States Capitol Building, the largest in history. It will increase the volume, the sheer volume of the Capitol by some 70 percent. And he has done an incredible job.

At the same time, he has had to make this Capitol run. I often joked when I first came here that the U.S. Capitol was run like a southern plantation with bad management.

Alan Hantman changed that. He brought professionalism to his position and to service and to, again, to the most monumental project, not on behalf of those who serve here. The Capitol Visitor Center, in fact, is the first structure and expansion to the Capitol in the history of the Capitol for the public, for those who own the place and to make, again, their visit an enjoyable, informative and educational experience.

Alan brought with him great experience from the private sector with more than 10 years heading up the Rockefeller Center Management Corporation

in New York City, overseeing that great project, and then coming here.

Now, I know he has had 535 bosses, a smaller group of Capitol preservation on which I serve, and then the leaders of the House and Senate and some of the appropriators and other authorizers. I call him working for 19 prima donnas. But he has completed the structure, planning, and under the most difficult circumstances you can imagine.

When people see the Visitor Center, the name of Alan Hantman will live forever in the history of the United States Congress and our country.

COAST GUARD AND MARITIME TRANSPORTATION ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to discuss some important issues that confront the 110th Congress regarding the structure and missions of the United States Coast Guard and the broader field of maritime transportation.

I am deeply honored to have been selected by Chairman JAMES OBERSTAR and by my colleagues on the Transportation and Infrastructure Committee to chair the Coast Guard and Maritime Transportation Subcommittee and to move on an ambitious agenda that will address these critical issues.

I look forward to implementing the three policy objectives that Chairman OBERSTAR has laid out for the Transportation Committee, which include ensuring the safety and security of our transportation infrastructure; supporting expanded investment in transportation infrastructure to relieve congestion and enhance mobility; and ensuring environmental stewardship, including combating global warming.

In the area of safety and security, the subcommittee will diligently oversee the implementation of the Coast Guard's $8.3 billion fiscal year 2007 budget, including the more than $1.1 billion appropriated to fund the rehabilitation and modernization of the Coast Guard's fleet through the Deepwater procurement program.

The United States Coast Guard is a critical part of our homeland security system, and is the lead agency responsible for ensuring the security of all ports in our Nation, including the more than 150 ports that handle the bulk of our Nation's foreign and commercial commerce.

The Coast Guard is also a vital part of our emergency response system, as demonstrated when it was the only Federal agency that could come to the rescue of thousands of Hurricane Katrina victims left stranded in the Gulf.

Our subcommittee will closely examine whether the Coast Guard has adequate resources to enable it to implement its significant new Homeland Security responsibilities while also fulfilling its other critical missions, including drug interdiction, search and rescue, and maritime safety oversight.

We began that effort just yesterday with an oversight hearing on the Coast Guard's $24 billion, 25-year Deepwater procurement, through which the Coast Guard is acquiring the ships, planes and helicopters that the service will utilize for decades to come to ensure the safety and security of the American people, United States ports, and our maritime industry.

Importantly, our subcommittee will also balance oversight of the Coast Guard with our responsibility to strengthen maritime transportation.

The United States Maritime Administration estimates that the total volume of trade handled by U.S. ports will double in the next 15 years, Mr. Speaker. To prepare our Nation to handle such cargo growth, we will examine how U.S. ports can more fully be integrated into a multi-modal transportation network.

We will also work to foster a pragmatic dialogue between the members of the commercial maritime community and the United States Coast Guard to ensure that each group understands what the other needs to succeed in what should be their complementary pursuits.

□ 1645

Security of the United States ports and cargo transported through them will be a major priority of the subcommittee. The House of Representatives has already passed H.R. 1, which not only implemented the recommendations of the 9/11 Commission but exceeded these recommendations by phasing in requirements that will lead to the scanning of all cargo bound for United States ports.

The Subcommittee on Coast Guard and Maritime Transportation will work closely with the Committee on Homeland Security, led ably by Chairman BENNIE THOMPSON, to examine the gaps that remain in port security and to fill these gaps in ways that protect our Nation from emerging threats while not unduly slowing commerce to our ports.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. JINDAL. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 106.

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

There was no objection.

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.)

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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONGRATULATING UC SANTA BARBARA MEN'S SOCCER TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I am honored to support House Resolution 70, a resolution that this House passed earlier this week congratulating the University of California Santa Barbara men's soccer team for winning the NCAA Division I National Championship. I use these minutes to give my congratulations to the team and to the community.

Along with my colleague, Elton Gallegly, I am thrilled have this opportunity to congratulate every player, coach, alumnus, faculty member, and supporter of UC Santa Barbara.

On December 3, 2006, the UC Gauchos captured the National Championship by scoring two goals against the University of California. This is UCSB's second national title in school history.

While all the Gauchos played their hearts out, I would like to acknowledge two standout performances. Sophomore Nick Perera scored a goal and assisted on Eric Avila's game winner on his way to earning All-College Cup Most Outstanding Offensive Player of the Tournament honors. Junior Andy Iro, despite playing through an injury, helped keep UCLA at bay and was named All-College Cup Most Outstanding Defensive Player.

While the beginning of the Gaucho season was plagued by inconsistent play, the Gauchos fought to recover, winning 10 of their last 11 games, including six straight in the tournament. Coach Tim Vom Steeg, a UCSB alum, and his staff, Greg Wilson, Neil Jones, and Eric Foss, deserve tremendous praise not only for their impressive leadership in the 2006 season but also for leading the dominating Gauchos to their second NCAA National Championship in 3 years. Coach Vom Steeg's

colleagues were so impressed with his coaching abilities that they named him the National Soccer Coaches Association of America National Coach of the Year, the most prestigious award that a Division I soccer coach can receive, and this for the second time.

Mr. Speaker, while the men's soccer team is a great example of the excellence the university produces, there is much more to celebrate. As many of you know, my husband, Walter, was a professor of religious studies for more than 30 years at this campus at UCSB before he became a Member of Congress. Through his experience as a professor and my own as a graduate, I have watched this university rightfully gain national attention.

The University currently has five Nobel Laureates on faculty and was recently ranked in the top 15 best public schools in the Nation by U.S. News and World Report; and with a breathtakingly beautiful campus, it is no wonder that the men's soccer team and the University can attract such notable talent from all over the world.

If any of my colleagues ever find themselves on California's central coast, I encourage you to stop by this beautiful campus and see for yourself all that it has to offer. Of course, don't forget to catch a soccer game at Harder Stadium. Go Gauchos.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

(Mr. HULSHOF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HANLEY DENNING, ''ANGEL DEL BASUERO''

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, Hanley Graham Denning was only 36 when a terrible traffic accident in Guatemala took her away from us on January 18. She was revered in Guatemala where she was known as ''El Angel del Basuero,'' the Angel of the Dump.

Hanley was a native of Yarmouth, Maine, and a Bowdoin College graduate, with a master's degree in early childhood education from Wheelock College.

After college, she helped children affected by AIDS in Roxbury, Massachusetts, and then taught impoverished children at a Head Start program in North Carolina.

Because so many children were from migrant families and spoke little or no English, Hanley decided to go to Guatemala to learn to speak their language. While in Guatemala City in 1999, the Portland Press Herald reported, a friend suggested she visit the garbage dump. There, Denning began the work that would come to define her life.

On that trip to the dump, the largest in Central America, Hanley was shocked to see a tiny hand reaching out from a cardboard box. ''At first she thought it was a doll, then she realized it was a baby,'' her friend Rachel Meyn told the Press Herald. ''The image kept playing over and over in her head,'' Meyn added, ''and from then on she decided she had to do something.'' What Hanley Denning did was to sell her car and her computer, convert an old chapel near the dump into a drop-in center for the children, and give 40 Guatemalan boys and girls a refuge from the filth and stench of the dump.

Hanley soon learned that the health hazards at the dump were only a small part of the danger facing these children. Most came from single-parent households, where mothers scavenged the dump, often helped by the children, to find scrap to sell in order to buy food. Drug abuse, crime, child abuse, and predation were rampant. Hanley decided to create an environment where the children could escape harm and find the kind of encouragement that she as a former Head Start teacher knew would give them a better chance to grow into healthy successful adults. She called it ''Camino Seguro,'' Safe Passage. The mothers and the children of Guatemala call Hanley Denning ''Angel del Basuero,'' Angel of the Dump.

Eight years later, Hanley's modest effort has grown into a program that helps more than 500 needy children at three sites. It has an annual budget of $1.6 million and 100 Guatemalan staff members, including teachers, social workers, cooks, and other support staff. There is a three-story educational reinforcement center, with 13 classrooms, a fully stocked library, a computer lab with 13 computers, a kitchen for preparing 550 lunches daily, a medical clinic serving all children and their family members, and a garden. Teens can receive vocational training, mothers and grandmothers can attend adult literacy and parenting classes.

In addition to their daily hot lunches, each child who attends regularly receives a monthly food bag for their family. Nearly 600 children fated to scavenge the dump like their parents are now in school. ''I used to look into the children's eyes and see the adults they would become,'' Hanley once told the reporter. ''Now they have a little hope. I see a bit more spark.''

But the success of Safe Passage is only part of Hanley Denning's legacy. Her angelic touch reached beyond the Guatemalan slums and into the lives of hundreds of volunteers, many of them teenagers, who worked for Safe Passage over the years. There are 50 volunteers working at Safe Passage in any given month, including 20 long-term volunteers who make a 1-year or 2-year commitment to the program.

As Jason Moyer-Lee told the Portland Press Herald's Bill Nemitz, ''I couldn't believe that someone from my town who went to my high school could actually make something like that happen. When Hanley sat down and talked to you, she made you feel like, without your help, Safe Passage couldn't happen,'' he said. ''It didn't matter how much you gave or how little, she made you feel like you were the number one contributor.''

''I've never loved more than when I was combing lice out of children's hair,'' added Aly Spaltro, a Brunswick High School senior who volunteered at Safe Passage in the past and plans to return before she returns to college.

Although his sister Hanley died young, her brother Jordan said at her memorial that she had lived a much fuller life than most people, and she inspired everyone who loved her to ''give every ounce of ourselves to what we truly believe in.''

Mr. Speaker, I refer to safepassage.org for on Hanley Denning's life.

Catherine Lopez Reyes, a five year old at Safe Passage, best summed up the feelings of all whose lives Hanley Denning changed for the better: "Hanley, te quiero mucho, We love you very much, Hanley.

To learn more about Hanley Denning and her Safe Passage program, visit the website safepassage.org.

See safepassage.org for the extraordinary story of the life of a remarkable woman.

HONORING FIRST LIEUTENANT JACOB N. FRITZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, the conflict in Iraq weighs heavily on us all, especially when we receive casualty announcements and face the stark reality of precious lives lost far from the comfort of home and family.

Today, I would like to pay tribute to First Lieutenant Jacob N. Fritz of Verdon, Nebraska, who lost his life in a brutal ambush on January 23.

A graduate of the United States Military Academy at West Point, Lieutenant Fritz served valiantly in the Army's 25th Infantry Division when he came under attack near Karbala, Iraq. While details are still pending, we know that a group of men wearing U.S. military uniforms infiltrated a government compound and opened fire on Lieutenant Fritz, who was standing outside his vehicle at the time of the incident.

Mr. Speaker, I am so grateful to Lyle and Noala Fritz, Jacob's parents, for taking so much time to speak with me

about Jacob recently. As Noala said to me, ''God got a good one.''

Continuing a proud family tradition, Lieutenant Fritz's brother Daniel is currently at West Point and is scheduled to graduate in the year 2008. I want to reassure Daniel and the entire Fritz family that we are all united in our support and concern for the outstanding men and women who willingly risk their lives in Iraq under arduous circumstances that would tax the best of us.

Mr. Speaker, as we take this moment to grieve, we also want to honor the Fritz family for their dedicated service to the United States. I pray that God's peace will console and strengthen them during this difficult time and in the days ahead.

THE SAFE AND ORDERLY WITHDRAWAL FROM IRAQ ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, there is no issue more important to the American people and to the Members of this Congress than the war in Iraq. Over 3,000 American military personnel have been killed in this war. Over 22,000 have been wounded in combat-related action. Some have been injured for life. Several thousand more of our troops have sustained serious injuries or suffered sickness while serving in Iraq; and tens of thousands of Iraqi men, women, and children dead.

So far, it has cost the United States $387 billion, and next week we will receive another supplemental request from the President in the range of $100 billion to $130 billion more.

In blood, in treasure, the costs of the war in Iraq have been high. I believe, Mr. Speaker, that we must change the dynamic in Iraq. We must end our occupation, engage the countries in the region to help the Iraqis negotiate an end to the sectarian violence tearing their country apart, and let the Iraqi people determine their own destiny.

I firmly believe, Mr. Speaker, there is no military victory to be had in Iraq. So I am convinced that we must focus our efforts on the uniformed men and women we have put in harm's way and bring them safely home. This is why I am introducing today the Safe and Orderly Withdrawal from Iraq Act.

This is a very straightforward bill, Mr. Speaker. Within 30 days of enactment, the United States would initiate a safe, orderly, and responsible withdrawal of all U.S. military forces from Iraq.

□ 1700

The withdrawal would take no more than 6 months and include the transfer to the Iraqi government of all bases and facilities that have been operated or occupied by U.S. military personnel. During the withdrawal period, funding is maintained to ensure that our forces have the ability to complete or transfer their duties in an orderly manner, defend themselves as necessary, and be fully supported as they move out of Iraq. Once the withdrawal is completed, defense funding for the war would end.

Under this bill, financial support and equipment could continue to be provided to the Iraqi security forces or to a multilateral force the Iraqi government might request for help in continuing the training of their forces and in providing security during the period of withdrawal and afterwards.

Nothing in this bill affects U.S. funding for economic and social reconstruction projects. The bill also allows the U.S. Army Corps of Engineers to complete reconstruction projects currently under way should the Iraqi government make such a request.

Finally, the bill asserts the authority of the President to arrange asylum for those Iraqi citizens who might be physically endangered by the withdrawal of our military presence. As we all know, many Iraqi civilians have bravely served our Armed Forces as translators, drivers, administrative staff and in other capacities. Should they be threatened with violence or retaliation because of their association with our forces, we should extend to them the protection they require and that they deserve.

Mr. Speaker, this bill does not walk away from Iraq. It maintains financial equipment and material support for the Iraqi military and security forces. It continues economic, social and reconstruction assistance for Iraq, and its impact would trigger greater diplomatic engagement in the region which is missing at the present moment.

Mr. Speaker, there are no easy answers for the many questions facing Iraq's future. There is no perfect legislative answer for the situation in Iraq. But I do know that our troops do not belong in the crossfire of a violent Iraqi sectarian war. The American people understand this. They are far ahead of the politicians in Washington. They want us to do what is right. They want us to bring our troops home, and they want that to happen in a safe, orderly and responsible manner.

Mr. Speaker, I believe that this war in Iraq is a moral blunder. I believe that the war in Iraq represents one of the biggest political, diplomatic and military mistakes in our history. It is time for us to end this war. I urge my colleagues to support the Safe and Orderly Withdrawal from Iraq Act.

HONORING COLONEL BRIAN D. ALLGOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. LAMBORN) is recognized for 5 minutes.

Mr. LAMBORN. Mr. Speaker, I rise today to honor the life of Colonel Brian D. Allgood, who passed away on January 27, 2007, in Baghdad, Iraq, in support of Operation Iraqi Freedom. Colonel Allgood died of injuries sustained when his helicopter crashed. Brian's wife and son reside in Heidelberg, Germany, and his parents, Gerald and Cleo Allgood, reside in Colorado Springs, Colorado.

Colonel Allgood graduated from West Point in 1982 and from the University of Oklahoma Medical Center in 1986. After completing his residency, Colonel Allgood continued his military career as a doctor in the Army. He was not only a doctor but was a first-class soldier who parachuted into Panama as a battalion surgeon in the 75th Ranger Regiment during Operation Just Cause in 1989. After rising through the ranks, Brian became a full colonel in 2002 and served in top medical commands in Korea and Germany before becoming the command surgeon of Multi-National Forces Iraq.

Colonel Allgood comes from a strong military family and followed in the footsteps of his father, who was a Army doctor and a Vietnam War veteran.

Colonel Allgood was a remarkable soldier, an exceptional doctor and a devoted husband and father who served in the Army to keep this Nation free and sacrificed his life for our safety and security.

I thank Colonel Brian D. Allgood for his service to our country, and I offer my deepest condolences to his family.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

(Ms. SOLIS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PUBLICATION OF THE RULES OF THE COMMITTEE ON AGRICULTURE, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Minnesota. Madam Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD, pursuant to Rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the Committee on January 23, 2007.

Appendix A of the Committee Rules will include excerpts from the Rules of the House relevant to the operation of the Committee. Appendix B will include relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

RULES OF THE COMMITTEE ON AGRICULTURE, 110TH CONGRESS

RULE I.—GENERAL PROVISIONS

(a) Applicability of House Rules.—(1) The Rules of the House shall govern the procedure of the Committee and its subcommittees, and the rules of the Committee on Agriculture so far as applicable shall be interpreted in accordance with the Rules of the House, 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 nondebatable privileged motions in the Committee and its subcommittees. (See Appendix A for the applicable Rules of the U.S. House of Representatives.)

(2) As provided in clause 1(a)(2) of House Rule XI, each subcommittee is part of the Committee and is subject to the authority and direction of the Committee and its rules so far as applicable. (See also Committee rules III, IV, V, VI, VII and X, infra.)

(b) Authority to Conduct Investigations.—The Committee and its subcommittees, after consultation with the Chairman of the Committee, may conduct such investigations and studies as they may consider necessary or appropriate in the exercise of their responsibilities under Rule X of the Rules of the House and in accordance with clause 2(m) of House Rule XI.

(c) Authority to Print.—The Committee is authorized by the Rules of the House to have printed and bound testimony and other data presented at hearings held by the Committee and its subcommittees. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee and its subcommittees shall be paid from applicable accounts of the House described in clause 1(i)(1) of House Rule X in accordance with clause 1(c) of House Rule XI. (See also paragraphs (d), (e) and (f) of Committee rule VIII.)

(d) Vice Chairman.—The Member of the majority party on the Committee or subcommittee designated by the Chairman of the full Committee shall be the vice chairman of the Committee or subcommittee in accordance with clause 2(d) of House Rule XI.

(e) Presiding Member.—If the Chairman of the Committee or subcommittee is not present at any Committee or subcommittee meeting or hearing, the vice chairman shall preside. If the Chairman and vice chairman of the Committee or subcommittee are not present at a Committee or subcommittee meeting or hearing the ranking Member of the majority party who is present shall preside in accordance with clause 2(d), House Rule XI.

(f) Activities Report.—(1) The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year. (See also Committee rule VIII (h)(2).)

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of House Rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken with respect thereto.

(g) Publication of Rules.—The Committee's rules shall be published in the Congressional Record not later than thirty days after the Committee is elected in each odd-numbered year as provided in clause 2(a) of House Rule XI.

(h) Joint Committee Reports of Investigation or Study.—A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

RULE II.—COMMITTEE BUSINESS MEETINGS—REGULAR, ADDITIONAL AND SPECIAL

(a) Regular Meetings.—(1) Regular meetings of the Committee, in accordance with clause 2(b) of House Rule XI, shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee, if any, for that month. The Chairman shall provide each member of the Committee, as far in advance of the day of the regular meeting as practicable, a written agenda of such meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman believes that there will not be any bill, resolution or other matter considered before the full Committee and there is no other business to be transacted at a regular meeting, the meeting may be cancelled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration. This paragraph shall not apply to meetings of any subcommittee. (See paragraph (f) of Committee rule X for provisions that apply to meetings of subcommittees.)

(b) Additional Meetings.—The Chairman may call and convene, as he or she considers necessary, after consultation with the Ranking Minority Member of the Committee, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such additional meetings pursuant to a notice from the Chairman.

(c) Special Meetings.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for such special meeting. Such request shall specify the measure or matters to be considered. Immediately upon the filing of the request, the Majority Staff Director (serving as the clerk of the Committee for such purpose) shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting in accordance with clause 2(c)(2) of House Rule XI. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Majority Staff Director (serving as the clerk) of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

RULE III.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) Open Meetings and Hearings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing by the Committee or a subcommittee shall be open to the public unless closed in accordance with clause 2(g) of House Rule XI. (See Appendix A.)

(b) Broadcasting and Photography.—Whenever a Committee or subcommittee meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI (See Appendix A). When such radio coverage is conducted in the Committee or subcommittee, written notice to that effect shall be placed on the desk of each Member. The Chairman of the Committee or subcommittee, shall not limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(c) Closed Meetings—Attendees.—No person other than Members of the Committee or subcommittee and such congressional staff and departmental representatives as the Committee or subcommittee may authorize shall be present at any business or markup session that has been closed to the public as provided in clause 2(g)(1) of House Rule XI.

(d) Addressing the Committee.—A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration (See Committee rule VII(e) relating to questioning a witness at a hearing). The time a member may address the Committee or subcommittee for any such purpose shall be limited to five minutes, except that this time limit may be waived by unanimous consent. A member shall also be limited in his or her remarks to the subject matter under consideration, unless the Member receives unanimous consent to extend his or her remarks beyond such subject.

(e) Meetings To Begin Promptly.—Subject to the presence of a quorum, each meeting or hearing of the Committee and its subcommittees shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(f) Prohibition on Proxy Voting.—No vote by any Member of the Committee or subcommittee with respect to any measure or matter may be cast by proxy.

(g) Location of Persons at Meetings.—No person other than the Committee or subcommittee Members and Committee or subcommittee staff may be seated in the rostrum area during a meeting of the Committee or subcommittee unless by unanimous consent of Committee or subcommittee.

(h) Consideration of Amendments and Motions.—A Member, upon request, shall be recognized by the Chairman to address the Committee or subcommittee at a meeting for a period limited to five minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member receives unanimous consent to extend the time limit. Every amendment or motion made in Committee or subcommittee shall, upon the demand of any Member

present, be reduced to writing, and a copy thereof shall be made available to all Members present. Such amendment or motion shall not be pending before the Committee or subcommittee or voted on until the requirements of this paragraph have been met.

(i) Demanding Record Vote.—

(1) A record vote of the Committee or subcommittee on a question or action shall be ordered on a demand by one-fifth of the Members present.

(2) The Chairman of the Committee or Subcommittee may postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment. If the Chairman postpones further proceedings:

(A) the Chairman may resume such postponed proceedings, after giving Members adequate notice, at a time chosen in consultation with the Ranking Minority Member; and

(B) notwithstanding any intervening order for the previous question, the underlying proposition on which proceedings were postponed shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(j) Submission of Motions or Amendments in Advance of Business Meetings.—The Committee and subcommittee Chairman may request and Committee and subcommittee Members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the Chairman and the Ranking Minority Member of the Committee or the subcommittee twenty-four hours before a Committee or subcommittee business meeting.

(k) Points of Order.—No point of order against the hearing or meeting procedures of the Committee or subcommittee shall be entertained unless it is made in a timely fashion.

(l) Limitation on Committee Sittings.—The Committee or subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(m) Prohibition of Wireless Telephones.—Use of wireless phones during a committee or subcommittee hearing or meeting is prohibited.

RULE IV.—QUORUMS

(a) Working Quorum.—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action, other than as noted in paragraphs (b) and (c).

(b) Majority Quorum.—A majority of the members of the Committee or subcommittee shall constitute a quorum for:

(1) the reporting of a bill, resolution or other measure (See clause 2(h)(1) of House Rules XI, and Committee rule VIII);

(2) the closing of a meeting or hearing to the public pursuant to clauses 2(g) and 2(k)(5) of the Rule XI of the Rules of the House; and

(3) the authorizing of a subpoena as provided in clause 2(m)(3), of House Rule XI. (See also Committee rule VI.)

(c) Quorum for Taking Testimony.—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE V.—RECORDS

(a) Maintenance of Records.—The Committee shall keep a complete record of all Committee and subcommittee action which shall include—

(1) in the case of any meeting or hearing transcripts, 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 involved, and

(2) written minutes shall include a record of all Committee and subcommittee action and a record of all votes on any question and a tally on all record votes.

The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee and by telephone request. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(b) Access to and Correction of Records.—Any public witness, or person authorized by such witness, during Committee office hours in the Committee offices and within two weeks of the close of hearings, may obtain a transcript copy of that public witness's testimony and make such technical, grammatical and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. There shall be prompt return of such corrected copy of the transcript to the Committee. Members of the Committee or subcommittee shall receive copies of transcripts for their prompt review and correction and prompt return to the Committee. The Committee or subcommittee may order the printing of a hearing record without the corrections of any Member or witness if it determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is subject of the hearing. The record of a hearing shall be closed ten calendar days after the last oral testimony, unless the Committee or subcommittee determines otherwise. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record is closed unless the Committee or subcommittee determines otherwise. The Committee or subcommittee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

(c) Property of the House.—All Committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Members serving as Chairman and such records shall be the property of the House and all Members of the House shall have access thereto. The Majority Staff Director shall promptly notify the Chairman and the Ranking Minority Member of any request for access to such records.

(d) Availability of Archived Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with House Rule VII. The Chairman shall notify the Ranking Minority Member of the Committee of the need for a Committee order pursuant to clause 3(b)(3) or clause 4(b) of such House Rule, to withhold a record otherwise available.

(e) Special Rules for Certain Records and Proceedings.—A stenographic record of a business meeting of the Committee or subcommittee may be kept and thereafter may be published if the Chairman of the Committee, after consultation with the Ranking Minority Member, determines there is need for such a record. The proceedings of the Committee or subcommittee in a closed meeting, evidence or testimony in such meeting, shall not be divulged unless otherwise determined by a majority of the Committee or subcommittee.

(f) Electronic Availability of Committee Publications.—To the maximum extent feasible, the Committee shall make its publications available in electronic form.

RULE VI.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) Authority to Sit and Act.—For the purpose of carrying out any of its function and duties under House Rules X and XI, the Committee and each of its subcommittees is authorized (subject to paragraph (b)(1) of this rule)—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents, as it deems necessary. The Chairman of the Committee or subcommittee, or any member designated by the Chairman, may administer oaths to any witness.

(b) Issuance of Subpoenas.—(1) A subpoena may be authorized and issued by the Committee or subcommittee under paragraph (a)(2) 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, as provided in clause 2(m)(3)(A) of House Rule XI. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) Notice of a meeting to consider a motion to authorize and issue a subpoena should be given to all Members of the Committee by 5 p.m. of the day preceding such meeting.

(3) Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(4) A subpoena duces tecum may specify terms of return other than at a meeting or hearing of the committee or subcommittee authorizing the subpoena.

(c) Expenses of Subpoenaed Witnesses.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees to which he or she is entitled. If hearings are held in cities other than Washington D.C., the subpoenaed witness may contact the Majority Staff Director of the Committee, or his or her representative, before leaving the hearing room.

RULE VII.—HEARING PROCEDURES

(a) Power to Hear.—For the purpose of carrying out any of its functions and duties under House Rule X and XI, the Committee and its subcommittees are authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. (See paragraph (a) of Committee rule VI and paragraph (f) of Committee rule X for provisions relating to subcommittee hearings and meetings.)

(b) Announcement.—The Chairman of the Committee shall after consultation with the Ranking Minority Member of the Committee, make a public announcement of the date, place and subject matter of any Committee hearing at least one week before the commencement of the hearing. The Chairman of a subcommittee shall schedule a hearing only after consultation with the Chairman of the Committee and after consultation with the Ranking Minority Member of the subcommittee, and the Chairmen

of the other subcommittees after such consultation with the Committee Chairman, and shall request the Majority Staff Director to make a public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman of the Committee or the subcommittee, with concurrence of the Ranking Minority Member of the Committee or subcommittee, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman of the Committee or subcommittee, as appropriate, shall request the Majority Staff Director to make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record, and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(c) Scheduling of Witnesses.—Except as otherwise provided in this rule, the scheduling of witnesses and determination of the time allowed for the presentation of testimony at hearings shall be at the discretion of the Chairman of the Committee or subcommittee, unless a majority of the Committee or subcommittee determines otherwise.

(d) Written Statement; Oral Testimony.—(1) Each witness who is to appear before the Committee or a subcommittee, shall insofar as practicable file with the Majority Staff Director of the Committee, at least two working days before day of his or her appearance, a written statement of proposed testimony. Witnesses shall provide sufficient copies of their statement for distribution to Committee or subcommittee Members, staff, and the news media. Insofar as practicable, the Committee or subcommittee staff shall distribute such written statements to all Members of the Committee or subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the Chairman of the Committee or subcommittee, in light of the nature of the testimony and the length of time available.

(2) As noted in paragraph (a) of Committee rule VI, the Chairman of the Committee or one of its subcommittees, or any Member designated by the Chairman, may administer an oath to any witness.

(3) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(e) Questioning of Witnesses.—Committee or subcommittee Members may question witnesses only when they have been recognized by the Chairman of the Committee or subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness for five minutes until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness for five minutes; and thereafter the Chairman of the Committee or subcommittee may limit the time of a further round of questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless a majority of the Committee or subcommittee determines otherwise, no committee or subcommittee staff shall interrogate witnesses.

(f) Extended Questioning for Designated Members.—Notwithstanding paragraph (e), the Chairman and Ranking Minority member may designate an equal number of Members from each party to question a witness for a period not longer than 60 minutes.

(g) Witnesses for the Minority.—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon as provided in clause 2(j)(1) of House Rule XI.

(h) Summary of Subject Matter.—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman of the Committee or subcommittee shall, to the extent practicable, make available to the members of the Committee any official reports from departments and agencies on such matter. (See Committee rule X(f).)

(i) Open Hearings.—Each hearing conducted by the Committee or subcommittee shall be open to the public, including radio, television and still photography coverage, except as provided in clause 4 of House Rule XI (see also Committee rule III (b).). In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular bill or resolution or on a particular subject of investigation, to close its hearings to Members by means of the above procedure.

(j) Hearings and Reports.—(1)(i) The Chairman of the Committee or subcommittee at a hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provisions of clause 2 of House Rule XI, regarding hearing procedures, an excerpt of which appears in Appendix A thereto) shall be made available to each witness upon request. Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt.

(ii) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (j) of this rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person. The Committee or subcommittee shall afford a person an opportunity voluntarily to appear as a witness; and the Committee or subcommittee shall receive and shall dispose of requests from such person to subpoena additional witnesses.

(iii) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or subcommittee. In the discretion of the Committee or subcommittee, witnesses may submit brief and pertinent statements in writing for inclusion in the record. The Committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the Committee or subcommittee. (See paragraph (c) of Committee rule V.)

(2) 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) in advance of their consideration.

RULE VIII.—THE REPORTING OF BILLS AND RESOLUTIONS

(a) Filing of Reports.—The Chairman shall report or cause to be reported promptly to the House any bill, resolution, or other measure approved by the Committee and shall take or cause to be taken all necessary steps to bring such bill, resolution, or other measure to a vote. No bill, resolution, or measure shall be reported from the Committee unless a majority of Committee is actually present. A Committee report on any bill, resolution, or other measure approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Majority Staff Director of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Majority Staff Director of the Committee shall notify the Chairman immediately when such a request is filed.

(b) Content of Reports.—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) a statement of Committee and subcommittee consideration of the measure including a summary of amendments and motions offered and the actions taken thereon;

(4) the results of the each record vote on any amendment in the Committee and subcommittee and on the motion to report the measure or matter, including the names of those Members and the total voting for and the names of those Members and the total voting against such amendment or motion (See clause 3(b) of House rule XIII);

(5) the oversight findings and recommendations of the Committee with respect to the subject matter of the bill or resolution as required pursuant to clause 3(c)(1) of House Rule XIII and clause 2(b)(1) of House Rule X;

(6) the detailed statement described in section 308(a) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a

comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(7) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 402 of the Congressional Budget Act of 1974 if submitted in timely fashion to the Committee;

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding;

(9) a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution;

(10) an estimate by the committee of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the five fiscal years following the fiscal year of reporting, whichever period is less (see Rule XIII, clause 3(d)(2), (3) and (h)(2), (3)), together with—

(i) a comparison of these estimates with those made and submitted to the Committee by any Government agency when practicable, and (ii) a comparison of the total estimated funding level for the relevant program (or programs) with appropriate levels under current law (The provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(11) a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member, Delegate, or Resident Commissioner 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;

(12) the changes in existing law (if any) shown in accordance with clause 3 of House Rule XIII;

(13) the determination required pursuant to section 5(b) of Public Law 92–463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(14) the information on Federal and intergovernmental mandates required by section 423(c) and (d) of the Congressional Budget Act of 1974, as added by the Unfunded Mandates Reform Act of 1995 (P.L. 104–4).

(15) a statement regarding the applicability of section 102(b)(3) of the Congressional Accountability Act, Public Law 104–1.

(c) Supplemental, Minority, or Additional Views.—If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two subsequent calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such date) in which to file such views, in writing and signed by that Member, with the Majority Staff Director of the Committee. When time guaranteed by this paragraph has expired (or if sooner, when all separate views have been received), the Committee may arrange to file its report with the Clerk of the House not later than one hour after the expiration of such time. All such views (in accordance with House Rule XI, clause 2(l) and House Rule XIII, clause 3(a)(1)), as filed by one or more Members of the Committee, shall be included within and made a part of the report filed by the Committee with respect to that bill or resolution.

(d) Printing of Reports.—The report of the Committee on the measure or matter noted in paragraph (a) above shall be printed in a single volume, which shall:

(1) include all supplemental, minority or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under House Rule XII, clause 3(a)(1)) are included as part of the report.

(e) Immediate Printing; Supplemental Reports.—Nothing in this rule shall preclude (1) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c), or (2) the filing by the Committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(f) Availability of Printed Hearing Records.—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the Committee or any of its subcommittees shall include a record of the attendance of the Members.

(g) Committee Prints.—All Committee or subcommittee prints or other Committee or subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

(h) Post Adjournment Filing of Committee Reports.—(1) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

(2) After an adjournment of the last regular session of a Congress sine die, the Chairman of the Committee may file at any time with the Clerk the Committee's activity report for that Congress pursuant to clause 1(d)(1) of rule XI of the Rules of the House without the approval of the Committee, provided that a copy of the report has been available to each member of the Committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the Committee.

(i) The Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

RULE IX.—OTHER COMMITTEE ACTIVITIES

(a) Oversight Plan.—Not later than February 15 of the first session of a Congress, the Chairman shall convene the Committee in a meeting that is open to the public and with a quorum present to adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing such plans the Committee shall, to the maximum extent feasible—

(1) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

(2) review specific problems with federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals; and

(3) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority; and

(4) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every ten years.

The Committee and its appropriate subcommittees shall review and study, on a continuing basis, the impact or probable impact of tax policies affecting subjects within its jurisdiction as provided in clause 2(d) of House Rule X. The Committee shall include in the report filed pursuant to clause 1(d) of House Rule XI a summary of the oversight plans submitted by the Committee under clause 2(d) of House Rule X, a summary of actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee and any recommendations made or actions taken thereon.

(b) Annual Appropriations.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) Budget Act Compliance: Views and Estimates (See Appendix B).—Not later than six weeks after the President submits his budget under section 1105(a) of title 31, United State Code, or at such time as the Committee on the Budget may request, the Committee shall submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974—see Appendix B) that are within its jurisdiction or functions; and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(d) Budget Act Compliance: Recommended Changes.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974 (See Appendix B).

(e) Conference Committees.—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall, after consultation with the Ranking minority member, determine the number of conferees the Chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be appointed by the Speaker as provided in House Rule I, clause 11, the names of those Members of the Committee of not less than a majority who generally supported the House position and who were primarily responsible for the legislation. The Chairman shall, to the fullest extent feasible, include those Members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee Members of the majority party as the Chairman may designate in consultation with the Members of the majority party. Such recommendations shall provide a ratio of majority party Members to minority party Members no less favorable to the majority party than the ratio of majority party Members to minority party Members on the Committee. In making recommendations of minority party Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

RULE X.—SUBCOMMITTEES

(a) Number and Composition.—There shall be such subcommittees as specified in paragraph (c) of this rule. Each of such subcommittees shall be composed of the number of members set forth in paragraph (c) of this rule, including ex officio members. The Chairman and Ranking Minority Member of the Committee serve as ex officio Members of the Subcommittees. (See paragraph (e) of this Rule.) The Chairman may create additional subcommittees of an ad hoc nature as the Chairman determines to be appropriate subject to any limitations provided for in the House Rules.

(b) Ratios.—On each subcommittee, there shall be a ratio of majority party members to minority party members which shall be consistent with the ratio on the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees and ratios below reflect that fact.

(c) Jurisdiction.—Each subcommittee shall have the following general jurisdiction and number of members:

Conservation, Credit, Energy, and Research (28 Members, 15 Majority and 13 Minority).—Soil, water, and resource conservation, small watershed program, energy and biobased energy production, rural electrification, agricultural credit, and agricultural research, education and extension services.

Department Operations, Oversight, Nutrition and Forestry (13 Members, 7 Majority and 6 Minority).—Agency oversight, review and analysis, special investigations, food stamps, nutrition and consumer programs, forestry in general, and forest reserves other than those created from the public domain.

General Farm Commodities and Risk Management (20 Members, 11 Majority and 9 Minority).—Program and markets related to cotton, cottonseed, wheat, feed grains, soybeans, oilseeds, rice, dry beans, peas, lentils, the Commodity Credit Corporation, crop insurance, and commodity exchanges.

Horticulture and Organic Agriculture (13 Members, 7 Majority and 6 Minority).—Fruits and vegetables, honey and bees, marketing and promotion orders, plant pesticides, quarantine, adulteration of seeds, and insect pests, and organic agriculture.

Livestock, Dairy, and Poultry (20 Members, 11 Majority and 9 Minority).—Livestock, dairy, poultry, meat, seafood and seafood products, inspection, marketing, and promotion of such commodities, aquaculture, animal welfare, and grazing.

Specialty Crops, Rural Development and Foreign Agriculture (13 Members, 7 Majority and 6 Minority).—Peanuts, sugar, tobacco, marketing orders relating to such commodities, rural development, farm security and family farming matters, biotechnology, foreign agricultural assistance, and trade promotion programs, generally.

(d) Referral of Legislation.—

(1)(a) In General.—All bills, resolutions, and other matters referred to the Committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks after being referred to the Committee. After consultation with the Ranking Minority Member, the Chairman may determine that the Committee will consider certain bills, resolutions, or other matters.

(b) Trade Matters.—Unless action is otherwise taken under subparagraph (3), bills, resolutions, and other matters referred to the Committee relating to foreign agriculture, foreign food or commodity assistance, and foreign trade and marketing issues will be considered by the Committee.

(2) The Chairman, by a majority vote of the Committee, may discharge a subcommittee from further consideration of any bill, resolution, or other matter referred to the subcommittee and have such bill, resolution or other matter considered by the Committee. The Committee having referred a bill, resolution, or other matter to a subcommittee in accordance with this rule may discharge such subcommittee from further consideration thereof at any time by a vote of the majority members of the Committee for the Committee's direct consideration or for reference to another subcommittee.

(3) Unless the Committee, a quorum being present, decides otherwise by a majority vote, the Chairman may refer bills, resolutions, legislation or other matters not specifically within the jurisdiction of a subcommittee, or that is within the jurisdiction of more than one subcommittee, jointly or exclusively as the Chairman deems appropriate, including concurrently to the subcommittees with jurisdiction, sequentially to the subcommittees with jurisdiction (subject to any time limits deemed appropriate), divided by subject matter among the subcommittees with jurisdiction, or to an ad hoc subcommittee appointed by the Chairman for the purpose of considering the matter and reporting to the Committee thereon, or make such other provisions deemed appropriate.

(e) Participation and Service of Committee Members on Subcommittees.—(1) The Chairman and the Ranking Minority Member shall serve as ex officio members of all subcommittees and shall have the right to vote on all matters before the subcommittees. The Chairman and the Ranking Minority Member may not be counted for the purpose of establishing a quorum.

(2) Any member of the Committee who is not a member of the subcommittee may have the privilege of sitting and nonparticipatory attendance at subcommittee hearings or meetings in accordance with clause 2(g)(2) of House Rule XI. Such member may not:

(i) vote on any matter;

(ii) be counted for the purpose of establishing a quorum;

(iii) participate in questioning a witness under the five minute rule, unless permitted to do so by the subcommittee Chairman in consultation with the Ranking Minority Member or a majority of the subcommittee, a quorum being present;

(iv) raise points of order; or

(v) offer amendments or motions.

(f) Subcommittee Hearings and Meetings.—(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and make recommendations to the Committee on all matters referred to it or under its jurisdiction after consultation by the subcommittee Chairmen with the Committee Chairman. (See Committee rule VII.)

(2) After consultation with the Committee Chairman, subcommittee Chairmen shall set dates for hearings and meetings of their subcommittees and shall request the Majority Staff Director to make any announcement relating thereto. (See Committee rule VII(b).) In setting the dates, the Committee Chairman and subcommittee Chairman shall consult with other subcommittee Chairmen and relevant Committee and Subcommittee Ranking Minority Members in an effort to avoid simultaneously scheduling Committee and subcommittee meetings or hearings to the extent practicable.

(3) Notice of all subcommittee meetings shall be provided to the Chairman and the Ranking Minority Member of the Committee by the Majority Staff Director.

(4) Subcommittees may hold meetings or hearings outside of the House if the Chairman of the Committee and other subcommittee Chairmen and the Ranking Minority Member of the subcommittee is consulted in advance to ensure that there is no scheduling problem. However, the majority of the Committee may authorize such meeting or hearing.

(5) The provisions regarding notice and the agenda of Committee meetings under Committee rule II(a) and special or additional meetings under Committee rule II(b) shall apply to subcommittee meetings.

(6) If a vacancy occurs in a subcommittee chairmanship, the Chairman may set the dates for hearings and meetings of the subcommittee during the period of vacancy. The Chairman may also appoint an acting subcommittee Chairman until the vacancy is filled.

(g) Subcommittee Action.—(1) Any bill, resolution, recommendation, or other matter forwarded to the Committee by a subcommittee shall be promptly forwarded by the subcommittee Chairman or any subcommittee member authorized to do so by the subcommittee. (2) Upon receipt of such recommendation, the Majority Staff Director of the Committee shall promptly advise all members of the Committee of the subcommittee action.

(3) The Committee shall not consider any matters recommended by subcommittees until two calendar days have elapsed from the date of action, unless the Chairman or a majority of the Committee determines otherwise.

(h) Subcommittee Investigations.—No investigation shall be initiated by a subcommittee without the prior consultation with the Chairman of the Committee or a majority of the Committee.

RULE XI.—COMMITTEE BUDGET, STAFF, AND TRAVEL

(a) Committee Budget.—The Chairman, in consultation with the majority members of the Committee, and the minority members of the Committee, shall prepare a preliminary budget for each session of the Congress. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee and subcommittees. After consultation with the Ranking Minority Member, the Chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

(b) Committee Staff.—(1) The Chairman shall appoint and determine the remuneration of, and may remove, the professional and clerical employees of the Committee not assigned to the minority. The professional and clerical staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate. (See House Rule X, clause 9)

(2) The Ranking Minority member of the Committee shall appoint and determine the remuneration of, and may remove, the professional and clerical staff assigned to the minority within the budget approved for such purposes. The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate such authority as he or she determines appropriate.

(3) From the funds made available for the appointment of Committee staff pursuant to any primary or additional expense resolution, the Chairman shall ensure that each subcommittee is adequately funded and staffed to discharge its responsibilities and that the minority party is fairly treated in the appointment of such staff (See House Rule X, clause 6(d)).

(c) Committee Travel.—(1) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee members and Committee staff regarding domestic and foreign travel (See House rule XI, clause 2(n) and House Rule X, clause 8 (reprinted in Appendix A)). Official travel for any member or any Committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Committee Member and any Committee staff member in connection with the attendance of hearings conducted by the Committee and its subcommittees and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(i) The purpose of the official travel;

(ii) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(iii) The location of the event for which the official travel is to be made; and

(iv) The names of members and Committee staff seeking authorization.

(2) In the case of official travel of members and staff of a subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such subcommittee to be paid for out of funds allocated to the Committee, prior authorization must be obtained from the subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable subcommittee Chairman in writing setting forth those items enumerated in clause (1).

(3) Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

(4) Local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or is employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies;

(i) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(ii) Each Member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

RULE XII.—AMENDMENT OF RULES

These rules may be amended by a majority vote of the Committee. A proposed change in these rules shall not be considered by the Committee as provided in clause 2 of House Rule XI, unless written notice of the proposed change has been provided to each Committee member two legislative days in advance of the date on which the matter is to be considered. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after its approval.

PUBLICATION OF THE RULES OF THE COMMITTEE ON HOMELAND SECURITY, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Madam Speaker, in accordance with clause 2(a) of Rule XI of the Rules of the House of Representatives, I respectfully submit the rules of the Committee on Homeland Security for printing in the CONGRESSIONAL RECORD. The Committee on Homeland Security adopted these rules by voice vote, a quorum being present, at our organizational meeting on January 23, 2007.

COMMITTEE ON HOMELAND SECURITY,
COMMITTEE RULES, ADOPTED JANUARY 23, 2007

RULE L.—GENERAL PROVISIONS.

(A) Applicability of the Rules of the U.S. House of Representatives.—The Rules of the U.S. House of Representatives (the ''House'') are the rules of the Committee on Homeland Security (the ''Committee'') and its subcommittees insofar as applicable.

(B) Applicability to Subcommittees.—Except where the terms ''Full Committee'' and ''subcommittee'' are specifically mentioned, the following rules shall apply to the Committee's subcommittees and their respective Chairmen and Ranking Minority Members to the same extent as they apply to the Full Committee and its Chairman and Ranking Minority Member.

(C) Appointments by the Chairman.—The Chairman shall designate a Member of the Majority party to serve as Vice Chairman of the Full Committee. The Vice Chairman of the Full Committee shall preside at any meeting or hearing of the Full Committee during the temporary absence of the Chairman. In the absence of both the Chairman and Vice Chairman, the Chairman's designee shall preside.

(D) Recommendation of Conferees.—Whenever the Speaker of the House is to appoint a conference committee on a matter within the jurisdiction of the Full Committee, the Chairman shall recommend to the Speaker of the House conferees from the Full Committee. In making recommendations of Minority Members as conferees, the Chairman shall do so with the concurrence of the Ranking Minority Member of the Committee.

(E) Motions To Disagree.—The Chairman is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

(F) Committee Website.—The Chairman shall maintain an official Committee web site for the purposes of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members, other Members and the public at large. The Ranking Minority Member may maintain a similar website for the same purposes.

RULE II.—TIME OF MEETINGS

(A) Regular Meeting Date.—The regular meeting date and time for the transaction of business of the Full Committee shall be on the first Wednesday that the House is in Session each month, unless otherwise directed by the Chairman.

(B) Additional Meetings.—At the discretion of the Chairman, additional meetings of the Committee may be scheduled for the consideration of any bill or other matters pending before the Committee or to conduct other Committee business. The Committee shall meet for such purposes pursuant to the call of the Chairman.

(C) Consideration.—Except in the case of a special meeting held under clause 2(c)(2) of House Rule XI, the determination of the business to be considered at each meeting of the Committee shall be made by the Chairman.

RULE III.—NOTICE AND PUBLICATION

(A) Notice.—

(1) Hearings.—The date, time, place and subject matter of any hearing of the Committee shall, except as provided in the Committee rules, be announced by notice at least one week in advance of the commencement of such hearing. The names of all witnesses scheduled to appear at such hearing shall be provided to Members no later than 48 hours prior to the commencement of such hearing. These notice requirements may be waived by the Chairman with the concurrence of the Ranking Minority Member.

(2) Meetings.—The date, time, place and subject matter of any meeting, other than a hearing or a regularly scheduled meeting, shall be announced at least 36 hours in advance of a meeting to take place on a day the House is in session, and 72 hours in advance of a meeting to take place on a day the House is not in session, except in the case of a special meeting called under clause 2(c)(2) of House Rule XI. These notice requirements may be waived by the Chairman with the Concurrence of the Ranking Minority Member.

(a) Copies of any measure to be considered for approval by the Committee at any meeting, including any mark, print or amendment in the of a substitute shall be provided to the Members at least 24 hours in advance.

(b) The requirement in subsection (a) may be waived or abridged by the Chairman, with advance notice to the Ranking Minority Member.

(3) Publication.—The meeting or hearing announcement shall be promptly published in the Daily Digest portion of the Congressional Record. To the greatest extent practicable, meeting announcements shall be entered into the Committee scheduling service of the House Information Resources.

RULE IV.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(A) Open Meetings.—All meetings and hearings of the Committee shall be open to the public including to radio, television and still photography coverage, except as provided by Rule XI of the Rules of the House or when the Committee, in open session and with a Majority present, determines by recorded vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, compromise sensitive law enforcement information, tend to defame, degrade or incriminate a witness, or violate any law or role of the House of Representatives.

(B) Broadcasting.—Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered by television broadcast, internet broadcast, print media, and still photography, or by any of such methods of coverage. in accordance with the provisions of clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI and all other applicable rules of the Committee and the House. Priority shall be given by the Committee to members of the Press Galleries.

(C) Transcripts.—A transcript shall be made of the testimony of each witness appearing before the Committee during a Committee hearing. All transcripts of meetings or hearings that are open to the public shall be made available.

RULE V.—PROCEDURES FOR MEETINGS AND HEARINGS

(A) Opening Statements.—At any meeting of the Committee, the Chairman and Ranking Minority Member shall be entitled to present oral opening statements of five minutes each. Other Members may submit written opening statements for the record. The Chairman presiding over the meeting may permit additional opening statements by other Members of the Full Committee or of that subcommittee, with the concurrence of the Ranking Minority Member.

(B) The Five-Minute Rule.—The time anyone Member may address the Committee on any bill, motion, or other matter under consideration by the Committee shall not exceed five minutes, and then only when the Member bas been recognized by the Chairman, except that this time limit may be extended when permitted by unanimous consent.

(C) Postponement of Vote.—The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed vote at any time, provided that all reasonable steps have been taken to notify Members of the resumption of such proceedings. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(D) Contempt Procedures.—No recommendation that a person cited for contempt of Congress shall be forwarded to the House unless and until the Full Committee has, upon notice to all its Members, met and considered the alleged contempt. The person to be cited for contempt shall be afforded, upon notice of at least 72 hours, an opportunity to state why he or she should not be held in contempt prior to a vote of the Full Committee, with a quorum being present, on the question whether to forward such recommendation to the House. Such statement shall be, in the discretion of the Chairman, either in writing or in person before the Full Committee.

RULE VI.—WITNESSES

(A) Questioning of Witnesses.—

(1) Questioning of witnesses by-Members will be conducted under the five-minute rule unless the Committee adopts a motion permitted by House Rule XI (2)(j)(2).

(2) In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member shall first be recognized. In a subcommittee meeting or hearing, the Chairman and Ranking Minority Member of the Full Committee are then recognized. All other Members that arrive before the commencement of the meeting or hearing will be recognized in the order of seniority on the Committee, alternating between Majority and Minority Members. Committee Members arriving after the commencement of the hearing shall be recognized in order of appearance, alternating between Majority and Minority Members, after all Members present at the beginning of the hearing have been recognized. Each Member shall be recognized at least once before any Member is given a second opportunity to question a witness.

(3) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion may permit an extension of the period of questioning of a witness beyond five minutes but the time allotted must be equally apportioned to the Majority party and the Minority and may not exceed one hour in the aggregate.

(4) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion may permit Committee staff of the Majority and Minority to question a witness for a specified, total period that is equal for each side and not longer than 30 minutes for each side.

(B) Minority Witnesses.—Whenever a hearing is conducted by the Committee upon any measure or matter, the Minority party Members on the Committee shall be entitled, upon request to the Chairman by a Majority of those Minority Members before the completion of such hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(C) Oath or Affirmation.—The Chairman of the Committee or any Member designated by the Chairman, may administer an path to any witness.

(D) Statements by Witnesses.—

(1) Consistent with the notice given, witnesses shall submit a prepared or written statement for the record of the proceedings (including, where practicable, an electronic copy) with the Clerk of the Committee no less than 48 hours in advance of the witness's appearance before the Committee. Unless the 48 hour requirement is waived or otherwise modified by the Chairman after consultation with the Ranking Minority Member, the failure to comply with this requirement may result in the exclusion of the written testimony from the hearing record and/or the baring of an oral presentation of the testimony.

(2) To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness to the extent that such information is relevant to the subject matter of, and the witness' representational capacity at, the hearing.

RULE VII.—QUORUM

Quorum Requirements.—Two Members shall constitute a quorum for purposes of taking testimony and receiving evidence. One-third of the Members of the Committee shall constitute a quorum for conducting business, except for (1) reporting a measure or recommendation; (2) closing Committee meetings to the public, pursuant to Committee Rule IV; (3) authorizing the issuance of subpoenas; and (4) any other action for which actual majority quorum is required by any rule of the House of Representatives or by law. The Chairman shall make reasonable efforts, including consultation with the Ranking Minority Member when scheduling meetings and hearings, to ensure that a quorum for any purpose will include at least one minority Member of the Committee.

RULE VIII.—DECORUM

(A) Breaches of Decorum.—The Chairman may punish breaches of order and decorum, by censure and exclusion from the hearing; and the Committee may cite the offender to the House for contempt.

(B) Access to Dais.—Access to the dais before, during and after a hearing, markup, or other meeting of the Committee shall be limited to Members and staff of the Committee. Subject to availability of space on the dais, a Member may have a personal staff present on the dais during periods when the Member is seated on the dais at the hearing.

(C) Wireless Communications Use Prohibited.—During a hearing, markup, or other meeting of the Committee, ringing or audible sounds or conversational use of cellular telephones or other electronic devices is prohibited in the Committee room.

RULE IX.—SUBCOMMITTEES

(A) Generally.—The Full Committee shall be organized into the following six standing subcommittees:

(1) Subcommittee on Border, Maritime and Global counterterrorism;

(2) Subcommittee on Emergency Communications, Preparedness, and Response;

(3) Subcommittee on Transportation Security and Infrastructure Protection;

(4) Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment;

(5) Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology; and

(6) Subcommittee on Management, Investigations, and Oversight.

(B) Selection and Ratio of Subcommittee Members.—The Chairman and Ranking Member of the Full Committee shall select their respective Members of each subcommittee. The ratio of Majority to Minority Members shall be comparable to the ratio of Majority to Minority Members on the Full Committee, except that each subcommittee shall have at least two more Majority Members than Minority Members.

(C) Ex Officio Members.—The Chairman and Ranking Minority Member of the Full Committee shall be ex officio members of each subcommittee but are not authorized to vote on matters that arise before each subcommittee. The Chairman and Ranking Minority Member of the Full Committee shall not be counted to satisfy the quorum requirement for any purpose other than taking testimony unless they are regular members of that subcommittee.

(D) Powers and Duties of Subcommittees.—Except as otherwise directed by the Chairman of the Full Committee, each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Full Committee on all matters within its purview. Subcommittee Chairmen shall set hearing and meeting dates only with the approval of the Chairman of the Full Committee. To the greatest extent practicable, no more than one meeting and hearing should be scheduled for a given time.

(E) Special Voting Provision.—If a tie vote occurs in a subcommittee on the question of reporting any measure to the Full Committee, the measure shall be placed on the agenda for Full Committee consideration as if it had been ordered reported by the subcommittee without recommendation.

(F) Task Force or Select Subcommittees.—The Chairman, with the concurrence of the Ranking Minority Member, may create task forces of limited duration to carry out specifically enumerated duties and functions within the jurisdiction of the Committee subject to any limitations provided for in the House Rules or other Caucus or Conference Rules. Any task force created under this rule shall be subject to all applicable Committee and House rules and other laws in the conduct of its duties and functions.

RULE X.—REFERRALS TO SUBCOMMITTEES

Referral of Bills and Other Matters by Chairman.—Except for bills and other matters retained by the Chairman for Full Committee consideration, each bill or other matters referred to the Full Committee shall be referred by the Chairman to one or more subcommittees. In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Full Committee. Bills or other matters referred to subcommittees may be reassigned or discharged by the Chairman.

RULE XI.—SUBPOENAS

(A) Authorization.—Pursuant to clause 2(m) of Rule XI of the House, a subpoena may be authorized and issued under the seal of the House and attested by the Clerk of the House, and may be served by any person designated by the Full Committee for the furtherance of an investigation with authorization by—

(1) a majority of the Full Committee, a quorum being present; or

(2) the Chairman of the Full Committee, after consultation with the Ranking Minority Member of the Full Committee, during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the Chairman of the Full Committee authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chairman of the Full Committee shall notify Members of the Committee of the authorization and issuance of a subpoena under this rule as soon as practicable, but in no event later than one week after service of such subpoena

(B) Disclosure.—Provisions may be included in a subpoena with the concurrence of the Chairman and the Ranking Minority Member of the Full Committee, or by the Committee, to prevent the disclosure of the Full Committee's demands for information when deemed necessary for the security of information or the progress of an investigation, including but not limited to prohibiting the revelation by witnesses and their counsel of Full Committee's inquiries.

(C) Subpoena duces tecum.—A subpoena duces tecum may be issued whose return to the Committee Clerk shall occur at a time and place other than that of a regularly scheduled meeting.

(D) Affidavits and Depositions.—The Chairman of the Full Committee, in consultation with the Ranking Minority Member of the Full Committee, or the Committee may authorize the taking of an affidavit or deposition with respect to any person who is subpoenaed under these rules but who is unable to appear in person to testify as a witness at any hearing or meeting. Notices for the taking of depositions shall specify the date, time and place of examination. Depositions shall be taken under oath administered by a Member or a person otherwise authorized by law to administer oaths. Prior consultation with the Ranking Minority Member of the Full Committee shall include written notice three business days before any deposition is scheduled to provide an opportunity for Minority staff to be present during the questioning.

RULE XII.—COMMITTEE STAFF

(A) Generally.— Committee staff members are subject to the provisions of clause 9 of House Rule X and must be eligible to be considered for routine access to classified information.

(B) Staff Assignments.—For purposes of these rules, Committee staff means the employees of the Committee, detailees, fellows or any other person engaged by contract or otherwise to perform services for, or at the request of, the Committee. All such persons shall be either Majority, Minority, or shared staff. The Chairman shall appoint, determine remuneration of, supervise and may remove Majority staff. The Ranking Minority Member shall appoint, determine remuneration of, supervise and may remove Minority staff. In consultation with the Ranking Minority Member, the Chairman may appoint, determine remuneration of, supervise and may remove shared staff that is assigned to service of the Committee. The Chairman shall certify Committee staff appointments, including appointments by the Ranking Minority Member, as required.

(C) Divulgence of Information.—Prior to the public acknowledgement by the Chairman or the Committee of a decision to initiate an investigation of a particular person, entity, or subject, no member of the Committee staff shall knowingly divulge to any person any information, including non-classified information, which comes into his or her possession by virtue of his or her status as a member of the Committee staff, if the member of the Committee staff has a reasonable expectation that such information may alert the subject of a Committee investigation to the existence, nature, or substance of such investigation, unless authorized to do so by the Chairman or the Committee.

RULE XIII.—MEMBER AND STAFF TRAVEL

(A) Approval of Travel.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any Member or any Committee staff shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any Member and any Committee staff only in connection with official Committee business, such as the attendance of hearings conducted by the Committee and meetings, conferences, site visits, and investigations that involve activities or subject matter under the general jurisdiction of the Full Committee.

(1) Proposed Travel by Majority Party Members and Staff.—In the case of proposed travel by Majority party Members or Committee staff, before such authorization is given, there shall be submitted to the Chairman in writing the following: (a) the purpose of the travel; (b) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (c) the location of the event for which the travel is to be made; and (d) the names of Members and staff seeking authorization. On the basis of that information, the Chairman shall determine whether the proposed travel is for official Committee business, concerns subject matter within the jurisdiction of the Full Committee, and is not excessively costly in view of the Committee business proposed to be conducted.

(2) Proposed Travel by Minority Party Members and Staff.—In the case of proposed travel by Minority party Members or Committee staff, the Ranking Minority Member shall provide to the Chairman a written representation setting forth the information specified in items (a), (b), (c), and (d) of subparagraph (1) and his or her determination that such travel complies with the other requirements of subparagraph (1).

(B) Foreign Travel.—All Committee Member and staff requests for Committee-funded foreign travel must be submitted to the Chairman, through the Chief Financial Officer of the Committee, not less than seven business days prior to the start of the travel. Within 60 days of the conclusion of any such foreign travel authorized under this rule, there shall be submitted to the Chairman a written report summarizing the information gained as a result of the travel in question, or other Committee objectives served by such travel.

RULE XIV.—CLASSIFIED AND OTHER CONFIDENTIAL INFORMATION

(A) Security Precautions.—Committee staff offices, including Majority and Minority offices, shall operate under strict security precautions administered by the Security Officer of the Committee. A security officer shall be on duty at all times during normal office hours. Classified documents and sensitive but unclassified (SBU) documents (including but not limited to those marked with dissemination restrictions such as Sensitive Security Information (SSI), Law Enforcement Sensitive (LES), For Official Use Only (FOUO), or Critical Infrastructure Information (CII) may be examined only in an appropriately secure manner. Such documents may be removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handing of such documents removed from the Committee's offices.

(B) Temporary Custody of Executive Branch Material.—Executive branch documents or other materials containing classified information in any form that were not made part of the record of a Committee hearing, did not originate in the Committee or the House, and are not otherwise records of the Committee shall, while in the custody of the Committee, be segregated and maintained by the Committee in the same manner as Committee records that are classified. Such documents and other materials shall be returned to the Executive branch agency from which they were obtained at the earliest practicable time.

(C) Access by Committee Staff.—Access to classified information supplied to the Committee shall be limited to Committee staff members with appropriate security clearance and a need-to-know, as determined by the Chairman and Ranking Minority Member and under their direction of the Majority and Minority Staff Directors.

(D) Maintaining Confidentiality.—No Member of the Committee or Committee staff shall disclose, in whole or in part or by way of summary, to any person who is not a Member of the Committee or an authorized member of Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before

the Committee in executive session. Classified information and sensitive but unclassified (SBU) information (including but not limited to documents marked with dissemination restrictions such as Sensitive Security Information (SSI), Law Enforcement Sensitive (LES), For Official Use Only (FOUO), or Critical Infrastructure Information (CII) shall be handled in accordance with all applicable provisions of law and consistent with the provisions of these rules.

(E) Oath.—Before a Member or Committee staff member may have access to classified information, the following oath (or affirmation) shall be executed: ''I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the Committee on Homeland Security, except as authorized by the Committee or the House of Representatives or in accordance with the Rules of such Committee or the Rules of the House.''

Copies of the executed oath (or affirmation) shall be retained by the Clerk as part of the records of the Committee.

(F) Disciplinary Action.—The Chairman shall immediately consider disciplinary action in the event any Committee Member or member of the Committee staff fails to conform to the provisions of these rules governing the disclosure of classified or unclassified information. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff, criminal referral to the Justice Department, and notification of the Speaker of the House. With respect to Minority party staff, the Chairman shall consider such disciplinary action in consultation with the Ranking Minority Member.

RULE XV.—COMMITTEE RECORDS

(A) Committee Records.—Committee Records shall constitute all data, charts and files in possession of the Committee and shall be maintained in accordance with House Rule XI, clause 2(e).

(B) Legislative Calendar.—The Clerk of the Committee shall maintain a printed calendar for the information of each Committee Member showing any procedural or legislative measures considered or scheduled to be considered by the Committee, and the status of such measures and such other matters as the Committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of such revisions shall be made available to each Member of the Committee upon request.

(C) Members Right To Access.—Members of the Committee and of the House shall have access to all official Committee Records. Access to Committee files shall be limited to examination within the Committee offices at reasonable times. Access to Committee Records that contain classified information shall be provided in a manner consistent with these rules.

(D) Removal of Committee Records.—Files and records of the Committee are not to be removed from the Committee offices. No Committee files or records that are not made publicly available shall be photocopied by any Member.

(E) Executive Session Records.—Evidence or testimony received by the Committee in executive session shall not be released or made available to the public unless agreed to by the Committee. Members may examine the Committee's executive session records, but may not make copies of, or take personal notes from, such records.

(F) Public Inspection.—The Committee shall keep a complete record of all Committee action including recorded votes. Information so available for public inspection shall include a description of each amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against each such amendment, motion, order, or proposition, as well as the names of those Members present but not voting. Such record shall be made available to the public at reasonable times within the Committee offices.

(G) Separate and Distinct.—All Committee records and files must be kept separate and distinct from the office records of the Members serving as Chairman and Ranking Minority Member. Records and files of Members' personal offices shall not be considered records or files of the Committee.

(H) Disposition of Committee Records.—At the conclusion of each Congress, non-current records of the Committee shall be delivered to the Archivist of the United States in accordance with Rule VII of the Rules of the House.

(l) Archived Records.—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 Chairman 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 the written request of any member of the Committee. The Chairman shall consult with the Ranking Minority Member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

RULE XVI.—CHANGES TO COMMITTEE RULES

These rules may be modified, amended, or repealed by the Full Committee provided that a notice in writing of the proposed change has been given to each Member at least 48 hours prior to the meeting at which action thereon is to be taken.

OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Mr. Speaker, I am so honored and pleased to be able to come to the House floor once again with another version, another edition of what we call the Official Truth Squad.

The role of the Official Truth Squad is to attempt to try to bring some honesty and factual information to the floor of the House of Representatives. Mr. Speaker, as you well know, oftentimes that is difficult to find. Today was no exception on the floor of the House as we tried to, through the debate we had, make sure that facts were being presented and information was reliable upon which people make their decisions was being presented.

I am honored by the leadership on the Republican side of the aisle to come to the floor tonight and share with the American people and talk about issues that are of great concern, some of which have been dealt with as recently as today.

On the Official Truth Squad, we have a favorite quote which comes from Daniel Patrick Moynihan, who was a United States Senator from New York. He said, ''Everyone is entitled to their own opinion, but they are not entitled to their own facts.''

Mr. Speaker, no place could that ring more true than right here in the halls of Congress. We get a lot of opportunity to observe process here. We talk about process a lot. We talk about rules a lot. Many people say, what difference does that make? What difference do the rules make? And a lot of people, many people, say, on my side, say you don't want to talk about process. It is difficult for the American people to understand or appreciate.

But what process does in a democratic institution, and this being the finest democratic institution in the world, the people's House, what process does is allow all voices to be heard and allow all points of view to be heard.

I would suggest, Mr. Speaker, if you think about it and if my friends on both sides of the aisle would think about it, we all appreciate that we don't have Republican challenges or Republican problems or Democrat problems or Democrat challenges. We have American challenges, American challenges that are best solved when we all work together and come up with the best and most correct solution for our Nation.

But, sadly, Mr. Speaker, we haven't had much of that with this new Congress. That is, the opportunity to have input into the process. Again, the reason that the process is so important, because if you lock people out of the ability to have input into the process, then what happens, the individuals, the citizens, the American citizens that those people represent, those people who are locked out of the process, those American citizens are without a voice. They don't have a voice in the process.

Mr. Speaker, I think that is not only unfair, it is undemocratic, and so I would respectfully suggest to my friends on the other side of the aisle that they ought to look at the rules that they have adopted and they ought to look at the process that they have gone through for these first 3 or 4 weeks that we have been in Congress and try to be true to their principles, or their stated principles, and make certain that all folks are able to be involved in the process. Because it makes a difference. It does indeed make a difference.

Today, we took up on the floor of the House what was called a continuing resolution. It was, in fact, an omnibus bill. It was a spending bill.

The last Congress, the one that was in place prior to the beginning of this month, the House did its job from a financial standpoint relatively efficiently. We passed all of our spending bills, appropriations bills, to try to figure out how to spend the hard-earned money from the taxpayer. We got our business done pretty quickly.

The bills that we sent over to the Senate sat there and sat there and sat there. Consequently, what happened

was we came to the end of 2006 and there was no agreement between the Senate and the House about those appropriations bills. So what we passed was a continuing resolution.

Mr. Speaker, the continuing resolution that we passed, which was truly a continuing resolution, which just meant that you continued to spend the same amount of money in the programs that were in place in the Federal Government; and to do that it doesn't take much language. In fact, the bill was two short pages. If you had a little larger page, it would be one page. Because all it says in legal terms is we will continue to spend the amount of money that we spent last year. That bill runs the government spending through February 15.

So something else had to be done; and the other side said, we will do a continuing resolution. We will continue spending money at the same rate on the same programs because their committees haven't got up and running. They cannot figure out exactly what the process ought to be to allow people to have input into it, so we will just have a continuing resolution. So they presented their, quote, continuing resolution.

Well, Mr. Speaker, that continuing resolution I have here, this H.J. Res, is 137 pages long.

Mr. Speaker, that is a fact. It is not an opinion, that is a fact.

Now the continuing resolution that could continue the spending for our Nation, responsible spending at the lowest possible level given the amount of spending that has occurred over the past number of months of this fiscal year, could just be continued with a two-page resolution that says, yes, indeed, we will continue that spending.

In fact, what the majority party has done is passed a 137-page omnibus bill. It is not a continuing resolution in spite of what they say. The reason that is important is the process was not in place to allow input by almost anybody. Not just Republicans, but Democrats as well, and certainly freshmen Democrats, had no input into the process.

What is in this bill is all sorts of special spending, picking winners and losers and rewarding friends in this bill that the other side, the Democrat majority side, says is just a continuing resolution.

Well, Mr. Speaker, we have some principles on our side, and one of them is that no process deserves more public scrutiny than the way in which the hard-earned taxpayer money is spent. No process deserves more scrutiny than the way in which hard-earned taxpayer money is spent.

In fact, what happened today is the spending or the concurrence by the House of Representatives, the vast majority of them being Democrat, that we would spend $463 billion, that is with a ''B'', Mr. Speaker, $463 billion on the omnibus bill that they have presented.

And there are so many things that we would like to talk about tonight that relate to process and to policy, and I am pleased to be joined by good friends who will highlight some of those items.

A member of the Official Truth Squad, a Member who brings highlight and honesty to our deliberations joins me this evening, the gentlewoman from Tennessee (Mrs. BLACKBURN). I appreciate your being with us, and I look forward to your comments.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia. He does such a wonderful job of pulling the Truth Squad together and helping us focus on the issues that are important to our constituents and of concern to our constituents and of concern to all Americans.

Certainly the process that we have seen carried out here in the House of Representatives is one that causes us concern. For those of us who respect regular order, who respect the integrity of the House, to see an omnibus spending bill go straight from the drafting table of a couple of Members, one in the Senate and one in the House, and then come directly to the floor for a vote is of tremendous concern.

□ 1715

We all know that our Nation has a process that was laid forth in the founding of this Nation, a process by which this body would conduct its business on behalf of the people, the people's House. Today, as I heard some of my colleagues across the aisle talk about how we had returned to regular order, I thought, oh, my goodness, I do not think this is what people had in mind.

I really do not think, Mr. Speaker, that when people went to the polls in November and voted and said we want to see a change in things, we want greater accountability, we want greater transparency and we are frustrated with what we have seen in Washington. I do not think this is what they had in mind, and certainly we would hope this is not the process that the Democrat majority will follow as they talk about what is going to be regular order.

What the gentleman from Georgia just said about the omnibus is so very true. As he said, this is a continuing resolution. It requires two sheets of paper. It is a total of about 40 lines of type. That is it. It just says we abide by the budget that was in place in 2006. Our constituents may remember that the budget that we passed in 2006 was the budget that made 1 percent across-the-board reductions in spending, 1 percent. It was a $40 billion savings to the American people.

Now, the budget, this omnibus budget, this 137 pages is going to end up spending about $17 billion more. So they are reducing and doing away with the savings that we worked hard to put in place.

The thing that is of tremendous concern to me, and I am so delighted to see the gentleman from California (Mr. HUNTER) who is such an advocate for our military and is really, having chaired our Armed Services Committee, speaks so well to that issue and I know he is going to talk about it, but it just breaks my heart to know that our National Guard troops and our troops at Ft. Campbell, which is located in my district, are going to have far less money for quality of life because of the actions that were taken in this budget and the way in this budget, in this document, H.J. Res. 20, and people can go online and pull this up and look, and how they have taken from military quality of life, money that should be going to our military families and have moved that to other departments; how they took money from our military quality of life, $50 million, and that is given to the Palestinian Authority. That is something that with my constituents has certainly raised a lot of questions.

The thing that interested me when it came to the issue of the earmarks was they had said, oh, no earmarks are going to be in this budget, and then I found out that, well, there were earmarks that were in the budget. Nevada seems to have earmarks. Other States seem to have some curious earmarks that are left in there, but then there are funds that are turned back to the agencies.

I said, well, how does this money get spent? Is it done with letters of instruction? How is it done? What I found out was that the process that they would revert to, and I guess this is regular order, would be the process before money started being earmarked. It is where you pick up the phone and you call the agency and say let me tell you how I think we need to spend that money.

My constituents long ago said they did not want the activities of smoke-filled rooms. They wanted more transparency and the American people wanted to see greater accountability, and I think that we will continue to hear from our constituents. They want a smaller budget that is going to be more responsible of their money. This is not our money. It is the taxpayers' money. Government does not have a revenue problem. With the tax reductions that have been passed, the Federal Government has brought in more money than ever.

What government has is a spending problem. It has a priority problem, and this big, bloated budget that was passed today is a budget that will continue to fund a bloated bureaucracy that just cannot get enough of our constituents' money.

I was disappointed today with the actions of the majority. I was disappointed in how they chose to carry it out. I do hope that we see a change in the way they carried forth, and to the gentleman from Georgia, I will tell you, I hope that we continue to see a return to a respect for how we address the people's business in this House.

We talked some about one man, one vote and the sanctity of that and the importance of that, and I do hope that

everyone will continue to keep their focus on being certain that we respect that for our constituents.

I thank the gentleman for the time.

Mr. PRICE of Georgia. Thank you so much. I appreciate your perspective and your insight and your wonderful words about accountability, because that is really what it is all about, Mr. Speaker. It is about accountability. It is about holding people here in this House accountable for what they said they were going to do.

Elections are wonderful things. Every 2 years, the American people get to go to the polls and they get to say we like how things are going and we want to support that or we think there ought to be a change. In November of last year, the American people voted for change, but I do not believe, as I know my good friend from Tennessee does not believe, that the American people voted for higher spending or greater deficits, which is what the Democrat majority in the House of Representatives today adopted.

I do know also that they did not vote to decrease money for our armed services, for our military men and women who are working as hard as they can, day and night, to make certain they keep us safe. In fact, what they have done indeed with this bill that was adopted today is to decrease the amount of revenue available for our fighting men and women and especially the base realignment and closure which is what gives the efficiency to the system.

Nobody knows about that better than the former chairman of the Armed Services Committee than my good friend from California, the honorable DUNCAN HUNTER, and I appreciate so much his taking part in this hour this evening. I look forward to your comments.

Mr. HUNTER. Mr. Speaker, I want to thank my friend from Georgia for letting me come in and offer something that I did not see offered by the Democrat side in this debate, which was the Army's position on this continuing resolution.

In fact, they posited this continuing resolution as motherhood, apple pie and everything that we need for a strong national defense, and they invoked the interest of American veterans. What they did not tell American veterans was that the Army sees this as a real problem and a real cut in benefits, and things that would help the active Army come in this defense realignment, this base realignment with divisions coming back to the United States, divisions like the big red one coming back to Ft. Riley, Kansas, and lots of others and lots of quality-of-life programs for the men and women of the armed services and for their families.

What we did not see coming from the Democrat side of the aisle was the fact that they reached over with one hand to give money to one group of servicemembers of veterans; they reached over and scooped money out of the cash register that would accrue to the benefit of another group, a very important people, and this is the men and women who wear the uniform of the United States.

So let me give you the Army's perspective as manifested in a letter from Lieutenant General David Melcher, United States Army, Military Deputy for Budget, Assistant Secretary of the Army, Financial Management and Comptroller. He says this:

''You recently requested a quick summary of Base Realignment and Closure impacts to the Army as proposed in the Joint Resolution, H.J. Res. 20.'' That is the resolution that the Democrat side of the aisle just passed. ''The attached information accurately portrays these impacts. The following identifies key Army concerns:

One, ''Army will not begin with approximately $2 billion of our BRAC program, which is a key enabler to grow and position the Army; this leaves more than half of our fiscal year 2007 BRAC program unexecutable.''

Number 2, ''Operational Impact on the Training, Mobilization and Deployment of Forces in support of the Global War on Terrorism.'' For some reason, the Democrat side of the aisle did not quite want to show that statement by the U.S. Army, that their bill that they passed, their continuing resolution, would, in fact, impact training, mobilization and deployment of forces in support of the global war on terrorism.

Number 3, ''Unravels the Army's synchronized stationing and BRAC plan, puts growth of the Army, stationing, and BRAC at risk.'' That means this: We are bringing back divisions from around the world. Places like Germany are now going to see movement in which American divisions are going to come back, and they are going to be repositioned in the United States. That means you got to go out and build barracks. You have got to go out and build single family housing. You have got to put a lot of construction in place. The Democrat majority reached out and took away part of that money.

Number 4, ''Delays transformation of Reserve Component, has operational consequences.'' We are involved in two shooting wars, and we have now done something that has operational consequences.

Number 5, ''Breaks the Nation's obligation to provide Soldiers and Families adequate quality of life, affects the All Volunteer Force,'' something we did not hear from the other side of the aisle.

Number 6, ''Delays capital investment and inhibits economic development, affects local jobs and growth across the U.S.'' Over 80,000 jobs affected by what they just did.

And lastly, ''Limits predictability and military construction acquisition efficiencies, results in higher construction costs.''

So, as we see costs going through the roof, the contractors can say, yep, we were going to build that single family housing for those military families but you guys reached in, took a bunch of the money out; we had to give a stop work order to our crews, and now we are going to charge you, the American taxpayers, more money.

I have got another executive summary here that goes into more detail, and I thought it might just be good to give a few of the examples of this money that was cut by the Democrat majority, which they skipped over very quickly, and tell the American people a few details about these projects that they moved off the table with one push of the hand.

Training ranges, command and control, training barracks, 19 projects, $560 million, including training facilities at Fort Bliss, Texas; maneuver training at Fort Benning, Georgia; air defense artillery at Fort Sill; and battlefield trauma lab at Fort Sam Houston. In fact, I have been to the battlefield trauma lab. That is where we train our combat medics to save lives in the war fighting theaters in Afghanistan and Iraq.

Cannot start communications/electronics, RD&E, center phase one at APG, that is Aberdeen Proving Ground, to close Fort Monmouth and support the global war on terrorism.

Cannot start on human resources command at Fort Knox, Kentucky; recruiting facilities at Redstone Arsenal; power projection platform at Ft. Riley or other operational projects at Shaw Air Force Base, Benning and Leavenworth.

Armed Forces reserve centers, 27 projects, $700 million in 16 States.

Examples of fiscal year 2007 BRAC quality of life requirements, eight projects, youth and child development centers, Benning, Riley, Bliss, Sam Houston; dental clinics, Bliss, Sam Houston; medical clinic, Ft. Riley, Kansas. That is where the big red one is returning from Europe.

All fiscal year 2007 BRAC projects and follow-on MILCON are synchronized with modular force build, operational rotations, BRAC and GDPR.

What that means is that we are now trying to produce some 42 combat brigades, and we are trying to modularize them so they have the same equipment, they have got the same training, so that they are interchangeable so you can move out with a combat fighting force and you can move a brigade in from another area and you can have that from another particular division and that brigade is interchangeable. It does not have equipment that is noninteroperable, and it means you can fight more effectively and more consistently.

□ 1730

That modularity has been hampered by these cuts. So these are the cuts that were made by the Democrat majority, pushed off the table, projects pushed off the table with one push of

the hand and with barely a mention on the Democrat side.

So I would just say, my friend from Georgia, glad you got that sign up there, Official Truth Squad. You know, I think sometimes it is important to know the entire story. That is a part of the real story about what we did today.

I thank the gentleman for letting me come down and talk a little bit about the Army's position and the Army's position against the cuts that were manifested in this continuing resolution.

I thank the gentleman.

Mr. PRICE of Georgia. I thank the gentleman for his insight. Nobody knows more about these issues than you and I. I appreciate you bringing that perspective.

You mention a number of items. You said there was barely a mention about this. I was listening pretty closely. I didn't hear a single word about it from the other side that talked about the cuts that are in place.

Mr. HUNTER. No.

Mr. PRICE of Georgia. And that things were skipped over quickly. They were. We had 1 hour of debate on a $463 billion appropriations bill. Phenomenal. Phenomenal when you think about it.

Mr. HUNTER. Let me tell you something.

Mr. PRICE of Georgia. Please.

Mr. HUNTER. The other side tried to appeal to the hearts of American veterans. I am a veteran. But you know something else? I have a son who just did 4 years of active duty with the U.S. Marine Corps, trained at some of these bases that we are talking about, witnessed and was training sometimes in facilities that were somewhat deficient, that needed to be improved.

I will bet you, if you look in the family of every American veteran that the other side was playing to, in passing the CR and saying we are doing good things for you guys, for you old guys like me, they were not doing good things for our sons. Because our sons are on active duty right now. They need to have that quality of life for our military families.

I can remember being with my son as Lynne and I would follow them around the United States, as a lot of military moms and dads do, trying desperately to get a little time with our grandchildren, and we would be often in substandard housing. We would see the efforts that had been undertaken by DOD to upgrade housing and to upgrade facilities and to make life better for families. A lot of those programs are in those cuts that the Democrats side of the aisle just made.

So if you are playing to us old veterans, remember, there is another thing that is very near and dear to us old veterans, and that is our kids who are on active duty or recently on active duty. We are concerned about them. So don't take away from them to give to us on the basis that we will then appreciate it, and we will appreciate them, and we somehow will not look at the reductions that they made to the active force. The active force and its benefits are very, very important to every veteran.

I thank the gentleman.

Mr. PRICE of Georgia. Thank you very much. I appreciate it. Those are facts.

Mr. Speaker, I would ask to insert in the RECORD the letter from Lieutenant General Melcher.

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY,

Washington, DC, January 31, 2007.

Hon. DUNCAN HUNTER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HUNTER: Sir, you recently requested a quick summary of Base Realignment and Closure impacts to the Army as proposed in the Joint Resolution H.J. Res. 20. The attached information accurately portrays these impacts. The following identifies key Army concerns:

Army will not begin with approximately $2.0 B of our BRAC program which is a key enabler to grow and position the Army; this leaves more than half of our FY07 BRAC program (56%) unexecutable

Operational impact on the Training, Mobilization, and Deployment of Forces in support of the Global War on Terrorism

Unravels the Army's synchronized stationing and BRAC plan—puts growth of the Army, stationing, and BRAC at risk .

Delays transformation of Reserve Component—has operational consequences

Breaks the Nation's obligation to provide Soldiers and Families adequate quality of life—affects the All Volunteer Force

Delays capital investment and inhibits economic development—affects local jobs and growth across the U.S. (over 80,000 jobs)

Limits predictability and military construction acquisition efficiencies—results in higher construction costs

I trust this information is helpful.

Sincerely,

DAVID F. MELCHER,
Lieutenant General, U.S. Army, Military Deputy for Budget, Assistant Secretary of the Army, Financial Management and Comptroller.

Mr. PRICE of Georgia. Mr. Speaker, I also want to highlight a statement in a letter from the Office of Management and Budget from the Executive Office of the President about these BRAC closings, because I think that it highlights one of the very egregious activities that occurred in passing this omnibus, this appropriations bill, that the Democrat majority did today.

It says, quote, the President's budget requested $5.6 billion to implement the recommendations of the 2005 Base Realignment and Closure Commission.

That is something that all of us had voted on here on the floor of the House.

The administration strongly opposes the committee's reduction of $3.1 billion from the President's request.

Remember, this is $3.1 billion cut out of a $5.6 billion appropriation.

This will, quote, significantly delay BRAC implementation, increase the risk that the Department of Defense would not meet its statutory deadline to implement BRAC, reduce BRAC savings, delay or postpone scheduled redeployments of military personnel.

Did you hear that? Delay or postpone scheduled redeployments of military personnel and their overseas stations to the United States and negatively impact many specific plans in response to BRAC.

So, in addition to the challenges and the difficulties that we have in trying to make certain that our men and women have anything at their resource to be able to fight this global war on terror, I doubt that anybody on the other side of the aisle, when they ran for office last November, said, boy, I sure want to cut the military's budget as they fight the global war on terror. I doubt that happened, but, in fact, that is exactly what happened on the floor of the House today.

What we are here to do today, as The Official Truth Squad, is to make certain that we hold people accountable. There are people watching. There are people listening. The American people know that there are two different philosophies of how government ought to work. We have a philosophy that it ought to be efficient, that it ought to be as small as possible, that it ought to respect individuals, that it ought to strongly support the global war on terror in our military.

Our good friends on the other side of the aisle oftentimes talk like that. But when it gets right down to votes, that is not how they vote. We are here today to bring some facts to the issue and some accountability.

I am so pleased to be joined by my good friend from Texas, who was past budget chairman for the Republican Study Committee during the last term and this year has assumed the helm of the Chair of the Republican Study Committee, I think one of the finest groups of individuals in this Congress, the individuals who are as concerned as anybody that I know about economic responsibility, financial responsibility, and accountability for this Congress.

I thank you for joining us this evening and look forward to your comments.

Mr. HENSARLING. I thank the gentleman, and I certainly appreciate his great work as a Member from Georgia. We particularly participate his participation in the Republican Study Committee, the conservative caucus within this caucus.

It has been a rather interesting day here on the House floor. I didn't know that it was possible, but apparently our Democrat colleagues created a new record in the House. Now, I am still doing my homework. Maybe they just came in second or third place. But if I did my homework correctly, never in the history of America has a Congress spent more money with less accountability than this Democrat Congress did today just a few hours ago, $463 billion spent in 1 hour, 1 hour of debate to spend $463 billion.

Now, I have been a Member of Congress for a while, but, ladies and gentlemen, that is still real money. That

is $7.7 billion per minute that this Democrat majority managed to spend. We just heard from the distinguished ranking member of the Armed Services Committee. Apparently, they didn't spend it very well. They seemed to have forgotten the war fighter and his quality of life when they were putting this massive spending bill together.

Now, earlier, as the Democrats took control of the institution, and elections have consequences, I understand that, they won fair and square, but Speaker PELOSI is on the record shortly after the election saying, quote, Democrats believe we must return to accountability by restoring fiscal discipline and eliminating, eliminating, deficit spending. Now this is the Democrat leader, the Speaker of the House, telling the American people that this was their intention. So now we spend $463 billion in 1 hour.

Mr. Speaker, families all across America will spend more time deliberating on the purchase of a washer and dryer than this institution did in spending $463 billion of their money, their hard-earned money. It is somewhat mind-boggling to spend that much money with such little accountability.

Now, let's talk about the Speaker telling the American people that she and the Democrats were going to eliminate deficit spending.

Well, as this bill passed earlier today, if the Senate takes it up, all of a sudden every American's share of the public debt has gone from $28,860 to $30,399. Now, I didn't major in math at Texas A&M University, but I can figure out, if you are trying to eliminate deficit spending, you are headed in the wrong direction, which makes me kind of question why you passed this bill in the first place.

Now, the American people were led to believe that this body was going to pass something called a continuing resolution. Now, I understand that is kind of inside baseball, but what it says is, you know, we are going to continue government at the same funding level. There are families all across America who face hardships who have to actually get by on less. A continuing resolution actually says, we are going to, frankly, grow government under the baseline, what we did last year.

Had this institution done it, which is what they led the American people to believe, we would have had a continuing resolution which, by the way, fits on a single piece of paper. Instead, we had a 150 page, I believe it was 150 pages, of what we call an omnibus, everything thrown into a massive spending bill.

Mr. Speaker, the Democrats told us, they led us to believe we were going to have this continuing resolution. We end up with this omnibus. They tell us we are going to eliminate deficit spending. Instead, they increased deficit spending. They tell us they are going to have accountability; and, instead, we spend 1 hour, 1 hour debating the expenditure of $463 billion.

Let me tell you what else they told us. They told us there would be no earmarks. You know, these are these little perks that Members of Congress take for their own district. Well, at last count, there was near 30 earmarks. Now, maybe they are good earmarks, maybe they are bad earmarks, but don't tell us there aren't going to be any earmarks in the bill and then put them there.

I mean, they are the poster children, too often. They are the poster children of fiscal irresponsibility. We have the golden oldie here. The rain forest in Iowa has made another appearance here. Now somebody earlier today said, well, that is a Republican earmark. Well, at least they acknowledge that earmarks were in the bill.

Last I looked, the Democrats have a majority in the House; they have a majority in the Senate. Obviously, it would not be in the bill unless Democrats wanted it in the bill.

We also had this institution pass a continuing resolution instead of this omnibus. Also, we would have saved $6.2 billion of American families' money. That is what would have happened had the Democrat majority done what they told the American people they were going to do. That is $6.2 billion that could have been applied to, again, quote, unquote, eliminating deficit spending.

So they had an opportunity to put their actions where their words were, and they didn't do it. They had extra money, and they spent it.

Again, as the gentleman from California illuminated, they didn't spend it very well. They certainly didn't consider the quality of life for the war fighter when they were putting together this omnibus.

Also, we were told there would not be any gimmicks. We would have accountability. Well, we look in here and there is gimmicks. There is $3.5 billion here. Now, this is inside baseball, I admit it, but I have served on the Budget Committee for 4 years, and I am starting to recognize these gimmicks.

But they put $3.5 billion here by rescinding contract authority for highway programs without decreasing what we call obligation limitations. Then, again, I know that is inside baseball. But let me tell you, what happens is there is no savings. They are claiming savings where there are none.

They also make a one-time change, a one-year change in what we call entitlement spending. Again, it is a trick. It is smoke and mirrors. It will not be there.

Where is the accountability? I am looking for it. Clearly, we need that magnifying glass of The Official Truth Squad, because nobody can find the vaunted Democrat accountability that we were told would be here.

There is a better way. We can have true fiscal accountability.

Another gentleman, a colleague of mine from California (Mr. CAMPBELL), offered an amendment that would have given us that continuing resolution that would have saved us $6.2 billion that would have done what the Democrats told the American people they were going to do. But their Rules Committee said, no, we are not going to allow that one. That is kind of a dicey vote. That one was never allowed on the floor, the one that would actually use $6.2 billion to help reduce this deficit.

Another thing we can do is embrace the President's call for a balanced budget in 5 years without raising taxes. Now, that is true fiscal responsibility. I would hope that all Members of this Congress could sign up for that program.

Now, Democrats will tell us that all the tax relief that was passed on our watch is the source of every fiscal problem known to mankind. Well, as a member of the Budget Committee, we have now received testimony from the head of the GAO, the Government Accountability Office, we have received testimony from the head of the Congressional Budget Office. It is not what we hear from them.

□ 1745

What we hear, Mr. Speaker, is that until we do something to help reform entitlement spending and Medicare and Medicaid and Social Security and work on a bipartisan basis to get better retirement security, better health care at a lower cost, that is the fiscal challenge to America.

And, by the way, there is an inconvenient fact for our Democrat colleagues, and that inconvenient fact is we have cut marginal rates. We have cut capital gains. And guess what? We have more tax revenue than we have had in the entire history of America. If you allow the American people to keep more of what they earn, they will save it. They will invest it. They will go out and expand businesses. They will create small businesses. They will put out a new barbecue stand. They will do a new transmission repair shop. And now we have created over 7 million new jobs with a future.

Now, I know maybe their goal for America is 7 million new welfare checks. But the Republican goal for America was 7 million new paychecks. And under our watch, that is what we achieved. Seven million new paychecks and the greatest amount of tax revenue that we have had in the history of America. We are awash in tax revenue. That is why the deficit is coming down.

Now, I am not here to tell you that every time you design tax relief that it creates more tax revenue, but if you do it right, particularly if you put it on the side of helping working families and helping entrepreneurs to save and invest, it will more than pay for itself, and that is what has been done here. But now, Mr. Speaker, the Democrats want to take that tax relief away. They say it is bad. They want to take the 7 million jobs away. And what is really humorous is that they want to

take really the tax revenue away that this explosion of economic activity has created in the first place.

So, Mr. Speaker, there are many ways that we can embrace true fiscal responsibility. But to spend $463 billion of the people's money with no hearing, with almost no debate, in 1 hour, to set the land speed record for spending money in the shortest period of time, today the Democrats get the gold medal, the gold medal, in that Olympic competition. Never has more money been spent in less time than today. So how they expect to live up to Speaker PELOSI's goal of eliminating deficit spending, restoring fiscal discipline, and return to accountability, I suggest they enter a different Olympics and try to spend less money with more accountability, and that is something that the American people could truly respect.

Mr. PRICE of Georgia. I appreciate the gentleman from Texas so much for his wonderful cogent comments. And talking about the individuals on the other side of the aisle, who have indeed said one thing and then come here and done another, one would think that they are beginning to foster a culture of hypocrisy. That kind of has a little ring to it that rings true on the other side of the aisle.

I do want to thank you as well for your comments about tax revenue. Sometimes a picture tells a better story than words, although your words were cogent and so appropriate.

But this graph helps me understand the benefits of tax decreases, Mr. Speaker. When you decrease taxes, which is what we did here in Congress in 2001 and 2003, this line here is revenue to the Federal Government and what happened was that the revenue was going down, but we decreased taxes appropriately, as the gentleman from Texas said, and what happens is that the revenue goes up. The Federal Government, in fact, gets more revenue because there is more economic activity, more economic vitality.

We have touched on so many things tonight. My good friend from Virginia has joined us. We are running a little short on time, but I do want to make certain that you get an opportunity to join us for the Official Truth Squad and make some comments possibly about BRAC.

My good friend from Virginia, THELMA DRAKE, is just so wonderfully active here in Congress and so cogent and appropriate on issues of the military, representing the military installations in southeast Virginia.

So I welcome you and look forward to your comments.

Mrs. DRAKE. Mr. Speaker, I would like to thank the gentleman for recognizing me tonight, and I would like to apologize for being late for your hour. But as I was coming over here today, I was connected by my office to a constituent who is serving in Iraq right now. I stood out in that hallway just beyond those doors and had a conversation with him with much better reception than I usually get on a local call from my cell phone. So it was absolutely remarkable, and I just wanted to share with you a little bit of what he said.

First of all, he is a contracting officer working with our reconstruction teams. I asked him, because we often hear that we are not employing Iraqis, that these are all major companies that are doing this work. He was quite surprised that I asked that question. He said that we have an ''Iraqi First'' program, and all jobs are offered first to Iraqi companies and to Iraqis, and if they can't perform that job, then other companies from other countries are brought in. They are completely screened. He even has an Iraqi who works with him on staff.

I asked if he had a message for us tonight. And the answer was that he asked us not to forget them.

I think that brings up the issue you just mentioned, Mr. PRICE, that what just happened today on the House floor. And what we know and the Department of Defense is now putting out information that there was a $3 billion reduction in the funds that have been appropriated in the bills that both of these bodies had passed for 2007. Not for those but for the military construction, the bills that the House had passed and had not been passed by the Senate.

So we heard on the floor here today that that was not a reduction. It was actually an increase. That is not the way that this is being viewed, and it is not the impact that it would have on people who are serving today.

But Mr. PRICE and Mr. Speaker, I would say to you that there is no one in America, no one in Congress that wants America to be at war. There is no President that wants to be a war President. And I have said to people if I believed this war we are engaged in was about democracy in Iraq or about a people who have fought each other for centuries, I would oppose this war, too.

But it is a war about our civilization with an enemy who has vowed to kill us and to end our way of life, an enemy who has attacked us and who works and plots constantly to attack us again. I truly believe if Americans just had the facts that they would make the right decision.

My constituent said it very clearly. He said we cannot let this enemy win. And every Iraqi that I have ever talked with, this is something America never hears and I think if they did hear it, it would make a difference, but from President Talabani on down, whether they are Iraqis I have met when I have been on trips there or Iraqis here, they all say, ''we are grateful to America for our freedom.'' And we, as Americans, never get to hear that.

The real question is what are our options? To let this enemy win and to say that they defeated the Russians in Afghanistan and the Americans in Iraq? What would that do to us? What would that do to our allies, and who would ever believe us again?

And if we were to make that decision and to allow this enemy to win and pull our troops out of Iraq before the Iraqis are ready to govern and secure themselves, the real question is how will we manage the cost of this defeat? How will we manage the murder of all those Iraqis who have joined in the freedom of Iraq, the person who was working for my constituent right now, those who have served in government, in the police, in the Iraqi security forces?

Thank you for yielding. I know you have a lot to talk about, and I appreciate the work that you are doing on the floor.

Mr. PRICE of Georgia. Thank you ever so much, Congresswoman DRAKE. We appreciate your heartfelt words and the message from your constituent and that perspective on what truly is a portion of this global war on terror. The incredible importance of making certain that we as a Congress and we as a people support our men and women at every turn. So I thank you very, very much.

And that highlights what happened today on this floor about the appropriations bill, the omnibus bill, that the other side of the aisle, the Democrat majority, passed. And, in fact, what they have done is made it more difficult for our military to function. We have heard a letter from a lieutenant general in the Army about that. We heard from our own administration about that, about how it makes it more difficult. And we heard from our good friend from Texas about the Olympics award that the Democrats won today by spending more money in 1 hour than any Congress in the history of the Nation. And, again, it would be humorous if it weren't so serious, Mr. Speaker. It would be humorous if it weren't so serious.

And I am so pleased to be joined by a good friend from Florida, Congressman MICA, who has some interesting perspective on what went on here today on the floor of the House.

I appreciate your coming and bringing some accountability to what occurred today.

Mr. MICA. Thank you, Mr. PRICE, for yielding to me. Also, I want to thank you for the nights that you have spent on the floor during this session of Congress, the 110th, trying to bring the truth and also facts to the American people that are so important.

You said that I would talk tonight a little bit about my perspective, and I have an interesting family history. I have a brother who served as a Democratic Member of Congress from 1978 to 1988 here in the House of Representatives, Dan Mica; another brother, a Democrat, who served as an aid to Laughton Childs and to former Congressman Brademas. We are the first two Members and brothers to be from different political parties since 1889.

Almost everybody else is from the same party.

I say that because I truly am from a bipartisan family. When I came here some 14 years ago, we were in the minority, Mr. Speaker. And I served 2 years in the minority, and I want to tell you that I was treated very fairly by some of the Members of the majority. I will even cite Mr. ED TOWNS of New York, who took me in as a freshman new Member, gave me every opportunity to participate, recognized me. I was a full participant as a minority Member.

There were others who I will not name who did not allow me not to speak, who actually told me to be quiet, and who actually adjourned meetings, so I didn't have the opportunity to speak or participate. So I saw how bipartisanship and I saw how dictatorial rule works. And for some 12 years, the good Lord gave me the opportunity to be chairman of three subcommittees over 12 years. So I always employed the golden rule, the ED TOWNS rule, of treating everybody fairly.

I say that in context because today is January 31 and this month, the beginning of this Congress, is one of the saddest hours in the history of the Congress of the United States, at least that I am familiar with or that I have read about.

Now, we started here with the swearing in of NANCY PELOSI. I am an Italian American. I was proud of NANCY PELOSI's being the first Italian American and woman to take that position, and I think we were all very pleased for her on both sides of the aisle and congratulated her.

But then began, unfortunately, the saddest chapter in the history of Congress with the passage of six major pieces of legislation without the Congress even being organized, without the committees being organized, without one of those pieces of legislation going through the committee process.

What an incredible insult to the people of America who just finished an election. They elected us as representatives, 435. We, in turn, elected a new Speaker of the House, and the entire democratic process was obliterated. It has been the saddest month in the history of the United States Congress. Six major measures.

And the irony, I sat here in the week of celebrating and honoring Martin Luther King, one of the great civil rights leaders of our time, whose sole goal was to give rights to the minority that they had been denied. And the new majority completely obliterated in that week the rights of the minority. It was one of the saddest chapters I have seen. So all of their measures, all of them, are just floating out there. The other body hasn't taken them up. They were passed while trampling on the rights of the minority.

There are men and women fighting today, tonight, tomorrow for those rights to protect the minority. This is not Bolivia. This is not Venezuela. This is not Cuba, where someone takes power and tramples on the rights of the minority. This is the United States of America, and every representative should have the opportunity to participate in that democratic process. Again, I am just offended.

And then the final offense today, the 31st, to pass the largest spending measure in the history of Congress in one sole bill without consultation, without participation, without the democratic process is the ultimate insult to the citizens of the United States, who expect a representative form of government, and to the Congress, to the rights of the minority.

□ 1800

This was a $463 billion earmark. And we just got through an election in which the Republicans were chided for passing earmarks in the stealth of the night, for which the Democrats also were offenders. We paid a penalty. We lost the majority.

But you do not pass a bill of that size without the ability of even to participate in this bill, this $463 billion earmark, the most costly in the history.

Now they think they pulled one over on everybody. But I guarantee you. I guarantee in that bill, since no one had a chance to see it or participate in it, they will find day after day embarrassing provisions that we did not have an opportunity to take out, to adjust, to correct.

So they will pay the price. When you do things in the stealth of the night, when you illegitimately conduct the process of Government, you will pay the penalty. We paid the penalty. They will pay the penalty. Marital law is not the way this Congress was intended to run.

This should be, in fact, bipartisan. Bipartisan means two working together. I am committed to that. I will continue to be committed to working that way. I come from, as I said, a bipartisan family; and we have got to work together.

So I hope today, January 31, 2007, a very sad day, ending of a sad chapter in the history, mark my words. This will go down in the history of this Congress as one of the darkest hours ever.

I thank you.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman from Florida. I appreciate so much his emotion and his passion and his perspective.

As you are living through these times, it is oftentimes difficult to get people to pay attention to what truly are historic occurrences, and I share with you that disappointment and sadness. I truly do.

Having served in a legislative body at the State level and seeing how bipartisanship can work and seeing how democracy truly is supposed to work, this has been a disappointing month. It has been a disappointing month, because most of what you can talk about in terms of getting your arms around where the problem is is process. I talked about that at the beginning of this hour, Mr. Speaker, and I mention that the reason that process is so important is because that is what enables the minority to have participation. But not just the minority. It enables every single Member of this House of Representatives.

Mr. Speaker, as you well know, every single Member represents approximately the same number of people. We go to great pains to make certain that districts are basically of equal size every 10 years through the census process and through redistricting; and we do that because each individual in this body, each Member of this body, represents basically the same number of people and therefore should have essentially the same say in the process and in the deliberation.

Some folks have called this month the death of deliberation, and that truly has been. That is disappointing. That is very saddening for all of us whose constituents, whose American citizen constituents who go to the polls and vote, do indeed express their will to us.

If we are unable to express their will through this process here, then they are muted, they are silenced, they are disenfranchised; and that, Mr. Speaker, I would suggest is an unfair process, is a wrong process and is an undemocratic process. It doesn't have to be that way.

So I encourage my good friends on the other side of the aisle, and I know some of them are feeling pained by some of the decisions that their leadership has made over this past month, and I encourage them to continue to work for a process that will allow for the inclusion of all.

Because, as I mentioned earlier, Mr. Speaker, we do not have Republican challenges or Democrat challenges, we have American challenges. The American people send us here to take care of those challenges and put forward the best solutions, and the best solutions come when all of us are involved in that process.

I look forward to working with my colleagues on both sides of the aisle in a very positive way as we move forward and do what is best and what is right on behalf of the American people.

I want to thank my leadership once again for the opportunity to spend this hour on the floor of the House, Mr. Speaker.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. HARE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Thank you, Mr. Speaker. I appreciate the opportunity to be here once again to continue the discussion of the 30-something Working Group. We want to thank Speaker

PELOSI for the honor to be on the House floor.

We actually had one of our newer Members, Mr. Speaker, make page 3. He is still a freshman, but he made significant advances. This is Jason Altmire, Mr. Speaker, from western Pennsylvania. His district abuts mine. His picture, name, pressing our leadership to make sure that we increase funding in the CR for veterans, to make sure that we did not accept any pay raise until the American people get their pay raise through the minimum wage. So we already have young leaders stepping up to bat contributing in their first term here.

I have got to say, Mr. Speaker, it has just been I actually think in many ways pathetic to listen to the debate here today over the continuing resolution. We all know the political situation over the past, you know, 14 years, Republican control in the Congress, and their inability in the last several years to govern at all. And they have locked out the Democrats for years and years and years.

Votes in the wee hours of the morning on the prescription drug benefit, on the energy bill, on budgets, which raided student aid money for students all across our country; and then, on top of all of that, they leave the new Democratic majority an absolute budget catastrophe for us to deal with.

Over the course of those 14 years, the Republican Congress and the Republican President borrowed more money, more money from foreign interests than all of the previous Presidents combined. So now we are going to get lectures from the Republican majority on how to run the budget process. Now we are going to get lectures from the most incompetent, ineffective Congress in the history of this institution, Mr. Speaker, the history of this institution.

This party will not be lectured about veterans' benefits, we will not be lectured to by the Republican minority about how to balance a budget, and we will not be lectured to about investments in this country.

You look at this CR and you look what we put in. We are not going to be lectured to by anybody. We made promises and accomplished more in the last few hundred hours of this Congress than that Republican majority has in the last 14 years. We implemented PAYGO so we will balance the budget.

We made some difficult decisions with the CR so we can move forward, and we are not going to be lectured to. Because we have made promises, and we have delivered.

Now just look at the first hundred hours, Mr. Speaker, just the first hundred hours. We cut student loan interest rates in half. Once fully implemented, it will save the average person taking out a loan almost $5,000.

We raised the minimum wage. We allowed the Secretary of Health and Human Services to negotiate drug prices on behalf of the Medicare recipients. We repealed the corporate welfare to the energy companies that that majority, Republican majority put in place; and we are taking that money and investing it into alternative energy sources. We are doing things positive for the American people.

And we are going to inherit this budget, which we already have, that has borrowed more money from China, borrowed more money from Japan, borrowed money from OPEC countries, incapable of executing FEMA to address natural disasters and emergency situations in the United States. We know how to run Government.

When the Democrats passed the budget in 1993 with the Democratic President, created 20 million new jobs, we had surpluses as far as the eye can see. So we are cleaning up a mess here that we have inherited, and we are going to move forward and continue with our agenda, and we are proud.

We are going to move forward, and we have an agenda. We have moved on it. We promised it. We acted on it. And we are going to continue to move on it.

I will yield to our young, new rising star from western Pennsylvania, Mr. ALTMIRE.

Mr. ALTMIRE. Mr. Speaker, I did want to talk for just a moment about how important it is that veterans were taken care of in this continuing resolution.

I do want to commend Speaker PELOSI, Chairman OBEY, and the rest of the Democratic leadership who did a great job of putting together what was a mess that was left to us.

As Mr. RYAN talked about, we had nine out of eleven appropriations bills to fund this Government that were left in our lap, and we had to deal with that, and we had some tough decisions to make. But under the leadership of Speaker PELOSI and Chairman OBEY we did what needed to be done.

I made clear to the leadership, and they agreed, that we needed to make sure that nobody should stand in front of our veterans when it comes time to pass funding resolutions. We have people fighting for us in the field overseas right now. We have veterans coming back from Iraq and, of course, veterans of every age.

That need does not go away. That need does not stop. As the Congressional Budget Office has indicated, the cost of caring for those veterans goes up year after year; and we have an obligation and a duty as Members of Congress to make sure that the VA health care budget goes up enough to maintain the current level of services for every veteran that walks through the door. I want to commend Chairman OBEY for taking care of that under this continuing resolution.

I also wanted to just take a walk down memory lane and let's take a look at what the Republican leadership did for veterans' health care over the past several years.

I have a chart here. It might be difficult for some to read.

January, 2003, the Bush administration cut veterans' health care for 164,000 veterans; and that is just the start.

March, 2003, 2 months later, the Republican budget that passed this Congress cut $14 billion from veterans' health care.

March, 2004, 1 year later, the Republican budget shortchanged veterans' health care by an additional $1½ billion.

March, 2005, the following year, President Bush's budget shortchanged veterans' health care by another $2 billion and cut veterans' benefits by $14 billion over 5 years. That is what we were left with.

Now, in the summer of 2005, after they had been warned when they passed that budget back in 2004 and after enormous pressure from the Democrats and from people around this country and especially from veterans' organizations, the Bush administration finally did acknowledge that they shortchanged the veterans; and they added back $2.7 billion after months of Democratic pressure to put that money back in.

But then only a few months later, in March, 2006, President Bush's budget cut veterans' funding by an additional $6 billion over 5 years.

Mr. Speaker, that is the mess that we were left with, this continuing resolution, and that was what needed to be resolved. And I said throughout my campaign and I say every weekend when I go back and speak to these veterans' groups that we are, as a Congress, going to make a new commitment to our veterans, a commitment that has not been there for the past 12 years; and we are going to put veterans' interests first when it comes time to deal with these funding resolutions.

So what did we do? In this continuing resolution that passed this House today, the Democrats increased the VA health care budget by $3.6 billion. Now that is in an atmosphere of having left nine spending bills completely undone, and the Republican leadership made no effort to increase that funding. But we found the will, as Democrats, and we added $3.6 billion to the veterans' budget.

That is leadership; and for that I commend Speaker PELOSI, Chairman OBEY and the rest of the Democratic leaders who were involved in putting that together. That is what we have done here today.

So, at this point, I am going to yield to the gentleman from Ohio so he can continue to run the show.

Mr. RYAN of Ohio. I appreciate that.

Mr. Speaker, I am going to yield the remainder of the hour to Ms. WASSERMAN SCHULTZ. I need to step out. I will be back, but I would like to yield the rest of the hour to Ms. WASSERMAN SCHULTZ.

□ 1815

The SPEAKER pro tempore (Mr. HARE). Under the Speaker's announced

policy of January 18, 2007, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for the balance of the majority leader's hour.

Ms. WASSERMAN SCHULTZ. Mr. ALTMIRE, I want to tell a little story because I am really pleased that you raised this issue, and that you have been the champion of ensuring that we don't, as we move through what is an unfortunate but necessary situation with this continuing resolution, I want to tell anyone listening a little story about an exchange that you and I had the other day on the House floor.

I have the privilege of serving as a Chief Deputy Whip for the House Democratic Caucus, and you are one of my assignments. We divide the House Democratic Caucus members up into groups, and you are included among the Members that I am typically engaged in lobbying. And when I approached you about whether you were going to be supportive of the continuing resolution that we voted on today, your immediate response, which was the right one, was, well, not if we are cutting money for veterans. And I was really proud that you did that and that you were absolutely not going to move forward on your support for the continuing resolution unless you were able to get the information that you needed to ensure that, in fact, not only were we not cutting funding for veterans but, we in fact, increased funding for veterans. And so the notation in your hometown paper was apt and appropriate, and I commend you for your advocacy because that is what this is all about.

The new direction that the American people demanded, that they chose on November 7 included selecting people like you to send to Washington to make sure that when there was no one standing up, we certainly were all standing up united as a minority; but that there were not enough people in this body standing up for veterans. On the contrary, as you just outlined through the charts in a chronological way, the Republicans and the Republican administration were doing the opposite, were actually making it more difficult for veterans to get the services that they need and that they were entitled to and that they deserved through their patriotism and devotion to this country. So I commend you on that.

We were in a situation in adopting the continuing resolution today that was the result of the mess, as you said, that the Republicans handed us. I mean, how irresponsible to just not complete nine of the 11 appropriations bills. I sit on the House Appropriations Committee now. I am just at the beginning of that process, but it is mind boggling to me, how, really, I mean, the Constitution says the only thing we have to do, the only thing Congress has to do is pass the budget. And they didn't do it. They didn't do it because it is hard. It is difficult. You have to make tough decisions. And you know, right up in front of an election, where they were struggling as it was, they didn't want to make those difficult decisions. And we have a lot of our Members, some in tough districts that are going to have to go home and have to answer some difficult questions, because obviously, you know, we didn't like everything that we had to do. But if we didn't go forward and try to get to the 2008 budgetary process and make sure we could do right by the people in this country, then we would have been in an even worse mess.

So kudos to you for standing up for veterans and for adding another voice on their behalf where there wasn't one before.

And if the gentleman from Connecticut (Mr. MURPHY) wanted to jump in I would be happy to yield to him.

Mr. MURPHY of Connecticut. Well, I thank the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for yielding.

One of the things I realized when I came down here in January was that you get a lot of analogies, and some of them work, some of them don't. But listening to our colleagues criticize the budget, the continuing resolution we just passed here, you kind of think of the old ''bull in the china shop'' analogy.

This is kind of like the bull walking into the china shop spending a good half an hour breaking everything in the china shop; the owner finally having the good sense to kick him out, and then him showing up about 2 days later and asking why everything hasn't been fixed yet. I mean, that is essentially, what has happened here is that there has been so much damage, Mr. Speaker, done to this budget by virtue of nine of the 11, nine of the 11 appropriations bills not being completed by the end of business.

And an important thing to note is that, you know, Congress was back here in the holiday season in November and December trying to finish those budget bills. And I am just learning, Ms. WASSERMAN SCHULTZ, about the budget process, but from what I know, November, December is pretty late to be even working on those budget bills. Those budget bills were supposed to be done over the summer and fall. And so even giving themselves an extra 4 or 5 months to complete those bills, they still weren't done on time.

And so when the Democrats finally were put back in charge of this place by virtue of the millions of Americans who stood up across this country to start putting common sense middle class values first, the people who put Mr. ALTMIRE and myself here in Congress, when they finally, we finally sort of reentered the china shop and realized that everything had been broken, we realized it was going to take a little while to clean everything up. And what we did today, this continuing resolution which keeps this government running for the next several months, is an important first step because there are some critical programs, veterans benefits at the top of that list, Mr. ALTMIRE, that are funded here.

What else are we talking about? We are talking about Pell grants. Even after coming before this body and, with remarkable bipartisan support, decreasing the rate of student loans for millions of students across this country, we came back in this budget, we increased the maximum Pell grant by $260, to over $4,000, $4,300 for the average student.

We put in new money or in schools that are failing to meet the Head Start standards. Mr. ALTMIRE, you know that both of us heard so much about that from our school districts over the course of the campaign and over the course of the last month. Now, 6,700 schools across this country that are failing to meet those No Child Left Behind standards are going to get new funding from this government in order to keep on operating.

We increased community health center funding by $207 million. Community health centers in this very broken health care system are sometimes the place of last resort, often the place of only resort for so many uninsured families. We are now going to make sure that they get the funding that they deserve.

So in so many ways we started to clean up the mess that that bull made for the last 12 years. We are starting to put the china back together. We are starting to buy a little bit of new stuff to put on the shelves. And it is going to take a little while. It is going to take a little while.

But it is important to remember that the work we did here today, I think, is just a beginning on that front, Mr. ALTMIRE. And I join Ms. WASSERMAN SCHULTZ and Mr. RYAN in commending you for standing up for the veterans in your district, because when you speak for those veterans, it is not just in your district, it is for all the veterans in my district and, as an extension, it is for all the future veterans, because as you know, we are so lucky to have an all volunteer military.

But if they think that by going into the service they will return home and find a country and a Nation that does not honor their service, well, then we are going to have a lot harder time than we are already having finding people to fight the future battles and wars that this country may engage in.

I would yield. I see Mr. MEEK has joined us. But I would yield to Mr. ALTMIRE and thank him again for his advocacy over the past several weeks.

Mr. ALTMIRE. And I did want to follow up on what the gentlelady from Florida had talked about earlier, what was left to us, and the reason that it was left to us. This was a politically, cowardly maneuver, calculated to gamble on the outcome of the elections. They left nine spending bills unfinished, hoping that they would then win and come back for a lame duck session where they could ram through further spending increases and increase the

Federal budget deficit even more, as they have done every year for the past 6 years. Instead, the results of the election were not to their liking.

The Democrats are retaking control of Congress at that point, and they made a calculated decision. Instead of finishing the work that their constituents sent them here to do, they, instead, dropped the ball and left all nine spending bills until the new year and the new Congress, and countless programs languishing, twisting in the wind while the new change in Congress came.

And again, under the leadership of the new Democrats who have taken control of Congress, we were able to pass, within a month, nine appropriation bills that they couldn't pass over the course of an entire year.

So I can't say enough about the work that this House has done and that this Congress has done in putting together a package that was very, very difficult to do, and it is just a great accomplishment.

Mr. MEEK has joined us. I would ask, does the gentleman wish to comment on this?

Mr. MEEK of Florida. I am listening.

Ms. WASSERMAN SCHULTZ. Mr. ALTMIRE, let me just jump in while the gentleman from Florida is listening, because one of the things I think it is important to point out is when we talk in the language of government, it is difficult for regular folks to understand what we are saying. So we are talking about the CR, the continuing resolution, the terminology that we deal with on a daily basis. But that is not what sort of every day folks understand.

And the continuing resolution, it is important to point out, is the budget, the Federal budget that keeps the lights on. And people will recall a number of years ago when the Republican Congress decided that, in retaliation for who knows what, because they couldn't get the Clinton administration to agree to what they wanted, because they thought that brinksmanship was the most appropriate strategy, they shut the government down. People were furloughed. Government programs that were vitally important to different constituencies around the country came to a halt.

What we have done is, and Chairman OBEY has been the champion of this. What we have done is, not only have we made sure that that doesn't happen, because brinksmanship and engaging in irresponsible actions like that make no sense, we have made some difficult decisions. But we haven't made irrational decisions that would be harmful to people.

For example, we could have passed a continuing resolution that simply adopted the 2006 spending levels, the same spending levels that we had in 2006 and just moved forward. But that would have resulted, as you pointed out for veterans, in some cuts. And in our discussion on the floor the other day, you pointed out that unless there were increases, essentially, because of inflation, because of the adjustments in cost of living that are necessary, and because there are simply more people, more service men and women who are in need, we would not have had the money we needed to meet the needs of veterans.

But beyond that, let me just talk about what, because our good friends on the other side of the aisle are, of course, being critical that we didn't just pass a straight continuing resolution. Let's talk about what that would have done. Essentially, that would have jeopardized our national security. If we did that, if we simply passed the same level budget that we adopted in 2006, that would have resulted in thousands of layoffs, cuts for health care workers, cuts for members of the Armed Forces, cuts for veterans.

For example, the Food Safety and Inspection Service would face a month of furloughs. Can you imagine a month of furloughs in the Food Safety and Inspection Service? That means that we could end up with rotting meat in supermarkets and people potentially buying them. Or let's not use language that is too strong. Questionable meat. I mean, if we don't make sure that we have our food inspected, then we are going to jeopardize people's health. That would have also resulted in the closure of 6,000 meat processing plants that could not have been inspected.

The Federal Judiciary would have had to fire 2,500 workers. The Small Business Administration, and Mr. MEEK, this is incredibly important to our area because how often we face natural disasters through hurricanes. But the Small Business Administration's disaster loan assistance program, which provides back up for FEMA's individual assistance program, that would have been run dry by the end of February.

Now, given how many people are still suffering from the aftermath of Katrina and Rita and Wilma and the other hurricanes and the other natural disasters that have hit around this country, I just cannot imagine what the consequences would have been. Actually, I can imagine what the consequences would have been for millions of Americans.

So we struck a balance here. We were being fiscally responsible, but at the same time, not hanging Americans out to dry without regard for their well-being. And that is what the Democratic Caucus's approach always is. You have to think about the fact that all of the decisions that we make here, Mr. ALTMIRE and Mr. MURPHY and Mr. MEEK, affect real people.

I have often thought over the time I have served in the Congress and in the State Legislature in Florida, in Florida, and I am not sure how far your State capital is in Connecticut from your home, Mr. MURPHY, but Tallahassee is 450 miles from where I live. And I served in the State Legislature for 12 years. Mr. MEEK, I think, served in the State Legislature for 10, between the House and the Senate. It is so easy, I mean, we are obviously even further away from our homes, I certainly am. But you are pretty far from your homes, too, making decisions in Washington. And it could be argued that it would be so easy to make decisions in a vacuum here. The people we affect, whose decisions that we make, who we affect, they can't come in this Chamber. They are not in the room with us. The folks in the gallery are that are watching, but it would be so easy to just forget that every decision, every vote, every time we put our card in that slot and our name lights up on the board ''yea'' or ''nay,'' the decision we make affects a human being.

□ 1830

But you become desensitized to it. There is a danger that you could become desensitized to it. Certainly the Republican side of the aisle became desensitized to it. For years and years, they didn't think about the results, they didn't think about the consequences. Well, that is the balance the Democrats strike. Pragmatism with a healthy dose of thoughtfulness and compassion. That is what it is all about.

Mr. MURPHY of Connecticut. Would the gentlewoman yield for a moment? And I think she is exactly right, and I think that that disconnect that you talk about, that certainly was in existence here for a very long time was one of the reasons why we now have a Democratic majority. The people last summer were fueling up their cars at $3.50 a gallons. We are finding that all of a sudden, they were having to pay $50 co-pays rather than $25 co-pays. And they looked at a Congress which seemed pretty incredulous to their concerns, that seemed to watch without listening. And you are right, people get hurt by the decisions they make down here. And I will give you an example.

In my district I have a senior housing complex in Torrington, major place where a lot of seniors live in one of the biggest cities in my district, and we have had some security problems there, some people coming in off the streets and had a couple violent incidents. Well, most of the facility and the staff there are financed through Federal grants. Well, because this Congress, over the last 12 years, slashed Federal housing funds to the bone, they have had to make major layoffs at that housing complex.

In fact, it finally came down to a very difficult but unfortunately necessary decision that that housing facility made to lay off their security guards. That is going to put hundreds of senior citizens at risk in this senior housing complex. And they come to their local elected officials, their State-elected officials and ask, what can you do to help? And everybody points back to where the problem came

from. It was years of neglect down here in Washington of housing programs, just as there were years of neglect years to health care programs, years of neglect to defense and certain national security programs.

And in order to reinstill that commitment to the seniors of Torrington, to those veterans in Pennsylvania, it is going to take a little while.

But if you are back in your communities, if you are talking to people, regular middle-class, working folks people, you will hear those stories on how the votes we take here affect people back in Connecticut, back in Florida, back in Pennsylvania. And for some reason, whether it was the power that went to people's head, whether it was the pomp and circumstance that surrounds being a Member of Congress, for some reason, over the last 12 years, and in particular, I think, Mr. ALTMIRE, over the past 4, 5, or 6 years, there was a wall that was put up around Washington, D.C., and folks that were controlling the committees here and the budget here just were not listening to people back in State of Connecticut, State of Pennsylvania, Florida, and throughout this country, because if they did, they would know we have to put more money in housing.

If they listened to those veterans that you and I talk to every day at people's doors, they would know that men and women who came back from Iraq, came back from Vietnam, World War II veterans are struggling. And what we are now doing here in starting to clean up that mess is also to start listening again. And I believe Ms. WASSERMAN SCHULTZ is very correct on that notion.

I yield to Mr. MEEK.

Mr. MEEK of Florida. I thank you so very much. You know, I don't put a lot of value in folks coming down to the floor sharing inaccurate information. And it is very unfortunate, because one thing that I can say here of the 30-something Working Group, we actually meet off the floor and we make sure, Mr. Speaker, that information that we are sharing is factual, that it is factual and that if someone wants to challenge us on that particular fact, they can go to the CONGRESSIONAL RECORD, they can go to the Library of Congress, what have you. It is there. Or they can go to a piece of legislation.

To come down and make statements that could mislead Members of Congress or could mislead the American public, I think that it is very unfortunate and it is something that should be frowned upon. But I guess the only good reason why I can come up with the reason why some Members on the minority side will come to the floor and make some inaccurate statements of the essence of the continuing resolution today, I go back to what I have been talking about for the last 2 weeks and that is the bipartisanship that has been taking place here on this floor.

If I was a part of the Republican leadership, I would be concerned, too. I would wonder how would the American people think, I mean, what would they think, Democrat or Republican, on how Democrats can be in control of the House and then, at the same time, have this bipartisanship taking place with Democrats in control. Let me just clarify what I am saying.

Time after time, Republicans are voting with Democrats on good measures. Today, this continuing resolution was a good piece of legislation. It wasn't a partisan vote. It shouldn't have been a partisan vote. Two hundred twenty-nine Democrats voted for the continuing resolution; 57 Republicans voted for the continuing resolution. We should all be on the floor happy that we can come together on a piece of legislation that is so important to the country. What is the alternative? The government shutting down? We don't want that.

I will yield to the gentleman.

Mr. ALTMIRE. I have a question. Does the gentleman know off the top of his head, with the major legislation that we passed in the 100 hours and what we have done subsequent to that, including the continuing resolution, approximately how many Republicans we have seen cross the aisle and join us in a bipartisan manner?

Mr. MEEK of Florida. I don't have my notes right here. If you have it handy, go ahead and answer the question.

Ms. WASSERMAN SCHULTZ. Unless the gentleman from Pennsylvania knows, I do know that we got an average of 62 Republicans to vote with the Democrats on the Six-in-'06 agenda on making sure that the Federal Government can negotiate for lower prices for the Medicare part D prescription drug plan; making sure that we fully implement the 9/11 Commission Report; making sure that we repeal the subsidies to the oil industry; making sure that we do the job that the people sent us here to do and that they spoke so strongly about through their vote on November 7. An average of 62 Republicans voted with us on each of those items.

Mr. ALTMIRE. And then today 57 more, as the gentleman said. I didn't mean to put the gentleman on the spot, but I wanted to just reemphasize the point that he was making that this is not a partisan majority ramming it down the throat of the Republicans. This is working in a bipartisan spirit, something that has not been seen in this Congress for more than 12 years. And here we are, the end of our first month in office, we passed another major piece of legislation joined by 57 Members on the other side. And the gentleman is right that this is something that we should be applauding. And this is new to Congress. This is not something that has happened recently.

So I would hate for people on the other side during the debate to characterize this as a partisan bill and a partisan effort. It is not. We again, with an average of 62 Republicans, 57 again today, have done this in a bipartisan way, crafting it so that all sides can support it, because we all agree that we need to do things that are to the betterment of the American people and to the benefit of the American people.

I would yield again to the gentleman from Florida to continue, but I did want to just reemphasize that point.

Mr. MEEK of Florida. It is no problem at all. Clarification is very, very important in this process. And the Republican leadership seems to continue to have a problem with the bipartisan spirit that is in the Chamber now, because in the last Congress that wasn't the case; in the Congress before that, that wasn't the case. There were partisan votes every day. I mean, it was almost like, how can we send a bill to the floor to make the Democrats vote against the bill versus for the bill? And one of the things that the American people want is for us to work together. We are all Americans. We salute one flag. We walk into this Chamber, we all carry one voting card. And I think that is important.

But to the point, to show the difference between us and others that may come to the floor sharing this information off the cuff, and Ms. WASSERMAN SCHULTZ is 110 percent right and accurate as it relates to the percentage, but she named off a piece of legislation that Republicans and Democrats voted for: 9/11 Commission Recommendations Act, 68 Republicans voted for it, 231 Democrats voted for it, which was 299 total for us to pass it. The Fair Minimum Wage, 82 Republicans voted for it, 233 Democrats voted for it, and brought the vote to 315. We looked at the issue of the Stem Cell Research Enhancement Act; 37 Republicans, 216 Democrats brought that vote to 253, which was in the affirmative. The Medicare Prescription Drug Price Negotiating Act, 24 Republicans, 231 Democrats, 255, to make it an affirmative vote. And the College Student Relief Act, 124 Republicans, 232 Democrats, that brought that vote to 356.

These are major, major, major issues that are facing the country, issues that have been clogged up in the Republican Congress, 109th, 108th, 107th, 105th Congress. And now the American people said they wanted to move in a new direction and we are moving in that direction. And, unfortunately, there are some Members of Congress on the Republican side of the aisle that have a problem with that.

I told you that I am all excited, and Ms. WASSERMAN SCHULTZ can tell you, Mr. RYAN can tell you: Lead us the opportunity to lead and we will lead.

Mr. RYAN how, many times: If you give us the opportunity to be in the leadership of the House of Representatives you will be served? West Coast.

Mr. RYAN of Ohio. Put me in, Coach.

Mr. MEEK of Florida. Put me in, Coach. The Heartland of America, East Coast, Republican, Democrat, Independent, Green Party, thinking about

voting, now voting. You do it, we will make it happen, and it is happening.

So you have some that come to the floor and talk about, well, you know, this is not happening and I voted against it because I didn't get 2 hours to speak independently on the floor against it, and that is the reason why I voted against it.

I just want to lay it out because I want to make sure that the Members know and the American people know that it is just Washington rhetoric. We are here making it happen. We are happening.

I yield to my good friend.

Mr. RYAN of Ohio. I appreciate my good from Miami, Florida yielding to me.

The funny part watching the debate today was that the other side, because they had the opportunity for so long to pass so many of these pieces of legislation and to get them through the Senate and get them signed by the President and they didn't take advantage of it, that they have very little credibility in dealing with the issue of the fact that we are actually doing this stuff.

And so I agree with my friend Mr. MEEK; it has been exciting. This is great. This is good stuff. You guys are reading the increases and the different programs. And, as Mr. OBEY said, this is a thinking man's document.

Ms. WASSERMAN SCHULTZ. You know, just the way you are going back and forth on the Republican's response to the process, you know, it is just really, gosh, I can't say what comes to mind. It is galling. It really is galling that they do have nerve to talk about process.

Because just in my 2 years of experience, and certainly two wrongs don't make a wrong, but there is no second wrong here. I mean, in my experience in the last 2 years, and Mr. RYAN and Mr. MEEK, you have had more experience and more lengthy experience than I and Mr. ALTMIRE and Mr. MURPHY have had, but I recall votes being held open for 40 minutes to several hours to twist enough arms to get the votes. We, of course, haven't had to do that because not only do we get all of our Members to vote for our legislation, but we get a good chunk if not, and in one case, a majority of theirs.

I remember being shut out, completely shut out on every major question over the last 2 years, no amendments allowed, no commentary except in a token way. And now they are whining about process?

You know, the small point I wanted to make, and Mr. ALTMIRE, you are a dad, you have young kids; I am a mom, I have young kids; Mr. MEEK has young kids, and some day Mr. MURPHY and Mr. RYAN, I am sure you will have young kids too.

But you know, when your kids whine at you and complain about something that you know is just their immaturity, their wishing something could be the case, but when they get a little older they will realize that they were wrong? That is what this is.

Mr. MEEK of Florida. What is it? You are saying, what is it? Just tell us.

Ms. WASSERMAN SCHULTZ. It is nerve is what it is. It is just pure unadulterated nerve. The American people see through this. They don't have any substance to talk about. They can only whine about process.

□ 1845

Mr. RYAN of Ohio. The interesting part here is the CR that we passed today was to clean up their mess that they left. They only passed one out of 13 appropriations bills.

So you can only imagine, Mr. Speaker, all of a sudden they leave all of this mess for us to deal with and we try to deal with their mess and they want input. Well, you had your chance. You had 14 years and all kinds of months last year to pass this stuff, and you didn't do it.

I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. I think they should have their say. I really do. Going forward, when we hear legislation and get into the regular order, we have markups in committee hearings and legislation that Members file, we will do that. But we are still cleaning up their mess.

The Six in '06 agenda is an agenda of the major issues that the American people voted for us to come here and do that we offered as amendments.

We offered the minimum wage, we offered fully implementing the 9/11 Commission recommendations, and through all of the other procedural attempts we made within the confines of their limiting us, we offered repealing the subsidies to the oil industry.

We offered legislation and amendments that would have the student loan interest rate and make higher education access more affordable. And they said no. They said no, no, no, over and over and over again.

Sorry, now it is our turn. It is time to implement the agenda that the American people asked us to. It is time to clean up their mess.

Mr. RYAN, going forward, I am all for what Speaker PELOSI has said that we will do, which is give them the most bipartisan House of Representatives that history has ever seen. But the mess has to be cleaned up before we can do that.

Mr. MEEK of Florida. You and Mr. RYAN are members of the powerful Appropriations Committee; and, today, watching Mr. OBEY, the chairman, and seeing what he was able to do in moving this continuing resolution, which is the appropriations act which funds the government, to see that happen and to understand the history of it. Because when the Republicans took over in 1995 or 1994, went into power in 1995, they didn't have to deal with a continuing resolution because Mr. OBEY and the Appropriations Committee passed all of their bills on time. They didn't leave unfinished business for the Republican Congress.

And, guess what, they also had a surplus as far as the eye could see. So whatever idea we wanted to implement, we had the money to do it because we had managers in this House of Representatives under Democratic leadership to make sure that the country was in the black and in good standing and did not have bad credit and did not owe foreign nations $1.05 trillion.

Then the Republican leadership comes in here and they hand things out, special projects, bridges to nowhere, all of these big items, and then come to the floor and grab it. That's fine.

The reason I am happy today is today is the beginning of getting the Appropriations Committee and this House in order and getting us on track under regular order. And I will guarantee as sure as my name is Kendrick Meek that the 2008 appropriations act will pass on time. There will be hearings. We will look at every project and make sure that everything is in order, because American taxpayer dollars are going towards those projects.

Very few appropriations committees met. They hardly met. Why do you want to ask questions and have hearings? As I said, the Foreign Affairs Committee only had one hearing on Iraq. They have had five thus far in this Congress, and counting.

So I feel very confident about the fact that we are talking about our vision and the leadership; B, we are pointing out the difference between some of the Members on the minority side that want to continue to carry out the old way and the Members on the minority side that want to move in a new direction. I am glad that they are there.

My last point, we have five Members in the majority here on a Wednesday afternoon when we are going to recess for the week that has the will and the desire. We have the will and desire to continue to let the American people and the Members know that we want to lead and we want to lead this country in a new direction and we want to work in a bipartisan way.

We could be home. We could be somewhere else. My kids are back in the cloakroom right now. I could be having dinner with them. But this is important. I want them to know, and when historians look at what was happening during a time when we had two wars going on, we have a President wanting to escalate with troops and the American people saying we don't want it, we have the country in a deficit, and then we have Members here crying about a project was cut out of the bill and I am upset about it.

I am glad, ladies and gentlemen, that we are here on this floor, and I am glad that we are representing on behalf of the American people. We are not the Democratic National Committee. We are Members of Congress. And it should not be the Republican National Committee, it should be Members of Congress. That is what makes this House

work, and that is the reason why it worked today on the continuing resolution.

I am very happy that we did pass this continuing resolution. I am so glad that 57 Republicans joined Democrats in passing this continuing resolution, because it is showing that we are actually moving in a new direction, not just Democrats are moving in a new direction, but the U.S. House of Representatives is.

Mr. MURPHY of Connecticut. Mr. Speaker, let me thank you, Mr. MEEK, on behalf of my constituents and the people throughout this country for the vigilance that you and Ms. WASSERMAN SCHULTZ and Mr. RYAN showed for the last 2 years, and in your case longer than that. There were a lot of things you could be doing late at night when Mr. ALTMIRE and I might have caught you on TV into the wee hours. But you were out here spreading the message that it was time for working class, regular folks throughout this country to have their day here again. There had been enough time for the special interests and lobbyists and everyone else to have their day in Congress. It was time for regular people to have their day in the people's House.

I want to add something. We use this term ''Republican leadership,'' and I think that is important. Because one of the things that you have figured out over the last couple of weeks is that there is a difference between the Republican leadership and a lot of the rest of the folks in the Republican Party.

Maybe I should be careful to not give too much credit to the other side. But it seems like on every measure the Republican leadership trots out and says, the Republicans are going to be against raising the minimum wage, and they turn around to see who is following. And, guess what, they vote for it.

The Republican leadership says, we are going to be against cutting the student loan interest rates. They run out here and turn around to see who is following them, and there are even more of their colleagues voting with the Democrats.

They say, this process is broken, we are going to vote against this continuing resolution, and they turn around, and there are 50-some-odd of their Members supporting it.

Why? Because, on average, we had 60-some-odd votes for every piece of the 100 hours agenda from the Republican side and 50-plus votes for the continuing resolution.

Why do you have so many Republican votes? Because there are Republicans, just as there are Democrats, who are in touch with their constituents. When they go home for weekends, they hear about the struggles that middle-class families are going through to pay for health care and education.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield, I would like to interject on that point.

Because the funny thing, ironically funny, about what you are talking about, where we have an average of 62 Republicans supporting the Six in '06 agenda and 57 supporting the continuing resolutions appropriations bill today, the last 2 years, our experience, Mr. RYAN's, Mr. MEEK's and my experience, is watching the Republican leadership wrench our colleagues's arms behind their back; and, in many cases, new Members replaced those Members. Those Members caved. Those Members either didn't vote their conscience.

We used to talk about, in the 30-something hour, about how it seemed they checked their consciences and their beliefs and their constituents' beliefs at the door. They would come here and allow themselves to be influenced by their leadership and vote differently in some cases than they publicly said they would vote.

I think that actually happened with your predecessor, Mr. MURPHY.

Mr. MURPHY of Connecticut. That's right. I think what happened here for the last 12 years, the agenda on the House floor was a Republican agenda. Republicans supported it, and they twisted some Republican arms to support it.

The agenda that is now before the House of Representatives is a people's agenda. That is why you see Republicans and Democrats supporting it. Because the agenda doesn't have to do with somebody on the seventh floor of the Republican National Committee or somebody on the third floor of the Democratic National Committee. The agenda has to do with the people that we meet at the diner and the senior housing center.

That is why I think for the next 2 years, I know for the next 2 years, we are going to see Republicans and Democrats coming together. Because this isn't a party agenda anymore. This is a people's agenda. That may sound corny, but it is probably the best way to articulate what is happening here.

As a new Member, it fills me with joy and pride to be part of this.

Ms. WASSERMAN SCHULTZ. Two things that we did not mention that were also part of the Six in '06 agenda were ethics reform and the PAYGO rules. Mr. ALTMIRE, I know you have been a supporter of both of those things.

We had a culture of corruption hanging over this institution and over this Capitol, and we were able to adopt some ethics rules that make sure that we can restore the American people's confidence in their government again. That is what our freshman class on the Democratic side ran on. One of the issues that they ran on was making sure that they could inspire their constituents to believe in what we are doing here again.

Mr. ALTMIRE. You are right. Those are the two things that we did the very first couple of days, right after we swore in that new class of freshmen and Democrats took control of Congress. We did away with the gifts and travel and the golf outings and the meals that had been so pervasive in Congress over the past several years.

More importantly to what we are talking about tonight, we reinstituted the PAYGO budget scoring system. And for those Members who talk to their constituents at home, it is what they do in their home kitchens at the end of month. It is what we do when we have to balance our own budgets. You have to have money on one side of the ledger to pay for what goes out on the other side. It is a very simple concept.

Unfortunately, this Congress right after this President took office decided to let that expire. That was required in Congresses past. But, unfortunately, this administration had other ideas; and so they ran up mountains of debt because they were no longer required to have money on the other side of the ledger when they wanted to continue their free-spending ways.

The result was when President Bush first took office he inherited 4 consecutive years of budget surpluses that were forecast to continue as far as the eye could see. In fact, the 10-year budget projection was $5.3 trillion, trillion, with a ''T,'' in surplus over the 10-year period from 2001 to 2010.

Well, what has happened since then? They allowed pay-as-you-go to expire. They have run up the deficit, $3.5 trillion of debt over the past 6 years. The President next week is going to submit to us his budget for fiscal year 2008. It is going to be his seventh consecutive out-of-balance budget. Those deficits continue as far as the eye can see.

What we did in the first week when Democrats took control of Congress, we said, enough is enough. This must stop. We instituted the PAYGO scoring system, which is what turned the record deficits of the 1980s into the record surpluses that we had in the 1990s.

Now that led us to have to make some very difficult decisions in the continuing resolution that we passed today, but we have done it. We have done the hard work. We have talked about the increases that were included in the bill and the funding for veterans and for Pell Grants and for the new expanded health centers that are going to serve 1.2 million patients around the country.

But I do want to make clear to everybody that this measure also includes more than 60 different program cuts to help pay for that, to help balance that situation.

□ 1900

So those 60 programs were reduced below fiscal year 2006 funding proposals, and that provided the $10 billion in savings that we needed to offset those increases that we made in veterans health care and the other programs that we talked about.

Mr. RYAN of Ohio. I find it very interesting as the debate progressed today to hear all the conservatives who have been saying government's too big and then they blew the budget completely out of balance, borrowed money

from China and they are here complaining about all this government is bad stuff, well, you are cutting this program and that program. That is why I think they have lost a lot of credibility with the American people, Mr. Speaker, is because there is no consistency with their argument.

Mr. MEEK of Florida. Consistency.

Mr. RYAN of Ohio. No consistency. What they said last year, they did not do this year. What they did last year, they do not want us to do. There is no consistency to their argument at all. Consistency is the word for today, the lack thereof on the Republican side.

As we close, because I know we just have a few minutes left, and I want to yield back to my friend from Florida, I think it is very interesting what we are seeing happening already. We talked a lot in the last couple of years about oversight and that when the Democrats were in charge, Mr. Speaker, we were going to provide oversight.

Now, we start seeing things open up in Iraq, with all these contracts, from all these big corporations who were getting all these big government contracts, all of the sudden you are starting to see come out of these committee hearings exactly what has been going on. Now you are starting to see maybe the administration was strong arming some scientists to spin global climate change data. You are starting to see this all percolate up.

I think one of the other things we said we are going to do is execute our constitutional obligation to provide oversight, and we are seeing that, and we are seeing the results of that with the global warming, with the war in Iraq, things happening, that didn't happen in Katrina, all starting to rise up.

I want to thank the gentleman from the Pittsburgh area and the gentleman from Connecticut, my two favorite people from Florida. I want to thank you and I yield to Ms. WASSERMAN SCHULTZ for her closing remarks.

Ms. WASSERMAN SCHULTZ. I think your comments are a good segue to where we should close which is that the Congress has now finally reasserted our constitutional role to be a check, a check and a balance over the other branches of government, particularly over the executive branch in which that authority and oversight was completely ceded over the last 12 years.

I sit on the House Judiciary Committee. We had an oversight committee today on the presidential signing statement where the President, this President in particular more than any other President combined, has issued signing statements, his opinion and his interpretation of legislation which is really the judicial branch's responsibility, that he would just choose not to implement or implement in the way that he wanted to, a particular section of law, wholly inappropriate.

Congress is back in our appropriate role, and I yield to the gentleman from Pennsylvania to talk about our Web site, but first to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. I just want to warn the gentleman from Pennsylvania that you need to say both the e-mail address and the Web site or you will be scolded by some of the more veteran Members of the 30 Something Group. So I want to give you that piece of advice as you close.

Mr. ALTMIRE. I appreciate the gentleman from Connecticut alerting me to that.

For the Members who would like to tell the constituents how they can learn something more about the 30 Something Working Group, I would encourage them to e-mail us at 30somethingdems@mail.house.gov or they can visit the Web site at www.speaker.gov/30something.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the 30 Something Working Group appreciates the hour granted to us by Speaker NANCY PELOSI.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 5, 2007.

The SPEAKER pro tempore (Mr. HARE) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 31, 2007.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 5, 2007.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

CIVIL LIBERTIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, there is a question that often comes to my mind. I wonder to how many Americans this comes to their mind.

We are a great superpower, the undisputed economic and military superpower of this world. Have you ever asked yourself why? What is so special about us that we have this privileged position in the world?

We no longer have the most oil in the world or gold or silver or diamonds. We no longer have the best work ethic in the world. We no longer have the most respect for technical education. We no longer have the most respect for the nuclear family. Nearly half of our children are born out of wedlock. What makes us so special?

I have asked myself that question a lot of times, and I think there are two reasons. There may be others, but I have noted for myself two reasons I think. One of those is the enormous respect that this country, that this government, has for our civil liberties. There is no other Constitution, there is no other government, that has this great respect for civil liberties.

The Constitution written in 1787 was hardly dry before our Founding Fathers wondered if it was clear that most of the rights, most of the power, should belong to the people, and so they wrote what we call the Bill of Rights, those first 10 amendments which delineated very clearly that most of the rights belonged to the people.

Civil liberties are always a casualty of war. Abraham Lincoln, my favorite President, violated our civil liberties in the civil war. In World War II, we interred the Japanese Americans. I served here with Norm Mineta, former Secretary of Transportation. Japanese Americans. He told me, ''ROSCOE, as a little boy, I remember holding my parents' hands when they ushered us into that concentration camp in Idaho.''

Those wars were ended and we got back the habeas corpus that was denied during the civil war, and the Japanese Americans were released from those interment camps.

We are now engaged in a great war, a war like no other that we have ever fought. I am concerned, Mr. Speaker, that in our zeal to catch terrorists that we may threaten the civil liberties that I think are largely responsible for making us this great, free Nation.

I think these civil liberties have established a climate and milieu in which creativity and entrepreneurship can flourish, and I think we put at risk who we are in our superior position in the world if we put at risk these civil liberties. We need to be very careful, and actions like the PATRIOT Act, warrantless wiretaps, detention without either charging or giving counsel to the accused, we must be very careful, Mr. Speaker, that we do not put at risk those things that have made us such a great Nation. But this is a subject for another day.

A second reason, which is the subject for today that I believe that we are such a great, free Nation, undisputed superpower in the world, I believe that our Founding Fathers understood that God sat with them at the table when they wrote the Declaration of Independence and the Constitution and the Bill of Rights.

I have here in the front of the little Constitution that I carry a statement from Alexander Hamilton one year before they wrote the Declaration of Independence, and I think that it kind of epitomizes the belief that most of our Founding Fathers had.

The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written as with a sunbeam in the whole volume of human nature by the hands of the divinity itself and can never be erased or obscured by mortal power.

Is there any better evidence that our Founding Fathers believed that God sat with them at the table when they wrote these great documents?

I would like to read something from the Declaration of Independence, that first document, in 1776. ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.''

Five times in the Declaration of Independence God is mentioned. Do you think, Mr. Speaker, that our courts may declare the Declaration of Independence unconstitutional because it mentions God?

As I mentioned earlier, the Constitution, which was the fulfillment of the promise made in the Declaration of Independence, written, by the way, 11 years later in 1787, this Constitution sought to assure the permanence of these God-given rights noted in the Declaration of Independence to the citizens of this new country. They did that by delineating a very limited Federal Government. If the Federal Government is limited, obviously the powers, the rights that it does not have belong to the people, but the ink was hardly dry on this document before they wondered was it really clear, would people really understand from this Constitution.

It is certainly implicit there in the fact that our Federal Government is given very few powers. You would need never believe they meant that today, Mr. Speaker, by the size of our Federal Government. We really need to take a look at that because we are doing a lot of things that I think that if our Founding Fathers were resurrected would be quite surprised that we thought their Constitution permitted the Federal Government to do.

They were concerned that maybe it was not clear that these precious rights given to us by God were to be secured to the people and not to the government, and so they started 10 amendments through the process of two-thirds of the House, two-thirds of the Senate and three-fourths of the State legislatures, and 10 of them made it through, and we know them as the Bill of Rights.

The rights of the people are so frequently mentioned in these Bill of Rights, which is why we call them the Bill of Rights. The first amendment, the right of the people peaceably to assemble. The second amendment, the right of the people to keep and bear arms. The third amendment does not mention rights, but it certainly delineates the right of the people not to have the military quartered in their houses except in time of war. The fourth amendment begins with the words the right of the people.

Mr. Speaker, I would like to note that this does not say the rights of the citizens. It says the rights of the people, and our Founding Fathers did differentiate in this great Constitution between people and citizens because when they are delineating the requirements for the presidency or other offices they note the requirement for citizenship.

The fifth amendment, which delineates a lot of rights, begins with the delineation of a right which is frequently denied to us by our governments, both local, State and Federal. I think it is the most violated part of our Constitution. The last part of the fifth amendment, a lot of rights in there, the right of the people not to have to testify against themselves, the right of the people not to have to stand trial twice for the same offense, but this last right, little noted, violated every day by all levels of government, nor shall private property be taken for public use without just compensation.

□ 1915

We need to take a serious look at that. If we can start denying one right of the people in this great Constitution, arguing that times have changed, are not all of these rights at risk?

The sixth amendment, enjoy the right to a speedy and public trial; the seventh amendment, the right by trial; and then the eighth amendment, the people have the right not to have excessive fines or cruel and unusual punishment.

The ninth amendment, the lost amendment, the amendment that almost nobody reads, the amendment that I think very few people understand, it is a very simple one. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

This is written in old English and legalese. What does it mean? What it means is that just because a right is not given to the people specifically in the Constitution, don't disparage that right to the people, to whom that right belongs.

Fundamentally, all rights belong to the people. They choose, they choose to give certain power, certain rights to their government.

Because when there are a lot of people who need government, the government must have some rights. Our Founding Fathers wanted our government to have little power and few rights.

The tenth amendment, the power is not delegated. They might just as well have said, rights not delegated to the United States by the Constitution nor prohibited by the States or reserved to the States respectively or to the people.

If you were writing this in everyday English, and not using legalese, you would say, if you cannot find it in article 1, section 8, the Federal Government cannot do it.

There is a whole lot of what we do that I can't find in article 1, section 8. I would submit that we have amended our Constitution 27 times. If we think it is outdated, we ought to be doing something that this Constitution prohibits us from doing, then, sir, we need to amend the Constitution. We don't need to ignore it.

Essential to our understanding of our origins is an understanding of what our government really is. I am afraid, sir, that too few understand this.

When Benjamin Franklin came out of the Constitutional Convention in 1797, as the story goes, he was asked by a woman who was sitting there, Mr. Franklin, what have you given us? This quote is in the front of many copies of the Constitution. His answer was, a republic, madam, if you can keep it, a republic.

But I thought we have a democracy. I don't know if we cite that Pledge of Allegiance just from rote and never think about what it says. But you remember those words in there, the republic for which it stands, not the democracy, but the republic for which it stands. What is the difference between a republic and a democracy and why did Benjamin Franklin make a point of telling this lady, a republic, madam, if you can keep it?

Let me give you a couple of examples of a democracy that will help you understand why he didn't say that they had given us a democracy. An example of a democracy is two wolves and a lamb voting on what they are going to have for dinner. You may smile a little because you know that if two wolves and a lamb are voting on what you are going to have for dinner, it is not going to be clover.

Another sample, and this is a very sad example, but if you think about it, this is really an apt example of a democracy, and that is a lynch mob. Because, clearly, in a lynch mob the will of the majority is being expressed, and that is what people say democracy is, that the majority rules.

So what is a republic? There is an incident in our history that helps me understand the difference between a republic and a democracy, and this happened during the Truman administration. The steel mills were going on strike, our economy was already in trouble, and it was going to be in bigger trouble if that strike occurred. Then we did some manufacturing, and we made some steel, and it mattered. Today, it probably wouldn't matter, because so little manufacturing in steel is made here, but it mattered then.

Harry Truman in his take-charge style issued an executive order, one of only two, by the way, that the Supreme Court has set aside. What he said in that executive order was that he nationalized the steel mills that made the steel mill workers civil servants, employees of the government. As employees to the government, they couldn't strike.

That was a very popular action that had very high approval from the American people. In a democracy, that

would have been just fine. But the Supreme Court met in an emergency session and, in effect, what they said, Mr. President, no matter how popular that is, you cannot do it because it violates the Constitution.

You see, the fundamental difference between a democracy and a republic is a rule of law. In a democracy, what the majority wants prevails. In a republic, it is a rule of law that prevails. Now, we can change that law. We have changed it 27 times. But it takes a very deliberative process, two-thirds of the House, two-thirds of the Senate, and then three-fourths of the State legislature. This is a long-time process. It gives a lot of time for reflection.

The last time we tried to amend the Constitution it didn't quite make it, the Equal Rights Amendment, you remember. Nobody denies that women should have equal rights with men. But what that amendment says, that you couldn't differentiate between men and women. If you had a draft, you would have to draft women.

We can change this Constitution, but it takes a very deliberative process and a super majority vote.

Then the last half of that statement, if you can keep it, I wonder what was in Benjamin Franklin's head, in his mind. Was he concerned about threats from outside our country? We were a long ocean away with sailing ships from any potential enemy. I doubt that his concern was a threat from without. I think that he was more concerned about a threat from within, a republic, madam, if you can keep it.

This needs a longer discussion, but that, too, is a discussion for another day. To really understand who we are, we need to go back to our origins and how our Founding Fathers came here. Most of them in our early days came from the British Isles and the European continent, and they came here to escape two tyrannies. One was the tyranny of the crown, and the other was the tyranny of the church.

Most of them came from countries where there was a king or an emperor who incredibly, from our perspective, claimed and was granted divine rights. What that says was the rights came from God to the king or the emperor, and he would give what rights he wished to his people. That is incomprehensible to us that for hundreds of years people could have lived under that kind of government.

Well, those who chose not to live that way came to this country. When they wrote the Bill of Rights, their concern about the tyranny of the crown gave rise to the second amendment.

Now, you may ask people what the second amendment is, and almost all of them will tell you that it says the right of the people to keep and bear arms shall not be infringed. That is about half of the second amendment.

Let me read the first part that puts that second part in perspective. A well-regulated militia, that is every citizen with a gun, that is the militia, a well-regulated militia being necessary to the security of a free state. I asked some of my friends, who wants to limit the right to keep and bear arms? What do you think that means?

Remember, they came here to escape the tyranny of the crown. If we have a citizenry who have the right to keep and bear arms, never, ever could a small oligarchy at the seat of government take over and oppress the people.

The second tyranny that they came here to escape was the tyranny of the church. In England, it was the Episcopal church. On the continent, it was the Roman church. In England, it was a state church, supported by the state, empowered by the state. On the continent, the Roman Catholic Church was the state church for many states, supported by the state and powered by the state, and these religions could and did oppress other religions.

Our Founding Fathers were so repulsed by this that when they came here in old Virginia they would not let Roman Catholics vote. But, to their great credit, when it came time to write these precious 10 amendments, they recognized that is not really what they came here to do. So they wrote the establishment clause of the first amendment, and it is very clear. I have no idea why people have trouble understanding it.

It says, Congress shall make no law respecting an establishment of religion. Don't make any law establishing a state religion.

Then they went on to say, and let everybody worship as they please, or prohibiting the free exercise thereof. That is a really misunderstood establishment clause.

Early history books will present a very different picture of our origins than that which really existed. If you go back to a history book of 50 years ago, it will be unrecognizable as compared to the history book of today. The history books of today have been bled dry of any reference to our Christian heritage.

I would like to pause here for just a moment to note that I am going to quote from a lot of our Founding Fathers, and they are going to use the word ''Christian.'' That was the lexicon of the day. If they were here today, they would be saying Judeo-Christian. Every time I read the word ''Christian,'' please translate that Judeo-Christian, because that is the context in which they used that word.

Current history books, and indeed our culture, contains three great lies. The first of these lies is that our Founding Fathers were atheist and deist. Now an atheist is someone who does not believe in God. Deist, God, atheist, the alpha primitive, don't believe in God. A deist is someone who believes there is a God. They believe he created the world, but don't bother trying to talk to him or pray to him, because when he created the world he also put in place several laws, and your destiny will be determined by how you relate yourself to your laws. Although they believed in a supreme being, they didn't believe he was a personal God or made any difference whether you tried to talk to him or not, and he certainly was not going to talk to you.

The second great lie is that our Founding Fathers did not want to establish a Christian Nation.

The third great lie is that they established a wall of separation between the church and the state.

Our national freedom was not free. It was enormously costly. Five of the 55 signers of the Declaration of Independence were captured and executed by the British, nine of them died on the battlefield of the Revolutionary War, and another dozen lost their homes and their possessions and their fortunes to British occupation. Our birth as a Nation was not cheap for these men. What beliefs and convictions motivated them to do what they did?

□ 1930

Of these three great lies, that is the wall of separation, it is very easy to dispense with a third of those because the words ''separation,'' ''church,'' and ''State'' never exist in relationship to each other in either our Constitution or the amendments.

But they do occur in one constitution. Interestingly, that is the constitution of the old Soviet empire, the constitution of the United Soviet Socialist Republic. Article 124 says: ''In order to ensure to citizens freedom of conscience, the church in the USSR is separated from the state and the schools from the church.''

Now, many people would like to interpret the establishment clause of our first amendment as if it was written in these words that are found only in the constitution of the old Soviet Union.

To refute the first two lies, that is, that our Founding Fathers were athiests and deists and that they did not mean to establish a Christian nation, I want to do four things. First of all, I want to let the Founding Fathers speak for themselves. I am going to cite only a few quotes from the many, many that you could find. Then we are going to take a look at what the courts said and you will be astounded at what our courts said in our early years. And then we will take a look at what the Congress did. The institution permits me to speak here in the well of the Congress. And then we will take a look at our schools.

Patrick Henry was the firebrand of the Revolution. Every school child knows his words: ''Give me liberty or give me death.'' But I will wager, Mr. Speaker, that you will not find in any current textbooks the circumstances in which he uttered these words: They were in a church in Richmond, Virginia, St. John's Church in Richmond Virginia March 23, 1775, and this is what he said: ''An appeal to arms and the God of Hosts is all that is left us. But we shall not fight our battle alone.

There is a just God that presides over the destinies of nations. The battle, sir, is not to the strong. Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God. I know not what course others may take, but as for me, give me liberty or give me death.''

Did your children ever bring home to you this full quote from Patrick Henry?

Was Patrick Henry a Christian? The following year, 1776, he wrote this: ''It cannot be emphasized too clearly and too often that this great Nation was founded, not by religionists, but by Christians,'' or in today's vernacular, Judeo Christians, ''not on religion, but on the gospel of Jesus Christ. For that reason alone, peoples of other faiths have been afforded'' . . . ''freedom of worship here.''

Benjamin Franklin was said to be a deist; that is, he believed there was a God who created the Earth but then he just let the Earth and its inhabitants determine their destiny by how they related themselves to laws that he had established. Let me read to you something that Benjamin Franklin said. This was in 1787. We had a deadlocked convention.

It wasn't certain that after 11 years, we were going to be able to write a Constitution that would protect all of the rights, big States and little States and people, that we wanted to protect. And this is what he said: ''In the days of our conquest with Great Britain when we were sensible of danger, we had daily prayer in this room for divine protection. Our prayers, sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of superintending providence in our favor. To that kind providence we owe this happy opportunity to establish our Nation. And have we now forgotten that powerful friend? Do we imagine we no longer need his assistance?''

And then I love this quote: ''I have lived, sir, a long time.'' I believe he was 81 years old, the oldest member of the Constitutional Convention, revered Governor of Pennsylvania. ''I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, it is probable that a new nation cannot rise without his aid. We have been assured, sir, in the sacred writings that except the Lord build the house, they labor in vain that built it. I therefore beg leave to move that henceforth prayers imploring the assistance of heaven and its blessings on our deliberations be held in this assembly every morning before we proceed to any business.''

That, Mr. Speaker, established a precedent that we honored this morning when we opened this day and this Congress with prayer. We have a chaplain; so does the Senate. There is a chaplain of every religious persuasion, or many, including Muslims, who serve our military. As a matter of fact, Mr. Speaker, the only place today we cannot offer a prayer is in our schools. I have often asked myself the rationality of this.

Thomas Jefferson was also said to be a deist. Let me read what he says and see if you believe he was a deist: ''I am a real Christian, that is to say a disciple of the doctrines of Jesus. I have little doubt that our whole country will soon be rallied to the unity of our creator and, I hope, to the pure doctrine of Jesus also.''

On slavery Jefferson wrote: ''Almighty God has created men's minds free. Commerce between master and slave is despotism. I tremble for my country when I reflect that God is just; that his justice cannot sleep forever.''

George Washington, the founder our country, a deeply religious person. We think of him often as commander of the Army. This is his quote: ''It is impossible to govern the world without God and the Bible.'' Boy, are we trying to do that? ''Of all the dispositions and habits that lead to political prosperity, our religion and morality are the indispensable supporters. Let us with caution indulge the supposition,'' that is, the idea, ''that morality can be maintained without religion. Reason and experience both forbid us to expect our national morality can prevail in exclusion of religious principle.''

And in his prayer book, George Washington wrote this: ''Oh, eternal and everlasting God, direct my thoughts, words, and work. Wash away my sins in the emaculate blood of the lamb and purge my heart by the Holy Spirit. Daily, frame me more and more in the likeness of they son, Jesus Christ, that living in thy fear, and dying in thy favor, I may in thy appointed time obtain the resurrection of the justified unto eternal life. Bless, O Lord, the whole race of mankind and let the world be filled with the knowledge of thee and thy son, Jesus Christ.''

John Adams, our second President and President of the American Bible Society, this is what he said: ''We have no government armed with the power capable of contending with human passions, unbridled by morality and true religion.'' Mr. Speaker, I wonder if maybe this can be a factor in our problems in Iraq. ''Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.'' This by the second President of the United States.

John Jay, our first Supreme Court Justice, said ''Providence has given to our people the choice of their rulers, and it is the duty as well as the privilege and interest of our Christian Nation to select and prefer Christians for their rulers.'' This from John Jay, the first Supreme Court Justice.

John Quincy Adams, also, like his father, President of the American Bible Society. As a matter of fact, I think it was he who said that he valued the presidency of the American Bible Society more than he valued the presidency of the United States. This is what he said: ''The highest glory of the American Revolution was this: It connected in one indissoluble bond the principles of civil government with the principles of Christianity. From the day of the Declaration, the day'' the Founding Fathers ''were bound by the Laws of God, which they all acknowledged as their rules of conduct.''

And later Calvin Coolidge, ''Silent Cal.'' An interesting story is told of him. He was a man of few words. It was hard to get him to talk. He was sitting at dinner with a lady who said, ''I have a wager that I will get you to say three words tonight.'' And the only words he uttered that whole evening were ''You lose.''

Calvin Coolidge said this: ''America seeks no empires built on blood and forces. She cherishes no purpose save to merit the favor of Almighty God.'' He later wrote: ''The foundations of our society and our government rest so much on the teachings of the Bible that it would be difficult to support them if faith in these teaching would cease to be practically universal in our country.''

President Coolidge, they have ceased to be practically universal in our country. What now?

I think, Mr. Speaker, you see from these quotes from just a few of our Founding Fathers, and there are dozens of others I could have brought, that certainly our Founding Fathers were deeply religious people. They were not deists and athiests.

Now let us move to the Supreme Court. Some of these quotes will shock you. The People versus Ruggles. He had publicly slandered the Bible, and somehow this came to the Supreme Court in 1811. ''You have attacked the Bible.'' This is what the Supreme Court said: ''You have attacked the Bible. In attacking the Bible, you have attacked Jesus Christ. In attacking Jesus Christ, you have attacked the roots of our Nation.''

Did they intend this to be a Godless Nation?

''Whatever strikes at the root of Christianity manifests itself in the dissolving of our civil government. This was the Supreme Court. And then the same Court a little later, in 1885, in Vida versus Gerrard, they were using the Bible in teaching one of our schools, and somehow that got to the Supreme Court. And this is what they said: ''Why not use the Bible, especially the New Testament? It should be read and taught as the divine revelation in the schools. Where can the purist principles of morality be learned so clearly and so perfectly as from the New Testament?'' Can you imagine anything like that coming from our Court today?

And then in 1892, and this was in a suit involving the Church of the Holy Spirit in which they contended Christianity was not the faith of the people,

and this is what the Supreme Court said in 1892: ''Our laws and our institutions must necessarily be based upon and embody the teachings of the redeemer of mankind. It is impossible to demand that they should be otherwise; and in this sense and to this extent, our civilization and our institutions are emphatically Christian. No purpose of action against our religion can be imputed to any legislation, State or national, because this is a religious people.'' This is the Supreme Court. ''This is historically true. From the discovery of this continent to this present hour, there is a single voice making this affirmation.'' And then they go on to cite 87 different legal precedents to affirm that America was formed as a Christian Nation by believing Christians.

And then in 1947, our Court did an about face, 180 degrees, repudiating everything they have they had done for 160 years. And you will see no Supreme Court reference today going back beyond 1947 because if you went back beyond that, every one would be consistent with the quotes that I have read here.

We are having trouble understanding that what our Founding Fathers meant in this great establishment clause in the first amendment was to ensure that there would be freedom of religion. We are ever more interpreting this as requiring freedom from religion. Our Founding Fathers would be astounded if they could be resurrected and see how we have interpreted their Constitution.

□ 1945

In the early 1850s, Humanism and Darwinism was sweeping our country. And there was the assertion that America was not a Christian Nation. After a year's study, now we are turning to the Congress. After a year's study, this is what the Senate Judiciary Committee said in its final report in March 27, 1854.

''The First Amendment clause speaks against an establishment of religion. The founding fathers intended by this amendment to prohibit an establishment of religion, such as the Church of England presented or anything like it. But they had no fear or jealousy of religion itself, nor did they wish to see us an illreligious people.'' And I love the language that our founding fathers used, so poetic.

''They did not intend to spread over the public authorities and the whole public action of the Nation the dead and revolting spectacle of atheistic apathy. Had the people during the revolution had a suspicion of any attempt to war against Christianity, that revolution would have been strangled in its cradle.''

At the time of the adoption of the Constitution and the amendments, the universal sentiment was that Christianity should be encouraged, not just any one sect or denomination. The object was not to substitute Judaism, or Islam or infidelity, but to prevent rivalry among the Christian denominations to the exclusion of others. Christianity must be considered as the foundation on which the whole structure rests.

''Laws will not have permanence or power without the sanction of religious sentiment, without the firm belief that there is power above us that will reward our virtues and punish our vices.'' This is what our Congress said.

The Continental Congress bought 20,000 copies of the Bible to distribute to its new citizens. And for the first 100 years of our country, every year our Congress voted monies to send missionaries to the American Indians.

Continuing the Senate Judiciary Committee's 1854 reading. ''In this age, there can be no substitute for Christianity. By its general principles, the Christian faith is the great conserving element on which we must rely for the purity and permanence of our free institutions.''

That was the religion of our founding fathers, or the Republic, and they expected it to remain the religion of their descendents. Well, there is little question, little question how the Congress felt, and the courts.

Let us turn now to our schools. Oh, by the way. The same Congress in 1854 passed this resolution. Can you imagine this today? ''The Congress of the United States recommends and approves the Holy Bible for use in our schools.''

The New England Primer used for 200 years. This is how they taught the alphabet. A. A wise son makes a glad father but a foolish son is heaviness to his mother.

B. Better is little with the fear of the Lord than abundance apart from him. C. Come unto Christ, all you who are weary and heavily laden. D. Do not do the abominable thing, which I hate, sayeth the Lord. E. Except a man be born again he cannot see the Kingdom of God. Clearly religion was important in our early schools.

The McGuffey Reader, used for a hundred years. A few years ago they brought it back with the hope that if kids used that, they could read, because what they were doing today they were not learning to read.

This is what McGuffey said. ''The Christian religion is the religion of our country. From it are derived our notions of the character of God, on the great moral Governor of universe. On its doctrines are founded the peculiarities of our free institutions. From no source has the author drawn more conspicuously than from the sacred Scriptures. For all of those extracts from the Bible, I make no apology.''

Of the first 108 universities in our country, 106 were distinctly religious. Harvard University, the first university. This was in their student handbook. Let me read it. ''Let every student be plainly instructed and earnestly pressed to consider well, the main end of his life and studies is, to know God and Jesus Christ, which is eternal life, John 17:3; and therefore to lay Jesus Christ as the only foundation of all sound knowledge and learning.''

For more than 100 years, more than 50 percent of all Harvard's graduates were pastors. We now have exposed these three great lies from our founding fathers, from our courts, from our Congress, from our schools. Our founding fathers have all spoken. Clearly we were founded by religious people intending to be a religious Nation.

What have we reaped in the way we have changed? America 100 years ago had the highest literacy rate of any nation. Today we spend more on education than any nation in the world. And yet since 1987 we have graduated more than one million high school students who could not even read their diploma.

We have spent more money than any other Nation in the industrialized world to educate our children, and yet SAT scores fell for 24 straight years before finally leveling off at the bottom, where they still are compared with others in the world in the 1990s.

In a 1960 survey 53 percent of America's teenagers had never kissed. 57 percent said they had never necked, that is kissing and hugging, and 92 percent of teenagers in America said they were virgins in 1960.

Before that, more than a decade before that, I was getting my doctorate at the University of Maryland. The girls dorm was right down the hill from Moral Hall where I did my work. The Dean of Women would not let the girls go barefoot because she said that bare feet were too sexy.

There are far too many coed dorms and coed rooms in the University of Maryland today. By 1990, just 30 years later, 75 percent of American high school students are sexually active, by 18. In the next 5 years, we spent $4 billion to educate them on how to be immoral, to trumpeting the solutions of safe sex, and it worked.

One in five teenagers in America today lose their virginity before their 13th birthday. 19 percent of America's teenagers say they have had more than four sexual partners before graduation. The result: Every day 2,700 students get pregnant, 1,100 get abortions, 1,200 give birth. Every day another 900 contract a sexually transmitted disease, many incurable.

AIDS infections among high school students climbed 700 percent between 1990 and 1995. We have 3.3 million problem drinkers in our high school campuses, over half a million alcoholics, and in any given weekend in America, 30 percent of the student population may spend some time drunk.

A few years ago a young woman in a high school in Oklahoma wrote this poem as a new school prayer. ''Now I sit me down in school where praying is against the rule, for this great Nation under God finds mention of him very odd.

''The Scripture now the class recites, it violates the Bill of Rights. And any

time my head I bow, becomes a Federal matter now. Our hair can be purple, orange or green, that is no offense, it is a freedom scene. The law is specific, the law is precise, only prayers spoken out loud are a serious vice.

''For praying in a public hall might offend someone with no faith at all, in silence alone we must meditate, God's name is prohibited by the State. We are allowed to cuss and dress like freaks, and pierce our noses, tongues and cheeks, they have outlawed guns but first the Bible.

''To quote the Good Book makes me liable. We can elect a pregnant senior queen, and the unwed daddy our senior king. It is inappropriate to teach right from wrong, we are taught that such judgments do not belong.

''We can get our condoms and birth control, study witchcraft, vampires and totem poles, but the Ten Commandments are not allowed. No word of God must reach this crowd. It is scary here I must confess, when chaos reins the school is a mess.

''So Lord this silent plea I make, should I be shot my soul please take.''

Our Nation which used to lead the world in every arena now leads the world in these areas. Number one in violent crime. We are number one in divorce. We are number one in teenage pregnancies. We are number one in volunteer abortions. We are number one in illegal drug abuse. And we are number one in the industrialized world for illiteracy.

Alexis de Tocqueville, a great, young Frenchman, toured our country for 5 years. He wrote a great two-volume treatise on democracy, which is still a classic. And this is what he said. ''In the United States, the influence of religion is not confined to the manners, but shapes the intelligence of the people. Christianity, therefore reigns without obstacle, by universal consequence. The consequence is, as I have before observed, that every principle in a moral world is fixed and enforced.''

And this great quote. ''I sought for the key to the greatness of and genius of America in her great harbors, her fertile fields and boundless forests, in her rich minds and vast world commerce, in her universal public school system and institutions of learning.

''I sought for it in her Democratic Congress and her matchless Constitution. But not until I went into the churches of America and heard her pulpits flame with righteousness did I understand the secret of her genius and power.''

He said, ''America is great, because America is good. And if America ever ceases to be good, America will cease to be great.''

In 1963, Abraham Lincoln declared a National Day of Humiliation. And this is what he said. ''We have been the recipients of the choicest bounties of heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers and wealth and power, as no other Nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace and multiplied and enriched us.

''And we have vainly imagined in the deceitfulness of our hearts that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success we have become too self-sufficient to feel the necessity of redeeming and preserving grace.

''Too proud to pray to the God that made us. It behooves us then to humble us ourselves before the offended power, to confess our national sins and to pray for clemency and forgiveness.''

Abraham Lincoln understood that this was a new experiment that might not succeed. In the Gettysburg Address he says this. ''Four score and seven years ago our fathers brought forth in this continent a new Nation, conceived in liberty and dedicated to the proposition that all men are created equal.''

That may sound very strange to us, and this should be unusual. But remember, they came from countries that had a king or an Emperor. ''We are now engaged in a great civil war, testing whether that Nation or any Nation so conceived and so dedicated can long endure.''

We have forgotten from whence we came. Actually this generation has not forgotten, it never knew. I think, Mr. Speaker, that this great free country, the undisputed economic and military super power of the world is at risk if we have forgotten from whence we came.

Abraham Lincoln said this to our Nation, and I will close with this. We need to hear it again. ''For all those who have died in all of our wars, it is rather for us to be here dedicated to the great tasks remaining before us, that from these honored dead we take increased devotion to that cause to which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vein, that this Nation under God shall have a new birth of freedom.''

Thank you, Mr. Speaker. I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FARR (at the request of Mr. HOYER) for today until 3 p.m. on account of a death in the family.

Mr. BUYER (at the request of Mr. BOEHNER) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, February 5, 6, and 7.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. LAMBORN, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on January 30, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 188. To provide a new effective date for the applicability of certain provisions of law to Public Law 105–331.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, pursuant to House Concurrent Resolution 41, 110th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. HARE). Pursuant to House Concurrent Resolution 41, 110th Congress, the House stands adjourned until 2 p.m. on Monday, February 5, 2007.

Thereupon (at 7 o'clock and 59 minutes p.m.), pursuant to House Concurrent Resolution 41, the House adjourned until Monday, February 5, 2007, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

475. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Annual Gasparilla Marine Parade, Hillsborough Bay, Tampa, FL [CGD 07-05-156] (RIN: 1625-AA08) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

476. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island,

New York [CGD01-06-142] (RIN: 1625-AA11) received January 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

477. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Opertion Regulations; Southern Boulevard (SR 700/80) Bridge, Atlantic Intracoastal Waterway, mile 1024.7, Palm Beach, FL [CGD07-06-130] (RIN: 1625-AA09) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

478. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Darby Creek, Essington, PA [CGD05-06-086] (RIN: 1625-AA09) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

479. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bayou Lafourche, LA [CGD08-06-028] (RIN: 1625-AA09) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

480. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Arkansas Waterway, Arkansas [CGD08-06-005] (RIN: 1625-AA09) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

481. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac and Anacostia Rivers, Washington, DC and Arlington and Fairfax Counties, VA [CGD05-06-120] (RIN: 1625-AA87) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

482. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Choptank River, Cambridge, MD [CGD05-06-121] (RIN: 1625-AA00) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

483. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Escorted Vessels in the Captain of the Port Jacksonville Zone [COTP Jacksonville 06-276] (RIN: 1625-AA87) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

484. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone, Elba Island LNG mooring Slip, Savannah River, Savannah, Georgia [COTP Savannah 06-160] (RIN: 1625-AA87) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

485. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, HI [COTP Honolulu 06-008] (RIN: 1625-AA87) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

486. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Transit of Industrial Cranes, Cape Fear River, Wilmington, North Carolina [CGD05-07-123] (RIN: 1625-AA00) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

487. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chicago New Years Eve Fireworks, Lake Michigan, Chicago, IL [CGD09-06-173] (RIN: 1625-AA00) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

488. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project, Bridge Deck Lifting Beams [CGD13-06-054] (RIN: 1625-AA00) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

489. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project, Construction Barge ''MARMACK 12'' [CGD13-06-053] (RIN: 1625-AA00) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

490. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project, Construction Vessels and Equipment Under and in Immediate Vicinity of West Span [CGD13-06-052] (RIN: 1625-AA00) received January 16, 2007, 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. SCOTT of Virginia (for himself, Mr. CONYERS, Mr. FORBES, Mr. TIM MURPHY of Pennsylvania, Mr. REICHERT, and Mrs. SCHMIDT):

H.R. 740. A bill to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. STUPAK, Mr. HOLDEN, Mr. GILCHREST, Mr. SHAYS, Mrs. LOWEY, Ms. DELAURO, Ms. BEAN, Mr. LANGEVIN, Mr. BAIRD, Mr. KIRK, Mr. ACKERMAN, Mr. GRIJALVA, and Mr. MCHUGH):

H.R. 741. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 742. A bill to amend the Antitrust Modernization Commission Act of 2002, to extend the term of the Antitrust Modernization Commission and to make a technical correction; to the Committee on the Judiciary.

By Ms. ESHOO (for herself, Mr. GOODLATTE, Mr. CROWLEY, Mr. MACK, Mr. WESTMORELAND, Mr. NORWOOD, Mrs. MCMORRIS RODGERS, Mr. FARR, Ms. ZOE LOFGREN of California, Mr. MILLER of Florida, Mr. COHEN, Mr. SENSENBRENNER, Mr. KUHL of New York, Mr. FORTENBERRY, Mr. CHABOT, Mrs. JO ANN DAVIS of Virginia, Ms. JACKSON-LEE of Texas, Mr. CALVERT, Ms. HARMAN, Mrs. BLACKBURN, Mr. CAMPBELL of California, Mr. JORDAN, Mr. MCHUGH, Mr. WILSON of South Carolina, Mr. WALBERG, Mr. UPTON, Mr. HERGER, Mr. HONDA, Mr. BOUCHER, Mr. JEFFERSON, Ms. LORETTA SANCHEZ of California, Mr. GRIJALVA, Mrs. TAUSCHER, Ms. HOOLEY, and Ms. HERSETH):

H.R. 743. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent; to the Committee on the Judiciary.

By Ms. BORDALLO:

H.R. 744. A bill to enhance congressional oversight of Operation Iraqi Freedom by requiring the President to transmit periodically to Congress a consolidated, comprehensive report to detail the terms of completion for Operation Iraqi Freedom and by requiring the President to seek to enter into a multilateral agreement to help provide for the completion of Operation Iraqi Freedom; to the Committee on Foreign Affairs, and in addition to the Committee on 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 Ms. JACKSON-LEE of Texas (for herself and Mr. BACA):

H.R. 745. A bill to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. OLVER, Mr. WYNN, Ms. WATERS, Mr. COHEN, Mr. ELLISON, Mr. WELCH of Vermont, Ms. LEE, Ms. CORRINE BROWN of Florida, Mr. LEWIS of Georgia, Ms. WOOLSEY, Mr. FILNER, Mr. STARK, Mr. GRIJALVA, Mr. CONYERS, and Ms. SCHAKOWSKY):

H.R. 746. A bill to provide for the safe and orderly withdrawal of United States military forces and Department of Defense contractors from Iraq, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD (for himself, Mr. ETHERIDGE, Mr. HOLT, Mr. MOORE of Kansas, Mr. POMEROY, and Mr. GRIJALVA):

H.R. 747. A bill to establish a National Foreign Language Coordination Council; to the Committee on Education and Labor.

By Mr. BECERRA (for himself, Mr. BLUNT, Mr. ENGLISH of Pennsylvania, Mr. PICKERING, and Mr. ROSS):

H.R. 748. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; 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 Mrs. BLACKBURN (for herself, Mr. SAM JOHNSON of Texas, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, and Mr. SESSIONS):

H.R. 749. A bill to amend the Social Security Act to improve choices available to Medicare eligible seniors by permitting them to elect (instead of regular Medicare benefits) to receive a voucher for a health savings account, for premiums for a high deductible health insurance plan, or both and by suspending Medicare late enrollment penalties between ages 65 and 70; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 750. A bill to amend the Immigration and Nationality Act to comprehensively reform immigration law, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and 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 Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. TAYLOR):

H.R. 751. A bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under such Act; to the Committee on Transportation and Infrastructure.

By Mr. BUTTERFIELD (for himself, Mr. CONYERS, Ms. LEE, Mr. HONDA, and Mr. BACA):

H.R. 752. A bill to direct Federal agencies to donate excess and surplus Federal electronic equipment, including computers, computer components, printers, and fax machines, to qualifying small towns, counties, schools, nonprofit organizations, and libraries; to the Committee on Oversight and Government Reform.

By Mr. COHEN:

H.R. 753. A bill to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the ''Clifford Davis/Odell Horton Federal Building''; to the Committee on Transportation and Infrastructure.

By Mrs. CUBIN (for herself and Mrs. MALONEY of New York):

H.R. 754. A bill to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the National Museum of Wildlife Art of the United States; to the Committee on Natural Resources.

By Mr. DAVIS of Kentucky (for himself, Mr. CASTLE, Mr. SCOTT of Georgia, Mr. PUTNAM, Mr. HINOJOSA, and Mr. FEENEY):

H.R. 755. A bill to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting; to the Committee on Financial Services.

By Ms. DEGETTE:

H.R. 756. A bill to amend the Help America Vote Act of 2002 to direct the Election Assistance Commission to develop and adopt guidelines for electronic poll books in the same manner as the Commission develops and adopts voluntary voting system guidelines under the Act, and for other purposes; to the Committee on House Administration.

By Mr. DELAHUNT (for himself, Mr. LAHOOD, Mr. FLAKE, Mr. PAUL, Mrs. EMERSON, Ms. SOLIS, Mr. MCGOVERN, Mr. BERMAN, and Mr. MEEKS of New York):

H.R. 757. A bill to allow United States nationals and permanent residents to visit family members in Cuba, and for other purposes; to the Committee on Foreign Affairs.

By Ms. DELAURO (for herself, Mr. ACKERMAN, Mr. ALLEN, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOSWELL, Mr. BOUCHER, Mr. BURTON of Indiana, Mr. CAPUANO, Ms. CARSON, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. COOPER, Mr. CROWLEY, Mrs. JO ANN DAVIS of Virginia, Mr. LINCOLN DAVIS of Tennessee, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. GERLACH, Mrs. GILLIBRAND, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of Texas, Ms. HARMAN, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLDEN, Mr. HOLT, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Mr. MARKEY, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCNULTY, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. OLVER, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. REYES, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STUPAK, Mrs. TAUSCHER, Mr. TAYLOR, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, Mr. CARNEY, and Mr. WEXLER):

H.R. 758. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, 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. ENGEL (for himself and Mr. GALLEGLY):

H.R. 759. A bill to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the ''Bob Hope Memorial Library''; to the Committee on Natural Resources.

By Mr. FILNER (for himself, Mr. ISSA, Mr. HONDA, Mr. ROHRABACHER, Mr. ABERCROMBIE, Mrs. DAVIS of California, Mr. SCOTT of Virginia, Mr. BILBRAY, Ms. SCHAKOWSKY, Mrs. DRAKE, Mr. DAVIS of Illinois, and Ms. HIRONO):

H.R. 760. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. FORTENBERRY (for himself, Mr. TERRY, and Mr. SMITH of Nebraska):

H.R. 761. A bill to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; to the Committee on Natural Resources.

By Mr. FORTUÑO (for himself and Mr. BURTON of Indiana):

H.R. 762. A bill to authorize appropriations for fiscal year 2008 for voluntary contributions on a grant basis to the Organization of American States (OAS) to establish a Center for Caribbean Basin Trade and to establish a skills-based training program for Caribbean Basin countries; to the Committee on Foreign Affairs.

By Mr. FORTUÑO:

H.R. 763. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction allowable with respect to income attributable to domestic production activities in Puerto Rico; to the Committee on Ways and Means.

By Mr. GRIJALVA (for himself and Ms. GIFFORDS):

H.R. 764. A bill to expand the boundary of Saguaro National Park, to study additional land for future adjustments to the boundary of the Park, and for other purposes; to the Committee on Natural Resources.

By Mr. WELLER:

H.R. 765. A bill to amend the Internal Revenue Code of 1986 to increase and extend the alternative motor vehicle credit for certain flexible fuel hybrid vehicles; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 766. A bill to waive the time limitations specified by law in order to allow the Medal of Honor to be awarded posthumously to Richard L. Etchberger of Hamburg, Pennsylvania, for acts of valor on March 11, 1968, while an Air Force Chief Master Sergeant serving in Southeast Asia during the Vietnam era; to the Committee on Armed Services.

By Mr. KIND (for himself, Mr. SAXTON, Mr. THOMPSON of California, Mr. CASTLE, Mr. BOYD of Florida, Mr. MCCOTTER, Mr. FORTUÑO, Mr. GILCHREST, Mr. EHLERS, Mr. PAYNE, Mr. ORTIZ, Mrs. NAPOLITANO, and Mr. SHAYS):

H.R. 767. A bill to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through

cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes; to the Committee on Natural Resources.

By Mr. KING of New York (for himself, Mr. DUNCAN, Mr. GINGREY, Mr. HALL of Texas, Mr. TAYLOR, Mr. PAUL, Mr. KING of Iowa, Mr. ROYCE, Mr. ALEXANDER, Mrs. JO ANN DAVIS of Virginia, Mr. NORWOOD, Mr. MILLER of Florida, Mr. ROHRABACHER, Mr. GALLEGLY, Mr. MCCOTTER, Mr. PLATTS, Mr. SOUDER, Mr. SESSIONS, Mrs. CUBIN, Mr. GOODE, Mr. MCKEON, Mrs. BLACKBURN, Mr. BAKER, Mr. STEARNS, Mr. RAMSTAD, Mr. BILIRAKIS, Mr. CULBERSON, Ms. GINNY BROWN-WAITE of Florida, Mr. TERRY, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. BACHUS, and Mr. PRICE of Georgia):

H.R. 768. A bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes; to the Committee on Oversight and Government Reform.

By Mr. KING of New York (for himself, Mr. DUNCAN, Mr. GINGREY, Mr. TAYLOR, Mr. PAUL, Mr. KING of Iowa, Mr. ROYCE, Mr. ALEXANDER, Mrs. JO ANN DAVIS of Virginia, Mr. NORWOOD, Mr. MILLER of Florida, Mr. ROHRABACHER, Mr. GALLEGLY, Mr. LATOURETTE, Mr. MCCOTTER, Mr. HAYES, Mr. SOUDER, Mr. SESSIONS, Mr. WAMP, Mrs. CUBIN, Mr. GOODE, Mr. MCKEON, Mrs. BLACKBURN, Mr. BAKER, Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. CULBERSON, Ms. GINNY BROWN-WAITE of Florida, Mr. WILSON of South Carolina, Mr. LUCAS, Mrs. MYRICK, Mr. BACHUS, Mr. PRICE of Georgia, Mr. COBLE, and Mr. CAMPBELL of California):

H.R. 769. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Ms. WOOLSEY, Mr. KUCINICH, Mr. CONYERS, and Ms. WATERS):

H.R. 770. A bill to prohibit the use of funds to carry out any covert action for the purpose of causing regime change in Iran or to carry out any military action against Iran in the absence of an imminent threat, in accordance with international law and constitutional and statutory requirements for congressional authorization; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), 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. LEWIS of California:

H.R. 771. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Southern California Desert Region Integrated Water and Economic Sustainability Plan; to the Committee on Natural Resources.

By Mrs. LOWEY (for herself, Mrs. CAPPS, and Mr. KING of New York):

H.R. 772. A bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. BISHOP of New York, and Mr. GRIJALVA):

H.R. 773. A bill to reduce and prevent the sale and use of fraudulent degrees in order to protect the integrity of valid higher education degrees that are used for Federal purposes; to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, Oversight and Government Reform, the Judiciary, 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. MCCOTTER:

H.R. 774. A bill to amend the Public Health Service Act to extend the program of grants for rape prevention education, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCHUGH:

H.R. 775. A bill making supplemental appropriations for defense and for the reconstruction of Iraq for the fiscal year ending September 30, 2007, and requiring the President to submit a request for additional funding after certifying substantial progress has been made in Iraq in meeting certain performance measures; to the Committee on Appropriations.

By Mr. MEEHAN (for himself, Mr. SHAYS, Mr. PRICE of North Carolina, Mr. VAN HOLLEN, Mr. EMANUEL, and Mr. FRANK of Massachusetts):

H.R. 776. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on House Administration, 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. PALLONE:

H.R. 777. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Natural Resources.

By Mr. WELLER:

H.R. 778. A bill to amend the Internal Revenue Code of 1986 to make permanent the residential energy efficient property credit; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself and Mr. RAMSTAD):

H.R. 779. A bill to amend the Internal Revenue Code of 1986 to double the damages, fines, and penalties for the unauthorized inspection or disclosure of returns and return information, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan (for himself and Mr. GENE GREEN of Texas):

H.R. 780. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to counterfeit drugs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS (for himself, Mr. BERRY, Mr. BOOZMAN, and Mr. SNYDER):

H.R. 781. A bill to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the ''Colonel Charles D. Maynard Lock and Dam''; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Ohio (for himself, Mr. HUNTER, Ms. SLAUGHTER, Mr. ALTMIRE, Mr. DEFAZIO, Ms. DELAURO, Mr. DOYLE, Mr. EHLERS, Ms. FOXX, Mr. GERLACH, Mr. HAYES, Mr. HOLT, Mr. KILDEE, Mr. LIPINSKI, Mr. MANZULLO, Mr. MCGOVERN, Mr. MCHUGH, Mr. MEEK of Florida, Mr. MICHAUD, Mrs. MILLER of Michigan, Mr. MOLLOHAN, Mrs. MYRICK, Mr. NORWOOD, Mr. RENZI, Mr. ROHRABACHER, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SENSENBRENNER, Mr. SOUDER, Mr. SPACE, Ms. SUTTON, Mr. WALZ of Minnesota, and Mr. WILSON of South Carolina):

H.R. 782. A bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, Foreign Affairs, 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. SALAZAR:

H.R. 783. A bill to modify the boundary of Mesa Verde National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. SAXTON (for himself, Mr. CALVERT, Mr. PAUL, Mr. MICA, Mr. MILLER of Florida, Mr. BONNER, Mr. LOBIONDO, Mr. GUTIERREZ, Ms. KAPTUR, Mr. BARTLETT of Maryland, Mr. DEFAZIO, Mr. MCGOVERN, Mr. PASTOR, Mr. FILNER, Mr. LAHOOD, Mrs. DRAKE, Mr. BOOZMAN, Mr. TAYLOR, Mr. MCCOTTER, Ms. WOOLSEY, Mr. GONZALEZ, Mr. GARRETT of New Jersey, Mr. MEEHAN, Mr. MARSHALL, Mr. HALL of Texas, Mr. FORTUÑO, Mr. HAYES, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Mr. MORAN of Virginia, Mr. COSTELLO, Mr. GALLEGLY, Mr. NORWOOD, Mr. REYES, Mr. LATOURETTE, Mr. SOUDER, Mr. SMITH of New Jersey, and Mr. KILDEE):

H.R. 784. A bill to amend title 10, United States Code, to change the effective date for paid-up coverage under the military Survivor Benefit Plan; to the Committee on Armed Services.

By Mr. SENSENBRENNER:

H.R. 785. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Ms. LINDA T. SÁNCHEZ of California (for herself and Mrs. NAPOLITANO):

H.R. 786. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMPSON of California (for himself and Mr. PATRICK MURPHY of Pennsylvania):

H.R. 787. A bill to state United States policy for Iraq, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Foreign Affairs, 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. TIERNEY (for himself and Mr. RAMSTAD):

H.R. 788. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug

safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TOWNS (for himself, Mrs. CHRISTENSEN, Mr. CONYERS, and Ms. LEE):

H.R. 789. A bill to amend the Public Health Service Act to establish an Office of Men's Health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

H.R. 790. A bill to provide permanent funding for the payment in lieu of taxes program, and for other purposes; to the Committee on Natural Resources.

By Mr. WELLER:

H.R. 791. A bill to increase the renewable fuel content of gasoline sold in the United States by the year 2025 to 25 billion gallons, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WELLER:

H.R. 792. A bill to amend the Energy Policy Act of 1992 to direct the head of each Federal agency to ensure that, in areas in which ethanol-blended gasoline is reasonably available at a generally competitive price, the Federal agency purchases ethanol-blended gasoline containing at least 10 percent ethanol rather than nonethanol-blended gasoline, for use in vehicles used by the agency that use gasoline; to the Committee on Oversight and Government Reform.

By Mr. WELLER:

H.R. 793. A bill to amend the Internal Revenue Code of 1986 to make permanent the renewable electricity production credit; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 794. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for electricity produced from wind; to the Committee on Ways and Means.

By Mr. BUCHANAN (for himself, Mr. MICA, Mr. MILLER of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H.J. Res. 21. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Ms. GRANGER (for herself, Ms. SLAUGHTER, and Mr. FRELINGHUYSEN):

H. Con. Res. 48. Concurrent resolution recognizing the efforts and contributions of the members of the Monuments, Fine Arts, and Archives program under the Civil Affairs and Military Government Sections of the United States Armed Forces during and following World War II who were responsible for the preservation, protection, and restitution of artistic and cultural treasures in countries occupied by the Allied armies; to the Committee on Armed Services.

By Mr. JONES of North Carolina:

H. Con. Res. 49. Concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States; to the Committee on Armed Services.

By Mr. FORTUÑO (for himself, Mr. MCCOTTER, Mr. MACK, Mr. ROGERS of Michigan, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. LINDER, Mr. PEARCE, Mr. TANCREDO, Mr. BROWN of South Carolina, Mr. SOUDER, and Mr. FORTENBERRY):

H. Con. Res. 50. Concurrent resolution calling on the Government of Venezuela to uphold the human rights and civil liberties of the people of Venezuela; to the Committee on Foreign Affairs.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 51. Concurrent resolution supporting the goals and ideals of National Wear Red Day; to the Committee on Energy and Commerce.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 52. Concurrent resolution supporting the goals and ideals of American Heart Month; to the Committee on Energy and Commerce.

By Mr. DAVIS of Kentucky (for himself, Mr. WHITFIELD, Mr. LEWIS of Kentucky, Mr. CHANDLER, Mr. YARMUTH, Mr. ROGERS of Kentucky, Mr. PITTS, Mr. SHUSTER, Mr. HOLDEN, Mr. DOYLE, Mr. BRADY of Pennsylvania, and Mr. GERLACH):

H. Res. 117. A resolution honoring the contributions of Barbaro to the Commonwealths of Kentucky and Pennsylvania and to America's horseracing industry; to the Committee on Oversight and Government Reform.

By Mr. CLEAVER (for himself, Mr. FRANK of Massachusetts, and Mr. BLUNT):

H. Res. 118. A resolution condemning the existence of racially restrictive covenants in housing documents and urging States adopt legislation similar to that which was enacted in California to address the issue; to the Committee on the Judiciary.

By Mr. COSTA (for himself, Mr. POE, Mr. ORTIZ, Mr. MOORE of Kansas, Mr. FALEOMAVAEGA, Mr. MCCAUL of Texas, Mr. HOLT, Mr. GRIJALVA, Mr. HOLDEN, Mr. PAYNE, Mr. LARSEN of Washington, Mr. REICHERT, Mr. MCHUGH, Mr. CHABOT, Mrs. MALONEY of New York, Ms. DELAURO, Ms. MATSUI, Mr. INSLEE, Mr. ROYCE, Mr. SHADEGG, Mr. RUPPERSBERGER, Mr. FOSSELLA, Mr. DOYLE, Mr. BILIRAKIS, Mr. DUNCAN, Mr. WYNN, Mr. BERMAN, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mrs. DRAKE, Mr. JORDAN, Mr. BACA, Mr. COHEN, and Mr. MCCOTTER):

H. Res. 119. A resolution supporting the mission and goals of National Crime Victims' Rights Week in order to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States during such week and throughout the year; to the Committee on the Judiciary.

By Ms. DELAURO (for herself, Mr. LEWIS of Georgia, Mr. VAN HOLLEN, Mrs. JONES of Ohio, Mr. RAHALL, Mr. EHLERS, Ms. CASTOR, Ms. MATSUI, Ms. WOOLSEY, Mr. SHAYS, Mr. HINCHEY, Mr. SNYDER, Mr. LARSON of Connecticut, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, Mrs. MALONEY of New York, Mr. SCOTT of Virginia, Mr. PAYNE, Mr. DAVIS of Alabama, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. BERRY, Mr. ORTIZ, Ms. CARSON, Ms. NORTON, Ms. SLAUGHTER, Mr. FATTAH, Mr. RUSH, Mr. BERMAN, Mr. GORDON, Mr. CONYERS, Mr. BOYD of Florida, Mr. GONZALEZ, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. CLAY, Mr. COOPER, Mr. TOWNS, Mr. BISHOP of Georgia, Mr. JEFFERSON, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Ms. MCCOLLUM of Minnesota, Mr. PRICE of North Carolina, Mr. ROSS, Mr. BECERRA, Mr. SIRES, Mr. KILDEE, Mr. WYNN, and Mr. HONDA):

H. Res. 120. A resolution recognizing the African American spiritual as a national treasure; to the Committee on Education and Labor.

By Mr. HONDA (for himself, Mr. SMITH of New Jersey, Mr. ROYCE, Ms. WATSON, Mr. HARE, Ms. BORDALLO, and Mr. WU):

H. Res. 121. A resolution expressing the sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Force's coercion of young women into sexual slavery, known to the world as ''comfort women'', during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II; to the Committee on Foreign Affairs.

By Mr. HONDA (for himself, Mr. COSTA, Mr. BECERRA, Mr. WU, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Ms. HIRONO, Ms. BORDALLO, and Ms. MATSUI):

H. Res. 122. A resolution recognizing the significance of the 65th anniversary of the signing of Executive Order 9066 by President Franklin D. Roosevelt and supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II; to the Committee on the Judiciary.

By Mr. MCCOTTER:

H. Res. 123. A resolution expressing the sense of the House of Representatives that there should be established a National Kidney Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PETRI:

H.R. 795. A bill to authorize and request the President to award the Medal of Honor to James Megellas, formerly of Fond du Lac, Wisconsin, and currently of Colleyville, Texas, for acts of valor on January 28, 1945, during the Battle of the Bulge in World War II; to the Committee on Armed Services.

By Mr. HOLDEN:

H.R. 796. A bill to authorize and request the President to award the Medal of Honor to Richard D. Winters, of Hershey, Pennsylvania, for acts of valor on June 6, 1944, in Normandy, France, while an officer in the 101st Airborne Division; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. NORWOOD.

H.R. 17: Mr. ENGLISH of Pennsylvania, Mr. GOHMERT, Mr. LOEBSACK, Mr. KIND, Mr. PORTER, Mr. COSTELLO, Ms. CORRINE BROWN of Florida, Mr. KUCINICH, Mr. MCCARTHY of California, Mr. FILNER, Mr. WALZ of Minnesota, Mr. ROGERS of Alabama, Mr. ADERHOLT, Mr. HASTINGS of Florida, Mr. CARDOZA, Mr. ISSA, Mr. BERMAN, and Mr. MCGOVERN.

H.R. 22: Mr. TIAHRT.

H.R. 25: Mr. AKIN, Mr. FLAKE, and Mr. KINGSTON.

H.R. 36: Mr. LIPINSKI.

H.R. 37: Mr. MCCAUL of Texas and Mr. LIPINSKI.

H.R. 65: Mr. SMITH of Texas.

H.R. 87: Mr. PITTS, Mr. UPTON, Mr. JINDAL, and Mr. CAMPBELL of California.

H.R. 89: Mr. DAVIS of Kentucky, Mr. LINCOLN DIAZ-BALART of Florida, and Mrs. DRAKE.

H.R. 100: Mr. MCCAUL of Texas and Mr. GRIJALVA.

H.R. 101: Mr. PATRICK MURPHY of Pennsylvania, Mr. KUCINICH, Mr. WEXLER, and Mr. BLUMENAUER.

H.R. 111: Mr. WYNN, Mr. BARTLETT of Maryland, Mr. KIRK, Mrs. NAPOLITANO, Mrs. BONO, Mr. ABERCROMBIE, Mr. YOUNG of Alaska, Ms. HOOLEY, and Mr. INSLEE.

H.R. 180: Mr. VAN HOLLEN, Mr. FATTAH, and Mr. CUMMINGS.

H.R. 191: Mr. MILLER of Florida.

H.R. 192: Mr. BARTLETT of Maryland.

H.R. 195: Ms. GINNY BROWN-WAITE of Florida.

H.R. 196: Mr. PETERSON of Minnesota.

H.R. 197: Ms. SHEA-PORTER, Mr. PETERSON of Minnesota, Mr. HONDA, Mr. KUCINICH, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MILLER of Florida, and Mr. BOOZMAN.

H.R. 205: Mr. PORTER.

H.R. 207: Mr. WEXLER.

H.R. 210: Mr. MCDERMOTT.

H.R. 211: Mr. KUHL of New York.

H.R. 241: Mr. PAUL.

H.R. 249: Mr. TOM DAVIS of Virginia.

H.R. 274: Mr. BUYER.

H.R. 279: Mr. GARRETT of New Jersey.

H.R. 281: Mr. GRIJALVA.

H.R. 303: Mrs. DRAKE, Mr. FORBES, Mr. SMITH of New Jersey, Mr. PLATTS, Mr. GORDON, Mr. NORWOOD, Mr. CLAY, Mr. HOLDEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BOUCHER, Mr. KUCINICH, and Mr. MILLER of Florida.

H.R. 312: Mr. MILLER of Florida.

H.R. 322: Mr. SMITH of New Jersey.

H.R. 332: Mr. CAMPBELL of California, Mrs. CAPITO, Mr. ROHRABACHER, Mr. SULLIVAN, Mr. KLINE of Minnesota, Mr. SESSIONS, Mr. BARRETT of South Carolina, Mr. WESTMORELAND, Mr. WILSON of South Carolina, and Ms. FOXX.

H.R. 333: Mr. EDWARDS and Ms. ZOE LOFGREN of California.

H.R. 359: Mr. BAIRD, Mr. KUCINICH, Mr. GENE GREEN of Texas, Ms. SCHAKOWSKY, Mr. BECERRA, Mr. STARK, Mr. TOWNS, Ms. WATERS, Mr. SNYDER, Mr. RODRIGUEZ, Mr. HINCHEY, Mr. INSLEE, and Mr. MARKEY.

H.R. 365: Mr. BRALEY of Iowa, Mr. MOORE of Kansas, Mr. MARKEY, Mr. TERRY, Mr. DONNELLY, Mr. MCNERNEY, Mr. ROSS, Ms. HERSETH, Ms. HIRONO, Mr. BERRY, and Mr. MELANCON.

H.R. 370: Mr. SOUDER.

H.R. 380: Mr. AL GREEN of Texas, Ms. KAPTUR, Mr. DELAHUNT, Mr. WEXLER, and Mr. NADLER.

H.R. 395: Ms. JACKSON-LEE of Texas and Mr. MCHUGH.

H.R. 411: Mr. BUCHANAN, Mr. KUHL of New York, Mrs. DRAKE, Mr. SESSIONS, Mr. SIMPSON, Mrs. BIGGERT, Ms. FOXX, Mr. NEUGEBAUER, Mr. FORBES, Mr. TERRY, Mrs. MYRICK, Mr. GILLMOR, Mr. YOUNG of Alaska, Mr. GARY G. MILLER of California, Mr. POE, Mr. FEENEY, Mr. MCHENRY, Mr. KING of Iowa, Mr. ISSA, and Mr. PETERSON of Pennsylvania.

H.R. 418: Mr. MILLER of Florida, Mrs. MCMORRIS RODGERS, Mr. BRADY of Pennsylvania, and Mr. GRIJALVA.

H.R. 423: Mr. PAYNE, Mr. MCHUGH, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 446: Ms. JACKSON-LEE of Texas.

H.R. 461: Mr. CLEAVER, Ms. CORRINE BROWN of Florida, and Mr. SHERMAN.

H.R. 463: Ms. HIRONO.

H.R. 468: Mr. KENNEDY, Mr. STARK, Ms. LEE, Mr. WYNN, Mr. FARR, and Mr. HONDA.

H.R. 486: Mr. DEAL of Georgia, Mr. PETRI, Mr. PEARCE, Mr. BARRETT of South Carolina, Mr. Fortuño, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. AKIN, Mr. ISSA, and Mr. KING of Iowa.

H.R. 491: Mr. GRIJALVA.

H.R. 493: Mr. COURTNEY, MR. MURTHA, Mr. CLEAVER, and Mr. GORDON.

H.R. 503: Mr. KLEIN of Florida, Mr. OLVER, Ms. SHEA-PORTER, Mr. KUCINICH, Mr. WEXLER, Mr. BAIRD, Mr. MCNERNEY, Mr. LEVIN, Mrs. MCCARTHY of New York, Mr. LOBIONDO, Mrs. MYRICK, Mr. WU, and Mr. DELAHUNT.

H.R. 506: Mr. CASTLE, Mr. DOOLITTLE, and Mr. SESSIONS.

H.R. 507: Mr. BLUMENAUER, Mr. LATHAM, Mr. PRICE of North Carolina, Mr. WYNN, Mr. AL GREEN of Texas, Mr. MURPHY of Connecticut, Ms. SCHAKOWSKY, Mr. PAYNE, and Mr. CUELLAR.

H.R. 508: Mr. OLVER.

H.R. 510: Mr. HALL of Texas, Mr. WELDON of Florida, Mr. PLATTS, and Mr. TANCREDO.

H.R. 511: Mr. GOODE, Mr. JINDAL, Mr. MCKEON, Mr. THORNBERRY, Mr. SHAYS, Mr. BARRETT of South Carolina, Mr. ROGERS of Alabama, Mr. LATHAM, Mrs. BACHMANN, Mr. FEENEY, Mr. TERRY, Mr. NORWOOD, and Mr. PITTS.

H.R. 512: Ms. VELÁZQUEZ, Mr. SHIMKUS, Ms. SUTTON, Ms. LEE, Ms. DELAURO, Ms. CORRINE BROWN of Florida, Ms. MATSUI, Mr. MORAN of Virginia, Ms. MOORE of Wisconsin, Mrs. CHRISTENSEN, Ms. KILPATRICK, Mr. NADLER, Mr. CLEAVER, Mr. KUCINCH, Mr. MARKEY, Mr. KUHL of New York, and Mr. SHERMAN.

H.R. 522: Mr. BERMAN, Mr. NADLER, and Ms. WATSON.

H.R. 526: Mr. WALZ of Minnesota.

H.R. 539: Mr. NADLER, Ms. JACKSON-LEE of Texas, Mr. WEINER, Ms. HOOLEY, Mr. BLUMENAUER, Mr. HIGGINS, Mr. HONDA, Ms. MATSUI, Mr. SCOTT of Virginia, and Ms. CARSON.

H.R. 542: Mr. GUTIERREZ, Mr. KUCINICH, Ms. LEE, Mr. REYES, and Ms.WOOLSEY.

H.R. 545: Mr. BOSWELL and Mr. LARSEN of Washington.

H.R. 549: Mr. BLUMENAUER, Mrs. MYRICK, Mr. WILSON of South Carolina, and Mr. MILLER of Florida.

H.R. 553: Ms. SCHAKOWSKY, Ms. BEAN, and Mr. KUCINICH.

H.R. 556: Mr. CLAY, Mr. ISRAEL, Mr. BARTON of Texas, Mr. WATT, and Ms. HARMAN.

H.R. 566: Mr. GRIJALVA.

H.R. 569: Mr. SIRES and Mr. HARE.

H.R. 579: Mr. PRICE of North Carolina, Ms. GINNY BROWN-WAITE of Florida, Ms. BALDWIN, Mr. CHANDLER and Mr. MILLER of North Carolina.

H.R. 584: Mr. TANNER.

H.R. 588: Ms. HIRONO.

H.R. 590: Mr. BURTON of Indiana, Mr. MILLER of Florida, and Mrs. MYRICK.

H.R. 608: Mr. BUYER, Mr. ROGERS of Michigan, and Mr. TERRY.

H.R. 618: Mrs. BACHMANN, Mr. PRICE of Georgia, Mr. KINGSTON, and Mr. KING of Iowa.

H.R. 620: Mr. LIPINSKI, Mr. MICHAUD, and Mr. WU.

H.R. 625: Mrs. CAPPS, Mr. GEORGE MILLER of California, Ms. WATSON, and Ms. WOOLSEY.

H.R. 628: Mr. KELLER, Mr. SHAYS, Mr. FORTUÑO, Mr. PAUL, Mr. SNYDER, Mr. MCNULTY, Mr. RAMSTAD, Ms. SCHWARTZ, Mrs. MCCARTHY of New York, Ms. JACKSON-LEE of Texas, Mr. BURTON of Indiana, Mr. MCCOTTER, and Mr. WOLF.

H.R. 631: Mr. BARRETT of South Carolina.

H.R. 634: Mr. ARCURI, Mr. BARROW, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BOSWELL, Mr. BOYD of Florida, Mr. CARDOZA, Mr. CHANDLER, Mr. COSTA, Mr. LINCOLN DAVIS of Tennessee, Mr. DONNELLY, Mrs. GILLIBRAND, Ms. HARMAN, Ms. HERSETH, Mr. HILL, Mr. HOLDEN, Mr. ISRAEL, Mr. MAHONEY of Florida, Mr. MARSHALL, Mr. MATHESON, Mr. MCINTYRE, Mr. MELANCON, Mr. MICHAUD, Mr. PATRICK MURPHY of Pennsylvania, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. ROSS, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Georgia, Mr. SHULER, Mr. TANNER, Mr. TAYLOR, Mr. THOMPSON of California, Mr. WILSON of Ohio, Ms. HOOLEY, Mr. FILNER, Mr. LANGEVIN, Mr. CARNEY, Mr. BACHUS, Mr. HARE, Mr. MEEKS of New York, Mr. BACA, Ms. WATERS, Mr. ACKERMAN, Mr. CLEAVER, Mr. GILLMOR, Mr. JONES of North Carolina, Mr. SHERMAN, Ms. MOORE of Wisconsin, Mr. ELLISON, Mr. MANZULLO, Ms. CARSON, Mr. HINCHEY, Mr. COOPER, Mr. MORAN of Kansas, Mr. HULSHOF, Mr. DREIER, Mr. NEAL of Massachusetts, Mr. CRAMER, Mr. EMANUEL, Mr. UDALL of New Mexico, Mr. CROWLEY, Mr. LARSON of Connecticut, Mr. HONDA, Ms. SCHWARTZ, Mr. LEWIS of Georgia, Mrs. DAVIS of California, Mr. SHIMKUS, Ms. PRYCE of Ohio, Mr. STEARNS, Mr. GUTIERREZ, Mr. CAPUANO, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. CLAY, Mr. KLEIN of Florida, Ms. SCHAKOWSKY, Mr. SPRATT, Mr. TOM DAVIS of Virginia, Mr. MEEHAN, Mr. MCGOVERN, Mr. BROWN of South Carolina, Ms. BERKLEY, Mr. JACKSON of Illinois, Mrs. WILSON of New Mexico, Mr. MCKEON, Mr. PORTER, Mrs. DRAKE, Mr. PRICE of Georgia, Mr. SHAYS, Mr. KUHL of New York, Mr. CHABOT, Mr. GOHMERT, Mr. MCHENRY, Mr. SHUSTER, Mrs. CAPITO, Mr. THORNBERRY, Mr. SESSIONS, Ms. GRANGER, Mr. YOUNG of Florida, Mr. HENSARLING, Mrs. SCHMIDT, Mr. CASTLE, Mrs. BONO, Mr. PLATTS, Mr. AKIN, Mr. FRELINGHUYSEN, Mr. WALBERG, Mr. TIAHRT, Mr. WELDON of Florida, Mr. CONAWAY, Mr. HOBSON, Mr. GOODLATTE, Mr. BARTON of Texas, Mr. WALDEN of Oregon, Mr. DAVIS of Kentucky, Mr. CANTOR, Mr. LAHOOD, Mr. DICKS, Ms. KAPTUR, Mr. KILDEE, Mrs. EMERSON, Mr. SMITH of Washington, Mr. REYNOLDS, Mr. ENGLISH of Pennsylvania, Mr. BECERRA, Mrs. TAUSCHER, Mr. OBERSTAR, Mr. GEORGE MILLER of California, and Mr. SCHIFF.

H.R. 635: Mr. KIRK and Mr. WALBERG.

H.R. 649: Mr. MARKEY.

H.R. 651: Mr. MILLER of Florida.

H.R. 653: Mrs. LOWEY.

H.R. 656: Mr. GERLACH.

H.R. 661: Mr. CLAY and Mr. CASTLE.

H.R. 670: Ms. BALDWIN.

H.R. 677: Mr. COSTA, Mr. AL GREEN of Texas, and Mr. BLUMENAUER.

H.R. 684: Mr. BISHOP of New York.

H.R. 690: Mr. SOUDER, Mr. KILDEE, Mr. HARE, Mr. SCOTT of Virginia, Mr. GORDON, Ms. HOOLEY, and Mr. DELAHUNT.

H.R. 698: Mr. LINCOLN DAVIS of Tennessee, Mr. ELLISON, Mr. CAPUANO, and Mr. WELCH of Vermont.

H.R. 699: Mr. KLINE of Minnesota, Mr. FORBES, Mr. PUTNAM, and Mr. BISHOP of Utah.

H.R. 706: Mr. BERMAN.

H.R. 711: Mr. CUELLAR, Mr. LEWIS of Kentucky, Mr. COHEN, and Mr. MCCOTTER.

H.R. 713: Mr. HIGGINS and Mr. ARCURI.

H.R. 714: Ms. MCCOLLUM of Minnesota and Mr. WALZ of Minnesota.

H.R. 720: Mr. SAXTON.

H.R. 724: Mr. PUTNAM.

H.R. 725: Mr. TIAHRT.

H.R. 737: Ms. HIRONO.

H.J. Res. 3: Mr. WAMP.

H.J. Res. 14: Mr. BISHOP of New York.

H.J. Res. 16: Mr. CULBERSON and Mr. BURTON of Indiana.

H.J. Res. 18: Mr. McNerney.

H. Con. Res. 9: Mr. ELLISON, Ms. WASSERMAN SCHULTZ, and Mr. BACA.

H. Con. Res. 21: Ms. MATSUI, Mr. SMITH of Texas, Mr. MURPHY of Connecticut, and Mr. CARNAHAN.

H. Con. Res. 25: Mr. GRAVES, Mr. REHBERG, Mr. PITTS, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 35: Ms. WATSON.

H. Con. Res. 37: Mr. GARY G. MILLER of California.

H. Con. Res. 44: Mr. WATT, Mr. JOHNSON of Georgia, Mr. SHIMKUS, Ms. SCHWARTZ, and Ms. MOORE of Wisconsin.

H. Res. 37: Mr. REYES, Mr. BERMAN, Mr. KUCINICH, Ms. HARMAN, Ms. WOOLSEY, Mr.

GEORGE MILLER of California, and Ms. MATSUI.

H. Res. 54: Mr. KUHL of New York.

H. Res. 55: Mr. GRIJALVA, Mr. GEORGE MILLER of California, and Ms. CARSON.

H. Res. 71: Mr. BACA and Mr. HINOJOSA.

H. Res. 72: Mr. ORTIZ.

H. Res. 94: Mr. GONZALEZ, Mr. MEEKS of New York, Mrs. MCCARTHY of New York, and Mrs. MALONEY of New York.

H. Res. 100: Ms. MCCOLLUM of Minnesota, Mrs. MALONEY of New York, Mr. GRIJALVA, Mr. FORTUÑO, Mrs. TAUSCHER, Mr. FRANK of Massachusetts, Ms. CORRINE BROWN of Florida, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Mr. KIND, Mr. JEFFERSON, Mr. HOLT, Mrs. NAPOLITANO, Mr. FARR, Mr. HASTINGS of Florida, and Mr. HONDA.

H. Res. 101: Mr. SIRES, Mr. HIGGINS, Mrs. DAVIS of California, and Ms. SCHAKOWSKY.

H. Res. 106: Mr. MCNULTY, Mr. KILDEE, Mrs. MALONEY of New York, Mr. MARKEY, Mr. COSTELLO, Mr. WEINER, Mr. HOLT, Mr. LIPINSKI, Mr. LANGEVIN, Mr. DREIER, Mr. ABERCROMBIE, Ms. SCHWARTZ, Mr. UDALL of Colorado, Mrs. MCMORRIS RODGERS, Ms. WOOLSEY, Mr. BLUMENAUER, Mr. ROYCE, Mr. NEAL of Massachusetts, Mr. KENNEDY, Mr. HONDA, Mr. KIRK, Mr. NUNES, Mr. CAPUANO, Mrs. NAPOLITANO, Mr. BERRY, Mr. GRIJALVA, Mr. LYNCH, Mr. DOOLITTLE, Mr. FATTAH, Ms. MATSUI, Ms. NORTON, Mr. KUCINICH, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. CROWLEY, Mr. ALLEN, Mrs. CAPPS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ACKERMAN, Mr. PAYNE, Mr. CONYERS, Mr. RUSH, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, Mr. DOYLE, Mr. WILSON of South Carolina, Ms. ZOE LOFGREN of California, Mr. ROGERS of Michigan, Mr. CANTOR, Mr. SOUDER, Mr. MEEHAN, Mr. GUTIERREZ, Mr. CLAY, Ms. LINDA T. SÁNCHEZ of California, Mr. BERMAN, Ms. ESHOO, Ms. BALDWIN, Mr. DINGELL, Mr. ENGEL, Mr. ROTHMAN, Ms. LEE, Mr. GARRETT of New Jersey, Mr. WAXMAN, Mr. DELAHUNT, Ms. ROYBAL-ALLARD, Mr. TIERNEY, Mr. MARIO DIAZ-BALART of Florida, Mr. ROHRABACHER, Mr. CAMPBELL of California, Mr. WALZ of Minnesota, Mr. NADLER, Mr. PORTER, Mr. BACA, Mr. CLEAVER, Ms. KILPATRICK, Mrs. TAUSCHER, Mr. FRELINGHUYSEN, Mr. VISCLOSKY, Ms. DELAURO, Mr. ENGLISH of Pennsylvania, Mr. CARDOZA, Mr. WOLF, Mr. GONZALEZ, Ms. WATSON, Mr. JINDAL, Mr. SARBANES, Mr. GERLACH, Mrs. DAVIS of California, Mrs. LOWEY, Mr. HOLDEN, Mr. ISRAEL, Mr. LEVIN, Mr. MORAN of Virginia, Mr. FILNER, Mr. CALVERT, Ms. MCCOLLUM of Minnesota, Mr. HARE, Mr. COSTA, Mr. JACKSON of Illinois, Mr. STARK, Ms. BERKLEY, Mr. SHAYS, Mr. RYAN of Wisconsin, Mr. GEORGE MILLER of California, Mr. DOGGETT, Mr. BECERRA, Ms. LORETTA SANCHEZ of California, Mr. BISHOP of Georgia, Ms. SCHAKOWSKY, MS. SOLIS, Mr. BILIRAKIS, Mr. LOBIONDO, Mr. HINCHEY, Mr. LEWIS of Georgia, Mr. FERGUSON, Mrs. BONO, Mrs. MILLER of Michigan, Mr. SIRES, Mr. OLVER, Mr. SENSENBRENNER, Mrs. MUSGRAVE, Mr. MCDERMOTT, Mr. MCKEON, Ms. HERSETH, Ms. BEAN, Mr. WAMP, Mr. ANDREWS, Mr. RENZI, Mr. WELLER, Mr. PASTOR, Mr. DEFAZIO, Mr. RANGEL, Mrs. MCCARTHY of New York, Mr. PETERSON of Minnesota, Mr. ISSA, Mr. CARNAHAN, Mr. HINOJOSA, Mr. WYNN, Mrs. JONES of Ohio, Mr. SMITH of New Jersey, Ms. MILLENDER-MCDONALD, Mr. SHIMKUS, Mr. DENT, Mr. MCCAUL of Texas, Mr. BOREN, Mr. LINCOLN DAVIS of Tennessee, Mr. FARR, Ms. JACKSON-LEE of Texas, Mr. KIND, Mr. MATHESON, Mr. MELANCON, Mr. MOORE of Kansas, Mr. ROSS, Mr. RYAN of Ohio, Mr. SCOTT of Georgia, Mr. THOMPSON of California, Ms. WATERS, Mr. DANIEL E. LUNGREN of California, and Mr. TOWNS.

H. Res. 109: Ms. MATSUI.

H. Res. 113: Mr. HOLT, Mr. HONDA, Mr. CROWLEY, Mr. MCDERMOTT, Ms. LEE, and Mr. VAN HOLLEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. JINDAL.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, JANUARY 31, 2007 No. 19

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Almighty God, You give Your spirit to all who truly desire Your presence. Lord, today, strengthen the Members of this legislative body. Lord, strengthen them not only to see Your ideal but to reach it. Strengthen them not only to know the right but to do it. Strengthen them not only to recognize their duty but to perform it. Strengthen them not only to seek Your truth but to find it.

Empower our lawmakers to go beyond guessing to knowing, beyond doubting to certainty, and beyond resolving to doing. Give our Senators the deep inner peace of knowing that You have heard and answered this prayer for power.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 31, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, we will be in a period for the transaction of morning business for 60 minutes. The first half is under the control of the Republicans, the second half under the control of Senator WYDEN. Following morning business, we will resume H.R. 2, the minimum wage bill.

As I indicated in closing yesterday, we expect Senator KYL to be here this morning when we resume the bill. I understand a number of conversations have taken place among Senators BAUCUS, GRASSLEY, KYL, and KENNEDY regarding these amendments. It is anticipated once we are back on the bill there will be debate with respect to one or more of the Kyl amendments and that a vote in relation to an amendment could occur sometime around noon today.

Once we have completed action on all the amendments, then it is my hope that we can yield back all the time postcloture and then dispose of the substitute amendment. If we have to run the full 30 hours on the substitute, I think I am correct in stating that the 30 hours would expire at about 6:40 this evening, cloture having been invoked yesterday at about 12:40 p.m. Of course, once all that time has expired or been yielded back and the substitute has been disposed of, cloture on the bill would occur immediately and automatically.

Mr. President, just a couple of comments. When we complete the debate on minimum wage and the bill is completed, we move to Iraq, and that is, as we know, a very contentious issue. But as the distinguished Republican leader last night stated, we are trying to arrive at a point where we can have a good, strong debate. It will take cooperation, it will take compromise so we can be in a position to have this debate so all Senators can voice their opinion and, hopefully, we can settle on a finite number of pieces of legislation to vote on. That is my goal, and I hope we can do that. Certainly the American people deserve this debate.

(The remarks of Mr. REID pertaining to the introduction of S. 439 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. REID. Mr. President, I apologize to my friend for taking so much time, but sometimes one takes what time is needed.

RECOGNITION OF THE MINORITY LEADER

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

IRAQ DEBATE

Mr. MCCONNELL. Mr. President, with regard to today's schedule, we will be working, as the majority leader indicated, on the timing of the Kyl amendments. These are important amendments which we are going to want to have considered in a timely fashion. Senator KYL will need to be able to debate those amendments. We

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

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probably will be able to get to final passage tomorrow.

And then, as the majority leader indicated, he and I have had extensive discussions about crafting the various proposals, how many we are going to have on each side to address the most important issue in the country right now, which is the Iraq war, and that debate, of course, will occur next week. So we will continue our discussions toward narrowing down and understanding fully exactly which resolutions, alternate resolutions will need a vote in the context of that debate.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. One final point, Mr. President. We should understand, all of us, that we may have to have a vote or some votes on Monday. Everyone should understand that. And if we have to have votes on Monday, they could occur earlier rather than later. So everyone should understand there may be Monday votes. We hope not. As I told the distinguished Republican leader and as we have announced on a number of occasions, we had our retreat, and the Republicans certainly cooperated with us, and we are going to cooperate with them. These retreats are extremely important to this body. They allow us to enhance the political parties within this great Senate and focus on what is good for the country. We have done that, and the Republicans are going to do that the day after tomorrow, and I think that is important. We will certainly have no votes on Friday.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes with each Senator permitted to speak for up to 10 minutes with the first half of the time under the control of the minority and the second half of the time under the control of the Senator from Oregon, Mr. WYDEN.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise this morning to discuss the Iraqi situation. Not the shootings and explosions we see in the streets of Baghdad and in al Anbar Province, but the struggle were currently engaged in right here in the Senate.

This latter battle is arguably more important to our long-term national security than any other issue we face today.

While everyone remembers the tragedy of 9/11, the pain and anguish experienced by Americans that day appears to have faded over time for an ever increasing number of our citizens.

For me, it remains as vivid and as gut wrenching today as it was that September morning more than 5 years ago.

It seems too easy these days to point fingers of blame at one another for our current situation in Iraq.

I could stand here today and recite quote after quote from Members on both sides of the aisle who were certain that Saddam Hussein possessed weapons of mass destruction.

Hussein and his Baathist regime had ruled Iraq as a personal fiefdom for more than 30 years.

There is no arguing that Hussein was personally responsible for the brutal deaths of hundreds of thousands of his own citizens, invaded two of his neighbors, supported worldwide terrorism, and violated 17 separate United Nations resolutions aimed at curtailing his WMD programs.

Seventy-seven Senators voted to give President Bush the authority to act.

With the clear authority from Congress to undertake military operations against Saddam Hussein, President Bush tried long and hard to seek a peaceful resolution. Saddam Hussein could not be reasoned with.

Following 9/11 and in an age of nuclear bombs and other weapons of mass destruction, we could no longer afford to sit by and wait on those wanting to do us harm to land the first punch.

We could not wait until we were attacked before acting. Calls for the President to act in order to protect America were loud and clear. And the President did act.

In doing so, Saddam Hussein's regime was eliminated and some 28 million Iraqis were freed from a living hell on Earth.

Watching the Iraqis struggle since then to establish their own democracy has not been a pretty sight.

With the luxury of hindsight, it's no secret that serious mistakes were made; too few troops; de-baathification of the Iraqi government and; failure of Federal Departments other than Defense to be fully engaged in this effort, to name a few.

We need to face the fact that we are in Iraq. We need to ask ourselves what do we do now.

Do we pack up and leave, even though every voice of reason tells us that Iraq would implode into a terrorist state used by al-Qaida as a launching pad against the ''infidels''; reminiscent of Afghanistan under the Taliban?

As Senator MCCAIN has reminded us time and again, Iraq is not Vietnam. When we left South Vietnam, the Viet Cong did not pursue us back to our shores. . .

Al-Qaida is not the Viet Cong. Al-Qaida has sworn to destroy us and is committed to bringing their brand of terror to America.

This fact was evidenced recently during testimony by Lieutenant General Maples, head of the Defense Intelligence Agency.

He testified that documents captured by coalition forces during a raid of a safe house believed to house Iraqi members of al-Qaida 6 months ago revealed al-Qaida was planning terrorist operations in the U.S. Anyone willing to go to Iraq to fight Americans is probably willing to travel to America.

Do we pass meaningless resolutions that mandate unconstitutional caps on the number of troops deployed to Iraq?

I am not a military strategist, so I rely on the opinion of experts to educate me.

General Petraeus, the new commander of the Iraqi Multi-National Coalition and author of the Army's new Counter Insurgency Manual, told me that he could not succeed in providing security for the citizens of Baghdad and al Anbar Province without the additional troops called for in the President's plan.

Do we allow the President the ability to adjust those troop numbers in an effort to bring security to Baghdad and al Anbar Province?

From what I see, the President has the only plan on the table that doesn't ensure defeat. It may not be a perfect plan, and it may need to be adjusted in the near term, but it is certainly a change from what we've been doing so far.

One particular area that I believe needs improvement is our reconstruction effort.

According to the Congressional Research Service the United States has spent over $35.6 billion on reconstruction efforts.

We have to stop squandering our resources on reconstruction projects in Iraq that fail to deliver basic security and critical infrastructure.

A recent article in the Journal of Intervention and Statebuilding talked of the need to abandon a scattergun approach to reconstruction which focuses on winning hearts and minds and results in many nonessential projects being started but not completed.

I believe that we need to have what the author called a triage approach to reconstruction. The military calls it SWEAT: sewage, water, electricity and trash.

Let's focus on getting these essential services operating at the level they were before we invaded Iraq. This approach will undoubtedly make our military effort easier.

Our efforts to improve fundamental services up to this point have not received the focus and attention they deserve.

We have fallen short in the area of electricity production. Before we invaded Iraq, electric power was 95,600 megawatt hours; now, it is close to 90,000 megawatt hours. The goal was originally 120,000 megawatt hours.

In Baghdad, Iraqis receive about three fewer hours of electricity than before the war. Outside of Baghdad they do receive more, but we know most of the problems are in Baghdad. CRS notes that of 425 projects planned in the electricity sector, only 300 will be completed.

We have done somewhat better in assistance with water and sanitation.

We have provided clean water to 4.6 million more people and sanitation to 5.1 million more than before the war. But besides water, sanitation, and

electricity we know that Iraq needs a functioning oil sector.

Revenues from oil are necessary to fund government services, including security and maintain infrastructure. According to CRS, oil and gas production has remained stagnant and below pre-war levels for some time.

The pre-war level of oil production was 2.5 million barrels per day; it currently stands at 2.0 million barrels per day.

That is far below the 3.0 million barrels per day we were told Iraq was expected to reach by end of 2004. According to the Special Inspector General for Iraq Reconstruction, besides the destruction caused by the insurgents, poor infrastructure, corruption, and difficulty maintaining and operating U.S.-funded projects are challenges faced by the industry.

We are at a pivotal point in this Nation's history.

We face an enemy unlike anything ever witnessed before. We cannot wash our hands of the responsibility incumbent upon us as the leader of the free world.

It is time to join together, forgetting whether we are Republicans, whether we are Democrats, remembering we are Americans. It is time to come together behind our men and women in uniform, figure out what the best strategies are, and move forward together. It used to be said that partisanship stopped at our shore's edge. We need to go back to that spirit of being Americans. We cannot afford to fail in this effort.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I, too, rise today on the Senate floor to discuss the very serious issue of Iraq and how we move forward there to eventually get our troops home. I have been in the Senate 2 years. Before that, I was in the House for 5 years. That is a relatively short amount of time, but I daresay I believe, as do many of my colleagues who have been here 20 or 30 years, this truly is one of the most important issues we will ever debate and have an impact on. In fact, even for a career that long, it may be the single most important issue we will debate and have an impact on.

I hope all of us take that to heart. Don't say it as a truism but understand what that means and what it demands of us. What it demands of us is that we act responsibly and whatever our feelings and point of view, we put them forward in a responsible way for the good of America.

What do I mean by that? I primarily mean two things. First of all, each of us as Senators has the right to oppose a plan, including the President's plan. I will be the first to say that. I will be the first to defend my colleagues' right to oppose any plan, including the President's plan. But along with that right comes responsibility, and each of us also has a responsibility to be for a plan to move forward in Iraq. It does not need to be the President's plan, but we sure as heck have a responsibility to be for some coherent plan, in some level of detail. How do we move forward in Iraq for the good of the country, for our security, and for stability in the Middle East?

Second, what being responsible means is taking to the Senate floor to impact policy, to take action but not simply to offer words that have no impact in the real world but only serve to undercut the morale and focus of our troops and to embolden the enemy. Some resolutions, which are mere words—they don't constrain any activity of the President or of our troops—I think have that unintended result. They do not limit troops, they do not limit troop numbers, but they sure as heck destroy morale. They certainly embolden the enemy. Don't believe me about that judgment. Turn to very respected military leaders, including GEN David Petraeus, who said that directly, frankly, in his testimony before Senate committees.

I have been guided by that responsibility, to face the issues squarely, to be responsible, to be for some plan—not necessarily the President's but some real, detailed plan; to take action on the Senate floor and not float words which can have negative consequences for our troops and also embolden the enemy.

After a lot of thought and in that context and after a lot of careful study, including many hearings before the Senate Foreign Relations Committee on which I sit, I have decided to support the President's plan as a reasonable attempt to move forward—indeed, as a final attempt to stabilize the situation. But I have also decided to do it in the context of three very strong recommendations which I have made many times directly to the President and to other key advisers, such as Secretary of State Condoleezza Rice, such as the President's National Security Adviser, Steve Hadley, and others. Those three strong, clear recommendations are as follows:

No. 1, I do believe, with the Iraq Study Group and others, we need to put even more emphasis on a diplomatic effort and, in my opinion, that should be to encourage and embrace and participate in a regional diplomatic conference that involves all of Iraq's neighbors, including Iran and Syria. This would be very different from direct bilateral talks with either Iran or Syria. With regard to that push, I disagree with that, including, to some extent, the Iraq Study Group. But I do think a regional conference focussed specifically and exclusively on stabilizing Iraq, promoting democracy in Iraq, would be very positive.

No. 2, I agree with many that we can be even stronger, clearer, firmer about benchmarks for the Iraqi Government and consequences if the Iraqi Government does not meet those benchmarks. President Bush has talked a lot about what are clear benchmarks, but I have encouraged him to go even further, be even more direct and clear, including in public, about those benchmarks. Those would be things such as the Iraqis continuing to take clear, strong action against all who promote violence, whether they are Sunni or Shia or anyone else; things such as an oil revenue law that must be passed in the very near term; things such as major reform of the debaathification process, which has stirred up enormous sectarian conflict and hatred, particularly from the Shia and Sunnis.

Third, I have been very clear in saying over and over and over that we must constantly reexamine these new troop numbers to make sure they can have a meaningful impact on the ground in the short term. I am for trying this as a final attempt, but I am not for throwing too little too late at the effort.

I respect the judgment of military leaders such as GEN David Petraeus. I take them at their word, and I respect their judgment that this additional 21,500, coupled with redeployment and reemphasis of troops already in theater, is enough, but I think we have to constantly examine that to make sure we don't make the mistake we have made in the past, which is underestimating troop need.

There has been a lot of discussion about the Iraq Study Group report, for good reason. A lot of leading citizens contributed very thoughtful analysis to that report. But I think far too much of that discussion has unfairly portrayed the President's plan and different versions of it, like what I am talking about, as in stark contrast to the Iraq Study Group report. In fact, I don't believe that to be the case at all. It is not exactly the Iraq Study Group report. It is different, but it has enormous areas of overlap.

With regard to political solutions that have to happen lead by Iraqis on the ground in Iraq, there is enormous agreement between what I am supporting, what the President is describing, and the Iraq Study Group report. With regard to a diplomatic initiative, there is enormous overlap between what I am pushing in terms of a regional diplomatic conference involving all of Iraq's neighbors and what the Iraq Study Group discusses. Yes, they seem to favor direct bilateral talks with countries such as Iran and Syria. I do not and the President does not. But there is still enormous overlap and agreement on things we can do very proactively and aggressively on the diplomatic front.

Even on the military component there is great overlap and significant agreement. In that regard I would simply point to one very important passage on page 73 which states clearly, discussing military troop levels and numbers:

> We could, however, support a short-term redeployment or surge of American combat forces to stabilize Baghdad or to speed up the training and equipping mission if the U.S.

commander in Iraq determines that such steps would be effective.

Well, of course, the new U.S. commander of Iraq is GEN David Petraeus, and he has suggested and asked for exactly that, which is why it is significant in the President's plan.

So I urge all of my colleagues to give this issue serious thought, to be responsible, to advocate whatever is in their heart and in their mind but to do it responsibly. Support some plan, and do not throw out mere words that have no concrete effect except undermining our troops and emboldening the enemy.

Mr. President, I yield the floor.

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

Mr. CORNYN. Mr. President, could you advise me how much time our side has remaining in morning business?

The ACTING PRESIDENT pro tempore. Ten minutes forty seconds.

Mr. CORNYN. If there is 10 minutes remaining, I would like to take the next 5 minutes and then yield to Senator DEMINT for the remaining 5 minutes, if the Chair would please advise.

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

IRAQ

Mr. CORNYN. Mr. President, I appreciate the comments we have heard this morning from the distinguished Senator from Nevada and the distinguished Senator from Louisiana, and I couldn't agree more with the comments they have made. I would like to add some, perhaps, even more eloquent words—and rest assured they are not mine—to this debate because I think it helps us understand in a way that we might not otherwise understand what is at stake and what the people who are most directly impacted believe is at stake in the war on terror, particularly the conflict in Iraq.

I first want to quote the words of Roy Velez. Roy is from Lubbock, TX, and has lost two sons—one in Iraq and one in Afghanistan. Recently, Roy Velez said:

> It is not about President Bush. It is not about being a Democrat or a Republican. It is about standing behind a country that we love so much. I know it has cost us a lot in lives, including my two sons, and it has taken a toll on America. But we can't walk away from this war until we're finished.

I don't know anyone who has earned the right to speak so directly to what is at stake, the sacrifices that have been made, and the consequences of our leaving Iraq before it is stabilized and able to govern and defend itself.

Then there is also the story of 2LT Mark J. Daily. Lieutenant Daily was 23 years old from Irvine, CA. He was with the 4th Brigade Combat Team, 1st Cavalry Division out of Fort Bliss, TX. Lieutenant Daily was killed on January 15 when an improvised explosive device exploded and ripped through his vehicle, taking his life and those of three fellow soldiers. Mark had been, as so many of our military have done, keeping in touch with his family via e-mail, and he maintained a blog on the popular My Space Web site. In that blog, Mark specifically explained why he joined, and this is what he wrote:

> Why I joined: This question has been asked of me so many times in so many different contexts that I thought it would be best if I wrote my reasons for joining the Army on my page for all to see. First, the more accurate question is why I volunteered to go to Iraq. After all, I joined the Army a week after we declared war on Saddam's government with the intention of going to Iraq. Now, after years of training and preparation, I am finally here. Much has changed in the last three years. The criminal Baath regime has been replaced by an insurgency fueled by Iraq's neighbors who hope to partition Iraq for their own ends. This is coupled with the ever-present transnational militant Islamist movement which has seized upon Iraq as the greatest way to kill Americans, along with anyone else who happens to be standing near. What was once a paralyzed state of fear is now the staging area for one of the largest transformations of power and ideology the Middle East has experienced since the collapse of the Ottoman Empire.

I would say in closing that we can't claim to support the troops and not support their mission. If we don't support the mission, we should not pass nonbinding resolutions. We should do everything within our power to stop it. I do believe that we should support that mission. I do believe we should support our troops. That is why I believe we should send them the message that, yes, we believe you can succeed, and it is important to our national security that you do.

I yield the floor.

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

Mr. DEMINT. I thank the Senator from Texas, and I would like to add my comments to his. We are certainly discussing probably one of the most deadly serious issues that I have been a part of since being in the Congress. I must start by expressing my respect for the Senators who are proposing this resolution. I know their intent is good. They have heartfelt concerns about what we are doing.

But what I would like to do is remind all of us that our role is a role of being leaders, not just being critics. As elected officials, we know what it is like to have critics second-guess all the decisions we make, but our job as Senators is to be leaders; and to be leaders, we have to make good decisions. If we make good decisions, we have to know what our real choices are. I am afraid those who are proposing this resolution are not considering the real choices because we can keep the status quo, we can withdraw and be defeated, or we can continue until we win and accomplish our goals in Iraq.

This resolution is a resolution of defeat and disgrace. There is no other way it could come out. That is the choice they are making. That is the decision they are making because we know if we withdraw and leave this to the Iraqis when they are not ready, we will lose all. Not only will we be disgraced as a nation, but we will have probably the biggest catastrophe—human catastrophe as well as political catastrophe—in the Middle East that is going to occur. We have to discuss the real implications of that choice.

I oppose this resolution because it does not support our mission, it does not support success, and it makes the decision for defeat. Real leaders would come up with a plan of action that they follow through on. And whether we agree with the President or not, he has put a plan on the table and he intends to follow through on it with all the advice he can get from his military people. Our role is not just to criticize that, but if we don't agree, it is to come up with another plan, propose it, and our responsibility is to sell it to the American people—not just to criticize, not to come up with resolutions that don't mean anything, intended to embarrass the President. But what it really does is deteriorate the morale of our troops.

I know we are frustrated with this war, and the fear of failure is all around us. But we cannot digress into being critics in this body. Our job is to lead.

I want to conclude this morning with some comments from the soldiers. I know other Senators have called parents who have soldier sons and daughters who have been killed. I have not had one who told me to get out of Iraq. I have had a lot of them tell me: Win. That is how to honor the sacrifice is to win.

SPC Peter Manna:

> If they don't think we're doing a good job, everything we have done here is all in vain.

We have a number of these, but I don't have time to read them all.

SGT Manuel Sahagun said:

> One thing I don't like is when people back home say they support the troops but they don't support the war. If they're going to support us, support us all the way.

Americans are not against this war; they are against losing. They need to know we can win it.

General Petraeus, the best general that we have, whom we have just approved, confirmed in the Senate, has told us that we can succeed with the President's plan. This is our last best hope to leave Iraq as a free democracy and to help stabilize the Middle East. The other choice is defeat and disgrace.

Mr. President, I call on all of my Senate colleagues not to support this resolution and to act as leaders: to put forward a plan or support the one that the President has put forward.

I yield the floor and reserve the remainder of the time.

Mr. WYDEN. Mr. President, parliamentary inquiry: I believe I have time reserved at this point. I was going to speak for a little over 20 minutes or so. I would like to inquire through the Chair of my colleagues if they wish to finish their remarks before I go to mine.

Mr. CORNYN. Mr. President, in response to the distinguished Senator from Oregon, I believe our morning business time has expired and we would yield back any remaining time so the Senator from Oregon can begin his remarks.

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

Mr. WYDEN. I thank my colleagues for their courtesy.

HEALTH CARE IN AMERICA

Mr. WYDEN. Mr. President, it is not breaking news that the American health care system is broken, even though our country has scores of dedicated and talented health care providers. It isn't breaking news that Congress has ducked fixing health care since 1994.

What should be breaking news is that for the first time in decades there is a genuine opportunity for Democrats and Republicans to work together to fix American health care.

A few days ago in his State of the Union Address, the President put forward a health care reform proposal that focuses on changing the Federal Tax Code. Since then, leading Democratic and Republican economists have joined forces to point out how Federal health care tax rules benefit the most affluent among us, and subsidize inefficiency as well.

For example, right now under the Federal Tax Code, a high-flying CEO can write off the cost on their Federal taxes of going out and getting a designer smile while a hard-working gal in a small hardware store in Montana, Oregon, or anywhere else in the country, gets virtually nothing.

I am of the view that Democrats and Republicans should work together to change this inequity and make sure that all of our citizens have affordable, quality, private health care coverage with private sector choices—the way Members of Congress do.

The Federal Tax Code and its policies have disproportionately rewarded the affluent. They came about because of what happened in the 1940s when there were wage and price controls. These policies might have worked for the 1940s, but they are clearly not right 60 years later. Democrats and Republicans can work together to change the Federal tax rules that grease the system and disproportionally reward the most affluent and subsidize inefficiency.

In return for those on the Democratic side of the aisle supporting a change in Federal health tax rules and coverage through private sector choices, the President and Republicans should join with Democrats and independent health experts of all political philosophies who say to fix health care we have to cover everybody for essential benefits. What is very clear now on health care is if we do not cover everybody—and not for Cadillac coverage, but for the essentials—our country will always have a health care system where those who have no coverage have their costs transferred to people who do have coverage. Every night in Montana, Oregon, and elsewhere in our country we have folks in hospital emergency rooms because they have not been able to get good outpatient health care, and the costs for folks in hospital emergency rooms who cannot pay get transferred to people who can pay. Many health care experts have theorized that perhaps up to 20 percent of the premium paid by people who have coverage is because of the costs for caring for those without coverage.

At this point in the debate, Democrats can say that Federal tax rules are inequitable with respect to health care and we can use private sector choices. My hope is Republicans will say to fix health care we have to have a system that covers everybody. Democrats and Republicans can come together to make that case.

There are other areas where we can find common ground right now between the political parties on health care. For example, Democrats and Republicans in the Senate think we ought to give a broad berth to the States to innovate in the health care area. Surely what works in the State of Montana may not necessarily work in Florida, Iowa, or New York. They say, ''Let's give a broad berth to the States to show innovative approaches.'' Particularly Governor Schwarzenegger and Governor Romney deserve a lot of credit for being willing to lead at the State level. In my State, folks have some innovative ideas, as well. My guess is they do in Montana, elsewhere. We can take steps to promote them. I personally don't think the States can do it all because the States cannot solve problems they did not create. That is why we need to change the Federal health care tax rules. Because of the federal tax rules, the Federal Government is the big spender in health care. The States cannot do a lot about that. But surely, as part of the effort to bring Democrats and Republicans together, we can agree to make changes in the Federal health care tax care rules and we can agree to get everyone covered. We can also agree there is a lot of common ground between Democrats and Republicans, to give States the opportunity to innovate.

Democrats and Republicans, as we look at the possibility of a coalition, can join together so we have health care rather than sick care. We do not do a lot to promote wellness and prevention in this country. Medicare shows that better than anything else. Medicare Part A will pay checks for thousands and thousands of dollars of hospital expenses. Medicare Part B, on the other hand, the part for outpatient services, hardly does anything to reward prevention and wellness. You can not even get a break on your premium—the Part B premium, they call it—if you help to hold down your blood pressure, cholesterol, stop smoking, and that sort of thing. Surely Democrats and Republicans can join hands to do more to promote prevention, and to have incentives for parents, for example, to get their kids involved in wellness.

This would not be some kind of national nanny program where we have the Federal Government saying, we are going to watch the chip bowl, but sensible prevention policies on which Democrats and Republicans can agree.

It also seems to me that Democrats and Republicans can join hands with respect to chronic health care and end of life health care. We know in the Medicare Program close to 5 percent of the people take about 50 percent of the health care dollars because those folks need chronic care and because of spending at the end of life. They need compassionate health care. We have not thought through policies that can bring both Democrats and Republicans together to deal with this area of health care where an enormous amount of the money is going.

For example, to get Medicare's hospice benefits, right now seniors have to choose whether they are going to get curative care or hospice care. That makes no sense at all. Why should a senior have to give up the prospects of getting a cure for their particular illness in order to get hospice benefit? Let's not pit the hospice benefit against curative care. Let's have Democrats and Republicans work together in order to make changes that expand the options available for older people.

The door is open right now. The State of the Union gave new visibility to the health care cause. Democrats, such as myself, who serve on the Committee on Finance, who will say these Federal health care tax rules are inequitable, can join hands with Republicans who will say we need to cover everybody and stop the cost shifting. The door is open right now if Democrats and Republicans will work together in a bipartisan basis.

Some people are saying it can't be done. They are saying there is too much polarization on health care and other big issues. Let's talk about it, once again, when there is a Presidential campaign. I send a clear message on that point, as well. Of course, this country can put off fixing health care once more, as it has done again and again for 60 years—going back to Harry Truman in the 81st Congress. It was 1945 when he began to talk about fixing health care. I guess one can argue, let's put it off again and have another Presidential campaign where people go back and forth on this issue. However, I submit that whoever the new President is in 2009—and I am very excited about our Democratic candidates—no matter who is the new President—should address this issue. However if, heaven forbid, there is a terrorist attack early in the new Administration, health care would get put

off once more. Perhaps we would go for several more years without talking about health care reform.

We have had people working to fix health care in this country for years and years, people on both sides of the aisle. On our side of the aisle, we have Senator KENNEDY. No one has championed the cause of fixing health care for as many years as passionately as Senator KENNEDY. Republicans have worked very hard for health care reform, as well.

I hope this question of health care reform is not somehow deferred once again until 2009. There is a broad consensus of what needs to be done. I outlined four or five areas this morning, starting with changing the Federal health care tax rules and making sure there are good private sector choices for Americans, getting everyone covered, and emphasizing prevention and wellness. That alone would be a good basis for Democrats and Republicans to start in. Clearly, a system that was created in the 1940s ought to be modernized in 2007. As I pointed out, the system that came about in the 1940s was a historical accident. There were wage and price controls and there was no way to get health care to working families other than to say, maybe the employers will cover it.

Today our businesses are up against global competitors that have their governments pick up their health care bill. The combination of the disadvantage our businesses face, the huge escalation of costs, the significant increase in chronic illness, and our rapidly aging population means the current system is not sustainable. It is not sustainable and that is why we need to act.

I am so pleased to see the Presiding Officer in the chair, a new Senator from Montana, who has lots of good ideas on health care and has campaigned on them. I know he and many on both sides of the aisle want to fix the system. That is what we got an election certificate to do, to work together on the most important issues, not put it off for another couple of years and have another Presidential campaign. We need to sort it out right now.

The American people know we ought to have a new focus, on prevention rather than sick care. We can work on that now. The American people know a lot of the States have innovative approaches. We can help them build on it. The American people know the tax system in the health care area disproportionately favors the most affluent and does not give a break to the working person and it ought to be changed. These are the reasons why both sides ought to join hands to do that.

The time to fix health care is now. There are a variety of proposals that have been put before the Congress. I have not even mentioned my legislation this morning, the Healthy Americans Act, based on many of the principles I have discussed today. I am not wedded to every provision or every part of it. It is a piece of legislation that can bring folks together. When I introduced it, Andy Stern, the president of the Service Employees International Union, 1.8 million members, was there, but so was Steve Burd, the CEO of Safeway, with over 200,000 employees. So was Bob Beall, the CEO of a company with 400 people. So was a member of the National Federation of Independent Businesses who was from Oregon. He spoke for himself, not for the group. He employs eight people. All of these employers said that the legislation would work for them.

Now it is up to us in the Senate. It is up to us, with the door open, to get Democrats and Republicans to come together. I certainly have not agreed with all the details of the President's proposal, but he has given some new visibility to the cause. All sides ought to say, let's get going, let's not wait for another campaign for President to go forward. Let us do our job now. There is much to work with that can bring both political parties together to fix American health care.

I will be spending a lot of my waking hours on that in the days ahead. I look forward to working with both Democrats and Republicans in the Senate to get it done.

I yield the floor and suggest the absence of a quorum.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAIR MINIMUM WAGE ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum Wage.

Pending:

Reid (for Baucus) amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) amendment No. 101 (to amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

Kyl amendment No. 115 (to amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements.

Enzi (for Ensign/Inhofe) amendment No. 152 (to amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system.

Enzi (for Ensign) amendment No. 153 (to amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater Congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

Vitter/Voinovich amendment No. 110 (to amendment No. 100), 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.

DeMint amendment No. 155 (to amendment No. 100), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce, and to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements and the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market.

DeMint amendment No. 156 (to amendment No. 100), to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

DeMint amendment No. 157 (to the language proposed to be stricken by amendment No. 100), to increase the Federal minimum wage by an amount that is based on applicable State minimum wages.

DeMint amendment No. 159 (to amendment No. 100), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

DeMint amendment No. 160 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax.

DeMint amendment No. 161 (to amendment No. 100), to prohibit the use of flexible schedules by Federal employees unless such flexible schedule benefits are made available to private sector employees not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007.

DeMint amendment No. 162 (to amendment No. 100), to amend the Fair Labor Standards Act of 1938 regarding the minimum wage.

Kennedy (for Kerry) amendment No. 128 (to amendment No. 100), to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns.

Martinez amendment No. 105 (to amendment No. 100), to clarify the house parent exemption to certain wage and hour requirements.

Sanders amendment No. 201 (to amendment No. 100), to express the sense of the Senate concerning poverty.

Gregg amendment No. 203 (to amendment No. 100), to enable employees to use employee option time.

Burr amendment No. 195 (to amendment No. 100), to provide for an exemption to a minimum wage increase for certain employers who contribute to their employees health benefit expenses.

Kennedy (for Feinstein) amendment No. 167 (to amendment No. 118), to improve agricultural job opportunities, benefits, and security for aliens in the United States.

Enzi (for Allard) amendment No. 169 (to amendment No. 100), to prevent identity

theft by allowing the sharing of social security data among government agencies for immigration enforcement purposes.

Enzi (for Cornyn) amendment No. 135 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to repeal the Federal unemployment surtax.

Enzi (for Cornyn) amendment No. 138 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

Sessions (for Kyl) amendment No. 209 (to amendment No. 100), to extend through December 31, 2012, the increased expensing for small businesses.

Division I of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division II of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division III of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division IV of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division V of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Durbin amendment No. 221 (to amendment No. 157), to change the enactment date.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 209

Mr. KYL. Mr. President, there are at least two—and I believe only two—amendments that will be pending that are germane postcloture to be considered. The first of those is my amendment No. 209. I will speak to that at this point and then will continue the debate after some other business has been conducted.

Amendment No. 209 to the substitute is an amendment to the Baucus Finance Committee amendment which has been agreed to by the Senate. I will describe the background of that amendment and then the justification for it.

Under current law, small businesses can expense $100,000 of qualified business investments in the first year that the property is placed into service. Because the level is indexed for inflation, the 2007 expensing limit is $112,000. But after 2009, the expensing limit drops back down to $25,000 a year, clearly an insufficient amount. Recognizing this, the Baucus Finance Committee amendment would extend the increased expensing levels through 2010. That is only a 1-year extension. Amendment No. 209 extends it through 2012, which is the same period of time that the work opportunity tax credit has been extended under the Finance Committee amendment. Section 179 of the Tax Code, which allows small businesses to elect to deduct all or part of the cost of certain qualifying property the year that it is placed into service, would work through the year 2012 rather than 2010, as under the Finance bill.

We know that this immediate expensing has been critical to supporting economic growth. We, also, know that small businesses account for about 60 percent of the cost that is imposed as a result of the increase in the minimum wage that is in the underlying bill. As a way to try to help small businesses overcome the costs we are imposing on them, we have talked to them. They are pretty unanimous in the view that the one thing we could do that best helps them be able to afford this is to extend the small business expensing under section 179.

The reason we need to extend it a longer period of time is because of the certainty they need. When they are planning on making improvements to their business and they know they can expense that when they put that improvement in place, in force, then they will proceed to do what is in the economic best interest of their business. But if their plans are restrained by the Tax Code, then we are not enabling them to fulfill their fullest potential in making the business decisions that create jobs. The key of this particular program is that it is a job creator. That is why almost all of us would like to see this extended as far as we can. I don't think there is any real dispute about that. As I said, the Kyl amendment to the Baucus substitute would simply extend this increased small business expensing through the year 2012, the same extension as is given the work opportunity tax credit.

For the sake of illustration, you can see that on this chart, the work opportunity tax credit is extended through the year 2012, and as a result of the Finance Committee bill into 2013. The other expensing provisions or depreciation provisions that were in the Finance Committee bill are only extended through the end of the first quarter of next year, except for section 179, which currently goes through the end of 2009, and the Finance Committee bill takes it through 2010.

What this amendment would do is take it through 2012, the same period as the work opportunity tax credit under the Finance Committee bill.

The chairman of the committee argues that the small business tax relief package should be balanced between the expensing and depreciation provisions and the work opportunity tax credit. As I noted, that is extended for 5 years, while section 179 is extended for only 1 year. Small business expensing has always enjoyed strong bipartisan support. I don't think there is any reason now to treat this issue as a political issue or a partisan issue and to try to put it in competition with the work opportunity tax credit. They can move forward together.

That is especially the case because section 179, unlike the work opportunity tax credit, is targeted at small businesses. Not only is expensing limited to $112,000, but current law actually reduces that amount for property that costs over $400,000, which is also indexed. Meaning that section 179 is simply not useful to large businesses that are in the business of purchasing things for far more than $400,000. But we know, in pure dollar terms, the work opportunity tax credit primarily benefits larger businesses. In fact, testimony before the Finance Committee was that 95 percent of the credits go to either C or S corporations. Since the bulk of the cost of imposing the minimum wage is on small businesses, since section 179 expensing is the primary way we can help small businesses, and since the value of the work opportunity tax credit primarily helps the bigger businesses, it seems to us that the proper balance is to extend both of them through 2012, and section 179, under our amendment, would be brought to that point.

One more word about the investments that small business makes because this is instructive. According to the National Federation of Independent Businesses, 63 percent of small business owners will make capital improvements over any 6-month period, and this could include acquiring new equipment, buying new vehicles, new furniture, expanding existing facilities, maybe even buying a new facility. They need to acquire new equipment and facilities to expand their businesses and create jobs. That is the point of section 179. It enables job creation. That is probably the best antidote to the cost imposed by increasing the minimum wage.

As many experts have pointed out, one of the fallouts from increasing the minimum wage is that some smaller businesses simply hire fewer people. Some even reduce the number of hours their entry-level workers work or even lay people off. The benefit of section 179 that everyone has recognized is it enables the small businesses to grow, to create jobs, and, therefore, the potential downside of increasing the minimum wage is offset, in effect, and never occurs because the jobs are created by virtue of section 179 and other benefits.

Everybody recognizes that allowing first-year expensing is what makes it easier for small businesses to make investments. Business income is overstated because we require businesses to depreciate investments over a period of time instead of deducting the entire cost all at once. But the business must buy an entire machine or building all

at once, which ties up funds that otherwise would be available to earn income. So allowing the immediate expensing of the $112,000 worth of business investment frees up funds that small business owners can use to grow their businesses, and those owners are likely to reinvest the money back into their business because they are entrepreneurs. This increased business investment benefits the entire economy. It is the job creator.

Small business represents 99.7 percent of all employers. It employs over half the private sector employees. They pay 44.3 percent of the total U.S. private payroll. This is a very big factor in our economy. Small businesses generate 60 to 80 percent of the net new jobs, according to statistics over the last decade, and create more than 50 percent of nonfarm private gross domestic income. Extending the increased limits through 2012 will provide greater stability for these small business owners. The best answer is to actually make the increases permanent, but that is not what this amendment does. It extends it to the same period of time that the work opportunity tax credit is.

Most people would recognize that this is wise, that it is good policy, and that my amendment, therefore, takes us a substantial step in the right direction.

The question before was whether the budget would require that there be a separate so-called pay-for, a permanent tax increase that would offset the cost of this temporary tax extension. There have been various types of pay-go since the statutory pay-go was enacted in 1990. The point of order was enacted in 1993. Statutory pay-go, which expired in 2002, was enforced by OMB, but Congress always enacted legislation to avert it. But contrary to popular belief, the Senate has a pay-go rule in effect right now. It was first created in 2003. The current pay-go rule provides a 60-vote point of order against any new mandatory spending or new tax cuts that exceed specified levels. This is called the pay-go scorecard. Those levels are set in the budget resolution, and the current scorecard set in the 2006 budget resolution, which was the last budget agreed to by the House and Senate and the one applicable here, currently allows no unoffset tax cuts or mandatory spending from 2006 to 2010. But it does allow up to $268 billion in offset tax cuts or mandatory spending from 2011 to 2015, without triggering a point of order. There is no point of order against this amendment because of the current scorecard and the way this amendment would work.

The problem with any version of pay-go is that the CBO assumes all entitlement programs live forever, regardless of whether a program must be reauthorized. But tax cuts that must be reauthorized are not included in the baseline. Pay-go does not apply to appropriations. So that is why there is no pay-go point of order against this amendment because the Baucus substitute already extends section 179 small business expensing to 2010. It includes the necessary offsets to cover 2010, and our amendment extends that same expensing through 2011 and 2012, years in which the pay-go scorecard has more than sufficient allocation to cover any revenue that Joint Tax projects will not be collected in those years.

I think all of the ends are tied up here. This is something that most of us would like to see done. It would help the small businesses that will bear the brunt of the expected passage of the minimum wage increase. We have a way to extend the most useful of the tax deductions, this expensing for small business, through 2012. That does not require any new permanent increases in taxes to offset the cost. It seems to me that this is very wise public policy. It doesn't have to be partisan. It would be good policy for us to extend this.

I urge my colleagues, when we have an opportunity to vote on this amendment, to support it, or if there is a motion to table it, to vote against the motion to table.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I understand the Senator from Massachusetts seeks recognition. I yield to him whatever time he would like to take.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank my friend and colleague, Senator BAUCUS. As we get to the opening of this debate, I wish to provide a little sense about where we are on the increase in the minimum wage. Most of those who watched the debate yesterday saw that we had an overwhelming majority of Members who voted effectively for cloture. Usually, that means the end of debate is in sight. But because of various procedural situations we are facing, now we know we are going to have another vote required on cloture. This debate probably will roll on into the very end of the week. There is no reason we can't dispose of the amendments rapidly. There are important responses that should be made, and then we can get about the business of finding ways where we can bring the House and Senate bills to accommodation and get the increase in the minimum wage to those who are hard working and are entitled to this increase.

This is our eighth day of debate on this issue. We have had 16 days of debate, outside of these last 8, so we're up to 24 days where we have debated the minimum wage on the floor of the Senate without getting an increase, 24 days we have debated, an issue as simple as going from $5.15 to $7.25 an hour should not take all that period of time. We know that here on the Democratic side we are prepared to vote now, today. I am sure we can get the majority leader to request that we vote at noontime or so today and get this process moved ahead. But, no, there are those on the other side who have a series of amendments and they have them now. The good Senator from Montana, Senator BAUCUS, will respond to the issue which is at hand.

I want to reiterate once again that this is not an omnibus tax bill. This legislation is long overdue. It is not an opportunity for Members to present their tax cut wish list. It is Congress' opportunity to finally right the wrong of denying millions of hard-working minimum wage workers a raise for 10 years.

Since the minimum wage was last increased 10 years ago, we passed $276 billion in corporate tax breaks. In addition, Congress has cut taxes for individuals by more than a trillion dollars, with most of the benefits going to the wealthiest taxpayers. Unfortunately, for some of our Republican colleagues, there are never enough tax breaks, and they have filed more than 25 amendments proposing new or expanded tax cuts to the minimum wage bill. Many of them would cost billions of dollars and most are not paid for.

So we know our friends on the other side are attempting to hold the minimum wage increase hostage for more tax cuts. I believe that is a shameless strategy. As has been pointed out, the Kyl amendment is one of the most expensive of all tax cut proposals. The entire amendment would cost more than $45 billion over the next 10 years. Not a single dollar is paid for. It is $45 billion the American people cannot afford, and it should be rejected. I know we will hear from Senator BAUCUS as he addresses this issue.

We have debated over the period of the last few days tax breaks for corporate America. Over the last 10 years, we have seen $276 billion in tax breaks for corporations and $36 billion in tax benefits to small businesses. We have increased the minimum wage nine times. There has only been one time we have ever added tax benefits. The House of Representatives, with the vote of 82 Republicans, passed a clean bill. That is what we should be about doing here. That is not where we are.

A final point I will make is that it came to my attention over the evening that many of the spouses of our service men and women in Iraq are working for low wages. In looking over the numbers of spouses of service men and women in Iraq, there are 50,000 who will benefit from an increase in the minimum wage. Imagine that, 50,000 members of the military force and their families will benefit from an increase in the minimum wage. That is not a point to dismiss lightly.

I think we ought to get about the business of doing something for those families and spouses. It is difficult for me to believe we have that number, but that is the figure—50,000 working between $5.15 and $7.25 an hour, so they would directly benefit from the raise to

$7.25. These are spouses of our military forces, and we are debating another $45 billion in tax cuts. This is supposed to be a debate about an increase in the minimum wage that hasn't been raised for 10 years. All it will do is restore the purchasing power of those on the lower rung of the economic ladder. It seems to me this continued delay is unconscionable.

Some have said it is necessary because our good friends on the other side are not prepared to get started on the debate on Iraq. There have been a lot of excuses and we hear all of them. But what has to be recognized is the increase in the minimum wage to $7.25 is going to benefit more than 6 million children. More than one million more children have fallen into poverty in the last 5 years. Six million children who live in homes where there will be an increase will benefit, with all of the implications that has in terms of nutrition, education, health care, and also in terms of the joy families can have when they get at least some small relief. These are hard-working people who are trying to provide for themselves and their families and trying to make a difference in the community. They are men and women of great dignity.

We ought to be getting to a final vote on increasing the minimum wage, and we ought to get about it now. If there is going to be additional debate on taxes and other things, let's do it at another time. Let's not hold hostage—which is what's being done here—an increase in the minimum wage for additional tax breaks. Let's not do that. Let's say we have sufficient respect and admiration for these men and women of dignity. They are primarily women in our society—and many of these women who have children. For all these who are working hard at the minimum wage, let's say we have sufficient respect for them so we are not going to hold them hostage to get tax breaks after tax breaks after tax breaks after tax breaks. These men and women are entitled to a Senate decision. We on our side are prepared to vote on it now; the sooner the better.

I am grateful to my colleague and friend from Montana for permitting me to say these words. I thank him very much for the courtesy.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I tip my hat to my good friend from Massachusetts. He is such a fighter and he is so correct in the statements he is making on behalf of the people who need this increase in the minimum wage.

It is unconscionable that the Senate is delaying that increase. The House passed an increase. We have the same goal line, but we have a more circuitous route in getting there. The Senate is taking so much time in our way to get to the same goal line and raise the minimum wage. The Senator from Massachusetts is pricking our conscience to get this done quickly—now. I deeply compliment my good friend from Massachusetts.

Mr. President, for the information of Senators, we are wondering what in the world is going on here. Let me share some thoughts on the schedule. We are seeking to arrange votes on two amendments by my colleague from Arizona, Senator KYL. We on our side of the aisle are ready to vote. We want to vote. It appears, though, that there are some objections on the other side of the aisle. I hope we can vote in the early afternoon. The objections, I understand, are conflicts that Senators have in the next couple of hours. I hope we can have at least one vote in the early afternoon. Probably after that, we will have another vote in relation to another Kyl amendment, and we are hoping those rollcall votes will be all that are left.

An agreement is not entered into yet—we are working on it—but it is my hope we will have an early vote this afternoon and that then there is one more vote after that, on another Kyl amendment. That should help us to reach a conclusion on this bill, although I suspect a final vote will not be until tomorrow. That is the state of play right now.

A couple words on the substance of the amendment offered by the Senator from Arizona, Senator KYL. This is only one of seven amendments he has offered. Like six of those seven, this one is not offset. We have already voted on one amendment by the Senator from Arizona. The remaining are not offset, and they would explode the budget deficit. The earlier amendment was soundly defeated on previous rollcall vote. It was offset by cutting education benefits for families who work in education institutions. That was defeated.

The amendment offered by the Senator from Arizona now is similar to the one we have defeated. He would like to extend the section 179 expensing provision in the law. We are doing that in the bill. The bill increases the length of time in which the section 179 expense provision would be in law. We would enable that extension to occur until 2010. My Lord, this is 2007. That is not a permanent extension, but it is still, given the constraints we have, a reasonable extension. Everybody likes certainty. We would like a little more certainty in the Senate than we have. But it is still, I think, certainly already in the law and it is not good policy to adopt the amendment of the Senator from Arizona which would extend it for a couple more years but cost about $2 billion, which would be totally unpaid for. If there is one thing the American people want, it is for us to live within our means and not increase the deficit but to try to reduce the deficit. This amendment increases the deficit. We have voted on a similar amendment and it has been rejected. I hope the same is true here.

At the appropriate time, I will move to table the amendment, and I hope we can get that accomplished in the early afternoon so we can move on to the next Kyl amendment and debate that and vote on that amendment as quickly as possible. I hope there are no more amendments. We are getting close. We all want to get a minimum wage bill passed, which is so important to so many people in our country. I think we ought to take the responsible action and dispose of these tax amendments that are not paid for and reject them and get on to final passage on minimum wage, which I hope will be tomorrow.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, previous to Senator BAUCUS speaking, we heard my friend from Massachusetts harangue about minimum wage not being considered for the last 10 years and that it is about time we get the job done. I am going to be one of those to vote yes to get the job done, to increase the minimum wage. But I think it is legitimate to ask a couple of questions. One, there was a period of time during that 10 years that Senator KENNEDY's party was in the majority and controlled the Senate. I don't recall them bringing up the minimum wage issue at that particular time. If it was so important that it be done before this period of time has elapsed, I would have thought they would be voicing concern about raising the minimum wage as much and have a responsibility to do it when they were in the majority, as it is now; and we are accused because we want to amend some tax provisions to it, which are very directly related to some of the negative impacts of increasing the minimum wage on small business, and it is a very legitimate point to bring up.

The second point I will bring up to the Senator from Massachusetts is, when he talks about adding tax provisions to the minimum wage, has he forgotten that during the signing ceremony of the last increase in the minimum wage bill by President Clinton Senator KENNEDY was praised for bringing a bill to the President that had tax provisions that were very beneficial to small business and also other provisions that were very beneficial to minimum wage workers by increasing the minimum wage?

I read from President Clinton's statement last week during the debate. I know Senator KENNEDY heard me say that. And yet it seems like it went in one ear and out the other because here he is saying it is wrong now, that when we are increasing the minimum wage, we have a small business tax provision included with the minimum wage increase.

It makes me wonder if there is a double standard: It is okay to have tax bills connected with a minimum wage increase when there is a Democratic President, but when there is a Republican President, it is not okay. I don't think we ought to have those sort of double standards. I think if it is okay

in the case of a Democratic President, it ought to be okay in the case of a Republican President.

Plus, I could raise the issue that if it is legitimate to have tax changes to benefit small business at the same time we are having increases in the minimum wage, this tax package is very meager compared to the one that was in the bill that President Clinton signed. At that time, I believe, there was about $20 billion worth of small business tax changes to benefit depreciation and other things that can offset the detrimental impact on a minimum wage increase on small business.

We all know there is no detrimental impact on larger businesses that can pass along the cost. But for smaller businesses that can't, for struggling small businesses, in particular mom and pops, it has to be something we take into consideration not only for the benefit of the smaller business but also for the benefit of the workers who work for that small business that maybe will be more underemployed or unemployed because maybe the small business can't afford to keep the same number of workers as when the minimum wage was lower. So all of these things seem to me to be legitimately tied together.

But in the case of a $20 billion tax package 10 years ago, compared to an $8 billion tax package in this bill, and considering inflation over the last 10 years, there isn't a single person listening to this debate who doesn't know that when there are complaints about connecting together a tax bill with a minimum wage increase, compared to the last time this was done in the Clinton administration, this tax package is peanuts compared to what we did for small business then—peanuts. Yet we are having this harangue about it, that somehow this debate is not legitimate.

Well, if it was legitimate in the Clinton administration, why isn't this debate legitimate now, particularly considering the great lengths to which President Clinton went to compliment Senator KENNEDY for delivering a bill to President Clinton that had provisions benefiting small business, as well as benefiting the minimum wage worker?

We are going to get a bill passed. I don't know who is complaining. What is coming up when we get done? Well, of course, the debate, I suppose, on Iraq is going to come up. And it ought to come up. We know what is coming up. We know there is not going to be any more votes on that issue this week. So if we get this bill done today or tomorrow—and I bet it will be done today—then we know that is probably going to be the last vote of the Senate this week. I think the people on the other side of the aisle who are managing this bill know that. They know when we get a couple of votes on a couple of other tax provisions, that it is limited. We know there is finality coming. There hasn't been any effort by anybody on this side of the aisle to hold up this bill, except to make sure that the impact of the minimum wage increase on small business is going to be considered the same way it was in the previous administration.

I am very happy that yesterday cloture was invoked on the Baucus substitute amendment, and it contains these two very important components about which I have already talked. For summary, in case people are now beginning to pay attention to this debate after 1 week in the Senate, the first component proposed an increase in the minimum wage.

You can make all sorts of arguments why maybe the minimum wage should not be increased. Economists can make that argument about some increase in unemployment. Some people would say you should never have passed the minimum wage in the first place in 1938. But forget those economic arguments. It is a political decision that we have had a minimum wage for the last 70 years, and it has to be a political consideration that it ought to be increased from time to time or you shouldn't have it.

So let's get over that argument, as legitimate as the economic arguments might be. They are going to be put aside because we are not going to eliminate the minimum wage. It is a part of the safety net of American society. It is part of the fabric of our society, just as Medicare, Medicaid, and Social Security. You can all argue about whether seven decades ago some of these decisions should have been made by Congress. But after a period of time, you accept it as a fact of life; they are part of the social fabric of America, and move on. It is a question now of how much.

That decision has even been answered—$2.10. It is about the same decision that is being answered in several State legislatures around the Nation, including my own State of Iowa, which now has made a decision that it ought to be $2.10, albeit triggered a little quicker than is going to be done under this bill. So we move ahead and that is taken care of.

The second component is not seven decades old, as I indicated. The Baucus substitute connects these efforts to assist small business with some changes in the tax law to benefit them. It has only been in the recent two decades that that has been an issue. But at least it recognizes something that maybe wasn't recognized before; that small business is the engine of employment in America and it ought to be recognized that, in some instances—and economists can back this up—there is some underemployment or unemployment, particularly among young people, and most particularly among minority young people.

I think it is legitimate to consider that because we make a great deal in this Congress about having programs for the unemployed, such as retraining. We make a big deal about education, vocational education, and preparing people for the workforce. But do we ever stop to think of something that doesn't cost the taxpayers one penny? And that is that vocational education goes along with a young person getting the first job that they have ever had so that they learn to get up in the morning, go to work, and be part of the workforce.

If you are not in the workforce, you are never going to work your way up the economic ladder. So getting in the workforce, learning the rules of the workforce, treating people right, taking orders, being a productive citizen is very important vocational education. So if we are creating some unemployment, particularly among minority young people, because of a decision we are making, a political decision we are making, we ought to at least take that into consideration. But for two decades now we have considered that there is some negative impact.

There is not going to be a one-for-one correlation between changes we make in depreciation schedules for small business that is going to guarantee Joe Blow or Mary Smith, teenagers working for a mom-and-pop grocery store, that they are going to be able to keep their jobs. But it is some relief across the board that is going to benefit small business, and there may be less unemployment of teenagers, less unemployment of minority teenagers so that they can get in the world of work and work themselves up the economic ladder. So the Baucus substitute is before us and will pass this body.

Despite serious policy concerns about the efforts to raise the minimum wage, we all know that public support for increasing the minimum wage remains strong. And who can argue with that? Ten years? So there is a rationale for raising it. It is pretty hard to convince anybody that as long as Congress is setting a minimum wage, it shouldn't be adjusted from time to time. So it is quite obvious. That is why we are here for that debate. So the political reality is that a majority of Senators support a minimum wage increase, not based upon being trustees of the American people but based on the proposition of being representatives of the American people. And that message is coming very clearly from the grassroots.

As predicted, the cloture vote last week showed there are not 60 votes for this minimum wage bill without the small business tax incentives. And for Senator KENNEDY, who is haranguing about the fact this is not being passed fast enough, the members of his own party voted with us on that, and that seems to show it is bipartisan.

As I said before, tax incentives targeted to small business and other businesses impacted by a minimum wage increase have been linked to minimum wage legislation over the past couple of decades. Democrats have, at times, joined Republicans in supporting that linkage. Once again, Republicans have asked for small business tax relief, if a minimum wage hike is going to happen. Based on an overwhelming cloture

vote yesterday on this Baucus substitute, it looks as if we are going to get there. Democrats, in effect, agree—through that vote—with this linkage.

To different groups of Senators, these topics carry their own benefits or burdens. Many on my side don't like the idea of second-guessing the labor market with a federally mandated minimum wage. In past statements, I pointed out some of the related issues that should give us pause when considering such legislation. Some, mostly Democrats, will call this bill before us nothing but a minimum wage increase bill. Some, mostly on my side of the aisle, will call it a small business tax relief bill. But isn't that how we get things done in the Senate? Doesn't almost everybody have to have a win? And in this aren't we having a win-win situation in a bipartisan way?

I suppose some of our Members are going to have it both ways, it is going to be both a minimum wage increase and a small business tax relief bill. President Bush, similar to President Clinton, whom I have already quoted, will recognize both parts of this package. If my friends on the other side of the aisle would review that statement, as I led them to review it last week, they will note that President Clinton saw merit in the small business tax relief package.

If I were chairman, I might have tilted the package a bit more toward depreciation and less toward, let's say, that portion that we call the worker opportunity tax credit. It is important these incentives coincide with the timing when the minimum wage increase will be taking effect. It has been proven that a minimum wage hike without tax relief for small business will not fly in a body where we have to move ahead in a bipartisan way or nothing gets done. Let's recognize that reality. Let's improve this bill and complete it in a timely manner.

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. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. VITTER. I ask unanimous consent that I be allowed to speak for up to 7 minutes as in morning business, and following that, Senator LANDRIEU be given permission to speak as in morning business for up to 7 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the time be charged postcloture.

The PRESIDING OFFICER. The Senators' time will be charged postcloture.

(The remarks of Mr. VITTER and Ms. LANDRIEU are printed in today's RECORD under ''Morning Business.'')

Ms. LANDRIEU. I yield back the remainder of the time.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Madam President, I ask unanimous consent to speak as in morning business for what time I might consume, and it will not be too long, on two bills I am going to introduce.

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

(The remarks of Mr. GRASSLEY and Mr. DODD pertaining to the introduction of S. 467 and S. 468 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRASSLEY. Madam President, since I do not think anybody else is seeking the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent to continue as in morning business for, I would say, roughly 10 or 12 minutes on an issue unrelated to what is on the Senate floor.

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

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, next week the President's budget will come to Capitol Hill. In terms of tax issues, no issue is more pressing in the upcoming budget than resolving the alternative minimum tax issue for both the short term as well as the long term.

As many Members know, the so-called patch—the temporary fix we did last year for the alternative minimum tax so no more people would be hit by it than are presently hit by it—ran out at the end of last year. So right now 23 million people in the year 2007 could be hit by the alternative minimum tax, if we do not do something about it. Since we have to offset things such as this, if we patch this up again, it is going to take $50 billion to offset or, if it isn't offset, that means $50 billion that would come into the Federal Treasury under existing law would not come in.

Next week I will give a series of speeches in some detail. I am going to look at how we got where we are on the alternative minimum tax. I will examine the history of the alternative minimum tax and the origins of the current problem. In another speech, I am going to discuss the fiscal effects of maintaining, repealing, and replacing the alternative minimum tax. And in the third speech, I will talk about options to remedy the alternative minimum tax problem in the short term and over the long term.

Today, on a preemptive basis, I want to counter a charge that I think is going to be repeated by Democratic-leaning think tanks, maybe by the leadership of the Congress, and, more importantly, by east coast media who tend to be sympathetic to the views of those political organizations. The charge will be that the alternative minimum tax problem we face is a result of the bipartisan tax relief legislation enacted in 2001 and 2003.

I ask unanimous consent to maintain the floor and yield to the majority to make a unanimous-consent request.

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

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the time between now and 2:30 p.m. be equally divided between Senators BAUCUS and KYL or their designees; that at 2:30 p.m., the Senate vote in relation to Senator KYL's amendment No. 209; that no other amendment be in order prior to that vote; that following that vote, amendment No. 115 be considered in order for purposes of drafting under rule XXII; and that all other amendments to the bill and to the substitute be withdrawn accept for amendment No. 115; and that no other amendments be in order except the substitute and amendment No. 115.

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

Mr. GRASSLEY. Let me ask the majority, would they like me to yield the floor for that debate?

Ms. KLOBUCHAR. No, Mr. President.

Mr. GRASSLEY. Next week, when the President's budget comes out, there is going to be an awful lot of discussion about the alternative minimum tax. I am trying to preempt—in a sense counter—what I think are old arguments that are going to be repeated about that issue. They are going to be coming from leftwing think tanks, and maybe the Democratic leadership in the Congress will pick up on it. For sure, the east coast media, who tend to be sympathetic to the views of these political organizations, is going to be loudly speaking about it. I don't

find anything wrong with it being discussed, but I am going to make sure it is discussed in an intellectually honest manner.

The charge is going to be made that the alternative minimum tax problem we face now is a direct result of the bipartisan—I emphasize bipartisan—tax relief legislation that was enacted in 2001 and 2003, which, by the way, Chairman Greenspan has said, both before he left the Fed as well as a private citizen, that these tax relief packages we passed back then are the basis for the economy going very smoothly in the last 3 or 4 years, creating 7.2 million jobs. If that is the argument they are going to make—and I will bet you, although I am not a betting man, that that is what we are going to hear—it is a distortion, plain and simple. So I think I am going to try to correct the record in advance. Maybe next week, if I have done it adequately, there won't be any record to correct. I have been around here long enough to know what is going to be said.

To the extent the Democratic leadership and allies suggest, like others who have looked at this issue, that the bipartisan tax relief packages are responsible for the alternative minimum tax problem, I respond in this way: Most who have reached that conclusion have done so by misusing data, data that is provided by the truly nonpartisan Joint Committee on Taxation, an agency of Congress that you might say wears green eyeshades, looks at things as they are, without a Republican or Democratic bias. These figures of the Joint Committee on Taxation will be used to distort the record on the issue of the alternative minimum tax.

The Joint Committee on Taxation analysis suggests an alternative explanation for the alternative minimum tax problem, and that is the failure of Congress to index the alternative minimum tax for inflation when it was first established 35 years ago. The critics are going to charge that the bipartisan tax relief packages are responsible for this alternative minimum tax problem. This conclusion is reached in error because it is based upon faulty logic. Those who have done similar analyses have based their conclusions on the mistaken assumption that a reduction in Federal receipts should be interpreted as a percentage causation of the alternative minimum tax problem. The Joint Committee on Taxation was asked to project Federal alternative minimum tax revenue, if the bipartisan tax relief provisions were extended but current law hold-harmless provisions were not extended. And what do we get, a $1.1 trillion issue, and a Federal alternative tax revenue, if neither the Bush tax cuts nor the hold-harmless provisions is extended, a $400 billion issue compared to the $1.1 trillion issue.

From that data, some erroneously concluded and publicly represented that the tax cuts of 2001 and 2003 are responsible for 65 percent of the alternative minimum tax problem. In other words, this $1.1 trillion minus the $4 billion divided by $1.1 trillion. And conversely then, that the tax cuts of 2001 and 2003 tripled the size of the alternative minimum tax problem; again, $1.1 trillion divided by $400 billion. The logic used to reach that conclusion is flawed. That is what I am about to show.

This is because the many variables affecting the alternative minimum tax have overlapping results, and the order in which one analyzes those overlapping variables will directly impact the outcome of the analysis.

In that way, we can use the same Joint Committee on Taxation data in the analysis above to suggest that the failure to index is actually the dominant cause of the alternative minimum tax problem. If one were to first index—and that wasn't done 35 years ago—the current tax system for inflation by permanently extending an indexed version of the current hold-harmless provisions, Federal alternative minimum tax revenue would be reduced from $1.1 trillion to $472 billion over the 10-year period we use to guesstimate taxes coming into the Federal Treasury. Thus, extending and indexing the current hold-harmless provision for future inflation would reduce the alternative minimum tax revenues by 59 percent over the same period referred to in the Joint Committee on Taxation letter dated October 3, 2005, as ''percentage of AMT effect attributable to failure to extend and index hold harmless provision.''

I ask unanimous consent to print a copy of that entire letter in the RECORD.

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

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, October 3, 2005.

To: Mark Prater and Christy Mistr.
From: George Yin.
Subject: AMT Effects.

This memorandum responds to your request of September 29, 2005, for an analysis of the portion of the AMT effect (AMT liability plus credits lost due to the AMT) which can be attributed to the failure to adjust the AMT exemption amount to inflation, assuming alternatively that the EGTRRA and JGTRRA tax cuts (''tax cuts'') are either permanently extended or repealed. We also explain how this information compares to information previously provided to you on August 31, 2005 and September 16, 2005.

For the purpose of this analysis, we have first assumed that the tax cuts are repealed. The first set of figures in Table 1 compares the AMT effect under this assumption if, alternatively, (1) the AMT exemption amount hold-harmless provision is not extended beyond 2005; (2) such provision is extended permanently; and (3) such provision is extended permanently and indexed after 2005. The second set of figures presents the same comparison under the assumption that the tax cuts are permanently extended. All of the information provided in this table was previously provided to you in our September 16, 2005 memo, except in a different format.

TABLE 1

Item	AMT effect (billions of dollars)
Tax Cuts Repealed:	
(1) Hold-harmless provision not extended	399.9
(2) Hold-harmless provision extended permanently	212.0
(3) Percentage of AMT effect attributable to failure to extend hold-harmless provision (((1)–(2))/(1))	47%
(4) Hold-harmless provision extended permanently and indexed	169.7
(5) Percentage of AMT effect attributable to failure to extend and index hold-harmless provision (((1)–(4))/(1))	58%
Tax Cuts Extended Permanently:	
(6) Hold-harmless provision not extended	1,139.1
(7) Hold-harmless provision extended permanently	628.5
(8) Percentage of AMT effect attributable to failure to extend hold-harmless provision (((6)–(7))/(6))	45%
(9) Hold-harmless provision extended permanently and indexed	472.0
(10) Percentage of AMT effect attributable to failure to extend and index hold-harmless provision (((6)–(9))/(6))	59%

In the information provided to you on August 31, 2005 and September 16, 2005, we analyzed the portion of the AMT effect attributable to the tax cuts. In the analysis described above, we identify the portion of the AMT effect attributable to failure to adjust the AMT exemption amount to inflation. There is, however, interaction between these two contributing factors to the AMT effect. In order to avoid double counting of interactions, a stacking order is imposed. The apportionment of effects to each contributing factor will vary depending on the stacking order, even though the total effect remains constant.

This phenomenon is illustrated by Tables 2 and 3 below. The first two columns of Table 2 show the portion of the AMT effect attributable to the tax cuts, consistent with the information provided on August 31, 2005 and September 16, 2005. The second two columns of Table 2 show the portion of the AMT effect attributable to the failure to extend and index the hold-harmless provision, consistent with the information provided in Table 1 above. Note that if these two contributing factors were completely independent of one another, the information in Table 2 would suggest that the two factors together contribute to more than 100 percent of the AMT effect. In fact, as shown in Table 3, the two factors together contribute to only 85 percent of the AMT effect. Thus, there is substantial overlap between these two factors.

TABLE 2

Item	AMT effect (billions of dollars)	Item	AMT effect (billions of dollars)
Baseline	1,139.1	Baseline	1,139.1
Repeal tax cuts	399.9	Extend and index AMT hold-harmless provision	472.0
Difference	739.2	Difference	667.1
Percentage of baseline	65%	Percentage of baseline	59%

TABLE 3

Item	AMT effect (billions of dollars)
Baseline	1,139.1
Repeal tax cuts and extend and index AMT hold-harmless provision	169.7
Difference	969.4
Percentage of baseline	85%

Mr. GRASSLEY. Let's go back to the Joint Committee on Taxation analysis. If we then assume that the tax cuts of 2001 and 2003 are repealed, alternative minimum tax revenue falls by an additional $302 billion, from $472 billion to $169 billion. That second drop attributable to the repeal of the Bush tax cuts reduces Federal revenue by only 27 percent. Thus, one should argue that failure to index is a greater cause of the alternative minimum tax problem—in other words, 59 percent versus 27 percent. If we had indexed, we wouldn't have this problem.

Using logic similar to that undertaken above would also cause us to conclude that failure to index is responsible for 59 percent of the alternative minimum tax problem or, alternatively, that failure to index also nearly triples the size of the AMT problem. But simple logic suggests that the bipartisan tax relief cannot be responsible for 65 percent of the alternative minimum tax problem and failure to index responsible for 59 percent of the problem. The anomaly arises because there is overlap between variables being analyzed. Although the analysis fairly demonstrates the amount of alternative minimum tax revenue saved by making a particular change to the Federal tax system, it is inappropriate to represent that such analysis accurately isolates causation of the alternative minimum tax. Because there is overlap in the variables being analyzed in these examples, indexing and the bipartisan tax relief packages, the order of analysis of those variables is crucial to whatever outcome we have.

The Joint Committee on Taxation acknowledges this point to us in a letter dated October 3, from which I will quote:

> There is, however, interaction between these two contributing factors to the AMT effect. In order to avoid double counting of interactions, a stacking order is imposed. The apportionment of effects to each contributing factor will vary depending on the stacking order, even though the total effect remains constant.

To this point in time, I have not seen anything that accurately suggests that the 2001 and 2003 tax cuts have worsened the alternative minimum tax problem to date. It is my intention to ensure we continue to honor that commitment.

Proponents of this charge fail to recognize that we addressed the problem for 2001 through 2005 in legislation that most of these organizations opposed. By the way, those hold-harmless alternative minimum tax provisions were the first significant legislative efforts to stem the rise of the alternative minimum tax tide, meaning affecting millions more people who were never intended to be affected by it.

It was, in fact, the Finance Committee that put its money where its mouth was on the alternative minimum tax. Last year's bipartisan tax relief reconciliation did the same thing for the year 2006—in other words, to make sure that the alternative minute tax problem is not worsened. Once again, it was the bipartisan leadership of the Finance Committee that ensured millions of families would not face the alternative minimum tax problem in the tax-filing season this year.

I might say that Republicans, last year, when we were controlling, were willing to add millions of people to it because they didn't want to hold harmless completely, just to some extent. But we in the Senate stuck to our guns, and we got the hold harmless kept in place, as it had been since 2001.

I reiterate the importance of the last sentence in my remarks, where I said that the Finance Committee ensured that millions of families would not face the alternative minimum tax in this tax-filing season that we are in right now. Everyone who supported the tax relief reconciliation bill walked the walk on the alternative minimum tax. A lot of the critics I am referring to have talked that walk on the alternative minimum tax, but if you look at their voting records, they have not walked the walk on the alternative minimum tax. Thank goodness, then, 15 million families were put above politics, or you might say a bipartisan solution saw that they were not harmed because, otherwise, 15 million families would be dealing right now, as they file last year's income tax, with the AMT in their tax returns—in other words, paying the alternative minimum tax because we did not hold harmless.

If they had to deal with that, you know how complex they think the tax forms are already and the tax system is already. Well, if you have to go through that alternative minimum tax exercise, it almost doubles the complexity. Every Member who voted against the bipartisan tax relief reconciliation bill ought to think about that bottom-line reality. If that group, led by—because it tended to be very partisan—the Democratic leadership had prevailed, 15 million families concentrated in the so-called blue States would have been dealing with the alternative minute tax now. It is a fact—because higher income people tend to live in the so-called blue States, according to the results of the last two Presidential elections—they are paying more of this alternative minimum tax. They happen to be represented by people of the other political party who thought that the hold harmless provisions should not have been there. So 15 million people—most of them in those States—would be hit again.

The clock is ticking on the alternative minimum tax problem for this year. In other words, we have to do something before the end of the year or we are going to have 23 million people hit by it. A year from now then, those 23 million people will be working with the complexities of the AMT and paying the alternative minimum tax. They are people who come from those high-income States, more so than the State I come from, although we have people who are hurt by it—or would be hurt by it—but not to the extent of some of the high-income States. On October 15, a taxpayer's first quarter estimated tax payments will be due, and they will have to take this into consideration. Twenty-three million families will have to start dealing with the AMT yet this year on these quarterly estimates.

Last year, Congress acted a few weeks after April 15. Hopefully, this Congress will act before April 15. Mr. President, next week, Congress will be facing the AMT problem as the budget process moves forward. That is what is going to start this demagoguery about the AMT. To get a grip on that problem, we need to examine its history, assess its fiscal impact, and carefully consider our short-term and long-term options. I look forward to these discussions on these three topics next week. Let's use correct data when we discuss the alternative minimum tax. Let's be intellectually honest. Let's discard the partisan fuzzy math and partisan revisionist history.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FISA COURT ORDERS

Mr. LEAHY. Mr. President, I received notice this morning that President Bush has agreed to our bipartisan request for key recent orders from the FISA Court. Let me explain this a little bit. I have been very critical now for some time of the warrantless wiretapping of Americans done, apparently, under the President's order. We have, as the distinguished Presiding Officer knows, the Foreign Intelligence Surveillance Act, which sets up a special court where you can go in secret if you suspect a terrorist is phoning into the United States, and you can get an

order to wiretap that call. But according to the press, the administration has not followed that law, has not gone into the court. They have allowed widespread wiretapping of Americans without a court order. This has been troublesome to a lot of people on both sides of the aisle.

So we learned recently—Senator SPECTER and I—that the Foreign Intelligence Surveillance Court had issued orders authorizing NSA's wiretapping program, which meant the President was going back to the court, as he should have, of course, before. We asked the court to make these orders available to the Judiciary Committee. The chief judge of the court approved providing the orders but left the final decision to the executive branch.

I made it clear, when Attorney General Gonzales appeared before us, that we expected to see the orders. After all, we write the law as to how the Foreign Intelligence Surveillance Act is supposed to work, and we have the responsibility to make sure it is followed. The President has made the right decision in changing his previous course of unilaterally authorizing the warrantless surveillance program. He is now going to follow the law in seeking court approval for wiretaps.

Senator SPECTER and I, on behalf of the Judiciary Committee, will have to look at the contours of the wiretapping program. We have to look at the Court's orders to determine whether the administration reached the proper balance to protect Americans, while following the law and the principles of checks and balances. I hope the administration will eventually allow all members of the Judiciary Committee to look at these orders.

We all want to catch terrorists, but we don't want a country where we have warrantless wiretapping of Americans. If we start down that slope, we all lose the right to privacy and the values this Nation has stood for for more than 200 years. So Senator SPECTER and I will review the court orders to make sure the law is being followed. I believe in this case, the President has taken the right first step, and I commend him for it.

With that, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TERRORIST SURVEILLANCE PROGRAM

Mr. SPECTER. Mr. President, I have sought recognition to join Senator LEAHY in the acknowledgment that the Attorney General will be turning over to Senator LEAHY and me, in our capacities as chairman and ranking member of the Judiciary Committee, the applications which were filed by the Department of Justice for the change in the terrorist surveillance program and the court orders issued by the Foreign Intelligence Surveillance Court establishing a new line of judicial review for that surveillance program.

Back on December 16, 2005, the New York Times broke a major story disclosing that there had been a secret wiretapping program, electronic surveillance without the customary judicial review. The customary approach is to have a law enforcement official apply for a warrant showing an affidavit of probable cause to justify a search and seizure for a wiretap which is a facet of the search and seizure, and that disclosure back on December 16 was quite a revelation. As a matter of fact, we were in the midst of debating the PATRIOT Act at that time, trying to get that through on reauthorization, and it was a major bone of contention, with some Senators saying they had been disposed to vote for the reauthorization of the PATRIOT Act and wouldn't do so now with the disclosure of that program.

Through a good bit of last year, the Judiciary Committee worked on efforts, through legislation, to have judicial review of that program, and, in fact, at one point an agreement was reached with the White House on a legislative package to move forward. Ultimately, that legislative effort was unsuccessful and the program continued to have these wiretaps without judicial approval. Then, on January 17—earlier this month—the Attorney General announced there had been a change in programming and there would be application made to the Foreign Intelligence Surveillance Board under procedures which the Department of Justice had established with the Foreign Intelligence Surveillance Court.

I received a lengthy briefing on the nature of the program, but it fell short of the necessary disclosure because I did not know what the applications, the affidavits provided, nor did I know what the court had said. And there was an issue as to whether there was a blanket approval for the program or whether there were individualized warrants, and in order to meet the traditional safeguards for establishment of probable cause, there would have to be individual warrants.

Senator LEAHY and I then pressed the Attorney General for access to these documents which would give us a fuller understanding of what was happening. I was pleased to learn earlier today that the Attorney General has consented to make those disclosures to Senator LEAHY and myself, and we will be reviewing those documents. They will not be made public. Until I have had a chance to see them, I wouldn't have any judgment as to whether they ought to be made public. My own view is there ought to be the maximum disclosure to the public consistent with national security procedures. The Attorney General has represented that there is classified information here which ought not to be made public, and I will reserve judgment until I have had an opportunity to see those documents.

I know Senator LEAHY was on the floor a little earlier today, within the past half hour or so, and I wanted to join him in thanking the President for this action. We have seen an expansion of Executive authority which I have spoken about on this Senate floor in a number of situations with the signing statements, where the President signs legislation but expresses reservations. There is a real question in my mind as to the constitutionality of that. The Constitution provides that Congress passes legislation and the President either signs it or vetoes it. I have introduced legislation to give Congress standing to challenge those signing statements or limitations therein in court and other examples of the expansion of Executive authority.

So I think this is a significant step forward, and I commend the President and the Department of Justice for taking this stand. I am going to reserve judgment on the program itself, obviously, until I have had a chance to review it. But I did want to acquaint my colleagues in the Senate with what is happening and acquaint the American people too because there has been considerable concern about the protection of civil rights, and obviously our war on terrorism has to be fought in a vigorous and tenacious manner, because it is a real threat to our national security and the safety of the American people, but at the same time have the balancing of protecting civil liberties. This is a significant step forward, and I am anxious to see the details to be able to report further on it.

I thank the Chair, and in the absence of any other Senators seeking recognition, 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. THOMAS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

Mr. THOMAS. Madam President, I ask unanimous consent to speak as in morning business.

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

SIMPLIFYING THE TAX CODE

Mr. THOMAS. Madam President, although it is unrelated to what we are doing, I wish to talk a little bit about general tax reform.

The amendments are very important, and we are dealing with the issue, of course, of the minimum wage and offsetting some of those costs to small businesses. I support that idea. But I wanted to say that I hope we soon give more attention to reforming of the

overall tax forms. We are getting into a position where every time there is an issue, every time there is something we want to accomplish, we have some tax relief for this section of the economy and for that section of the economy. It has become so complex and so shortchanged in terms of the time, the exchanges that we have. I think we have to have some overall tax reform.

I understand it is not easy because all of these issues are different. On the other hand, we can simplify the Tax Code, if we take the time. I mentioned it this morning in the Finance Committee. I realize we are not going to be able to address it in a short time, but I think we ought to set it as a long-term goal and begin to deal with simplifying the Tax Code. As each of us moves into our own taxes this year, it becomes obvious how detailed these taxes are. If you happen to be involved in a business, even a small business, the Tax Code is so difficult. I don't think we ought to be managing the behavior of this country through taxes. Taxes ought to be set in a general and long-term way so that people can understand, over time, what the tax situation is, and we can make it attractive enough that we don't have to change it for every issue that comes up.

Again, I certainly am supportive of what we are doing now. But in the longer view of things, I urge that we give consideration to reforming the Tax Code, to making it simpler, understandable, longer term, and to avoid setting up the situation where each time there is some issue affecting anyone in this country, we don't, as a secondary action, change the Tax Code to encourage a particular outcome. It should not be the purpose of taxes to regulate behavior.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be divided equally.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 209

Mr. KYL. Madam President, unless the Senator from Wisconsin wishes to speak, I will proceed. I believe we have about 14 minutes remaining on our side. I would like to use at least some of that time to clear up a couple points that were made earlier in the debate. I am speaking on the amendment No. 209, which is my amendment to extend the period of time that so-called section 179 small business expensing would be effective. Instead of cutting off at 2010, it would be the same period of time that we extended the work opportunity tax credit; namely, 2012. The obvious reason being that businesses would have more time within which to plan these additions or improvements to their business and would be able to count on what the Tax Code treatment would be and, therefore, would be more likely to make the investment and, therefore, create more jobs and, therefore, be able to absorb the cost of the minimum wage that will be imposed by the legislation before us.

I ask unanimous consent that Senator ALEXANDER be added as a cosponsor to amendment No. 115 and that Senator SPECTER be added as a cosponsor both to this amendment, No. 209, and to No. 115.

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

Mr. KYL. Madam President, the Senator from Massachusetts made a couple of statements I need to correct. One was that this amendment would cost $45 billion. I do not know how he arrived at that figure. Even if you add up all of the amendments I have proposed at one time or another on this bill, they don't add up to $45 billion.

The amount that this amendment would, in effect, cost to take section 179 through the year 2012 would be about $2.1 billion over 10 years. That is more than absorbed by the authority that we have under the budget from last year, which is $278.6 billion. So there doesn't have to be an additional offset. There doesn't have to be an additional pay-for. The cost for extending section 179—what we are doing with this amendment—is entirely subsumed in the budget we passed last year. That is why it is not subject to a point of order and why a mere majority vote will determine whether it moves forward.

According to the Congressional Budget Office, by the way, the minimum wage increase will impose about $5 billion worth of new costs on businesses each and every year. Most of that will be on small businesses. The extension of this relief will benefit those very small businesses that are going to have to absorb this additional cost.

When the Senator from Massachusetts said earlier, ''We have debated over the period of the last few days tax breaks for corporate America,'' I want to be very clear, that is not the tax break I am talking about. The tax break for corporate America is the tax break the majority of the Democrats on the Finance Committee have provided in the form of the work opportunity tax credit.

Testimony before our committee confirmed that 95 percent, approximately, of the value of the WOTC, work opportunity tax credit, goes to bigger businesses, S and C corporations, because they have the wherewithal to set up the complicated accounting mechanisms for the work opportunity tax credit legislation to actually work. Very few of the small businesses are benefited by that tax relief. But almost all of the small businesses are benefited by the tax relief that I have proposed. So I respectfully correct my colleague from Massachusetts.

What I am proposing doesn't benefit the big corporations. That is what is already extended under the bill through the year 2012. What we are doing is extending through the year 2012 these benefits for the small businesses—specifically, the section 179 expensing. How does that work? As I explained this morning, by definition, section 179 allows businesses to write off an amount that is right now $112,000, when they spend that much money on a new piece of equipment or add on their business. If they spend more than $400,000, they cannot use this particular provision.

The bottom line is that this is for the small business, it is not for big business. So it is simply incorrect to say that the proposal that is before us now, to be voted on shortly, benefits big corporations. They cannot, by definition, take advantage of this particular provision of the Tax Code.

Again, why are we seeking to do this? All of us on the Finance Committee agreed that we needed to provide some tax relief to small businesses because small businesses would bear the brunt of the new expense of the minimum wage. So the committee unanimously extended various provisions of the Tax Code. It extended this section 179 for another year, recognizing its importance. All my amendment does is extend it another 2 years, so that it will conform with the same period of time that the work opportunity tax credit goes to and, thus, provide some balance between the big businesses, which get the work opportunity tax credit relief, and the small businesses, which primarily rely on the section 179 tax relief.

Section 179 is probably the most used of the tax provisions because all small businesses can take advantage of it whenever they add value to their particular business. It is for this reason that several organizations have endorsed this proposal of mine and, in fact, have communicated with us that they intend to key vote this amendment. So when you are voting on my amendment, if you vote to table my amendment, you are going against the recommendations of the following groups: National Federation of Independent Business, NFIB; Food Marketing Institute; Printing Industries of America; International Franchise Association; and Society of American Florists.

You can see that these are the kinds of businesses that can take advantage of this section of the Tax Code. So anybody who votes to table this amendment, as I said, will be going against the recommendation of these particular groups.

I urge my colleagues—this has never been a partisan issue. Section 179 is supported by Democrats and Republicans and Independents. Our committee action was unanimous. There is no reason this has to become a partisan issue. There is no question of pay-for. We already, in the budget from last

year, the scorecard, as they call it, have revenue available to offset the modest increase of $2 billion that a 2-year extension would entail in this particular amendment. So I see no reason for anybody to vote against it and, most especially, to table this amendment.

I urge my colleagues to vote against the motion to table.

Madam President, might I inquire how much time is now available on both sides of this issue?

The PRESIDING OFFICER. The minority has 6 minutes, and the majority has 3 minutes.

Mr. KYL. All right. It is also my understanding that time not used is to be counted off equally against both parties; is that correct?

The PRESIDING OFFICER. For quorum calls, yes.

Mr. KYL. Oh, I see. As the proponent of the amendment, I hope that I will be able to close the debate. But given the fact that there is 6 minutes remaining on my side, if there is nobody from the majority side to speak to this, then I will continue the conversation, at least until someone arrives.

One of the other arguments is that by extending this through 2008, we have provided enough certainty to small businesses that they could go ahead and make the investment, plan the renovation or buy the piece of equipment, or whatever that might be. The bottom line is that any amount that we extend in these tax provisions enables businesses to plan better. If we extend it 1 year, as the committee did, then at least businesses can look out 1 year. But as we all know, in the business environment, a 1-year horizon is very short. That is why, just as we extended the work opportunity tax credit through 2012, it makes sense to extend the small business expensing through the year 2012 as well. Any additional time that businesses can know what the tax consequences of their purchases or expenses are is an advantage to them and will enable them to create the jobs, as I said, that will offset the costs of the minimum wage.

Madam President, I don't know of anybody who opposes the extension of section 179. The committee itself extended it for 1 year. I don't know why there would be partisan debate about extending it for another 2 years. I think we can all agree that would represent good policy. The relatively modest expense of this $2.1 billion, in terms of theoretical lost revenue, is more than compensated for by the $278 billion in offset tax authority from the years 2011 and 2015 under the budget we passed last year. So there is no point of order and there is no reason, on a purely fiscal basis or balanced budget basis, to vote against this.

Everybody knows it is good for small business. Adding 12 years for planning purposes for the business to purchase the equipment or add to the building is simply an improvement over existing law and enhancing of the small business's ability to create more jobs, expand their business and, frankly, to contribute to the great economic growth that we have right now.

So I don't understand any of the reasons a Member of this body would want to oppose this particular amendment. I am not doing this for any purpose other than to try to support these small businesses. That is why the NFIB and the others are so supportive of my amendment. I would think that in this time when we wanted to start out the year in a bipartisan way, this is a provision that has strong bipartisan support; it always has. I just don't understand why anybody would not want to extend it for 2 years, especially when the costs of doing so are already offset in the budget that we passed last year.

Again, I urge my colleagues to oppose the motion to table this amendment.

Madam President, let me first inquire how much time both sides have remaining.

The PRESIDING OFFICER. The minority has 2 minutes, the majority has 3 minutes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Madam President, I ask unanimous consent that I may be permitted to speak for 60 seconds.

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

Mr. ALEXANDER. Madam President, I compliment Senator KYL for his work. I expect a vote for the minimum wage with the small business tax adjustments that are with it. As I said on the floor of the Senate the other day, it is not the most efficient way for the Government to intervene help for the poorest people who are working. I think that would be an increase in the earned-income tax credit. It would be less expensive, more efficient, and all of us would pay the bill for that, not just small businesspeople.

If we are going to raise the minimum wage, we ought to not impose the whole burden on just that small segment of society. I agree that extending these small business depreciation and expensing benefits would help small business men and women who are trying to compete in the world to be able to compete. And it gives all of us who pay taxes a chance to pay for this idea that we have called the minimum wage, which tries to help working people have more.

I support the amendment of the Senator from Arizona, Mr. KYL because it will do more to offset the increased costs imposed on small businesses through raising the minimum wage by making it easier for many small business owners to take advantage of the tax relief contained in this bill. In addition, the amendment will help create jobs by encouraging small business owners to grow their businesses and hire new employees.

Under current tax law, small businesses can expense up to $100,000 of certain new property the year it is put in service. That figure is indexed to inflation, so small businesses will be able to expense up to $108,000 in 2006. After 2009, this expensing level will drop back down to $25,000 a year for these small businesses. The tax relief package included in the minimum wage bill would extend the $100,000 expensing limit—indexed for inflation—through the end of 2010. The Kyl amendment would add 2 years to that extension. In other words, the Kyl amendment would allow small businesses to expense the higher amount through the end of 2012.

Last week, I spoke on the Senate floor about the burden imposed on the small business community by raising the minimum wage. Small businesses will bear the brunt of approximately 60 percent of the costs of a minimum wage increase. I applaud the Finance Committee including Chairman BAUCUS and Ranking Member GRASSLEY for approving a tax relief package to help offset these costs. In particular, I am glad that tax relief package includes the expensing provision that we are talking about on the Senate floor today.

The Kyl amendment would make the expensing provision even stronger by allowing for higher expensing limits through the end of 2012. This is important because continuing the higher expensing limits for an additional 2 years would give small businesses more time to plan and fully use this benefit. If small business owners can take greater advantage of the tax relief in this bill, that means more help in offsetting the added costs imposed on small business owners through a minimum wage increase.

Not only does this particular tax provision help offset the costs of an increased minimum wage, but it will help create grow the economy and create jobs. Allowing small business owners to immediately expense critical investments encourages the purchase of new equipment, which helps to spur economic growth. New equipment for small businesses also usually leads to greater efficiency. And putting more money back into the hands of small business owners allows them to hire new workers.

During this minimum wage debate, a lot of my colleagues have talked about the economic challenges facing working families. I can't think of a better way to help low-income Americans than passing legislation that helps grow the economy and create new jobs, and that's what this amendment would do. I applaud my colleague from Arizona for offering this amendment and urge my colleagues to support it.

Mr. BAUCUS. Madam President, before the Senate votes on the second

amendment by Senator KYL, the amendment is not offset, not paid for. It would add about $2 billion to our Federal deficit. The Senate rejected a Kyl amendment last week that was similar. I admire the Senator's persistence. He is a firm subscriber to the proverb that if at first you don't succeed, try, try again. I admire that very much.

But there is also another reference, I think, from Ecclesiastes, that essentially there is a time and place for everything. This is not the time and this is not the place to pass this amendment, which adds $2 billion to the national deficit.

I urge my colleagues to support the motion I am about to make, which is to table the amendment. The underlying amendment not only is not paid for, it is unbalanced. We had it packaged together here, and we voted on similar amendments, and it is time to get on with final passage of the minimum wage bill. That is what Americans are looking for. They want to increase the minimum wage. We should no longer dally here, with no disrespect for my colleague from Arizona. We are working on amendments that we worked on, that we had votes on.

I will make the motion and urge my colleagues to vote to table the underlying amendment.

Mr. KYL. Let me use the last minute of my time, and then I will yield to the leader.

The PRESIDING OFFICER. Actually, the time of the Senator has expired on the minority side.

The Republican leader is recognized.

Mr. MCCONNELL. Madam President, on my leader time, I yield a minute to the Senator from Arizona.

Mr. KYL. Madam President, I simply wanted to respond to the point the chairman of the committee just made, which is that this is not offset. The reason there is no pay-go point of order against this amendment is because the Baucus substitute already extends section 179 small business expensing through 2010 and includes the necessary offsets to cover 2010. This amendment merely extends that through 2012, years in which the pay-go scorecard has more than sufficient allocation to cover any revenue that Joint Tax projects would not be collected in those years. That is why there is no point of order and why we believe this is a fiscally responsible way to assist small business.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, using some of my leader time, Republicans worked hard this week to make sure we pass a minimum wage bill that gives everybody a lift—the American worker who earns the wage and the American worker who pays it. The Kyl amendment reflects this basic concern for the worker and the wage payer, and I encourage all of our colleagues to give it their full support.

This amendment will let American business men and women deduct the cost of tools and equipment the same year they buy it. This is clearly good news for employers and for workers. By giving business men and women the freedom to deduct costs right away, fewer will be forced to choose between new equipment and new hires. Republicans like Senator JON KYL are working hard to make sure we have a bipartisan accomplishment with this bill. I urge all of our colleagues on both sides of the aisle to give this amendment their full support.

Mr. BAUCUS. Madam President, I ask 1 minute on leader time on the majority side.

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

Mr. BAUCUS. It is very simple. This amendment is not paid for. It is scored as a $2 billion additional hit to the deficit. It is not paid for, let's make that clear.

Second, we are talking about extending what is called section 179, which is the small business expensing provisions in the law. The underlying bill already extends 179 through 2010. It already does. This adds 2 more years at the cost of $2 billion. We have time, maybe this year or next, to extend it when we can pay for it at the appropriate time.

But, again, the underlying bill very clearly takes care of small business expensing needs by extending 179 through 2010. Second, it is not paid for. We should not adopt this amendment.

Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Nebraska (Mr. HAGEL).

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—49

Akaka	Feinstein	Nelson (FL)
Baucus	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Stabenow
Casey	Levin	Tester
Clinton	Lieberman	Voinovich
Conrad	Lincoln	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Mikulski	
Feingold	Murray	

NAYS—48

Alexander	Bunning	Coleman
Allard	Burr	Collins
Bayh	Chambliss	Corker
Bennett	Coburn	Cornyn
Bond	Cochran	Craig
Crapo	Inhofe	Sessions
DeMint	Isakson	Shelby
Dole	Kyl	Smith
Domenici	Lott	Snowe
Ensign	Lugar	Specter
Enzi	Martinez	Stevens
Graham	McCain	Sununu
Grassley	McConnell	Thomas
Gregg	Murkowski	Thune
Hatch	Nelson (NE)	Vitter
Hutchison	Roberts	Warner

NOT VOTING—3

Brownback	Hagel	Johnson

The motion was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. Under the previous order, the lone remaining amendment is amendment No. 115.

Ms. MIKULSKI. Madam President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I note the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Maryland has the floor.

CLONED FOOD LABELING ACT

Ms. MIKULSKI. Thank you very much, Madam President. I rise today to talk about a bill I introduced last week. It is called the Cloned Food Labeling Act.

My colleagues would be shocked to realize that the FDA has announced that meat and milk products from cloned animals are safe for human consumption. My bill will require the Government to label any food that comes from a cloned animal or its progeny. My colleagues need to know I am strongly opposed to the FDA approving meat and milk products from cloned animals entering into our food supply, and I am not the only one. Most Americans actively oppose it, and scientists say we should monitor it. But the FDA decided food from cloned animals is safe to eat. And since the FDA decided it is safe, the FDA will not require it to be labeled as coming from a cloned animal or its progeny.

Now, the American people don't want it. They find it repugnant. Gallup polls report over 60 percent of Americans think it is immoral to clone animals, and the Pew Initiative on Food and Biotechnology found a similar percentage say that, despite FDA approval, they won't buy cloned milk. But what troubles me is not only what public opinion says but what the National Academy of Sciences says. They reported that—so far—studies show no problems with food from cloned animals. But they also admit it is a brand-new science. What about the unintended consequences? They caution the

Federal Government and recommend this technology be monitored for potential health effects and urge diligent post-market surveillance. Well, you can't do post-market surveillance if the food is not labeled. How do you know where the cloned food is?

So the FDA tells us once they determine it is safe, they will allow the food to enter the market, unidentified, unlabeled, and unbeknownst to us, and I find it unacceptable. Consumers would not be able to tell which food came from a cloned animal. So, here we have a picture of Dolly—the first cloned animal. Hello, Dolly! We say: Hello, Dolly. You have been approved for our food supply. Hello, Dolly. Welcome to the world of the Dolly burger. Hello, Dolly. Welcome home to Dolly in a glass. Hello, Dolly. Welcome to this plate of special cloned lamb chops when you are celebrating the 25th anniversary for your wife. I say: Goodbye, Dolly, the FDA's approval was baa, baa, baa.

I can't stop this from being approved by FDA, but I want an informed public to know what they have before them. Most Americans do not want this. They should not be required to eat it. I don't think they should be required to eat it without knowing what it is. Therefore, my legislation says any cloned food or its progeny would have to be labeled at the wholesale level, at the retail level, and at the restaurant level. This would ensure informed consent. To help the American public make this informed decision, I introduced a bill to require that all food which comes from a cloned animal or its progeny be labeled. This legislation will require the FDA and the Department of Agriculture to label all food that comes from a cloned animal. The label simply would read, ''THIS PRODUCT IS FROM A CLONED ANIMAL OR ITS PROGENY.'' The public would be able to decide which food they want to buy—and I mean all food, not just packages in a supermarket but also the meals they choose from a menu.

Now, the FDA has responsibility to guarantee the safety of our food. Although many aspects of food safety are beyond their control, this is not. Scientists and the American people have the right to know. Consumers need to know which food is cloned and the scientists need to be able to monitor it. We don't know the long-term effect of cloned animals in our food supply.

What factors influenced the decision to deem food from cloned animals safe? Are they allowing an eager industry to force questionable science on an unknowing public? I am not so sure.

The FDA used to be the gold standard, but we have heard ''it is safe'' for too long. What if they are wrong? We were told asbestos was safe. Do you want asbestos in your home? We were told DDT was safe. Do you want to be sprayed with DDT? We were told thalidomide was safe. No pregnant woman today would take it. We were told Vioxx was safe. Does anyone with a heart condition or high cholesterol want to take it? I don't think so. We have been down this road before regarding the safety of products.

When it is so unclear and so uncertain, I am saying let's take our time. If America doesn't keep track of this from the very beginning with clear and dependable labeling, our entire food supply could be contaminated. I worry about what happens to the consumer. I worry about it being eaten by ordinary folks. I worry about it being in our school lunch program. I worry about it because we do not know enough.

In Europe, they call this type of stuff ''Frankenfood.'' I worry, then, that because it will be unlabeled, more of our exports will be banned. My State depends on the export of food—whether it is seafood or chicken or other products. I don't want to hear one more thing coming out of the EU about not wanting to buy our beef or our lamb because they are worried that it is Frankenfood. We need to be able to export our food. If it is labeled, we will be able to do that.

At the end of the day, I want our consumers to have informed consent, scientists to be able to monitor this, and Congress to be able to provide FDA oversight. I reject the notion that FDA or anyone else should allow this to go forward without some type of declaration about what it really is.

Please, when we see this creature, Dolly, in this photograph—I don't know its purpose; I don't know what it accomplishes. We do not have a shortage of food in our country; we don't have a shortage of milk in our country. For those people who want to produce Dolly, we can't stop it, but I do think we should stop the FDA from putting this into our food supply without labeling and without an informed consent.

I say bah, bah, bah to those who want to bring this into our food supply.

I yield the floor and suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. KYL. 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. 115

Mr. KYL. Mr. President, my understanding is that the pending business is amendment No. 115.

The PRESIDING OFFICER. That is the pending question.

Mr. KYL. Mr. President, I will briefly describe this amendment. It extends for an additional period of time three provisions of the Tax Code that relate to smaller businesses that the Committee on Finance agreed should have this tax relief and provides for a more balanced bill in terms of the extension of the tax provisions. It deals with leaseholds and restaurant renovations, new restaurant construction and owner-occupied retail. It is identical to an amendment the Senate tabled last week except that it drops the revenue offset since Senator BAUCUS had identified that offset as the primary problem he had with the amendment.

Specifically, it would extend three provisions of the Small Business and Work Opportunity Act of 2007 through the end of 2008. The three provisions are the 15-year recovery period for leasehold improvements in restaurant renovations, as current law provides they run through the year 2007; 15-year recovery for new restaurant construction, which is a new provision; and another new provision, 15-year recovery period for retail improvements.

My chart shows what we have done in the Committee on Finance and what I am proposing here. These are the three provisions covered by the amendment before the Senate at this time. We have added the two new provisions in green for new restaurants and retail, and we have extended the leasehold and restaurant provision by 3 months. All three of these would expire at the end of March of next year. What we do in this amendment is extend them through the end of the year. The reason should be obvious: For businesses to plan ahead, they need a little bit of lead time. To provide only a 3-month extension, for example, is not very much tax relief.

We all acknowledge that the point of this relief in the first place, which the committee unanimously agreed to, was to help small business be able to offset the cost of the minimum wage increase. If we are going to do that, it should be meaningful. This amendment simply extends from a 3-month period to the end of the year and extends the two new provisions as well through the end of 2009.

Let me describe each of these three provisions.

The leaseholds and restaurant renovation provision under current law are depreciated over a 15-year period, but this treatment only applies to property placed in service by the end of 2007. The amendment that came out of the Committee on Finance, the Baucus Committee on Finance substitute, would extend this 15-year recovery period by 3 months for property placed in service by March 31, 2008.

Under the two new provisions, new restaurant construction, there is currently no law provision allowing for accelerated depreciation of new restaurant construction, and the Baucus Committee on Finance substitute provides to correct this problem with a 15-year recovery period for such new restaurants. It is an important and necessary change, but it only, under the Committee on Finance bill, provides the treatment from the date of enactment through March 31, 2008.

And the same thing for owner-occupied retail. There is currently no provision allowing for accelerated depreciation of improvements made to owner-occupied retail space. The Baucus Committee on Finance provides a 15-year

recovery period for improvements made to such spaces, thus putting these establishments on the same footing as leasehold. The bill provides this treatment from the date of enactment through March 31, 2008.

The committee had recognized the importance of these depreciation periods for owner-occupied retail, new restaurant construction, and leaseholds and restaurant renovations. There is no dispute about that, no debate about that. The only question is how far the relief should be extended.

While obviously everyone appreciates in this case the 3-month extension, it is hardly enough to be able to say to these small businesses: We solved your problem; we put a big burden of paying for the minimum wage increase on you, but we have enabled you to offset that by depreciating your property more quickly and being able to plan for your future construction needs. Clearly, that provision does not do the trick. Even these two new provisions, as welcome as they are, only extend the relief through March of next year. Again, what my amendment does is extend it through the end of the year. That is all it does.

Let me illustrate the importance of the tax provisions that the Finance Committee passed and which we are seeking to extend by this amendment.

If you stop and think about it, the policy justification for a 39-year depreciation recovery period for new construction of a restaurant, for example, makes no sense at all. How many of you know of any restaurant that has not done a thing to the restaurant for 39 years? If you are in the restaurant business, you have to constantly upgrade your facilities. Certainly, your kitchen facilities have to be upgraded. And new construction and renovation should obviously be treated the same way.

Under this bill, they are given a 15-year depreciation schedule. Now, that is the same depreciation schedule as for convenience stores, of course—a direct competitor of quick-service restaurants. They can use the 15-year depreciation schedule for all construction, new or renovation. Under their provision of the Tax Code, it is permanent law, so we do not have to extend it each year.

So what the Finance Committee has done is to try to bring some sense of balance and fairness into the code to treat like properties in a like way. If you are a fast-food restaurant, it does not matter whether you are a convenience store or regular restaurant, whether you build the place new or you simply spend the money to renovate, the expense of what you have done should be depreciated over the same period of time.

Fifteen years is probably too long, but that is the period that has been selected. It should be the same for all. By allowing restaurateurs to deduct the cost of renovations and new construction on this shorter schedule, many more restaurant owners will be in a position to grow their business and to continue to create more jobs. That is the key to offsetting the expenses of the minimum wage.

By definition, encouraging more new restaurants to be built means more new restaurant jobs. That is a tautology. This is important because the restaurant industry is uniquely impacted by a minimum wage increase. Of the nearly 2 million workers earning the minimum wage, 60 percent work in the food service industry. Furthermore, the last time Congress increased the minimum wage, 146,000 jobs were cut from restaurant industry payrolls, according to information from the industry. That is why this provision I am offering today is so important. The very people who are going to bear the impact—namely, the workers in restaurants, who could see their jobs evaporate as a result of passage of the minimum wage increase—will find that their job is going to be OK when their restaurant can expand or build a new restaurant, thus creating more new jobs.

Instead of having to lay people off in order to pay the increased minimum wage, the businesses will be able to create more jobs and, therefore, everyone would be able to be employed by them. This is the theory. The Finance Committee agrees with the theory by adopting these two new provisions and extending the existing provision for 3 months. But as I said before, it did not do the job well enough.

This is very modest relief and hardly gives a restaurant, for example, the confidence it can continue to make improvements and receive the favorable tax treatment, the 15-year writeoff provision we are providing in the law. That is why it is important to continue to extend it. It would be nice if it were permanent, as it is for convenience stores. That is what it should be. It would be nice, as under the work opportunity tax credit, if it went out through the year 2012 or 2013. That would be nice. We are simply taking it to the end of the year 2009. That is not too much to ask to help these small businesses.

Let me just note a couple of the objections that came from the chairman. The first had to do with so-called balancing of the work opportunity tax credit and the tax relief for small businesses. Now, the work opportunity tax credit, as you can see with this red line on the chart, the committee bill went to the end of 2012. And these others only go through March of 2009. That is hardly balanced. Moreover, all of these provisions have always attracted bipartisan support.

It is not like the work opportunity tax credit is a Democratic provision and the retail improvements are a Republican provision. We have all supported both provisions. Both make sense. We understand that. So it is not like somehow there has to be a partisan reason to support this but not support this, or this or this, as shown on the chart. We do not need partisan politics injected into this debate. So there is no reason now to politicize these issues, characterizing them as Republican or Democrat.

It is obvious the bill is not balanced. Even if you assume there should be some balance, the work opportunity tax credit, as I noted, is extended for 5 years, while the accelerated depreciation for leasehold and restaurant improvements is extended for a 3-month period.

As I noted before, the primary objection of the chairman before was over the offset. I understand that. It was a somewhat controversial offset. Of course, in the committee, when I offered this amendment, the chairman said unless I had an offset, it would be declared out of order. So we looked for and thought we had an offset that would be approved. But it turned out the chairman did not like that offset. That was his primary objection to this provision. So we will simply remove that offset and provide that we will extend the provisions for another 9 months through the end of 2009, without an offset of any tax increase.

But let me just make this point. We are talking about a very temporary extension of an important tax provision. This leasehold and restaurant provision has been in existence now for some time. We are extending it all of 3 months. Yet under the theory of those who say it has to be offset by a new tax increase, we would have to permanently find a source of revenue that would pay for this 3-month extension. That is a perversion of the pay-go concept. It is inappropriate, especially for provisions that generate jobs.

We should not have to pass a permanent tax increase in order to be able to fund a temporary provision of the Tax Code that helps to create new jobs. As I said before, when you build a new restaurant, you are creating new jobs. That is obvious. And when you create new jobs, you can better afford to hire the people who would be at the minimum wage, 60 percent of whom are in the restaurant business, and there is a job there for them.

So it makes sense to extend these provisions. The work opportunity tax credit, as beneficial as it might be, does not create new jobs. So if anything, you would want to balance with more emphasis on these three provisions than you would under the work opportunity tax credit.

So I guess the bottom line of this is that the reason for objecting to this provision, based on the lack of an offset, does not make sense in terms of practical economics, given the fact that the provisions that we would extend in 2008 are job creators and would create the very jobs that people earning the minimum wage could then move into.

Without the creation of these new jobs, some businesses are going to have to lay people off, and there will not be

jobs for them. This would provide for those jobs.

Mr. President, I guess the bottom line is this: We have seen, unfortunately, the debate over these amendments break down along primarily party lines. I think that is very unfortunate because a small business owner can be a Republican, a Democrat, or anybody else. They create the bulk of jobs in our society. They pay a huge amount of the taxes. They will be the ones most hard hit by the increase in the minimum wage.

If we pass a minimum wage increase with bipartisan support, it seems to me we should follow the leadership of the Finance Committee in extending these tax provisions in a bipartisan way. And when we only extend a provision for 3 months, to me, it is not a good-faith recognition of the problem we have placed on that small business by the imposition of the minimum wage mandate. We need to keep faith with those businesses by providing a longer extension of the tax provisions that benefit them in a way that enables them to pay for this minimum wage increase. That is how we would be keeping faith with these small businesses.

So I hope we can eschew the partisanship that has characterized the previous votes, we can appreciate the importance of extending these provisions which, after all, were created in a totally bipartisan way in the Finance Committee, and we can recognize it is possible to both raise the minimum wage for low-income workers and help create new jobs for them with these tax provisions.

I hope when it comes time to consider a motion to table this particular provision that my colleagues will vote against a motion to table or support the provisions if we have the opportunity for an up-or-down vote.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, on behalf of the majority leader, I ask unanimous consent that the time until 4 p.m. be equally divided and controlled between Senators BAUCUS and KYL, or their designees, for debate with respect to the Kyl amendment No. 115, as modified; that at 4 p.m. the Senate proceed to vote in relation to the amendment; that upon disposition of the Kyl amendment, without further intervening action or debate, all time be considered yielded back and the Senate proceed to vote on the Baucus-Reid substitute amendment No. 100, as amended; that upon disposition of the substitute amendment, there be 4 minutes of debate equally divided and controlled between the majority and minority leaders or their designees, and the Senate then proceed to vote on the motion to invoke cloture on H.R. 2, as amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

Mr. KYL. Mr. President, I ask unanimous consent that all time under the previous quorum call and this quorum call and any future quorum call be equally divided between the two sides.

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

The Senator from Montana.

TRADE PROMOTION AUTHORITY

Mr. BAUCUS. Mr. President, earlier today President Bush called for renewal of fast-track trade negotiating authority, otherwise known as trade promotion authority, otherwise known as TPA. Fast-track authority expires 6 months from today. Many view this date with fear and trepidation. I do not. I view it as an opportunity to take a hard look at the direction of America's trade policy. It is an opportunity to air differences and an opportunity to find common ground.

Trade policy is a bargain, a bargain struck between the American Government and the American people. Americans trust their Government to use trade policy to expand export opportunities, create jobs, to fuel our economy. In exchange for that trust, Americans expect their Government to make sure that trade works for them, and they expect their Government to take action when it does not. That is the fundamental debate in which we, as a nation, must engage. Does trade work for the American farmer, rancher? Does trade work for American factory workers? Does trade work for the American economy?

I believe it does. I believe trade creates opportunities. I believe trade generates American jobs. I believe trade bolsters our global competitiveness. I believe trade allows us to project America's values to the world. And I believe the alternative, erecting barriers to trade, is self-defeating and will not make anyone better off. That is why, during my years in Congress, I have long supported granting the President fast-track authority. The success of America's ranches and farms, the success of businesses big and small, requires that the President have this authority.

Twelve million American jobs depend on exports. Exports account for a tenth of our country's gross domestic product. Montana exports 60 percent of the wheat grown there.

But there are other voices. Many have deep and legitimate concerns about the effect of trade and globalization. Many equate trade with ballooning deficits, stagnating wages, and job layoffs. Many view the growth of China and India as threats rather than as opportunities. Many point to abhorrent labor and environmental conditions in some of our trading partners. And many no longer trust the Government to do its part to take care of the Americans whom trade leaves behind.

These concerns are real. They are deeply felt. And we cannot ignore them. True leadership requires that we address these concerns head on. The expiration of trade promotion authority allows us to have this debate. It reminds us we cannot consider renewal of this authority in a vacuum. It underscores the paramount importance of restoring America's faith and confidence in our trade policy, a huge opportunity. In the process, we will examine a series of critical issues. These are issues we must address as we consider whether to reauthorize trade promotion authority.

First, we must make trade adjustment assistance, otherwise known as TAA, more reflective of today's innovative economy. TAA is America's commitment to provide wage and health benefits while trade-displaced workers retool, retrain, and find better jobs. A renewed TAA must do what today's program does not. It must be made available to the 8 out of 10 American workers who make their money in service professions. It must apply to all workers displaced by trade, not just those affected by free-trade agreements. The time has come to consider other ways to help workers displaced not just by trade but by other aspects of globalization, including the advance of technology.

Second, we have to address concerns that our trade agreements encourage companies to move jobs to countries where substandard labor and environmental policies occur. We need to find common cause with those who abhor child and sweatshop labor anywhere. We need to acknowledge the justifiable ends of those who want to employ trade to help stop despoliation of the planet. We project our values as Americans when we use our trade agreements to create a race to the top. As our trade agreements require our partners to step up their protection of investments and intellectual property, so our agreements should lead to improvements in our partners' labor and environmental protections.

Third, we cannot conclude more trade agreements without giving Americans the confidence that we vigorously enforce those agreements already on the books. Too many of our partners cheat and maintain bogus barriers against American exports. For example, look at Korea's unscientific ban on beef; look at the illegal subsidies China grants to its manufacturers. But the trade-enforcement tools that Congress created in the 1970s and 1980s, such as section 301, are outdated. They no longer function as intended. It is time to take a hard look at these tools. We should redraft them so they better address the trade barriers that American exporters face in today's global economy.

Fourth, we cannot expect Americans to support trade when they see ever-ballooning trade deficits. Our trade deficit with China this year will approach $300 billion. That is unsustainable. We need to get our balance sheet back in line. That requires us to boost U.S. exports through better enforcement and better export promotion. That requires us to call out countries such as China, possibly even Japan, that use the value of their currency to gain a trade advantage. And it means action at home to improve public and private savings.

Fifth, a successful trade policy means that America must be the most competitive nation in the world. American workers need to know they can compete and they can win on a global playing field. And we need to take a good, hard look at how health care costs, our education system, and tax policies affect America's global competitiveness. As I did in the last Congress, I will push competitiveness at every opportunity. I will work for passage of legislation that will guarantee America's economic preeminence for years to come.

With trade promotion authority about to expire, the locus of trade policy shifts back to Congress. We have both the opportunity and responsibility to create the next trade policy that will guide us and guide this country forward. We need to work together, clearly, obviously, on trade to find answers to the hard questions. We need to work together on trade to shore up our international leadership, sorely needed. And most of all, we need to work together on trade to restore our bargain with the American people.

I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. BAUCUS. Before the Senate today is the exact same amendment offered by my colleague from Arizona, Senator KYL, that the Senate rejected last Thursday. The only difference is that Senator KYL has modified the amendment to make it even more pernicious; that is, by removing the offset. Thus, the pending amendment would add nearly another $3 billion to the deficit in the next 10 years.

The Senate rejected the Kyl amendment last week, but we are here yet again today considering these same issues. This time around, my colleague does not attempt to offset those cuts. Rather, his amendments would put another $3 billion hole in our budget. The amendment would pile onto a deficit that we are desperately trying to erase.

Many of us support the policy behind these provisions. We would not have included them in our bill if we did not. As I told the Senator from Arizona at our committee markup, if we could have made these provisions permanent, I certainly would have done so. But the underlying substitute amendment is the product of a Finance Committee hearing, deliberation, and markup. It is balanced. It is revenue neutral. And all Members supported it—it passed unanimously—including the Senator from Arizona.

Senators made compromises to get this bill to the floor, and we have done so. I must say, though, I admire the persistence of my good friend from Arizona. He is the original ''energy bunny'' of tax cut amendments. I commend him for that. But he was not successful in committee, and he was not successful on the floor last week. I hope and trust that that was because the Senate would like to provide a balanced package of tax incentives. I hope and trust that the Senate wants a package that does not worsen our deficit. Therefore, I oppose adding another $3 billion in tax provisions to this already $8 billion bill. The $8 billion is paid for. The amendment by the Senator would add another $3 billion and that would not be paid for.

At the appropriate time, I intend to raise a budget point of order against the amendment. I strongly urge my colleagues to vote against the motion to waive that point of order, which I assume will occur in not too many minutes from now.

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

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I raise a point of order that the pending amendment violates section 505(a) of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004. On behalf of Senator KYL, I move to waive the applicable provisions for the consideration of the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Nebraska (Mr. HAGEL).

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

The yeas and nays resulted—yeas 46, nays 50, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—46

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Roberts
Bond	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Smith
Chambliss	Hatch	Specter
Coburn	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Isakson	Thomas
Collins	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NAYS—50

Akaka	Feinstein	Nelson (FL)
Baucus	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Byrd	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Snowe
Clinton	Levin	Stabenow
Conrad	Lieberman	Tester
Corker	Lincoln	Voinovich
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

NOT VOTING—4

Biden	Hagel
Brownback	Johnson

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DURBIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The point of order is sustained and the amendment fails.

Mr. KENNEDY. Mr. President, as I understand it, there is 4 minutes equally divided?

AMENDMENT NO. 100, AS AMENDED

The PRESIDING OFFICER. The Senator will withhold.

Under the previous order, the question now is on agreeing to the substitute amendment, as amended.

The amendment (No. 100), as amended, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. There will now be 4 minutes of debate equally divided before the cloture vote on the bill.

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise today to speak in support of cloture on the

underlying bill. I appreciate the wise direction that this body has decided upon with regard to the minimum wage. We have correctly concluded that raising the minimum wage without providing relief for the small businesses that must pay for that increase is simply not an option. I hope this is an approach that our colleagues in the House will not derail. This approach recognizes that small businesses have been the steady engine of our growing economy and they have been the source of new job creation. It, also, recognizes that small businesses in every sense of the phrase are middle class families too.

I am proud the body has chosen a path which attempts to preserve this segment of the economy which employs so many working men and women and trains them. The Senate has recognized the simple fact that a raise in the minimum wage is of no benefit to a worker without a job or a job seeker without a prospect.

As this Congress moves forward, we will need to confront a range of issues facing working families. Lessons in this debate should not be forgotten as we approach complex issues. Yesterday, we were referencing the so-called war on the middle class. That is partisan rhetoric which was never accurate and is now simply divisive. Who is more middle class than America's small business men and women? Tax relief to the middle-class small business owners who must pay the cost of this wage increase mandate is no attack on the middle class. An attack would be passing the bill without such tax relief.

I urge my colleagues to support cloture, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, it has been 8 days—8 days since we started this debate on the minimum wage. Every Member of this body has made $4,500, and yet we haven't been able to get an increase in the minimum wage from $5.15 to $7.25. Forty-five hundred dollars, everyone has made in this body, but minimum wage workers have still been denied. Eight days.

How long does it take? How long does it take for this body to be able to say: Yes, we are going to increase the minimum wage. How many more amendments are over there on the Republican side? We have none. We are prepared to vote on final passage right now. But oh, no, we can't do that. There should be no doubt in the minds of working families, of the middle class, who is standing for those who are earning the minimum wage.

Since we started this debate, there have been thousands of meals that have been served in nursing homes. There have been thousands of beds that have been made in hotels around this country. There are 6 million children who will benefit from this increase in the minimum wage, who can't afford books to read, who can't afford to buy a present to go to a birthday party, and who can't spend enough time with their parents, because their parents are working 2 or 3 jobs. Today there are 50,000 wives or husbands of soldiers serving in our armed forces who are earning the minimum wage. We can do a favor for those individuals and treat them with respect and dignity by voting for the increase in the minimum wage. We ought to do that right now.

Mr. President, I ask unanimous consent that we vote on final passage right now.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Mr. President, we have a process that is set up and a vote that is called for, and I think we ought to follow that process. I think we have made a lot of progress, and as long as we continue to have progress in a bipartisan way, this will make it through the process. It has been something everybody pledged themselves to early, and I hope we haven't broken that pledge. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, before the vote is called, I wish to alert everyone here that the distinguished Republican leader and I are negotiating, trying to work something out on Iraq, which is the next issue we will go to when we finish this bill, which will be tomorrow sometime. It is very possible we are going to have a vote Monday at noon on the Iraq issue—everyone should understand that—Monday at noon. We hope that be can avoided, but we may not be able to avoid it. The Republican leader and I are doing our best to work something out. We have had a number of meetings, and we will continue to do that throughout the day.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 Calendar No. 5, H.R. 2, as amended, providing for an increase in the Federal minimum wage.

Ted Kennedy, Barbara A. Mikulski, Daniel K. Inouye, Byron L. Dorgan, Jeff Bingaman, Frank R. Lautenberg, Jack Reed, Barbara Boxer, Daniel K. Akaka, Max Baucus, Patty Murray, Maria Cantwell, Tom Harkin, Robert Menendez, Tom Carper, Harry Reid, Charles E. Schumer, Richard Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 2, as amended, an act to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Nebraska (Mr. HAGEL).

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

The yeas and nays resulted—yeas 88, nays 8, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—88

Akaka	Enzi	Murray
Alexander	Feingold	Nelson (FL)
Allard	Feinstein	Nelson (NE)
Baucus	Graham	Obama
Bayh	Grassley	Pryor
Bennett	Gregg	Reed
Bingaman	Harkin	Reid
Bond	Hatch	Roberts
Boxer	Hutchison	Rockefeller
Brown	Inhofe	Salazar
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Byrd	Kennedy	Sessions
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Smith
Carper	Kohl	Snowe
Casey	Landrieu	Specter
Chambliss	Lautenberg	Stabenow
Clinton	Leahy	Stevens
Cochran	Levin	Sununu
Coleman	Lieberman	Tester
Collins	Lincoln	Thomas
Conrad	Lott	Thune
Corker	Lugar	Voinovich
Cornyn	McCain	Warner
Dodd	McCaskill	Webb
Dole	McConnell	Whitehouse
Domenici	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murkowski	

NAYS—8

Coburn	DeMint	Martinez
Craig	Ensign	Vitter
Crapo	Kyl	

NOT VOTING—4

Biden	Hagel
Brownback	Johnson

The PRESIDING OFFICER. On this question, the yeas are 88, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with each Senator allowed to speak for no more than 10 minutes and that the time shall run against postcloture time.

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

TRIBUTE TO FATHER ROBERT DRINAN

Mr. DURBIN. Mr. President, last October, my alma mater, Georgetown Law Center, established an endowed chair in human rights in honor of Father Robert Drinan. At the ceremony, Yale Law School Dean Harold Koh called Robert Drinan ''a father in more senses than one.'' Dean Koh said:

> He is the father of a remarkable revolution—a human rights revolution—a person of simple, radical faith.

Sunday night, at the age of 86, Robert Drinan died. The world has loss a courageous champion for justice, human rights, and human dignity.

I just missed Father Drinan. I graduated from Georgetown Law before he joined the faculty, and he left Congress before I arrived. So I never had the chance to study and work with him directly. But like a lot of others, I was inspired and challenged by him.

Georgetown University estimates that Father Drinan taught 6,000 students in a teaching career that stretched over more than five decades. But those are just the students who enrolled in his classes at Boston College and, later, at Georgetown. In fact, he taught a lot of people. He taught all of us about the responsibility each of us has to speak out for the voiceless and the oppressed, not just to speak, but to work for justice.

In the 1960s, as dean of Boston College Law School, Father Drinan showed courage by calling for the desegregation of Boston's public schools. He challenged his students at the law school to become active in the civil rights movement.

In 1970, the people of Boston's western suburbs elected Father Drinan to represent them in Congress, making him the first Catholic priest ever to serve as a voting Member of Congress. He ran as a strong opponent of the Vietnam war. He was the first Member of Congress to call for the impeachment of Richard Nixon, but not over Watergate, rather over the undeclared war against Cambodia. He fought to make human rights the cornerstone of American foreign policy and to establish a bureau for human rights within the U.S. State Department. He fought against government abuses of power and led a successful battle to finally abolish the House Internal Security Committee, formerly the Un-American Activities Committee, which we recall was responsible for so many unjust findings by this Congress, ruining the private lives of so many American citizens.

In 1975, he became the first American to receive his own CIA and FBI files under the Freedom of Information Act. With Congressman Frank Church and others, he worked to safeguard our right to privacy.

Father Drinan was elected to five terms in Congress, each time by larger margins. Finally, in his last race in 1978, he didn't have an opponent. He would have been reelected again in 1980, but he was forced to step down when Pope John Paul II barred Catholic priests from holding elective office. Father Drinan left office, but he never left the struggle. He continued to work and speak out for justice until the day he died.

In 1981, he took a post at Georgetown Law Center where he taught human rights, civil liberties, and government ethics. He taught his students that the central commandment of the Bible is that ''the people of God must be devoted to justice in every way.'' He taught that it is a sin that 31,000 children die of starvation every day in this world. He urged his students, all of us: ''Sharpen your anger at injustice.'' Use the talents God gave you to make this world better.

Two months ago Father Drinan told a reporter that he hadn't given any thought to retiring; there was just too much left to do. And, he said, ''Jesuits don't ordinarily retire. We just do what you do.''

Earlier this month Father Drinan was called on for a particularly symbolic ceremony. He celebrated Mass for Speaker NANCY PELOSI at her alma mater in Washington, Trinity College. It was a special mass in honor of ''the children of Darfur and Katrina.''

Father Drinan spoke to our conscience. He spoke for the overlooked and underpaid, for those who were too poor or too weak to speak for themselves. He spoke out in passionate defense of the great moral and political values of our Nation.

In his lifetime he received many awards. Last May he received Congress's Distinguished Service Award for his service in the House. The American Bar Association honored him with the ABA medal for his work on behalf of human rights. He was a founder of the Lawyers Alliance for Nuclear Arms Control; president of Americans for Democratic Action; a member of the national board of Common Cause, People for the American Way, the Lawyers' Committee for Human Rights, the National Interreligious Task force on Soviet Jewry, the American Civil Liberties Union, and the NAACP Legal Defense Fund.

He received 22 honorary degrees from colleges and universities. One of those degrees, given to him by Villanova University in 1977, hung on the wall of his office in the House of Representatives. It read:

> Your life's work has provided proof that service to God and country are not inimical.

How true.

In his sermon on the mount, Jesus told us:

> Blessed are they who hunger and thirst after justice: for they shall have their fill.

Robert Drinan is, indeed, blessed, and we were blessed to have him serving America for so many years. Those of us who admired him and loved him were saddened by his death. But we take comfort in knowing that just as his influence in Congress has lasted beyond those 10 years of service, Robert Drinan's influence on this world will continue to be felt long after we are all gone.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SEC INVESTIGATION FINDINGS

Mr. GRASSLEY. Mr. President, I am very happy to be on the floor with my colleague Senator SPECTER on something we have worked on together over a long period of time, and it falls very much into the category of congressional oversight. I am not going to go into the details now because I have a statement I want to use as a basis for our cooperation, and then you will hear from Senator SPECTER. I want to say how great it was to work with Senator SPECTER.

We are here to update the Senate on the interim Finance Committee findings of the joint investigation into the Securities and Exchange Commission that was conducted by the Finance Committee on the one hand, and the Judiciary Committee on the other, during the 109th Congress.

Before I go into details, there is another person I would thank for his cooperation. I want to take this opportunity to thank Securities and Exchange Commission Chairman Christopher Cox for his cooperation in providing access to thousands of pages of documents, as well as interviews with the staff at the Securities and Exchange Commission. Chairman Cox's cooperation was very essential to our ability to conduct our constitutionally mandated oversight of Federal agencies.

That said, I hope Chairman Cox takes today's findings to heart and will work to implement recommendations Senator SPECTER and I plan to put forth into the forthcoming final report.

Today, we want to update the Senate on some of the details of our investigation, which began early last year when allegations were presented to our staffs by former Securities and Exchange Commission attorney Gary Aguirre. Mr. Aguirre described the roadblocks he faced in pursuing an insider trading investigation while he was employed as a senior enforcement attorney at the Securities and Exchange Commission. Specifically, he alleged his supervisor prevented him from taking the testimony of a prominent Wall Street figure because of his ''political clout,'' which obviously should not be ignored if an agency is doing the job they should be doing.

Well, after Mr. Aguirre complained about that sort of preferential treatment given to somebody with ''political clout,'' his supervisors terminated him from the SEC while he was on vacation.

The interim findings we released today outlined the three primary concerns shared by Senator SPECTER and me. First, the SEC's investigation into Pequot Capital Management was plagued with problems from its beginning to its abrupt conclusion. Second, the termination of Mr. Aguirre by the SEC was highly suspect given the timing and the circumstances. Thirdly, the original investigation conducted by the SEC Office of Inspector General was both seriously and fatally flawed. The inspector general's failure required our committees to take a more thorough look at Mr. Aguirre's allegations and examine this matter closely. Taken together, these findings paint a picture of a troubled agency that faces serious questions about public confidence, the integrity of its investigations, and its ability to protect all investors, large and small, with an even hand.

The SEC should have taken Mr. Aguirre's allegations more seriously and very seriously. Instead, it does like too many agencies do when under fire: it circled the wagons and it shot a whistleblower—an all too familiar practice in Washington, DC. As we know, whistleblowers are about as welcome as a skunk at a picnic.

There is more information to follow and more details that need to come to light. Senator SPECTER and I together plan on releasing a comprehensive report in the near future. For now, I hope these interim findings will spur the SEC to consider meaningful reforms. I urge all my colleagues to read these important interim findings and to read the final report when it is made available.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I would like to begin by thanking my distinguished colleague, Senator GRASSLEY, for his outstanding work on the issues which he has just addressed. Senator GRASSLEY and I have a long record of working together. We were elected together in November 1980 with the election of Ronald Reagan. There were 16 members of the incoming class of Republican Senators at that time. Two Democrats were elected.

In the intervening years, Senator GRASSLEY and I have become the sole survivors, and we have done a great deal of work together.

We sit together on the Judiciary Committee, and Senator GRASSLEY has had a very distinguished record as chairman of the Senate Finance Committee during the 109th Congress, and I chaired the Judiciary Committee during the 109th Congress. We are making a presentation today of interim findings on the investigation into potential abuse of authority at the Securities and Exchange Commission.

I join Senator GRASSLEY in commending the Chairman of the SEC, Christopher Cox, for his cooperation, and I also join Senator GRASSLEY in urging Chairman Cox and the SEC to do more. The oversight which our two committees undertook constituted a review of over 9,000 pages of documents and the interviewing of 19 witnesses over the course of 24 interviews.

The Judiciary Committee, on which we both serve, held a series of three public hearings regarding this matter, most recently on December 5, 2006, when the committee heard detailed sworn testimony from current and former SEC employees involved in the so-called Pequot investigation.

Based upon our review of the evidence, we have serious concerns, which are documented in a lengthy report, which we will make a part of the record, plus supplemental documents. Our investigation has raised concerns about, first, the SEC's mishandling of the Pequot investigation before, during, and after the firing of Mr. Gary Aguirre; secondly, the circumstances under which Mr. Aguirre was terminated; and third, the manner in which the SEC's Inspector General's Office handled Mr. Aguirre's allegations after he was fired.

Viewing these concerns as a whole, we believe a very troubling picture evolves. At best, the picture shows extraordinarily lax enforcement by the SEC, and it may even indicate a cover-up by the SEC. We are concerned, first of all, as detailed in this report, that the SEC failed to act on the GE/Heller trades for years. We are concerned about the suggestions of political power which was present in the investigation, which has all of the earmarks of a possible obstruction of justice.

There is sworn testimony by Mr. Gary Aguirre that he was told in a face-to-face meeting with his immediate supervisor, Branch Chief Robert Hanson, that he could not take the testimony of Mr. John Mack, who was thought to have leaked confidential information. Mr. Aguirre testified that Mr. Hanson refused to allow the taking of testimony, as Mr. Aguirre pointed out, because of Mr. Mack's ''powerful political contacts.''

Now, Mr. Hanson denied to the SEC inspector general and to the committee that he ever said that, but we have contemporaneous e-mails, for example, where Mr. Hanson admitted to a very similar statement when he wrote to Mr. Aguirre on August 24, 2005, ''Most importantly, the political clout I mentioned to you was a reason to keep Paul,'' referring to a man named Paul Berger, ''and possibly Linda,'' referring to a woman named Linda Thomsen, ''in the loop on the testimony.'' Now, that is conclusive proof of the political clout or at least what Mr. Hanson thought was political clout when the SEC made a decision not to permit the taking of key testimony, the testimony of Mr. MACK.

Mr. Hanson submitted a written statement to the committee concluding that it was ''highly suspect and illogical'' to link Mr. MACK as the tipper, but in his prior writings he said, in written form, ''Mack is another bad guy.''

The rationale used by the SEC officials who denied Mr. Aguirre's request to take the testimony of Mr. MACK was that they wanted to get ''their ducks in a row.'' But the overwhelming evidence in the matter showed that the testimony should have been taken at a much earlier stage. There is no problem with taking testimony again if necessary at a later stage.

A key SEC investigator, Mr. Hilton Foster, with knowledge of the Pequot matter, said, ''As the SEC expert on insider trading, if people had asked me, 'When do you take his testimony,' I would have said take it yesterday.''

Mr. Joseph Cella, Chief of the SEC's Market Surveillance Commission, told committee investigators, ''it seemed to me that it was a reasonable thing to do to bring Mack in and have him testify,'' and ''in my mind there was no down side.''

Mr. MACK's testimony was taken 5 days after the statute of limitations expired. But let me point out at this juncture that even though the statute of limitations has expired, there is injunctive relief and other action that can yet be taken by the SEC.

The problems with the Pequot investigation are amplified by the suspect termination of Mr. Aguirre. On June 1, 2005, in a performance plan and evaluation, Mr. Aguirre was given an acceptable rating, and Mr. Hanson, on June 29, 2005, noted Mr. Aguirre's ''unmatched dedication'' to the Pequot investigation and ''contributions of high quality.'' These evaluations were submitted to the SEC's Compensation Committee, which later approved Mr. Hanson's recommendation on July 18. Despite these favorable reviews, Aguirre's supervisors wrote a so-called supplemental evaluation on August 1, and this reevaluation on August 1 occurred 5 days after Mr. Aguirre sent supervisor Berger an e-mail saying that he believed the Pequot investigation was being halted because of Mr. MACK's political power.

There was an investigation by the inspector general of the SEC, and in my years in the Senate and hearing many inspectors general testify, I can't recall hearing an inspector general who said less, did less, and was more thoroughly inadequate in the investigation. For example, the inspector general's staff said, ''we don't second guess management's decisions. We don't second guess why employees are terminated.'' Well, that is precisely the purpose of having an inspector general. The purpose of having an inspector general is to review those kinds of decisions.

The inspector general testified that he was given advice by the Department of Justice, which made absolutely no sense. This appears in some detail in the record.

Then the inspector general initiated an attempt to take what was really punitive action against Mr. Aguirre by seeking enforcement of a subpoena for documents which were involving Mr. Aguirre's communications with Congress. Now, how can an individual communicate, talk to an oversight committee, such as the Judiciary Committee or the Finance Committee, if those communications are going to be subject to a subpoena by the SEC, by the inspector general? It is just preposterous. We have constitutional oversight responsibilities, and we obviously cannot conduct those responsibilities if the information we glean is going to be subject to somebody else's review.

The subpoena wasn't pursued, but the lack of judgment—and it is hard to find a strong enough word which is not insensitive to describe the inspector general's conduct in trying to subpoena the records of the Senate Judiciary Committee and the Senate Finance Committee. It just made absolutely no sense.

We hope that the SEC will reopen its investigation even though the statute of limitations has run on criminal penalties. It has run because of the inaction of the SEC waiting so long to start the investigation, then not taking Mr. MACK's testimony until 5 days after the statute of limitations had expired. Notwithstanding that, there are other remedies, such as disgorgement, which still may be pursued.

The oversight function of Congress, as we all know, is very important. Pursuing an investigation of this sort is highly technical, but we have done so, so far, in a preliminary manner. We believe this matter is of sufficient importance so that Senator GRASSLEY and I have come to the floor jointly today to make a statement.

On behalf of Senator GRASSLEY and myself, I ask unanimous consent that the full text of the interim findings on the investigation of potential abuse of authority of the Securities and Exchange Commission be printed in the RECORD, together with extensive documentation which supports the findings.

Again, we acknowledge the cooperation of Chairman Cox and the SEC, and we ask that further investigation be undertaken there. It is a matter of continuing oversight concern to Senator GRASSLEY and myself and the respective committees where we now serve as ranking members.

Mr. President, I ask Senator GRASSLEY, what did I leave out?

Mr. GRASSLEY. You didn't leave anything out, but we did ask unanimous consent that this be put in.

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

THE SPECTER-GRASSLEY INTERIM FINDINGS ON THE INVESTIGATION INTO POTENTIAL ABUSE OF AUTHORITY AT THE SECURITIES AND EXCHANGE COMMISSION

OVERVIEW

These findings follow the Judiciary Committee's December 5, 2006, hearing that examined allegations that the Securities and Exchange Commission (SEC) abused its authority in handling its now-closed investigation of suspicious trading by the hedge fund Pequot Capital Management (''Pequot'' or ''PCM''). We submit these preliminary findings based upon the evidence received by both Committees to date because we believe it is important to share with the full Senate.

Between July 2006 and the end of the 109th Congress, the Senate Judiciary and Finance Committees conducted a joint investigation into allegations raised by former SEC employee Gary Aguirre. Mr. Aguirre contends that his efforts to investigate potentially massive insider trading violations by Pequot were thwarted by his superiors when his investigation increasingly focused on current Morgan Stanley Chief Executive Officer John Mack. Mr. Aguirre also alleges that his insistence on taking Mr. Mack's testimony met resistance within the SEC and ultimately led to his firing. In addressing these allegations, we have focused on the internal processes of the SEC. We have not attempted to decide the merits of the underlying Pequot insider trading investigation and, at this juncture, take no position on whether Pequot or Mack violated any securities laws.

To date, Committee investigators have received and reviewed over 9,000 pages of documents and interviewed nineteen (19) key witnesses over the course of twenty-four (24) interviews. The Judiciary Committee also held a series of three (3) public hearings regarding this matter—most recently on December 5—when the Committee heard detailed sworn testimony from current and former SEC employees involved in the Pequot investigation.

Based on our review of this evidence we have serious concerns. As discussed further below, our primary concerns involve: (1) the SEC's mishandling of the Pequot investigation before, during, and after Aguirre's firing; (2) the circumstances under which Aguirre was terminated; and (3) the manner in which the SEC's Inspector General's office handled Aguirre's allegations after he was fired. Viewing these concerns as a whole, we believe a troubling picture emerges. At best the picture shows extraordinarily lax enforcement by the SEC. At worse, the picture is colored with overtones of a possible cover-up. Either way, we believe the SEC must take corrective and preventative action to ensure that future investigations, internal and external, do not follow the same path as the Pequot matter.

FINDINGS

THE SEC'S INVESTIGATION OF PEQUOT WAS PLAGUED WITH PROBLEMS

The SEC Failed To Act on the GE/Heller Trades for Years

The alleged insider trading occurred in July 2001 when Pequot CEO Arthur Samberg began purchasing large quantities of Heller Financial stock while also shorting General Electric (''GE'') stock a few weeks before the public announcement that GE would purchase Heller. On January 30, 2002, the NYSE ''highlighted'' some of these trades for the SEC as a matter that warranted further scrutiny and surveillance. But it appears that the SEC did next to nothing to investigate these trades until after Aguirre joined the Commission over 2 years later on September 7, 2004. In fact, it is clear to us that Aguirre was the driving force behind the investigation of the GE-Heller trades that had otherwise remained dormant at SEC since 2002.

The Circumstances Surrounding the Investigation of John Mack as the Potential Tipper Are Highly Suspect

The evidence shows that Aguirre's immediate supervisors, Branch Chief Robert Hanson and Assistant Director Mark Kreitman, initially were enthusiastic about investigating Pequot and Mr. Mack as the possible supplier of inside information to Pequot. Indeed, after Aguirre developed a plausible theory connecting Mack to the trades, Hanson wrote on June 3, 2005, in an email that ''Mack is another bad guy (in my view)'' (Attachment 1). And on June 14, 2005 Aguirre's supervisors Hanson and Kreitman authorized him to speak with federal prosecutors concerning the trades. Six days later on June 20, 2005, in response to a more comprehensive analysis of his theory regarding Mack, Hanson wrote: ''Okay Gary you've given me the bug. I'm starting to think about the case during my non work hours'' (Attachment 2).

What is troubling is how this enthusiasm waned after public reports on June 23, 2005, that Morgan Stanley was considering hiring Mack as its new CEO. Specifically, we are concerned about the circumstances leading to the decision by Aguirre's supervisors to delay taking Mack's testimony. The Judiciary Committee received sworn testimony from Aguirre that he was told in a face-to-face meeting with his immediate supervisor, Hanson, that he could not take Mack's testimony because of his ''powerful political contacts.'' While Hanson denied to the SEC/IG and to the Committees that he ever said that, we question his denial because of conflicting contemporaneous emails. For example, Hanson admitted to a very similar statement when he wrote to Aguirre on August 24, 2005, ''Most importantly the political clout I mentioned to you was a reason to keep Paul [Berger] and possibly Linda [Thomsen] in the loop on the testimony'' (Attachment 3, emphasis added). He also used the term ''juice'' when referring to Mack's attorneys (Attachment 4). Another witness testified before the Judiciary Committee that Hanson referred to Mack's ''prominence'' as a reason for not taking his testimony (Attachment 5).

To be sure, Hanson's supervisor, Mark Kreitman, also referred to John Mack's ''prominence.'' Speaking about former U.S. Attorney Mary Jo White's contact with SEC Enforcement Director Linda Thomsen regarding the Pequot investigation, Kreitman told the Inspector General's Office, ''White is very prestigious and it isn't uncommon for someone prominent to have someone intervene on their behalf'' (Attachment 6). Kreitman's supervisor, Associate Director Paul Berger, also brought up the issue of prominence, when asked whether he could remember examples of witnesses other than John Mack for whom he required a staff attorney to prepare a memorandum to justify the taking of investigative testimony (Attachment 7).

We also have reason to question Hanson's credibility given certain inconsistent statements that he gave to the Judiciary Committee during its December hearing. Specifically, we find it difficult to reconcile Hanson's submitted written statement to the Committee concluding that it was ''highly suspect and illogical'' to link Mack as the tipper with his prior writings that ''Mack is another bad guy (in my view)'' (Attachment 8). Moreover, it bears noting that despite Hanson's statement that Aguirre's theory was ''highly suspect and illogical'' the SEC ultimately took Mack's testimony on August 1, 2006. Furthermore, we are troubled by Hanson's failure to recall a key investment that Mack entered into with the help of Pequot prior to his alleged passing of inside information to Pequot CEO Samberg regarding the GE-Heller transaction. Hanson's failure to recall this transaction at the hearing raises doubt as to whether Aguirre's theory regarding Mack was ever taken seriously by his supervisors at the SEC.

Moreover, we question the rationale advanced by Aguirre's supervisors in not taking Mack's testimony: to get ''their ducks in a row.'' While reasonable minds may disagree on an appropriate investigative strategy, the SEC's rationale for delaying the taking of Mack's testimony runs contrary to what insider trading experts have told us and contrary to what others within the SEC believed at the time. According to Mr. Hilton Foster, an experienced former SEC investigator with knowledge of the Pequot matter: ''as the SEC expert on insider trading, if people had asked me, 'when do you take his testimony,' I would have said take it yesterday.'' In addition, Joseph Cella, Chief of the SEC's Market Surveillance Division, told Committee investigators, ''it seemed to me that it was a reasonable thing to do to bring Mack in and have him testify,'' and ''in my mind there was no down side[.]''

The explanation offered by Aguirre's supervisors that without direct evidence that Mack had knowledge of the GE transaction—what Aguirre's supervisors referred to as proving Mack went ''over the wall'' (Attachment 3)—the deposition would consist simply of a denial by Mack is not at all convincing. Indeed, although the SEC apparently never found such direct evidence, the SEC did manage to question Mack for over 4 hours when it finally took his testimony on August 1, 2006, after the statute of limitations had expired. And although Aguirre's supervisors advance the rationale that taking Mack's testimony in the summer of 2005 would have been merely premature, this notion is contradicted by the staff attorney who took the lead in the investigation after Aguirre was fired. In particular, shortly before taking Mack's deposition in August 2006, that attorney wrote explicitly in a July 19, 2006, email that the rationale for taking Mack's testimony was not a matter of being ''premature'' but rather an issue of establishing the necessary ''prerequisite'' of when Mack had obtained inside information (Attachment 8).

The purpose of taking investigative testimony is not to confront a witness with accusations of wrongdoing, as Aguirre's supervisors seem to believe. Rather it is to gather information that helps to either confirm or rule-out working theories, which by their nature must be speculative at the beginning of the investigation. One SEC witness who wishes to remain anonymous told the Committees' investigators that SEC training personnel teach new attorneys that:

it was important to immediately ''nail down'' the stories of any individuals who possibly had been involved in the suspicious trades so that the person could not adjust their story to account for any information we later uncovered. This also served to assist the direction of the investigation because it allowed us to immediately identify whether or not any subsequent evidence supported the individual's initial statement thereby giving us a strong indication of whether the initial statement appeared to be true and what, if any, additional investigation needed to be conducted (such as the need for more in-depth testimony if we found contradictions).

Although the SEC finally took Mack's testimony in August 2006, we are concerned about the circumstances under which it was done. Mack's testimony was taken five days after the statute of limitations expired, and only a few months after we initiated our inquiry into this matter. We question why the SEC failed to take this obvious step earlier. The evidence suggests that his testimony was taken primarily to deflect public criticism for not having taken it much earlier. It took the SEC over a year to ask John Mack about his communications with Arthur Samberg and Pequot's trading in Heller and GE. By contrast, it took Mary Jo White only two days to do so. On the Sunday after Morgan Stanley's Board of Directors hired her and her firm, Debevoise & Plimpton, to look into Mack's potential exposure in the Pequot investigation, she quickly obtained documents and questioned Mack about specific emails with Arthur Samberg. The SEC should have been at least as curious about Mack's answers as Mary Jo White was.

The Problems With the Pequot Case Are Amplified by the Testimony of Other SEC Employees

Our concerns are further heightened by the testimony of one key SEC employee who raised issues with the manner in which the Pequot investigation was handled. Specifically, the Judiciary Committee received compelling sworn testimony from SEC Market Surveillance Branch Chief Eric Ribelin who sought recusal from the Pequot investigation shortly after Aguirre's termination because, as he alleged at the time, ''something smells rotten.'' Ribelin also explained to the Judiciary Committee that he believed Aguirre's supervisors, especially Associate Director Paul Berger, failed to ''support the aggressiveness and tenacity of [Aguirre]'' (Attachment 5). This is significant testimony from a witness who felt it was his duty to come forward and testify. As such, we trust that Commissioners at the SEC will take every step to ensure that no retaliation against Ribelin will occur.

THE SEC'S TERMINATION OF AGUIRRE IS HIGHLY SUSPECT

The documents and testimony adduced by the Committees show that Aguirre, a probationary employee while at the SEC, was a smart, hardworking, aggressive attorney who was passionately dedicated to the Pequot investigation. These positive attributes were noted in a June 1, 2005 ''Performance Plan and Evaluation'' prepared by Kreitman which give Aguirre an ''acceptable'' rating for numerous work criteria, and then followed by a more detailed ''Merit Pay'' evaluation written by Hanson on June 29, 2005, which noted Aguirre's ''unmatched dedication'' to the Pequot investigation and ''contributions of high quality.'' These evaluations were submitted to the SEC's Compensation Committee which later approved Hanson's recommendation (among others) on July 18, 2005.

Despite these favorable reviews, Aguirre's supervisors (Kreitman, Hanson and Berger) wrote a so-called ''supplemental evaluation'' on August 1 that spoke negatively of Aguirre. Aguirre's supervisors never shared this evaluation with Aguirre and indeed admitted that they are ''fairly rare''. In fact, during the December 5, 2006 hearing, current SEC supervisors could not recall other instances where a supplemental evaluation was prepared for an employee. We are skeptical of the supervisors' explanations regarding the creation of this document. According to Hanson and Kreitman, their initial positive evaluations covered only the period ending April 30, 2005, thus suggesting that the evaluation was accurate with respect to performance up to that date. But these same supervisors also testified that the initial evaluations were perhaps too generous, thus suggesting that there were performance issues that should have been addressed in the initial evaluation and Merit Pay recommendation.

Rather than taking them at face value, we have attempted to assess the credibility of the negative statements Aguirre's supervisors made about him in his re-evaluation, in his notice of termination, in interviews with the SEC/IG, in interviews with Committee staff, and in their hearing testimony. In doing so, we have noted the considerable lack of contemporaneous documents corroborating the concerns they raised.

For example, the IG's closing memo cites his supervisors' concerns about subpoenas that Aguirre issued allegedly in violation of law. While his supervisors now claim that this was a significant error, which seriously undermined their confidence in Aguirre, they have produced no documents to the Committees suggesting that they viewed it that way at the time. Another example is Hanson's allegation that Aguirre behaved ''unprofessionally'' while taking the testimony of Arthur Samberg. This allegation is based on second-hand knowledge, as Hanson did not actually attend the testimony. Moreover, the SEC has not produced records to the Committees suggesting that Hanson or any of his other supervisors were concerned at the time about the way Aguirre took the Samberg testimony. In fact, Hilton Foster told the Committees that he planned to use a portion of the transcript as a model for how to take testimony in his training of new SEC attorneys. A third former SEC employee told staff that the testimony of current SEC supervisors at the December 5, 2006 hearing concerning the reasons for terminating Aguirre were not consistent with that employee's experience with Aguirre.

Aside from these inconsistencies, the greater concern is with the timing of Aguirre's re-evaluation. Aguirre's supervisors prepared the re-evaluation on August 1 after the Compensation Committee (on which Berger sat) had already approved the merit pay increase for Aguirre and most significantly, 5 days after Aguirre sent Berger an email saying that he believed the Pequot investigation of Mack was being halted because of Mack's political power.

Finally, there are questions about Paul Berger's outside employment with the law firm of Debevoise & Plimpton—the private firm that represented John Mack's prospective employer during the time that Berger allegedly vetoed efforts to take Mack's testimony. Although Berger testified recently before the Judiciary Committee that he ''first approached Debevoise in January of 2006'' (at which time he recused himself from the Pequot investigation and all other matters in which Debevoise had entered an appearance), Committee investigators identified a September 8, 2005, email suggesting that a contact was made on behalf of Berger through an intermediary who was also seeking employment with the same firm at the time. While we have found no proof of actual quid pro quo for Berger's employment in exchange for the favorable treatment of Mack, the SEC should take steps to avoid the appearance of impropriety of the sort that this email seems to suggest. This is especially true given that this contact on Berger's behalf occurred just days after Aguirre was fired and months before Berger recused himself from the Pequot matter.

THE FOLLOW-UP SEC INSPECTOR GENERAL'S INVESTIGATION WAS SERIOUSLY FLAWED

We are deeply troubled by what appears to us to be a cursory investigation of Aguirre's allegations by the SEC's Office of Inspector General, headed by Walter Stachnik. Subsequent to SEC Chairman Cox's September 7, 2005, referral of Aguirre's allegations to the IG, Stachnik failed to interview Aguirre or any of the other SEC employees mentioned in Aguirre's letter to Chairman Cox. The testimony of one such witness, Eric Ribelin, saw the light of day only through our investigation. Moreover, our concerns were further enhanced when the IG's investigators repeatedly told our staff that in investigating Aguirre's allegations of improper

motivation for his termination, ''we don't second guess management decisions . . . we don't second guess why employees are terminated.'' (Attachment 9). Such statements are fundamentally incompatible with the mission and purpose of the Office of Inspector General. This may explain why the IG spoke only to Aguirre's supervisors, accepted everything they said at face value, and reviewed only documents identified by those supervisors. However, it is certainly not a recipe for an independent and thorough investigation.

Furthermore, the IG initially attempted to take punitive action against Aguirre by seeking enforcement of a subpoena for documents in his possession—including confidential communications with Congress. We are pleased that the scope of the subpoena was subsequently narrowed to exclude communications with Congress. Nevertheless, Stachnik's continued insistence that his first investigation was ''professional,'' and his refusal to answer the Committee's questions about the subpoena at the instruction of the Justice Department are similarly troubling. The SEC's IG is supposed to provide employees an alternate, objective, open-minded avenue for reporting abuse of authority or other misconduct. At no time, before or after his termination, was Aguirre able to obtain at the SEC an objective and thorough consideration of his concerns. It is unfortunate that he had to reach out to our Committees to obtain such a review.

CONCLUSION

The handling of the Pequot investigation, the basis for and the timing of Aguirre's termination, and the woefully inadequate IG investigation of serious allegations of abuse of authority, present a very troubling picture. Based upon the evidence we have reviewed to date, the SEC's handling of the Pequot investigation shows either inexplicably lax enforcement or possibly a willful cover-up. Either way, the SEC must review this matter and take appropriate corrective measures. Anything less will undermine public confidence in our capital markets. We owe it to the public to ensure that securities enforcement is rigorous and unbiased.

As such, we hope the SEC will consider reopening its investigation into the Pequot matter given our findings. While the statute of limitations has run on criminal penalties and civil penalties related to the underlying trades, we understand that other remedies, such as disgorgement, may still be pursued. There also may be reasonable cause for the SEC or the Department of Justice to investigate whether any testimony given in the underlying Pequot investigation was false. We urge the SEC to take Aguirre's allegations seriously and seek to improve the management and operations of the Commission based on lessons learned from this controversy. We anticipate transmitting more detailed findings, conclusions and recommendations to the Senate during the 110th Congress after we conclude our assessment of the evidence adduced to date.

ATTACHMENT 1

From: Hanson, Robert.
Sent: Friday, June 03, 2005 10:00 a.m.
To: Aguirre, Gary J.
Subject: Re: Possible tipper new Pequot Chairman?

Mack is another bad guy (in my view).

Sent from my BlackBerry Wireless Handheld

From: Aguirre, Gary J.
To: Ribelin, Eric; Foster, Hilton; Eichner, Jim; Conroy, Thomas; Glascoe, Stephen; Miller, Nancy B.
CC: Hanson, Robert; Kreitman, Mark J.
Sent: Fri Jun 03 08:36:07 2005
Subject: Possible tipper new Pequot Chairman?

John Mack, who came up on radar screen as possible GE-Heller tipper, has just become chairman of Pequot Capital, according to WSJ article below. Mack moved from Morgan Stanley, adviser in Heller acquisition, to CSFB, also adviser in Heller, in late July 2001, the month of acquisition. The are hundreds of Pequot e-mails referring to Mack, including a dozen in July 2001. See e-mail below between Samberg and his son referring to Mack (''It's nice to have friends in high places . . .:)'' Is there something to this perverse logic: Mack is the only person in the world who would have as much to loose as Samberg if we could prove that he provided material-nonpublic info to Samberg. Who safer for Samberg to head Pequot and keep its secrets? Please note the happy face which has already come up twice in relating to possible flow of insider info. Ironically, Mack's article quoted below is C–1 of WSJ, just as was when Samberg's exchanged e-mails below.

[From the Wall Street Journal, June 3, 2005]

JOHN MACK TO JOIN PEQUOT HEDGE FUND IN CHAIRMAN'S ROLE

(By Gregory Zuckerman and Ann Davis)

In the latest example of a prominent financial figure entering the hedge-fund world, former Wall Street heavy-hitter John Mack is joining Pequot Capital Management Inc. as chairman.

Mr. Mack, 60 years old, was co-chief executive of Credit Suisse Group and CEO of that bank's Credit Suisse First Boston until last year, and previously was president of Wall Street firm Morgan Stanley. He will work with Pequot's founder, Art Samberg, to help lead the firm into new markets, recruit money managers and help guide the Westport, Conn., firm. Hedge funds are lightly regulated investing pools, traditionally for the wealthy and institutions.

[John Mack] Mr. Samberg, 64, an investor with a well-regarded record, will remain chief executive of Pequot, which manages about $6.5 billion, effectively running the firm day-to-day. (Meanwhile, a British financial regulator, Gay Huey Evans is joining a hedge fund run by Citigroup.)

Speculation about where Mr. Mack would land after he was replaced last year at CSFB has been something of a parlor game on Wall Street. Various companies put out feelers, including Goldman Sachs Group Inc., and he was approached as a possible candidate to run mortgage giant Fannie Mae, among other positions, according to people close to the matter. Some expected Mr. Mack, who is active in politics, to seek an office or ambassadorship.

But like many Wall Street traders and analysts lately, Mr. Mack is heading for the hedge-fund world, where assets are growing and the rewards can be lucrative. Hedge funds generally charge a management fee and a percentage of the firm's investment gains, meaning that stellar results bring big paydays. In addition to a salary, Mr. Mack will receive equity in Pequot, according to the firm.

Mr. Mack wouldn't address details of other possible job offers but said in an interview that he was attracted to Pequot because he and Mr. Samberg have been friends for more than a decade, starting when Mr. Mack gave some money to Mr. Samberg to invest. Mr. Mack also said he was eager to help the firm push into new investment areas.

[Arthur Samberg] ''Many people who have called me for a job want me to fix something, but I'd like to focus my job on building,'' Mr. Mack said.

For Pequot, the hiring of Mr. Mack is part of a change in recent years from traditional hedge-fund strategies, such as buying and selling U.S. and European shares. Returns for some hedge-funds have fallen, amid concern by some that too many savvy ''hedge funds were seeking the same opportunities in the market.

Hedge funds lost less than 1 percent this year through April—results that topped the returns of the market though they pale in comparison to the double-digit gains hedge funds scored in recent years. Pequot's various hedge funds are up about 3 percent in 2005, according to investors. But Mr. Samberg predicts that the growth of the hedge-fund business will lead to a shakeout that forces as many as 30 percent of existing hedge funds to throw in the towel, even as institutions continue to up their investments in so-called alternative investments. At the same time, the market is neither cheap nor especially expensive, presenting few obvious opportunities. That is why Pequot has been looking elsewhere lately, starting hedge funds focused on emerging markets, parts of the debt world and other strategies.

As reported in The Wall Street Journal, Pequot recently formed a joint venture with Singapore-based Pangaea Capital Management to invest in distressed assets in Asia, including real estate.

Mr. Mack's move effectively blunts speculation that he might join a new investment-banking boutique with some recently departed top Morgan Stanley executives. A group of former Morgan alumni waged a loud campaign for the ouster of Morgan CEO Philip Purcell this spring, after a management shakeup and several executive departures. Mr. Mack, who clashed with Mr. Purcell before he left the firm in 2001, has kept a studied distance from the dissidents.

Mr. Mack's move effectively blunts speculation that he might join a new investment-banking boutique with some recently departed top Morgan Stanley executives. A group of former Morgan alumni waged a loud campaign for the ouster of Morgan CEO Philip Purcell this spring, after a management shakeup and several executive departures. Mr. Mack, who clashed with Mr. Purcell before he left the firm in 2001, has kept a studied distance from the dissidents.

Mr. Mack will be asked to tap into his wide-ranging contacts to find new investment ideas around the globe, as well as coach Pequot's investment team. Mr. Mack is expected to help smooth the way for Pequot fund managers by introducing them to company executives.

''I see an opportunity to build something really great here and John will be a big part of that,'' Mr. Samberg said.

Mr. Samberg's previous alliance with a high-powered partner ended when Pequot cofounder Dan Benton quit the firm in 2001, taking about $7 billion of investor money with him to his new firm, Andor Capital Management LLC. Mr. Samberg says he is confident his new partnership with Mr. Mack will work, in part because of his close relationship with Mr. Mack. In recent months, Mr. Mack has been using spare space in Pequot's New York office, weighing his options.

The move to bring in an established Wall Street executive like Mr. Mack could signal that Pequot, like some other hedge-fund firms lately, might be interested at some point in selling itself, or part of the firm, to a mainstream Wall Street firm or even going public through. a stock offering, although Mr. Samberg says he has no plans to do so.

J.P. Morgan Chase & Co. recently purchased a majority stake in big hedge-fund firm New York-based Highbridge Capital Management., and Lehman Brothers Holdings Inc. has purchased 20 percent of Ospraie Management LP, a New York hedge fund.

Merrill Lynch & Co. agreed to provide $300 million in capital for a venture with Pequot to place money with 15 to 30 new fund managers. Pequot is expected to offer the managers research and administrative support—part of a trend of hedge funds providing services also offered by investment banks., blurring the lines between the two.

To: 'Joe@' [Joe@
From: Samberg, Art
Re: John Mack.
Date: 07/12/2001.

Spoke to him last night and commented on how up he sounded. He said he was close to something, but I didn't know it would be today. Sounds like the perfect opportunity for him.

From: Joe Samberg. <joe@
To: 'jmault <jmault
CC: 'art@ <art@
Sent: Thu Jul 12 13:00:59 2001
Subject: John Mack

If you read the front page of the C Section of the WSJ, you will see that our friend and latest investor, John Mack, is to become the new CEO of CFSB, the no. 2 underwriter in the U.S.! It's nice to have friends in high places . . .

JOSEPH D. SAMBERG
PRESIDENT, JDS CAPITAL MANAGEMENT, INC.

ATTACHMENT 2

From: Hanson, Robert
Sent: Monday, June 20, 2005 8:25 PM
To: Aguirre, Gary J.
Subject: Re: Pequot: Connecting the dots with the CSFB-Mack-Samberg-theory.

Okay Gary you've given me the bug. I'm starting to think about the case during my non work hours.

ATTACHMENT 3

From: Hanson, Robert
Sent: Wednesday, August 24, 2005
To: Kreitman, Mark J.
Subject: FW: Mack testimony
More of the same.

From: Hanson, Robert
Sent: Wednesday, August 24, 2005
To: Aguirre, Gary J.
Subject: RE: Mack Testimony
Gary,

I read your ''over the wall'' e-mail when you sent it by cc to me. I assumed that Mark used that phrase to mean whether Mack had the information, not in the technical sense of the phrase (I doubt the technical sense would have any relevance in this case). I still recommend that we try and figure out whether Mack had the information before approaching him.

Most importantly the political clout I mentioned to you was a reason to keep Paul and possibly Linda in the loop on the testimony. As far as I know politics are never involved in determining whether to take someone's testimony. I've not seen it done at this agency. It does make sense though to have all your ducks in a row before approaching a significant witness like Mack. Hence, the reason to try and figure out a number of things about him before scheduling him up, not least of which is whether he knew about the deal.

Less importantly, perhaps I was wrong but I thought the word assessment came from your e-mail. If not, my bad. As for urgency, I just wanted to understand when Paul asked for the information, since I heard it from him but never from you (not the normal way to keep informed). Also, can I get a copy of the lengthly e-mails or memos you sent Paul in mid-July? It's important for me to be kept in the loop on things that have a bearing on the case.

Thanks.

From: Aguirre, Gary J.
Sent: Wednesday, August 24, 2005
To: Hanson, Robert
Subject: RE: Mack testimony
Bob:

I have three comments regarding ''the over the wall'' requirement. First, before and after the Mack decision, you have told several times that the problem in taking Mack's exam is his political clout, e.g., all the people that Mary Jo White can contact with a phone call. Second, proof that a witness was ''over-the-wall'' had not been a prerequisite for any other examination in this matter. Third, see my memo to Mark on the same subject below.

You sate, ''My suggestion a while ago was to write a memo so that we could vet the issue with Paul.'' I sent Paul a comprehensive memo in mid-July. When you told me in early August that he was still waiting for a memo, I drafted another memo and sent it to you on August 4.

Finally, you state ''on that note, do you remember when Paul asked for the assessment from you? I got the sense from him that it had been a while ago. Is the assessment the third e-mail below?'' I have clear recollections of my discussions with Paul, but I do not recall his request for an ''assessment,'' other than a statement of my views why we should proceed with the Mack testimony. As stated above, I have sent two lengthy memorandums on that issue to him.

In my office, in mid-July, I told Paul that I would be sending him a second memo discussing the factors which, in addition to the Mack decision, led to the tender of my resignation. I intend to complete and send that memo to Paul as soon as I return, since I do not have access now to the documents I need. If there is some urgency that Paul receive it, which I did not understand before, I will endeavor to do it from my recollection of the events and dates, but that will be tough because it will cover approximately seven months.

From: Kreitman, Mark J.
Sent: Wednesday, August 17, 2005
To: Aguirre, Gary J.
Cc: Hanson, Robert
Subject: RE: Pequot pending matters.

Please confer with Susan Yashar, Elizabeth Jacobs, or Scott Birdwell at OIA re Swiss privacy law issues.

From: Aguirre, Gary J.
Sent: Wednesday, August 17, 2005
To: Kreitman, Mark J.
Cc: Hanson, Robert
Subject: RE: Pequot pending matters.

As I understand the term ''over the wall,'' I do not think it applies here in its usual sense: someone within a securities firm going over the ''wall'' restricting access to non-public, material information. The tip to Samberg, assuming it took place, must have occurred before Mack started with CSFB. There will be no evidence in the classic sense that he went over the wall, as there was no wall at that time.

The question is whether GE-Heller acquisition was disclosed to Mack during the wooing period with CSFB. This will not be easy for two reasons. First, 90 percent was handled by Credit Suisse in Geneva which, as a Credit Suisse, is beyond the reach of our subpoena I have been working through CSFB to try to get them to produce CS's documents, and they sound cooperative. Second, all subpoena documents are passing through Lynch who is going back to Morgan Stanley to join Mack. I am hearing a lot about privacy rights under Swiss law.

Patalino (CSFB contact) says Mack had two limited contacts with CSFB shortly before he started work. He met with CSFB's CFO and an attorney two weeks before he started (around June 29) and again just before he started. Both dates are very significant in terms of Samberg's trading: June 29 is when Mack spoke by phone with Samberg, which is just before Samberg began trading in Heller. July 8–9 is the time frame when Samberg increased his buy on Heller from 15,000 to 400,000 shares, suggesting that his information was refreshed. This also correlates with the date that GE increased its offer for Heller.

Bottom line: evidence suggests that Samberg had his info refreshed on exact days that Mack met with CFO of CSFB. Item 8 is an effort to obtain information relevant to the possibility that info went to Mack during meetings with CSFB and CS. I am not optimistic, given the Lynch filter.

From: Kreitman, Mark J.
Sent: Wednesday, August 17, 2005
To: Aguirre, Gary J.; Jama, Liban A.; Eichner, Jim
Cc: Hanson, Robert
Subject: RE: Pequot pending matters.

Where are we on determining the date Mack was brought over the wall re GE-Heller deal—the necessary prerequisite to subpeona to Mack?

From: Hanson, Robert
Sent: Wednesday, August 24, 2005
To: Aguirre, Gary J.
Subject: RE: Mack testimony

Mark's idea makes complete sense to me. Normally we start questioning those who had the insider information.

It's been my experience that Mark views issues very objectively and closely and Paul does also. I attempt to as well. I believe Mark has thought long and hard about the best way to proceed on GE/Heller and continues to think about it. You may disagree with his determinations (and mine as well) and that, of course, is your right. My suggestion a while ago was to write a memo so that we could vet the issue with Paul. From your e-mail directly below it seems that Paul had the same idea.

On that note, do you remember when Paul asked for the assessment from you? I got the sense from him that it had been a while ago. Is the assessment the third e-mail below?

From: Aguirre, Gary J.
Sent: Wednesday, August 24, 2005
To: Hanson, Robert
Subject: RE: Mack testimony
Bob:

While you were on vacation, Mark informed me that I would have to establish that Mack ''went over the wall'' before I could take Mack's testimony and ask him whether he went over the wall. This makes no sense to me.

Further, Paul had asked me to send him my assessment why it was necessary to take Mack's testimony and I delayed it in hopes that the assessment would be reviewed objectively. Since Mark has already made up his mind, I see no point in further delaying the analysis that Paul requested.

GARY

From: Hanson, Robert
Sent: Tuesday, August 23, 2005
To: Jama, Liban A.; Aguirre, Gary J.
Subject: FW: Mack testimony

Please take a look at this—if possible before we meet with Mark.

From: Aguirre, Gary J.
Sent: Thursday, August 04, 2005
To: Hanson, Robert
Subject: Mack testimony

Bob: You have asked that I do a memo why I believe the Mack testimony should be taken as the next logical step in the Pequot investigation. I believe there are three reasons. First, a profile of the tipper was developed in this case that has multiple elements. The possibility that Mack acted as the tipper satisfies almost very element and is inconsistent with none. Second, whether or not Mack is the tipper, his testimony will advance the investigation. If he is the tipper, his testimony will likely suggest some avenues to be pursued and other to be dropped. It will pin him down to a story which we can begin to disprove. If he is not the tipper, his testimony is the likely first step to eliminating him from consideration. This would allow our limited resources to be focused on starting a new screening process to find another possible tipper.

MACK MEETS EACH ELEMENT OF THE PROFILE.

The timing of the trading with Mack's access to possible information

The first element is whether Mack had possible access to information that GE would make a tender offer for HF. He had access from two sources: he had been the CEO of Morgan Stanley, who advised GE, until late March. He also took over as CSFB's CEO on July 12, 2001. Samberg's trading pattern, which I can discuss in more detail if you want, suggests that he obtained information just before Monday, July 2, around July 9, and around July 25. Mack coincidentally met with CSFB's CFO on June 28 or June 29, again a few days before he began work on July 12, and was CEO at the third key time. Hence, Mack had relevant contacts with CSFB at each time. Also, CSFB was ''wooing'' Mack away from Merrill Lynch and other investment banking firms during the period from April through July 2001. It would be consistent with this effort for someone at CSFB or CS to mention, as part of this wooing process, what inventory Mack would be taking over. Incidentally, we know how Samberg saw Mack's new role as CEO of CSFB. He and his son discussed the fact that CSFB was the second largest investment banker at that time and ''it was good to have friends in high places.'' Of course, there is also the possibility that Mack, through his contacts at Morgan Stanley, knew about the pending GE tender offer.

Questioning Mack about this transaction could take us in several directions, each of which suggests a different focus for the investigation. First, Mack could deny that he ever knew that GE would make the offer until the public announcement. The investigation would then focus on whether this was true. Second, Mack might say he learned on June 28 or June 29. The focus would then be placed on his contacts with Samberg at that time and whether he learned that GE had bumped its offer around July 9. Finally, he might give convincing testimony that he learned after July 12 for the first time and cause us to reevaluate whether his should even be considered.

Also, Samberg's trading suggests that he did not get the tip until shortly before he started trading. He would not be the largest purchaser of HF during July if he had the tip before. It also makes sense that his tipper, likely someone he trusted, got the tip just before Samberg started trading. Had the tipper had it earlier, why would he have not communicated it earlier? Further, GE made its first offer in early June. It would make sense for Samberg to start buying then if he knew about the trade. The Mack-CSFB meeting on June 28 or June 29 and the Samberg huge trading the next week fits.

Further, we are operating in the dark regarding who Mack spoke with and when he spoke with them about stepping in as CSFB's CEO. CSFB's counsel tells me he spoke with CSFB's CFO and the Credit Suisse chairman of the board. Were these the only people? Mack's testimony could point us towards the key people at CSFB. Conversely, he might tell use that he was seeing some of the people on the acquisition team as Morgan Stanley at this time. That would take the investigation in a completely different direction.

Mack had the motive to tip Samberg

Mack had multiple reasons for tipping Samberg about the GE tender offer for Heller.

(a) Mack got into Closed Pequot funds and special deals that Mack thought would have big returns to him during and after 2001.—Mack was getting into private deals that Pequot was putting together for its own principals, including projects with the following code names: $5 million into ''Freshstart'' (Lucent spin-off bought cheap), $2 million info Baby C, and an unknown amount into Distressed Guys, which later became Pequot Special Opportunities Fund. The most interesting situation involved Fresh Start. Mack was pressing to get into this for sometime. On June 20, a Samberg e-mail said that he was with Mack and that Mack was ''busting his chops'' Samberg's chops because he had not got the documents on this investment. Neither the Pequot principals nor Samberg's son seemed happy about Mack getting into this Fresh Start. During the call on June 29, when the suspected tip occurred, Samberg arranged for Mack to get into Fresh Start. Mack also was getting into Pequot funds when they appear to be closed. At that time, Samberg's funds were doubling in value in less than 3 years and the Pequot Scout fund was doing even better. In general, the funds had a $5 million lower limit. E-mails show Mack putting at least $13 million into these funds. One of the spread sheets I provided to Mark on June 28 shows Mack invested in 15 different Pequot funds (but it does not show when). As a rough estimate, based on performance over 1999 and 2000, Mack could reasonable expect that his new investments in Pequot during 2001 alone would have returned something in the range of $5 million per year to Mack.

(b) Board seats—As shown on one of the spreadsheets, Samberg was promoting Mack for board seats on both Baby C and Freshstart.

(c) Office Space—Mack was using Pequot office space intermittently during the period from March 2001 through July, 2001, when he began work for CSFB.

(d) Stop tips—Samberg was giving Mack stock tips on public companies that Mack directly invested in. ''That's where were putting our money.''

(e) Friendship—Mack and Samberg were close friends. Two months ago, Mack took over as CEO as Pequot. That Samberg would choose Mack in the middle of an investigation that could land Mack in jail tells much about the level of trust Samberg had in Mack. I discussed how the friendship played as a motive in my June 27 memo.

(f) Mack's crossing the line for Pequot. While Mack was at CSFB, he was acting as Pequot's agent to introduce one of the companies Pequot co-owned with Lucent, to an investment banker in China. Mack's letter, written on behalf of Pequot reads, ''I have not given this first to CSFB (where he was then CEO) or to Morgan Stanley because I think your contacts in China are the best.''

Samberg had a relationship of trust deep friendship with Mack

We do not have a complete picture of Mack's financial assets, but his holdings in his Pequot funds in 2001 exceeded $400 million. He holds an engineering degree from MIT, a Masters of Science from Stanford and an MBA from Columbia. He started with $3.5 million and built the largest hedge fund in the world as of 2001, when the GE–HF trading took place. He has generally been very careful about his comments in his e-mails. He used AOL instant messaging, which leaves no trace in any computer, to communicate with key people. In short, he's a smart guy who took few changes. It does not fit the pattern for him to be taking big chances where he got his tip. It makes sense that he got it from someone he trusted and who also trusted him. That was Mack. Mack's e-mails to and from Samberg have a different ring about them. In one e-mail, Samberg's secretary tells Samberg Mack had called and that, ''he loves you.'' In sum, there was a deep trust and friendship between them. It is exactly the kind of relationship that Samberg would feel comfortable calling on for a tip as big as HF and GE.

Samberg's need for a big favor from an old friend

In July 2001, Samberg's company was splitting a part. Benton was a younger and a rising star. Benton's performance was dwarfing Samberg's, Samberg was recovering from heart surgery. Benton was leaving with at least half the company. Samberg was looking at even bigger staff losses to Benton. He testified that he was concerned at this time more of his executive committee ''might walk.'' A big hit on GE–HF would illustrate that his fast ball had not slowed. Regarding GE–HF, Mack was just the guy to do his old friend a big favor, one that would also benefit him.

Regarding Samberg's situation during this time frame, he testified at the first session:

The company was about to split, it was about to split. In September '00, I had an aortic medical situation and was near death. I was on heavy medication, and I was trying to reestablish the franchise value of Pequot and the core funds. I was actively looking for help, and I did things in a manner that was expedient at the time given my expertise in this area.

In a similar vein, he testified at the second session:

My firm was going to split in three months. These people were my other managing director partners. *Times were fragile.* I needed their approval to do whatever I wanted to do *or they might walk* (emphasis added).

THERE DO NOT APPEAR TO BE OTHER LEADS IN THE SAMBERG E-MAILS

The evidence does not merely point to Mack. It points to no one else. I have been through the Samberg e-mails, his calendar, his credit card receipts and his phone slips: Hilton, Eric, Nancy, have been through the e-mails. No one has shown up as a possible candidate. Further, Fried Frank has stated that Samberg made the decisions alone. No one was listed with him on the Fried Frank lists of those participating in investment decisions. If we don't take a look at Mack, we start all over again looking for someone that fits the profile. Then the question would remain: If we find him or her, will there be a similar reason for not proceeding with the examination? Very possibly yes, given Samberg's circles.

GARY.

ATTACHMENT 4

From: Hanson, Robert
From: Hanson, Robert
Sent: Thursday, August 04, 2005 10:16 AM
To: Aguirre, Gary J.
Subject: RE: Ferdinand Pecora

GARY: We seem to be miscommunciating and I'm not sure why. We both have the same

objectives. I learned through the grapevine, rather than directly, that you were not leaving but staying and wanted to know what your plans are. I still am not sure because we covered different issues last night and never got to the heart of the question. I inquired because I need to figure out how to staff the case and the like. Your status is obviously very important to figuring out what to do and how to staff the case.

I think we should prepare a memo discussing why it is appropriate to take Mack's testimony at this point. I said I would do it at one point and I thought you said you would do it shortly thereafter. We've discussed this several times thereafter and Paul mentioned recently that he was still looking for a memo. We may have different recollections, but at bottom I still believe one should be prepared. I'm happy to do the memo, though it will have to wait now until after my vacation. .

I believe that Mark feels it is premature to take Mack's testimony. I don't disagree. I thought and think it makes sense to write a memo to make sure everyone has a chance to understand the facts we have and whether it makes sense to take the testimony at this juncture. Paul had wanted to talk about taking the testimony at one point. I think the memo should precede such discussion. As a general matter I try to alert folks above me about signficant developments in investigations that may trigger calls and the like so that they are not caught flat footed. I also think that Paul and possibly Linda would want to know if and when we are planning to take Mack's testimony so that they can anticipate the response, which may include press calls, that will likely follow. Mack's counsel will have ''juice'' as I described last night—meaning that they may reach out to Paul and Linda (and possibly others). Hope this clarifies things somewhat.

Thanks,

BOB.

PS: I do not believe in micromangement or feel it is necessary.

From: Aguirre, Gary J.
Sent: Thursday, August 04, 2005 9:48 AM
To: Hanson, Robert
Subject: RE: Ferdinand Pecora

BOB: I do not believe you have accurately characterized our discussion last night nor do I have any recollection of you request for an e-mail a month ago.

I came to your office last night to discuss Pequot because, as I told you, I realized we would not be seeing each other for the next month. Before we got into that discussion, you told me that you had heard I was staying with the Commission and asked that I tell you about my plans.

I then told you that the ''micromanagement'' of my work had nothing to do with the reason I was leaving the Commission. I did not ''grumble'' about micromanagement. To the contrary, I told you that I was aware when I accepted the staff attorney position that micromanagement came with the job and that I had fully accepted this as part of the way things are done here, and I understand why you and others believe that is necessary.

I then told you there were two reasons that have collectively triggered my decision to leave. I told you that Mark was not listening to the rationales for the steps I had proposed in the Pequot investigation, that this represented a major shift that occurred overnight in our relationship, that we had an excellent relationship before, that I believe other people at the Commission were involved in Mark's sudden shift, and that the shift was ultimately traceable to the fact that I had filed an EEO claim that had not been dismissed after I accepted employment. I also told you some of the reasons I believed this, i.e., what I had been told by reliable sources how my complaint was viewed by higher levels within the Division, e.g., including a statement that ''I would get mountains . . . hills out of my way if I dismissed the case.'' I told you I had decided to handle this problem in a different way than resigning and have in fact done so.

Second, I told you that the decision not to take Mack's testimony because of his powerful political connections was the event that triggered my decision, when added to the first problem above. We then discussed at some length what standard had to be met to take Mack's testimony. You told me that Mack was ''an industry captain,'' that he had powerful contacts, that Mary Jo White, Gary Lynch, and others would be representing him, that Mary Jo White could contact a number of powerful individuals, any of whom could call Linda about the examination. I told you I did not believe we should set a higher standard for a political captain than anyone else.

Turning to the statement that you had requested a memo a month ago, I do not recall any such request. I will be specific about what I do recall. Late in the week of June 20, you told me you were going to prepare memo to Paul Berger regarding Pequot. That followed a series of e-mails between us that same week. You also mentioned, as you did last night, that Mack's testimony would be difficult because Mack had powerful political connections. For that reason, the political hurdle, I spent a big chunk of my weekend preparing two lengthy memos that described in detail the facts relating to Samberg's trading in HF and GE, which suggested elements of the tipper's profile, and a second memo describing all possible avenues for establishing the identity of the tipper, proposing that Mack was the most likely candidate, and suggesting that we focus on him to eliminate him or establish it was in fact him. Those e-mails were prepared for you and Mark and assumed some knowledge of the investigation. I also thought they might assist you in preparing your memo to Paul. I had no expectation they would be sent to Paul. I also had copies sent to Mark and, at his request, two spreadsheets summarizing e-mails relating to Mack's motivations and list of the funds he had invested in. I do not recall a request by you or anyone else for any other memo. I had hoped that these two memos, with citations and quotes to the evidence, would at least prompt a discussion. You and Mark discussed the memos and then Mark called me with a question that demonstrated that my memos had either been rejected or bypassed. In mid-July, I spoke with Paul about my continuing concern about Pequot. Mark asked that I provide him with a. memo of the factors that might have motivated Mack to tip Samberg on HF. Since this subject was addressed in the two memos and two spreadsheets that I delivered to Mark on June 27 and June 28, he obviously wanted something more. I had just begun to take ''Official Time'' and thought this request was not urgent. About a week later, on July 25, I received an e-mail from Mark that responded to my e-mail of June 28, four weeks earlier. It raised new questions about Mack. I responded in detail to Mark's e-mails issue by issue last Friday.

I don't know of any request from you or Mark for any memos relating to Pequot over the past six weeks.

GARY.

From: Hanson, Robert
Sent: Thursday, August 04, 2005 7:38 AM .
To: Aguirre, Gary J.
Subject: RE: Ferdinand Pecora

GARY: The constant back and forth on these issues consumes a lot of time. I suggested that you write a concise memo on the issue of taking Mack's testimony more than a month ago. That way people can see your proposal, meet on it and comment on it It's a natural thing that Paul and perhaps Linda would want to know about. At this point, I'm still waiting for the memo (as is Paul I believe), though I understand from talking with you last night that you have given Mark and Paul some materials that I haven't seen. People here are smart, hard working and want to do the right thing. I'm making suggestions to you that you either ignore or don't like and grumble about (the mircomanagement comment last night)—but my experiences here shows that they work. I hope you give that some consideration.

GARY J. AGUIRRE,
Senior Counsel, Division of Enforcement
Securities and Exchange Commission

From: Hanson, Robert
Sent: Thursday, August 04, 2005 7:38 AM
To: Aguirre, Gary J.
Subject: RE: Ferdinand Pecora

GARY: The constant back and forth on these issues consumes a lot of time. I suggested that you write a concise memo on the issue of taking Mack's testimony more than a month ago. That way people can see your proposal, meet on it and comment on it. It's a natural thing that Paul and perhaps Linda would want to know about. At this point, I'm still waiting for the memo (as is Paul I believe, though I understand from talking with you last night that you have given Mark and Paul some materials that I haven't seen. People here are smart, hard working and want to do the right thing. I'm making suggestions to you that you either ignore or don't like and grumble about (the mircomanagement comment last night)—but my experiences here shows that they work. I hope you give that some consideration.

From: Aguirre, Gary J.
Sent: Thursday, August 04, 2005 7:25 AM
To: Hanson, Robert
Subject: Ferdinand Pecora

BOB: I mentioned last night that Ferdinand Pecora was chief counsel for the Senate Committee that drafted the 1933 and 1934 Acts, including the key operative language of Section 10(b). Those hearings eventually were named after him, the Pecora Hearings. Pecora warned in his opening words in Wall Street under Oath:

''Under the surface of the governmental regulation of the securities market, the same forces that produced the riotous speculative excesses of the 'wild bull market' of 1929 still give evidences of their existence and influence. Though repressed for the present, it cannot be doubted that, given a suitable opportunity, they would spring back into pernicious activity. Frequently we are told that this regulation has been throttling the country's prosperity. Bitterly hostile was Wall Street to the enactment of the regulatory legislation. It now looks forward to the day when it shall, as it hopes, reassume the reigns of its former power . . .''

When the SEC declines to question ''industry captains,'' when an investigation suggests it is the next logical step, we are granting them a pass to play the trading game by their own rules. We do the same when we set artificially high barriers to question them that do not exist for others, e.g., don't question them about going over the wall until we proved they have already made the trip.

I don't think Pecora was suggesting that regulatory scrutiny be delayed until we have

another market collapse. I do not think he would have delayed a heartbeat before taking John Mack's testimony on the record in this matter. Mack had multiple motives, Samberg's trust, contact with Samberg at the key moment, and two possible sources for the tip. He should be asked the obvious questions.

GARY.

ATTACHMENT 5

of 2005 that Paul Berger, who had a reputation for being an aggressive and smart attorney, did not seem as though he was aggressive in supporting the attempts of Mr. Aguirre to get subpoenaed documents on time and to get e-mail production so that we can conduct an investigation. That is one example of what I was referring to when I said ''something smells rotten.''

That went through a very long period of time of the investigation where it was my sense that there was not the support for the aggressiveness and the tenacity of the investigator.

There are other examples I can give you.

Chairman Specter. Would you please do that?

Mr. Ribelin. I can do that. As I said, for a very long period of time, we had a hard time getting e-mail production, and I can tell you that if you subpoena a document or subpoena e-mails and you don't get them, you are not going to be able to do the investigation. And so we continued to push.

There was a period of time when a very significant, large portion of e-mails were put out of our ability to get a hold of and to examine. Part of the reason given was because these e-mails may be privileged e-mails, communications between attorney and client.

We thought certainly there was a possibility that some of those e-mails fell into that category, but there was a very large number of e-mails that we suspected fell outside of that category. And there was one point that an attorney was hired who had custody of some of those e-mails—I can't remember how many thousands they were. Mr. Aguirre was not allowed by Mr. Kreitman to speak to that attorney about trying to get production of e-mails. To this day I don't know why that is.

And I can tell you that Mr. Mack had been the CEO of Morgan Stanley. He was being courted to become the CEO of CS First Boston. We did not have information that he had material nonpublic information as it related to the GE/Heller merger. That is for sure.

It was Gary's theory—I agreed; I think other people supported the idea—that it wasn't unlikely, it was certainly possible that he could have gotten access to the information based on the fact he had been the former CEO of Morgan Stanley and he was being courted at the time by CS First Boston of the trades engaged in by Pequot.

After the word came down that the testimony of John Mack was not going to be taken, I had a conversation within a week or so of that with Bob Hanson, and Bob Hanson said to me that because Mr. Mack was a prominent person or because he had connections—I don't remember exactly how he put it—that we would have to be careful about taking his testimony, we would have to, my impression is, move maybe more carefully than we would if it was somebody other than somebody of prominence. And I said, ''Well, Bob, if that is the case or not, just call him up on the phone instead of bringing him in for testimony and ask a couple of basic questions.''

And this is something, by the way, that Gary proposed, Gary Aguirre proposed a couple of times. Mr. Hanson didn't respond to me.

And then finally, of course, Gary Aguirre was fired when he was on vacation. I was stunned. I was outraged. And the e-mail that you just referred to was soon after these events.

Chairman Specter. Mr. Hanson, do you recall the comment that Mr. Ribelin has testified to, that you called Mr. Mack a ''prominent person'' and then suggested that there would have to be treatment of him a little different?

Mr. Hanson. I certainly felt he was a prominent person and I wanted to, as I have said to Mr. Aguirre and Mr. Ribelin, make sure we had our ducks in a row before taking Mr. Mack's testimony. And what I meant by that was, let us figure out what we can about whether he had the information before taking his testimony.

ATTACHMENT 6

Mark Kreitman:

I spoke to Mark Kreitman by telephone on October 24, 2005, regarding Gary Aguirre. Kreitman told me that the evaluation process had 2 pieces to it. First, there was an initial evaluation of Aguirre by Bob Hanson that went to Berger around the end of June, and then second Kreitman did a supplemental evaluation because he felt that Hanson had not addressed problems. Kreitman said that he wrote the supplemental evaluation on August 1, 2005, before going to the Compensation Committee. Kreitman said that he later learned, upon inquiry, that only Hanson's evaluation went to the Compensation Committee in error. Kreitman said that he knows the date that he prepared the supplemental because it is a Word document that shows August 1, 2005. I asked Kreitman to send me something that showed it was created on August 1, 2005. Kreitman said that he may have discussed the supplemental evaluation with Berger, but does not recall. Kreitman was sure he discussed it with Bob. Kreitman said that it was not unusual for him to rate subordinates, and that he is directly responsible for rating Branch Chiefs, para-professionals and a couple of staff attorneys (not including Aguirre). Kreitman does not know if Aguirre received a copy of the supplemental rating, but he said that Aguirre was already terminated when he would normally meet with staff attorneys and their branch chief to give them their written evaluation and tell them their step increase.

Kreitman told me that he knew Aguirre as a student at Georgetown's LLM program where he taught and Aguirre was a student and had edited his law review article that was published. Kreitman also said that they were friends and him and his wife would visit Aguirre and his wife's houses. Kreitman said that Berger made the decision to transfer Aguirre from another Asst. Director Grimes to Kreitman.

When I asked Kreitman what the inquiry was regarding the supplemental evaluation he said that Berger checked to see if it went in Aguirre's personnel file, and it turned out that it did not. Kreitman said that he got advice from Linda Borostovik in HR and Lindy Hardy in GC. Kreitman said that there was some confusion and that he got conflicting advice.

Kreitman said that he concurred with Aguirre getting two steps as a merit promotion, even though he had problems with Aguirre's conduct. Kreitman said that there are few carrots in government work, and that he gives more leeway with conduct than with performance. Kreitman said that Aguirre worked out well in the beginning of coming to his group; Aguirre brought with him the Pequot case he developed which Kreitman described as a complicated, difficult insider trading case. Kreitman remembers telling Aguirre that he could have 5 weeks to see if the case was manageable given SEC resources. Kreitman said that after five weeks it was unclear if it was manageable but he let Aguirre continue. Kreitman said that it was clear that there were problems with how it was being investigated by Aguirre, because he was resistant to supervisors, especially his branch chief Hanson, he sent out subpoenas without going through his branch chief which violated protocol and criminal statutes resulting in the subpoenas being recalled.

Kreitman said that Aguirre did not conduct the investigation in the normal course; he gathered ''millions of e-mails'' hoping to find the smoking gun. As to calling in John Mack for testimony, Kreitman said that there was insufficient evidence to call him in and that Enforcement does not drag in ordinary citizens on unfounded suspicion. According to Kreitman, Enforcement still does not have enough evidence after more investigation. Kreitman said that there is no doubt that Mack may be a tipper and that there is illegal insider trading in the case, but that none of the five potential tippers have been called in. Calling in persons to give testimony is a serious matter, according to Kreitman, and is not done lightly. He also said that it is pointless to call in a witness if there is no evidence because they will just deny tipping and there is no where to go from there. Kreitman said that his reputation at the agency is that he is the most aggressive trial attorney (when he was in that position for many years) and Assistant Director, and that he has taken the testimony of many high profile persons. He said he is hardly afraid of taking anyone's testimony. Kreitman told me that him, Berger and Bob had many discussions about taking Mack's testimony.

Kreitman also said that it is a little out of the ordinary for Mary Jo White to contact Linda Thomsen directly, but that White is very prestigious and it isn't uncommon for someone prominent to have someone intervene on their behalf. Kreitman recalls that Thomsen called him to say that she received correspondence from White, and Kreitman went to get it.

I asked Kreitman whether he had given Aguirre a Perry Mason award for his good work. He laughed and said that it is a joke he does in the office, where he gives someone an 8½ x 11 xerox of Raymond Burr's face. He said that he did give one to Aguirre after he went to meet with the SDNY USAO to see if they were interested in the Pequot case. Kreitman said that he was worried about Aguirre presenting the case to them because he said that Aguirre tends to talk ''in a nonlinear fashion''. Aguirre reported back that the SDNY was very interested, so Kreitman was pleased and gave him the Perry Mason award.

Kreitman said that he fired Aguirre by telephone because Aguirre was in California on vacation and would not be back before his probationary period was over. He said that he had never had to fire anyone. Kreitman said that Aguirre and him were friends as of the summer when Kreitman believed that Aguirre was unhappy at work but still came to Kreitman's house for a party he has every year for staff. Aguirre felt that his investigation into Pequot was being thwarted, according to Kreitman. Aguirre told Kreitman that he wanted to report directly to him, but Kreitman told him that could not happen. Kreitman said that the Pequot case was staffed more heavily than any other case in his group. Kreitman told me that there was a consensus that Aguirre should be terminated by Thomsen, Berger, Hanson and himself and that he drafted the termination letter to Aguirre. When I asked Kreitman why

Aguirre was fired, he told me that Aguirre refused to work in a structure, which presented possible dangers for the Commission, he was a loose canon (he had threatened to resign and Aguirre made it clear he did not need to work financially), Aguirre said that he would leave once the investigation was over but would not do the write up of the case, and he was uncooperative with the other 2 staff attorneys assigned to his case by being disrespectful and refusing to bring them in to the heart of the case, he would not take supervision from Hanson, and Berger received many complaints from opposing counsel about

ATTACHMENT 7

Mr. BERGER: Well, in order to establish a case that you're building against an individual, that's what you'd want to do. You'd want to set out here are the elements for the violation, here are the facts that we have relating to that element.

Mr. FOSTER: Well, that's what you would need to set out in order to justify taking an enforcement action against that person. But is that what you would need to establish in order to take investigative testimony?

Mr. BERGER: Well, I think you would have to have some reasonable basis to take that testimony, and then the reasonable basis is the analysis under the elements of the violation and the facts that you have supporting those elements.

Mr. KEMERER: How often did you require staff attorneys to write memos in order to justify taking evidentiary testimony?

Mr. BERGER: It was not infrequent.

Mr. KEMERER: Well, for instance, on the multiple occasions when Mr. Samberg's testimony was taken, did Mr. Aguirre have to do a memo such as this?

Mr. BERGER: I don't remember.

Mr. KEMERER: In the Mainstay case, did Mr. Swanson have to do a memo in order to take testimony?

Mr. BERGER: I don't remember. I think he did actually do a memo at one point. I just don't remember what point that was.

Mr. KEMERER: So you don't recall whether it was in order to get permission to issue a testimonial subpoena?

Mr. BERGER: Well, we were talking about taking some testimony from individuals fairly prominent, a Senator or a former Senator, and some other individuals, and we wanted to see what we had. So I think that—I remember reading something in advance of the testimony that would support—that supported taking their testimony.

Mr. FOSTER: You mentioned prominence just now.

Mr. BERGER: Uh-huh.

Mr. FOSTER: Is it the case that you're more likely to require a memo such as this in a case where the proposed testimony is of someone prominent?

Mr. BERGER: No, I don't think so. We've done this, we've done memos in advance of people that no one would know.

Mr. FOSTER: Can you give us an example?

Mr. BERGER: Not off the top of my head.

Mr. FOSTER: Can you get back to us on that?

Mr. BERGER: I can think about it. I mean, I was there for 14 years. I was probably involved in maybe a thousand investigations, brought 400 or so investigations. I mean, that's a lot of people.

Mr. FOSTER: Why did you mention prominence just now, though?

Mr. BERGER: I don't know why I mentioned prominence.

Mr. KEMERER: Directing your attention to page 2 of Exhibit II, the third full paragraph begins with, ''Further . . .'' Do you see that line?

Mr. BERGER: Yes.

Mr. KEMERER: Mr. Aguirre appears to contend that the SEC's operating in the dark with respect to whom Mack spoke to while CSFB was wooing him to come on as the CEO. Is that true?

Mr. BERGER: I really don't know what was in Gary Aguirre's head when he wrote this, so I can't tell you what he was thinking. One of the reasons this is not a particularly good memo is I have no idea what he's talking about, operating in the dark. We were sending out subpoenas. We were getting information. We were making inquiries to Credit Suisse to get information concerning contacts or possible contacts between Mr. Mack and others. So I don't know what he's referring to here. He obviously didn't make it clear enough for me to understand.

Mr. KEMERER: Okay. Were you aware from reading any of these memos ever that Mr. Mack was meeting with people in Zurich or, you know, outside of the country?

ATTACHMENT 8

From: Eichner, Jim
Sent: Wednesday, July 19, 2006 4:59 PM
To: Hanson, Robert
Subject: FW: Pequot pending matters.

I assume Walter has this—not premature but prerequisite

From: Kreitman, Mark J.
Sent: Wednesday, August 17, 2005 11:26 AM
To: Aguirre, Gary J.; Jama, Liban A.; Eichner, Jim
Cc: Hanson, Robert
Subject: RE: Pequot pending matters.

Where are we on determining the date Mack was brought over the wall re GE-Heller deal—the necessary prerequisite to subpoena to Mack?

From: Aguirre, Gary J.
Sent: Wednesday, August 17, 2005 11:21 AM
To: Jama, Liban A.; Eichner, Jim
Cc: Kreitman, Mark J.
Subject: Pequot pending matters.

I summarize below a list of pending matters following up on our conversations over the past couple of days, yesterday with Liban alone. These items in bold will be the subject of phone calls this afternoon, if you would like to sit in.

Mark: since Bob is out, I am copying you on the list. I am leaving for vacation tomorrow, which I cleared with Bob.

1) Confirm exam date for Benton in NY for week of 9/5; get exam room and reporter;

2) Confirm exam dates for Dartley for week of Sept. 19 in DC and Samberg for week of Sept. 26 for NY; get exam room and reporter;

3) Pequot subpoena: Press Harnish for compliance with July subpoena (lets discuss);

4) Get status from Storch on each class of back up tapes.

5) Morgan Stanley: Get clarification from Ashley Wall on any soft spots in her letter re MS subpoena compliance; you can tackle this if you want while I'm out or I'll do when I'm back.

6) Status of FBI contact with Zilkha; we want Samberg exam immediately after Zilkha interview; we're waiting agent's callback. Agent is David Markel, tel # 718–286–7385

7) Telephone company subpoenas: Any useful phone records produced of Samberg calls from mid-June through end of July?

8) CSFB: Get press on Patalino for the following:

a) July subpoena paragraph 1: Thornberg and Rady's e-mails with Mack; Mack—CS (as parent) e-mails;

b) July subpoena paragraph 2: Thornberg or Radis notes or memo re Mack; CS notes or memos re Mack

c) Letter to Patalino on above;

d) Look for August 30 production of items 3–8.

e) Remind Patalino next week if we do not have his letter re above.

f) August 17 subpoena: we need to work out; he will ID info flow; we make sure his doc review gets docs.

9) Andor backup tapes issue: See my memo raising construction issue on Pequot-Andor agreement (will send an e-mail on this today);

10) Other acquisition players have contacts with Pequot before Samberg trades? You can ask them to collect this info by request letter. However, I doubt any will admit w/o docs. GE and JP Morgan say no docs. You have Wall letter. Need to check with Merrill on Hughes.

ATTACHMENT 9

the termination were, in fact, the true reasons for the termination? Was that the characterization—a fair characterization?

Ms. ANDREWS: No. We don't second-guess management decisions, so we wouldn't have been looking at, well, gee, did he really not get along with others or was it that he didn't do this ''i''.

We were looking only at the allegations that Mr. Aguirre raised in his September 2nd and October 11th letter, so the allegation was he was terminated for, among other reasons, the fact that he complained about not taking Mr. Mack's—him not being able to take Mr. Mack's testimony when he wanted to.

Ms. MIDDLETON: So you were looking for—yes. He was saying, I was terminated for——

Ms. ANDREWS: Complaining.

Ms. MIDDLETON:—unlawful reasons.

Ms. ANDREWS: He did say——

Mr. BRANSFORD: No, I don't think that's what he said.

Ms. ANDREWS: Right.

Ms. MIDDLETON: Okay.

Well, he did say——

Mr. BRANSFORD: It's not a fair way to characterized what he said. It's not necessarily

Ms. ANDREWS: What I see as the function?

Mr. FOSTER: Yes. I mean, you seem to be very narrowly construing Mr. Aguirre's September 2nd letter and his October 2nd letter, sort of very narrowly reading exactly what did he claim, and we're not going to investigate anything else besides what he exactly claimed.

Do you see it as the IG's function to just sort of very narrowly respond to a complaint like that? Do you think that you have a broader mandate to investigate and to seek out where there may be evidence of fraud, waste and abuse or misconduct, more generally speaking, regardless of whether a complaint comes to your office about it? Specifically—

Ms. ANDREWS: Well, one, I don't think it's for me to say what the role of the Inspector General's office is. At this point now, what I do is investigate allegations that come in, so that's what I was doing here. I was investigating the allegations, and that was what I was told to do.

Other unlawful reasons or—we don't second-guess management decisions and we don't necessarily look at every unlawful allegation, every unlawful reason that he was terminated. That's not something we normally look at. We don't second-guess why employees are terminated.

Ms. MIDDLETON: But if a letter comes to you to investigate and it says the management decisions were based on unlawful reasons, some of which I'm putting in my letter and some of which I'm not going to—

Ms. ANDREWS: Well, one of which he was putting in the letter.

Ms. MIDDLETON: One in the letter and others I'm not going to lay out right now to you, Commissioner Cox.

Ms. ANDREWS: Right. Chairman Cox.

Ms. MIDDLETON: Chairman Cox.

You're saying it's not your job to second-guess the management decisions, so it seems to me, if the letter is challenging the management decision and says it's for unlawful reasons, you're saying, well, I can't second-guess that. I can't investigate that. I can't see if it's true.

Ms. ANDREWS: My marching orders were to investigate the allegations he had made in both the September 2nd and October 11th letters. That's it.

Ms. MIDDLETON: Right. But—

Ms. ANDREWS: It's not my decision necessarily of what else we would be investigating.

Ms. MIDDLETON: But his allegation was, I was terminated for unlawful reasons.

Ms. ANDREWS: Right. We did not investigate to their allegations in the same way that you went to them to get their reaction to his, is that——

Ms. ANDREWS: Well, I didn't get their reaction to his. I'm calling them because they've been, you know, accused of wrongdoing, so I have to call them and——

Mr. FOSTER: And then when you did, they accused Mr. Aguirre of——

Ms. ANDREWS: He was——

Mr. FOSTER: —if not wrongdoing, of——

Ms. ANDREWS: Again, we're not second-guessing management decisions on terminating a probationary employee. Absolutely not. That's my understanding of our role in the IG's office.

Mr. FOSTER: Did you assume that Mr. Aguirre didn't have documents or wouldn't have been able to have documents that might substantiate his allegations that you might need to seek from him?

Ms. ANDREWS: I didn't make any assumptions about it. I have a lot of e-mails that he sent to people and people sent back to him.

Mr. FOSTER: Right. Which were given to you by the people——

Ms. ANDREWS: Right.

Mr. FOSTER:—against whom he made the allegations.

Mr. SPECTER. In the absence of any Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. SPECTER. Madam President, a personal comment or two. On the Senate floor, some years ago, I compared Senator GRASSLEY to Senator Harry Truman, later President Harry Truman. I did so after observing Senator GRASSLEY's work over a long period of time. Senator GRASSLEY prides himself on being a farmer—on being a farmer Senator. May the record show that Senator GRASSLEY is nodding in the affirmative. It may be—Senator GRASSLEY would have to speak for himself—he prides himself more on his status as a farmer than as a Senator. But if he were to do that, I would disagree with him, even not knowing his prowess as a farmer because of his prowess as a Senator.

Senator GRASSLEY is very direct and very plain spoken. I know of his career when he became a member of the Iowa legislature, the lower house. I have only a recollection, Senator GRASSLEY can correct me, that he earned $6 a day in the Iowa legislature at that time?

Mr. GRASSLEY. It was $30 a day but no expenses.

Mr. SPECTER. It was $30 a day but no expenses. As I recollect, Senator GRASSLEY told me it was an increase in pay from what he earned as a farmer.

Mr. GRASSLEY. It was.

Mr. SPECTER. It was. Senator GRASSLEY corroborates that. But I have seen Senator GRASSLEY take on the giants in the Senate. They say people in glass houses should not throw stones. Senator GRASSLEY has thrown a lot of stones in the 26 years he has been here and he doesn't live in a glass house, but he has taken on the giants in the Federal executive branch. He believes thoroughly in oversight, as I do. The work we are submitting today is an example of that.

I think it is a good analogy, between CHUCK GRASSLEY and Harry Truman. I may search the CONGRESSIONAL RECORD to see how long ago it was that I said it, but it is time it is said again.

Mr. GRASSLEY. Thank you, I appreciate that.

Mr. SPECTER. May the record show Senator GRASSLEY said thank you, and he appreciates it.

I may make one addendum, and that is that I say this notwithstanding the 26-years-plus ribbing I have taken from Senator GRASSLEY for being a Philadelphia lawyer.

Mr. GRASSLEY. I have always said: Thank God we only have to have one Philadelphia lawyer in the Senate.

Mr. SPECTER. The Senator said off-camera: Thank God we only have one Philadelphia lawyer in the Senate.

Mr. GRASSLEY. But I say that complimentary.

Mr. SPECTER. But says it complimentary. I don't know. The tone of his voice was usually derisive. There was one time the Senate had two Philadelphia lawyers, Senator Hugh Scott and Senator Joe Clark, they were lawyers together. Senator Clark was elected to the Senate in 1956 for two terms and Senator Scott in 1958 for three terms. So there was an overlapping period of time where there were two Philadelphia lawyers in the Senate.

But notwithstanding the questioning tone, sometimes, of Senator GRASSLEY about a Philadelphia lawyer, I maintain my view of him at the highest level of comparison to President Truman.

Mr. GRASSLEY. Thank you.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

IRAQ

Mr. WARNER. Madam President, about a week ago, I think it was on the 23rd, my colleagues, the Senator from Nebraska, Mr. BEN NELSON, and the Senator from Maine, Ms. COLLINS, and I, together with several cosponsors, put into the RECORD a resolution—I underline put into the RECORD—so that all could have the benefit of studying it.

We three have continued to do a good deal of work. We have been in consultation with our eight other cosponsors on this resolution, and we are going to put in tonight, into the RECORD—the same procedures we followed before—another resolution which tracks very closely the one that is of record. But it has several provisions we believe should be considered by the Senate in the course of the debate. How that debate will occur and when it will occur. I cannot advise the Senate, but I do hope it is expeditious. I understand there is a cloture motion that could well begin the debate, depending upon how it is acted upon.

We have also had a hearing of the Senate Armed Services Committee last Friday. We had a hearing of the Senate Armed Services Committee again this morning. Friday was in open session. The session this morning was in closed session. The three of us, as members of the Armed Services Committee, have learned a good deal more about this subject and, I say with great respect, the plan as laid down by the President on the 10th of January. We believed we should make some additions to our resolution.

We have not had the opportunity, given the hour, to circulate this among all of our cosponsors so at this time it will not bind them, but subsequently, tomorrow, I hope to contact all of them, together with my two colleagues, and determine their concurrence to go on this one. I am optimistic they will all stay.

But let me give the Senate several examples of what we think is important in the course of the debate—that these subjects be raised. We put it before the Senate now in the form of filing this resolution, such that all can see it and have the benefit, to the extent it is reproduced and placed into the public domain. Because the three of us are still open for suggestions, and we will continue to have receptivity to suggestions as this critical and very important subject is deliberated by the Senate.

Our objective is to hope that somehow through our efforts and the efforts

of others, a truly bipartisan statement—I don't know in what form it may be made—a truly bipartisan statement can evolve from the debate and the procedure that will ensue in the coming days, and I presume into next week. We feel very strongly that we want to see our Armed Forces succeed in Iraq to help bring about greater stability to that country, greater security to that country, so that the current elected government, through a series of free elections—the current elected government can take a firmer and firmer hand on the reins of sovereignty. We believe if for political reasons all Members of the Senate go over to vote with their party, and the others go over to vote with their party, we will have lost and failed to provide the leadership I believe this Chamber can provide to the American people so they can better understand the new strategy, and that the President can take into consideration our resolution hasn't been changed.

We say to the President: We urge that you take into consideration the options that we put forth, the strategy that we sort of lay out, in the hopes that it will be stronger and better understood by the people in this country. Their support, together with a strong level of bipartisan support in the Congress for the President's plan, hopefully as slightly modified, can be successful. We want success, Madam President. We want success.

So that is the reason we come this evening. I am going to speak to one or two provisions, and my colleagues can address others.

First, the unity of command. We have a time-honored tradition with American forces that wherever possible, there be a unity of command from an American commander, whatever rank that may be, down to the private, and that our forces can best operate with that unity of command and provide the best security possible to all members of the Armed Forces that are engaged in carrying out such mission as that command is entrusted to perform.

A number of Senators, in the course of the hearing on Friday and the hearing this morning, raised questions about this serious issue of unity of command. I say serious issue because the President, in his remarks, described—and this is on January 10—described how there will be an Iraqi commander, and that we will have embedded forces with the Iraqi troops. Well, we are currently embedding forces, but I think the plan—and that is what I refer to, the President's announcement on January 10 in the generic sense as the plan—will require perhaps a larger number of embedded forces. But the plan envisions an Iraqi chain of command. The Iraqis indicated, in working with the President, this plan in many respects tracks the exchange of thoughts that the President and the Prime Minister have had through a series of meetings and telephonic conversations. So the plan embraces the goals of the Prime Minister of Iraq, the goals of our President.

But this is a unique situation where the Iraqis have a complete chain of command, from a senior officer in each of the nine districts in Baghdad, and the United States likewise will have a chain of command in that same district or such segments of this plan as the military finally put together—each will have a chain of command, the Iraqi forces and the United States forces.

In the course of the testimony that we received, particularly testimony from the retired Vice Chief of the U.S. Army on Friday afternoon, he was concerned, as a number of Senators are concerned—and our provision literally flags this, and flags it in such a way that we call upon the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to look at that plan and to bring such clarification forward as may be necessary, and to do it in a way that will secure the safety of our forces, the protection of our forces, and yet go forward with this idea of a greater sharing of the command responsibility in the operations to take place in Baghdad. So we simply call on the administration to bring such clarification and specificity to the Congress and the people of the United States to ensure the protection of our force and that this command structure will work because I believe it doesn't have—I am trying to find a precedent where we have operated like this. I have asked the expert witnesses in hearings, and thus far those witnesses have not been able to explain the command structure that we have conceived, the concept of the plan of January 10, just how it will work.

Likewise, we put in a very important paragraph which says that nothing in this resolution should be construed as indicating that there is going to be a cutoff of funds. Given the complexity of this situation, there has been a lot of press written on the subject of our resolution. Colleagues have come up to me and said: Well, can you assure me that this doesn't provide a cutoff of funds.

Now, the cutoff of funds is the specific power given under the Constitution to the Congress of the United States. I personally think that power should not be exercised, certainly not given the facts and the circumstances today where this plan—which I hope in some manner will succeed and we are working better with the Prime Minister and his forces. So at this point in time I think it is important that our resolution carry language as follows:

> The Congress should not take any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field, as such an action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions.

So I think that very clearly eliminates any consideration there.

At this time I would like to yield the floor so that my colleagues can speak, and maybe I will have some concluding remarks.

I yield the floor.

Mr. LEVIN. Madam President, I wonder if the Senator will yield for a unanimous consent request.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. WARNER. Madam President, I really feel, if we could more fully——

Mr. LEVIN. It is just a unanimous consent request.

Mr. WARNER. Does it affect what we are trying to lay down in any way?

Mr. LEVIN. I was just going to ask unanimous consent that I be added as a cosponsor of the resolution.

Mr. WARNER. That is fine. I didn't realize that was coming to pass. It is late in the day, and I suppose we could anticipate a lot of things. But anyway I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. As I understand, the resolution has not yet been sent to the desk.

Mr. WARNER. It momentarily will be.

Mr. LEVIN. I ask unanimous consent that I be added as a cosponsor to the resolution.

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

Mr. LEVIN. I thank my friend from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Madam President, tonight I believe we have seen the introduction of a resolution which not only has had bipartisan support in its prior form but will receive very strong bipartisan support in its current form, as amended.

I rise to support this resolution for a number of reasons. I think it is important that we continue to support our troops in the field and those who support the troops across the world. I think it is important that we thank them for their service and that we make it very clear that this resolution does not impair their ability to move forward in their command.

It is also important to point out that while some of the cosponsors haven't had the opportunity to review this, it is being circulated to them so that they do have the opportunity to review it. And I am sure they will become cosponsors with the new resolution.

It is important to point out that in this resolution, benchmarks are included that I believe will help break the cycle of dependence in Iraq by empowering and requiring the authority of the Iraqi Government and the responsibility of the Iraqi Government to take a greater role in the battle in Iraq, particularly as it relates to Baghdad. We generally believe that it is inappropriate for our troops to intercede in the battle between the Sunnis and the Shias on a sectarian basis in battles that are of a similar nature that

certainly do involve sectarian violence. There is a greater role for the Iraqi Government and the Iraqi military. This resolution in its present form will assure the assuming of that greater role, that greater responsibility by the Iraqi Government and certainly by the Iraqi Army.

It is a pleasure for me to introduce and thank our cosponsor, the Senator from Maine, Ms. COLLINS.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, first let me thank Senator WARNER and Senator NELSON for their continuing hard work in refining the language of this very important resolution, a resolution that I hope will garner widespread bipartisan support when it is brought to the Senate floor and debated next week.

Since we first introduced our resolution last week, we have had the benefit of further consultations with experts. We have had the benefit of conversations with our colleagues. We have had the benefit of alternative resolutions that have been proposed by other Senators, and we have had the benefit, most of all, of additional hearings in the Senate Armed Services Committee, including a classified briefing today. All of this activity has confirmed my belief that our resolution as originally proposed was on precisely the right track, but the benefit of these hearings, briefings, conversations and consultations has led us to improve our resolution by making four modifications that the distinguished Senators have just explained.

Let me, for the benefit of our colleagues, run through them one more time.

First, the resolution now makes very clear that nothing in it is to be construed as advocating any lessening of financial support for our troops. Indeed, it goes firmly on record as being opposed to cutting off funds that would be needed by our troops in Iraq. The language is very clear on that.

Second, there has been a great deal of discussion about the need for the Iraqis to meet certain benchmarks—benchmarks that in the past they have not met. So we include language in this resolution that makes very clear that we expect the Iraqi Prime Minister to agree to certain benchmarks; for example, to agree to work for the passage and achieve the passage of legislation that would ensure an equitable distribution of oil revenues. That is a very important issue in Iraq.

It also includes a benchmark that the Iraqis are going to produce the troops they have promised, and that they are going to operate according to the military rules of engagement without regard to the sectarian information or the sect of the people involved in the fighting. In other words, it doesn't matter whether an insurgent is a Sunni or a Shiite; if he is violating the law, engaging in violence, the Iraqi troops and our troops would be able to arrest and detain or otherwise battle these individuals.

It clarifies the language regarding the troop increase that the President has proposed, and as the Senator from Virginia has explained to our colleagues, it calls for a clarification of the command and control structure so that we don't have a dual line of command. We want to have a very clear chain of command, and we call for that. That isn't the case now, and if you ask any military officer, he or she will tell you that having a clear chain of command, a unity of command, is absolutely essential. We have made these four changes in our legislation, in the resolution. We hope our colleagues will take a close look at it. I look forward to debating it more fully when we get on this issue next week.

Again, I commend the distinguished Senators with whom I have been very privileged to work on this: Senator WARNER, the former chairman of the Committee on Armed Services, my colleague, Senator NELSON, also a member of the Committee on Armed Services. All three of us serve on that committee. We have brought to bear our experience and what we have learned in the last week as we continue to study this very important issue, perhaps the most vital issue facing our country.

Mr. WARNER. Madam President, I thank our distinguished colleague from Maine.

It has been a hard work in progress, but we reiterate, perhaps Members want to offer their own resolutions. We are open to suggestions. We are not trying to grab votes, just make ours stronger.

I bring to the attention of my colleague, this is not to be construed as saying, Mr. President, you cannot do anything; we suggest you look at openings by which we could, hopefully, have substantially less United States involvement of troops in what we foresee as a bitter struggle of sectarian violence.

The American GI, in my judgment, has sacrificed greatly, and their families, in giving sovereignty to this Nation. Now we see it is in the grip of extraordinary sectarian violence. Sunni upon Shia, Shia upon Sunni. I am not trying to ascribe which is more guilty than the other, but why should they proceed to try and destabilize the very government that gives all Iraqis a tremendous measure of freedom, free from tyranny and from Saddam Hussein. Why should the American GI, who does not have a language proficiency, who does not have a full understanding of the culture giving rise to these enormous animosities and hatreds that precipitate the killings and other actions—why should not that be left to the Iraqi forces?

We have trained upwards of 200,000. We have reason to believe today there are 60,000 to 70,000 who are tested—in many respects they have been participating in a number of military operations, together with our forces. Let elements of that group be the principals to take the lead, as they proudly say, give them the lead, and go into the sectarian violence. That would enable our commanders, our President, to send fewer than 20,500 into that area.

On the other hand, we support the President with respect to his options regarding the Anbar Province and the additional forces.

Am I not correct in that?

Ms. COLLINS. If the Senator will yield on that point.

Mr. WARNER. Yes.

Ms. COLLINS. The resolution we drafted very carefully distinguishes between the sectarian violence engulfing Baghdad, where the Senator and Senator NELSON believe it would be a huge mistake for additional American troops to be in the midst of that, versus a very different situation in Anbar Province.

In Anbar, the violence is not sectarian; the battle is with al-Qaida and with foreign fighters, the Sunni insurgencies, so we have Sunni versus Sunni. It is not sectarian. And what is more, local tribal leaders have recently joined with the coalition forces to fight al-Qaida. It is a completely different situation in Anbar. I do support the addition of more troops in Anbar. Indeed, the one American commander whom I met with in December who called for more troops in Anbar was General Kilmer.

Mr. WARNER. You refer to the one commander you met. I wonder if the Senator would reference your trip in December and what others told you about the addition of United States forces. I think that is important for the RECORD.

Ms. COLLINS. Madam President, if the Senator will continue to yield.

Mr. WARNER. Yes.

Ms. COLLINS. It was a very illuminating trip with other Senators. It has shaped my views on the issues before the Senate.

One American commander in Baghdad told me a jobs program would do more good than additional American troops in quelling the sectarian violence. He told me many Iraqi men were joining the militias or planting roadside bombs simply because they had been unemployed for so long they were desperate for money and would do anything to support their families. This was an American commander who told me this.

Prime Minister Maliki, in mid-December, made very clear he did not welcome the presence of additional American troops and, indeed, that he chafed at the restrictions on his control of the Iraqi troops. So I didn't hear it from Iraqi leaders, either.

The only place where I heard a request for more troops was in Anbar Province where the situation, as we have discussed, is totally different than the sectarian violence plaguing Baghdad.

Mr. WARNER. Madam President, I thank my colleague.

In my trip in the October timeframe, I would see much the same expression from military and civilian. Our codel visited, and it was following my trip that I came back and said in a press conference, this situation is moving sideways.

My observations, together with the observations of others—some in our Government, some in the private sector—induced the administration—I am not suggesting we were the triggering cause, but we may have contributed—to go to an absolutely, as you say in the Navy, ''general quarters'' to study every aspect of the strategy which then was in place, and which now is clearly stated as late as yesterday by the admiral who will be the CENTCOM commander, wasn't working.

I commend the President for taking the study and inviting a number of consultants. That whole process was very thorough.

The point the Senator is making, as late as December—mine in October, yours in December—we both gained the same impressions that no one was asking for additional United States troops at that time.

Ms. COLLINS. If the Senator will yield on that point, since the Senator was the chairman of the Committee on Armed Services, as well, I would also share with our colleagues that the Senator presided over a hearing in mid-November at which General Abizaid, the central command general, testified before our committee that more American troops were not needed. He reported he had consulted widely with generals on the ground in Iraq, including General Casey, in reaching that conclusion.

I say to our colleagues that I think the record is clear. If you look at the findings of your trip from October, the testimony before the Committee on Armed Services from General Abizaid in November, what I heard in mid-December, I have to say, respectfully, I do not believe the President's plan with regard to Baghdad—not Anbar but Baghdad—is consistent with what we were told.

Mr. WARNER. I thank my colleague.

We should add an important reference to work done by the Baker-Hamilton commission. They have made similar findings. They mention a slight surge, but in my study of that one sentence in that report, I don't think they ever envisioned a surge of the magnitude that is here.

They can best speak for themselves and, indeed, yesterday there was testimony taken from two senior members of that commission, but I don't know whether they were speaking for the entire commission, and whether, in their remarks, they may wish to amend portions of their report. I wasn't present for that testimony.

I hope someone in the Foreign Relations Committee can make that clear. Were they speaking for the entire commission? Did they wish to have their remarks amend their report which we followed? It was one of the guideposts we used, the important work of that group.

Again, we are doing what we think is constructive to help the Senate in preparing for its deliberations, to invite other colleagues to make suggestions. We stand open to consider other options that may come before the Senate.

At this point in time, our resolution is the same form as the resolution we filed here a week or so ago. We are not changing any of the procedures by which the Senate takes into consideration our points. Whether we will be able to utilize this as a substitute should other amendments be called upon the floor, the rules are quite complex on that matter, and I will not bring all of that into the record at this point. But there are certain impediments procedurally as to how this specific resolution could ever be actually used for the purposes of a substitute.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mr. WARNER. Madam President, in the colloquy I participated in with my distinguished colleagues, Senator BEN NELSON of Kansas and Senator COLLINS of Maine—and I take responsibility—somehow we had a misunderstanding about the status. We wish to send to the desk and ask that this be numbered a new S. Con. Res. and, therefore, have the same status as the current S. Con. Res. we had submitted a week ago.

The PRESIDING OFFICER. The resolution will be received and referred.

Mr. WARNER. I thank the Chair. 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. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mr. REID. Madam President, I have already apologized to staff and others for having to wait around so long, but sometimes it takes a long time to get from here to there.

I, first of all, want to acknowledge the hard work of so many different people that allowed us to get where we are today, which certainly isn't the finish line, but it is a starting point.

People have heard me on other occasions, on other matters, talk about the Senator from Virginia, Mr. WARNER. In my 25 years in the Congress—and I say this without any reservation—I have not had dealings with anyone who better represents, in my mind, what a Senator should be. Not only does he look the part and act the part, but he is truly what our Founding Fathers had in mind when they talked about this deliberative body.

So I appreciate very much the bipartisan work of the Senator from Virginia, Mr. WARNER. He has worked with other Senators—I don't know who he has worked with, but some I am aware of because I have read about them: Senators COLLINS, HAGEL, BEN NELSON, SNOWE, BIDEN, COLEMAN, and I am sure there are others.

Today Senator WARNER and others submitted a new version of his concurrent resolution regarding the increase of troop levels in Iraq. Senator LEVIN has taken that language, and tonight we will introduce it as a bill. It will be introduced as a bill because that is the only way we can arrive at a point where we can start a deliberate debate on this most important issue. We will introduce this as a bill which will begin the rule XIV process in order to get it to the calendar and allow the Senate to move to Senator WARNER's legislation. We would prefer to do it as a concurrent resolution; however, that would only be the case if it would be open to complete substitute amendments, for obvious reasons.

In order to permit the Senate to consider amendments which are appropriate, I now ask unanimous consent that the Senate proceed to the consideration of Senator WARNER's concurrent resolution, S. Con. Res. 7, on Monday, February 5, at 12 noon, and that the entire concurrent resolution be open to amendments and that a cloture motion with respect to S. Con. Res. 2 be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, I would say to my friend, the majority leader, about a week ago, the distinguished majority leader indicated that we were going to follow the regular order, that the Biden resolution coming out of the Foreign Relations Committee would be the vehicle for our debate, and I gather, in listening to the distinguished majority leader—if I might ask, without losing my right to the floor, what is the status of the Biden resolution that came out of the Foreign Relations Committee?

Mr. REID. A motion to invoke cloture was filed on that. After we complete work on the minimum wage bill, automatically we will vote on that. I say to my distinguished friend, cloture will not be invoked on that. What I would like is unanimous consent that we not have to vote cloture, that we just vitiate that vote and move to the Warner resolution and do that Monday. But, as I know, the distinguished Republican leader has only seen what I have given him, the last little bit, not because I didn't want to give it to him but I didn't have it. I certainly want

the leader to think about this during the night. I think it would be an expeditious way to get to this.

It has taken a lot of time. I haven't been involved in any of the negotiations. It was tempting, but I thought I would do more harm than good. I haven't been involved in any of the negotiations with the Senators whom I have mentioned here. I think it would be to the best interests of the Senate, majority and minority, to start Monday, as I have suggested, and allow Senators—I will say, at a subsequent time, when the distinguished Republican leader yields the floor, I am going to say that I want to work with the Republican leader in setting up a process for making sure people have the ability to offer reasonable amendments to this S. Con. Res. 7. That is my feeling. That is where we are with the Biden-Hagel-Snowe-Levin resolution that is before the Senate, or will be.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. MCCONNELL. Reclaiming the floor, reserving the right to object, so the Biden proposal which came out of the Foreign Relations Committee—I hear the majority leader—is no longer in consideration. If I understand the process correctly, it, too, could have been called up and an effort could have been made to turn it into a bill as well. If we were to stay in bill status, would it be the intent of the majority leader to fill up the tree?

Mr. REID. I will work with the Republican leader to take any suggestion the Republican leader would have as to how we can begin a debate. I would say in response to the statement, the reason I didn't put the Biden-Hagel matter in a rule XIV posture is that is not what we want to start debate on. There is a bipartisan group of Senators who believe the more appropriate matter is the Warner amendment. I don't know what happened in your caucus yesterday. In my caucus, there was near unanimity for the Warner resolution.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, Madam President, Senator WARNER has been working diligently on this issue and cares deeply about it. We have had some discussions, but I had not seen Senator WARNER's proposal until just tonight. I am not complaining about that, but the text of it is new to me as well as to the Democratic leader.

It is still my hope that we could, as we discussed over the last couple of weeks in anticipation of this debate, enter into a consent agreement under which we would have had several different proposals in their entirety, realizing the difficulty of amending a concurrent resolution—several different proposals in their entirety that the Senate could consider. Maybe this is a better way to go, but it occurred to me that was probably the best way to go forward with this important debate.

Given the lateness of the hour and the newness of all of this, I am going to be constrained to object and will consider—I know we will continue this conversation in the morning in hopes of reaching some agreement that is mutually acceptable.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. Will the Senator yield to me for a minute?

Mr. REID. I will yield to the Senator from Virginia, just making one brief statement. I hope we can still do that. We still would like to do that. I think this will be, as I said, a good place to start. I also want the record to reflect tonight that the mere fact that this is in bill form is as a result of meeting the very stringent rules of the Senate to get it to the floor so we can have a vote on this matter on Monday; that at any time we would agree to take this not being bill language and would be strictly a concurrent resolution language. We can do that anytime. The reasons for that are quite obvious. We don't want this—a concurrent resolution, the President doesn't have to sign it, whatever happens on it. We will be happy to work on that, too.

I yield to the Senator from Virginia.

Mr. WARNER. I thank both leaders.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I join my leader in the objection because I do hope we can work it out, that we do not have to resort to a bill status. Everybody knows what the rules are and how that would then involve the President in a bill status. This should be a matter handled by the Senate and the other body, should they so desire.

I say to my distinguished leader, I did mention this afternoon that I was going to take these steps—basically the changes from the original one, which we filed a week ago. Senator NELSON, Senator COLLINS, and myself are still there. There is no major significant changes. We added a provision regarding the serious problem I and other Senators see—and we learned of it in the open session on Friday in the Armed Services Committee and again this morning in closed session—of the need to clarify this question of how a dual command can take place in each of the nine provinces of Baghdad between the Iraqi military and the U.S. military. And, General Keane, on Friday, said he is going to urge General Petraeus to try to work with that. I think that can be handled, but it has to be clarified.

The other thing is that some colleagues thought maybe we were laying the foundation of this body of the constitutional right of curtailing funds. That was never the intention, and that is made quite clear. The rest of it are changes that I believe are not ones that in any way affect basically the thrust of the original resolution, which was to try to put before the Senate as an institution the viewpoints of a bipartisan group—now 11 in number and others I think desiring to join—such that if the Senate speaks in some way on this eventually, after a debate, it represents to the American public the best efforts of this institution to reach a degree of bipartisanship on an issue which I think is one of the most important that I have visited in my now 29th year in the Senate.

So I thank both leaders, and I join my distinguished leader at this time in the objection because I do hope we do not have to resort to legislative need of a bill.

The PRESIDING OFFICER (Mr. SALAZAR). The majority leader is recognized.

Mr. REID. Mr. President, if we can't get such consent, then we will have to have a cloture vote on the motion to proceed to Senator LEVIN's bill on Monday at 12 noon. As for consideration of an amendment, as I stated in our colloquy, and I state now to the Chair, we will work with the Republican leader on an orderly process. He is an experienced legislator, as we all are, working on this bill. The problem we have is a narrow window of time because of the absolute requirement—absolute requirement to finish the continuing appropriations resolution by February 15 to avoid a total closure of the Federal Government—a total closure of the Federal Government. There would be more time to debate amendments, and I know the distinguished Republican leader is looking at this legislation tonight.

We didn't have to go through the cloture process on the motion to proceed to Senator WARNER's legislation. We simply want the Senate's will for the American people. I know that is what the minority wants, that is what the majority wants, and we have to figure out a process to do that. I am open to suggestions, but all I know, as I have told my two friends, there is no other way to get to the Warner resolution than how we have done it tonight. If during the night we can work out something to move forward to a debate starting Monday, I think it would be to the betterment of the Senate and the American people.

I repeat: It is done in bill form for the simple reason it is the only way to get it to the floor. I repeat now for the second time in front of the American people, at any time, either by unanimous consent or by a vote of the Democratic caucus, joining in with, I am sure, many Republicans, we will strip that language so it doesn't have to go to the President. We want this to be a resolution. This is something that is business within the family, the congressional family. The President doesn't have to be involved in this—only indirectly.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, just briefly, I got the Warner resolution language about 7 o'clock. There are others on our side of the aisle, including Senator MCCAIN, Senator GRAHAM,

Senator CORNYN, and others, who are deeply involved in this issue and interested in how it is going to be disposed of. Senator WARNER has done his usual thoughtful job. He is probably the Senate expert on our side of the aisle in these matters, and his views of which way the Senate should proceed carry a lot of weight in the Senate. But I cannot at this late hour agree to this proposal tonight.

Having said that—and these will be my last thoughts, I believe, for the evening—I do think there ought to be a way to work this out. We have made considerable progress on our side of the aisle in narrowing down the proposals that we might want to offer. And I still think the preferred way to do it—and I think the majority leader believes this as well—is to have a number of different concurrent resolutions in the queue. The distinguished Senator from Virginia has made it clear that he is very uncomfortable, as he just expressed himself a moment ago, with taking the bill approach to this. The majority leader has indicated that is not his preference either. I think the message is: Let's see if we can't craft a unanimous consent agreement that is fair to both sides so that we can have this important debate on this exceedingly important issue next week.

Mr. WARNER. Mr. President, I join in that because I think the operative phrase is to let the Senate work its will. Those are the first words I used in connection with this resolution when I laid it down last week. It is essential. This is one of the most important historic debates, as the distinguished leader—both leaders—have said. We should let this body work its will.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, first let me commend the Senator from Virginia for his leadership and the contribution he has made to this historic debate, both for the Senate and for our Nation. Thank you because I think what you have presented in good faith is an effort to engage in a very important and historic debate. I thank you for that. The fact that you have drawn so much support from both sides of the aisle is a testament to the fine work you have done, and I am glad that you are here this evening in an effort to continue that work.

I would say to the minority leader, the Senator from Kentucky, it is understandable that having been given this language and this information at this late hour that he wants a little more time to reflect on it, and I hope in the morning that we can come to the agreement that we all want. But to reiterate what the Senator from Nevada, the majority leader, has said, what we are seeking to do is what the minority leader has expressed, and that is to create the appropriate forum and the appropriate vehicle for the debate on this issue.

We struggle because the procedures in the Senate make it difficult to take resolutions and amendments. It is clumsy, it is awkward, it is difficult to do. So what the majority leader has suggested is to treat this resolution as a bill for the purpose of amendment but then to remove that bill status so that there is no question as to whether it is going to the President. That gives us a chance to work our will, as the Senator from Virginia has said, using the bill-like approach to amendment and gives the majority and minority leaders a chance to work together to find a reasonable number of reasonable amendments so that we can, in fact, express our will on this critically important issue.

But I say to the minority leader from Kentucky, there is no guile in this proposal. It is an effort to find a reasonable way for both sides of the aisle to address this historic debate.

RETIREMENT OF ED GREELEGS

Mr. DURBIN. Mr. President, I come to the Senate today to say something I hoped I would never have to say. I am here to say thank you and farewell to my chief of staff for the past 17 years, Ed Greelegs, as he retires from the Senate.

This is the first time he has ever been on the floor of the Senate while it was in session. Ed is the kind of person who does his work without a lot of fanfare, without a lot of need for attention, but he does it so very well.

Some people are drawn to Congress because of what they think are the perks and power that come with the job. That is not what Ed Greelegs has given so much of his life to. For Ed, being a good public servant has always been privilege enough. The desire to help others, to try to translate our Nation's most cherished values into law and policies that meet the challenge of our times—that is what brought Ed Greelegs to the U.S. Congress and why he stayed all these years.

I will say without fear of contradiction that Ed is one of the most well liked, even beloved figures on Capitol Hill. All you have to do is walk down a hallway in the Capitol with Ed Greelegs and you will know what I mean. He knows everybody and everybody knows him. His easygoing nature and real caring for people means that he has made thousands of friends on Capitol Hill. From those who do the important work of maintaining and cleaning our offices to those at the highest levels, Ed knows them all.

We have a saying in our office, incidentally: Talk to Ed, he probably knows somebody. Whenever a new issue comes up, if you want to know who you can turn to and trust, Ed invariably knows whom to call. The relations he has made and nurtured on and off the Hill have been a great help to me for 17 years. I can't tell you the countless people who have never met Ed but who have benefitted nonetheless from the alliances he has forged, the common ground he helped plow, and the laws he helped pass.

One of Ed's great talents is recognizing and nurturing talent among others. If I had a young person who came to me anytime in the last 17 years who said, It has always been my dream to work on Capitol Hill, I would say, I want you to meet Ed Greelegs. He would patiently take the time to read the resume, talk to them, relate his life experience on Capitol Hill, and point them in a direction so they had a chance to realize their dream, as he had. They come back to me, years later, after success on the Hill or at some other branch of Government, and ask, How is Ed? That is the most common question I run into.

Ed grew up in nearby Wheaton, MD, and graduated from the University of Maryland. He came to Capitol Hill as an intern in 1970. In the 20 years between that first internship and becoming my chief of staff, Ed worked for Congressman Marty Russo of Illinois, Congressman Bob Eckhart of Texas on the House Commerce Committee's Subcommittee on Investigations and Oversight, then for Congressman Sam Gejdenson of Connecticut, and finally back to Congressman Russo's office for most of the 1980s. He worked briefly for the Consumer Federation of America and for Fannie Mae. But when he left the Hill to go into the private sector, his heart was still here. He even told me stories of jobs in the private sector where he never unpacked the boxes. He just never felt comfortable. It was not where he wanted to be. He might have been making more money, but he wasn't happy. He found his way back to Capitol Hill.

It was the leadership he showed in the office of Marty Russo that really brought Ed to my attention. In 1990, I persuaded him to come work for me as my chief of staff in the House of Representatives. Six years later, I decided to run for the Senate seat that belonged to my longtime friend and mentor, Paul Simon. Ed Greelegs was at my side in that effort.

I wondered how he would adjust, making that transition from the House to the Senate, but it was seamless. He knew just as many people on this side of the Hill as he continues to know on the House side.

For the 10 years I have served in the Senate, Ed Greelegs has been an unfailing source of wisdom and thoughtful advice. His quiet, wry sense of humor has helped to lighten the mood when things become too intense, and his decency, modesty, and great egalitarian spirit have helped remind everybody on our side of what is most important and why we are here.

There are a few things Ed loves more than the Senate. Among them are his wife Susan and his stepchildren Andrew and Amanda; another, his books. Ed has so many books you wouldn't believe it. He has a room, I understand, completely filled in his home. The fact that Susan stays with him despite this obsession on books tells you what a strong marriage they have. When I

would look in his office and see all of the books stacked up, I would think, there is a guarantee he will never leave me because he just can't bring himself to pack up all those books. But now he is going to have to, I think.

Another one of Ed's loves is music. One of his favorite musicians is singer-songwriter John Hiatt. Ed even persuaded Susan to include a John Hiatt song at their wedding, entitled ''Have a Little Faith in Me.''

Over 17 years, I have come to have more than a little faith in Ed Greelegs—not just his knowledge but his character and his decency. What I know about him is that you never have to worry about his motives. You never have to wonder if his advice is crafted to serve himself or a friend more than it serves the common good. His goal has always been the same: He wants the best for the people of Illinois and the best for America. When things go well, as they often do when Ed is involved, he doesn't really care who gets the credit.

They say that behind every successful man is a surprised mother-in-law. I can tell you that behind every good Senator is a talented chief of staff. For the last 17 years, it has been my good fortune to have my friend Ed Greelegs in that critical position in my office. I am grateful to him for all he has done for me, for Illinois, and for our Nation. I wish him the very best as he begins the next chapter of his career. I am sure it will be a successful chapter.

As you wander around Washington, you come to understand that there are some people whom everybody likes. Ed Greelegs is one of those people.

My favorite story, which I want to add at this point, involves the first trip to Afghanistan after the Taliban were deposed. I joined with Senator Daschle and a number of other Senators. We went in on the first daylight landing at Bagram Air Force Base in Kabul in Afghanistan. It was very tense. There were armored personnel carriers in every direction and troops with weapons to defend us as we came off the C–130. As I came down the ramp and got into an armored personnel carrier, there was a man in civilian clothes standing there.

He asked: Are you Senator Dick Durbin?

I said: Yes.

He said: I am a friend of Ed Greelegs'.

I couldn't believe it. Here I am in the middle of a war zone, and I ran into a friend of Ed Greelegs'.

Whether it is war or peace, whether it is on the Hill or off, time and again, everybody knows that Ed Greelegs is genuine. He is the real thing. I have been honored to have him at my side for 17 years. I wish him the very best in his future pursuits.

Thanks, Ed.

NFC CHAMPIONSHIP GAME

Mr. VITTER. Mr. President, Senator LANDRIEU and I come to the Senate floor for a painful—for us—but necessary task, and that is to live up to our wager with colleagues from the great State of Illinois and congratulate them on the Bears' defeat of the New Orleans Saints in the NFC championship game.

Of course, the Bears won fair and square 39 to 14, but that score really doesn't reflect how the game was actually played. It was much closer than that for a long time. The Bears' defense played exceptionally, hats-off to them, strong pass rush that really put the Saints' quarterback, Drew Brees, in some precarious situations. They also played overall a really tough physical game, defensively and offensively. Because of some of the bone-crunching hits delivered by the Bears' defenders, the Saints had multiple turnovers, and certainly that was part of the problem from the Saints' perspective. But, really, I think the Chicago Bears won the game because of their incredible ability to manage field position. Each time the Saints' offense took the field, it appeared as if they had their back to the wall, including when a safety was scored against them.

So congratulations to the Chicago Bears. Again, Senator LANDRIEU and I are here to fulfill our commitment and pay our debt. By the way, we just served Senator BARACK OBAMA's staff a lunch of great Louisiana food, and we are about to do the exact same thing for Senator DURBIN and his staff.

But as we give the Bears their due, I know both Senator LANDRIEU and I also want to praise the Saints for an absolutely unbelievable season with the biggest turnaround in NFL history, going from a 3 in 13 last year to the NFC championship game this year. Much more importantly than just that, they serve as a wonderful example of renewal and rebuilding from which we all can learn and emulate in terms of the rebuilding of the gulf coast.

A lot of folks say it is just football, it is just sports, but particularly in the context of everything folks in the greater New Orleans area are going through post-Katrina, the Saints meant an awful lot to us this season, and their example of leadership and integrity and great turnarounds and commitment is something we all took pride in and I think something we all learned from. That example is going to be repeated in many other different walks of live as we spur on our recovery on the gulf coast even further.

So with that, Mr. President, I again congratulate the Chicago Bears. I congratulate our two Senate colleagues from Illinois. I wish them all the best in this Sunday's Super Bowl. But I also note, maybe they are going to need that good luck because they face another New Orleans powerhouse, Peyton Manning, in Miami. So good luck to them.

I yield the floor to Senator LANDRIEU.

The PRESIDING OFFICER. Speaking in my capacity as a Senator from Minnesota, I will say that our team, the Vikings, went four times and never won the Super Bowl, so there is always hope.

Ms. LANDRIEU. Mr. President, I thank my colleague for joining me this morning to deliver some delicious, piping hot, and very spicy red beans and rice that he and I cooked through the night to deliver to our colleagues, Senator OBAMA and Senator DURBIN. I would like to personally congratulate the Bears on their victory and say it was a hard-fought victory during a great game of icy and cold conditions, but our Saints stood up under the tremendous pressure of their defensive line.

As Senator VITTER said, the final score doesn't reflect the battle that was actually played that day on that field. But we congratulate the Bears on their victory and look forward to watching them in the Super Bowl this Sunday.

But to the Saints, I have to say again, as I have said several times on this Senate floor, thank you for being so reflective of and mirroring the spirit of the people from Louisiana, from New Orleans, from the region, and from south Louisiana who have struggled, and like you, have been fighting back to bring our cities and our communities, large and small, urban and rural, back from the brink, in many cases, of utter destruction. The Saints have shown us the way, having experienced themselves as players and family members the loss of their homes, the loss of their places of worship, the loss of the schools where their children attended but, like so many hundreds of thousands of citizens, have literally marched their way back to victory. So we are very grateful for their inspiration and their encouragement, every member of the team.

But to the Bears, led by Rex Grossman, who proved himself to be a Super Bowl quarterback, to, again, their extraordinary defense on the field, we congratulate them.

Senator VITTER and I love pizza. We were looking forward to that Chicago pizza, but we ended up, because of what happened, having to deliver our local favorite, red beans and rice, to Senator DURBIN and Senator OBAMA. But our congratulations to them and to the people of Chicago and to the citizens of Illinois who, I know, will be pulling for their team.

I also want to say we will be looking forward to seeing Peyton Manning on the field. He is a wonderful quarterback from a great family in New Orleans that has also helped us and inspired us a great deal.

HONORING GEORGE OMAS, CHAIRMAN, POSTAL RATE COMMISSION

Mr. LOTT. Mr. President. I rise to mark the retirement from Federal service, of a loyal friend and Mississippian, and a fine public servant, George Omas.

Word has reached me that George will soon be leaving the Postal Rate Commission, where he has been serving as Chairman since November 2001. His leadership at the helm of that agency, which oversees the revenues and expenses of the U.S. Postal Service and recommends the appropriate postage rates, has done much to restore financial confidence in the Postal Service.

September 11 and the accompanying anthrax attacks rocked our U.S. Postal Service with unplanned for expenses to such a degree that an increase in rates were badly needed to offset those expenses without reducing services to the American people. When the Postal Service made their request to the commission on September 24, 2001, George made history by thinking truly ''outside the box'' and proposed something never done before but was highly needed at the time: a ''settlement agreement'' of a major rate case. No small task as it required the Postal Service, the Postal Rate Commission and almost 100 interested parties and representatives of the mailing industry to agree to forgo lengthy litigation of the pending case and meet and work out differences together.

He was told it was ''impossible'' there was too much money at stake for parties to waive a good portion of their due process rights to achieve such an agreement. But, he felt strongly that September 11 was an extraordinary event and it called for extraordinary thinking on everyone's part, so on the first day of the hearings in that case after he had read his opening statement, he added these remarks:

> I have often heard it said that there could never be a settlement in an omnibus rate case. There are too many conflicting interests, and too much money is at stake. But it seems to me that if there was ever a time when 'business as usual' was not an attractive course of action, and when cooperative efforts to promptly resolve issues through settlement might be the right course of action, that time is now.

To everyone's surprise, even their own, the parties responded. In approximately two and a half months the many diverse interests that frequently bitterly contest multiple issues in postal rate cases were able to negotiate, revise, and submit a stipulation and agreement as a proposed settlement. Instead of the normal 10 months, the entire case was initiated, negotiated and agreed to within 6 months.

In the 2002 Annual Report of the Postal Service, the Postmaster General and the Chairman of the Board of Governors explained the effect of those momentous remarks:

> And, following a suggestion by the chairman of the Postal Rate Commission, we approached our major stakeholders and took a bold step that enabled us to implement new postage rates in June, 2002, rather than in the fall. This gained us an additional $1 billion in revenue. As a result, and despite the impacts of the recession and the terror attacks, we were able to close the year with a loss that was almost $700 million below original projections and half of last year's. None of the $762 million the Administration and Congress generously appropriated to the Postal Service to protect the security of the mail was used for operations.

George took the success of that effort and encouraged the Postal Service to look beyond the historical friction existing at their two agencies and focus on new ways to help the Postal Service continue to be successful. The Postal Service initiated a number of so-called negotiated service agreements and the commission and interested parties processed such agreements that brought in new volumes of mail and additional revenues to the Postal Service thus, extending the time needed between rate increases.

George has been a very successful chairman at the commission and I want to note his departure. I hope the legacy he leaves behind in the postal community and indeed, throughout government, is one of innovative thinking and the knowledge that working together can solve seemingly insurmountable problems.

So now that I have told you about George and the good things he has done, as a good Senator, I want to take credit for his good work by saying that I have known George since our days together at The University of Mississippi and that he served on my staff at various times in my career, including my time on the former House Committee on Post Office and Civil Service. When President Clinton nominated George as Postal Rate Commissioner in 1997, I was very pleased to introduce him at his confirmation hearings and give him my support. Needless to say, I was even more pleased when President Bush designated George as chairman of the commission in 2001.

George comes from good folks; his sister and her husband Bernadine and Ralph Marchitto, his niece Debra Lynn Wren, her husband John and George's grand niece Rebecca Elizabeth Wren still reside in the Biloxi area. Almost everyone who lived in Biloxi in the 1950s to the 1980s knew his parents, Violet and Pete Omas.

I will add that while George may be leaving the Postal Rate Commission, I don't believe he will going far, he has too much left to offer and I look forward to continuing to follow his future successes.

IRAQ

Mr. FEINGOLD. Mr. President, I have listened intently over the past few weeks as the President, members of his Cabinet, and Members of this Chamber have discussed Iraq, the war on terror, and ways to strengthen our national security.

For years, now, I have opposed this administration's policies in Iraq as a diversion from the fight against terrorism. But I have never been so sure of the fact that this administration misunderstands the nature of the threats that face our country. I am also surer than ever—and it gives me no pleasure to say this—that this President is incapable of developing and executing a national security strategy that will make our country safer.

Unfortunately, Mr. President, because of our disproportionate focus on Iraq, we are not using enough of our military and intelligence capabilities for defeating al-Qaida and other terrorist networks around the world, nor are we focusing sufficient attention on challenges we face with countries such as Iran, North Korea, Syria, or even China.

While we have been distracted in Iraq, terrorist networks have developed new capabilities and found new sources of support throughout the world. We have seen terrorist attacks in India, Morocco, Turkey, Afghanistan, Indonesia, Spain, Great Britain, and elsewhere. The administration has failed to adequately address the terrorist safe haven that has existed for years in Somalia or the recent instability that has threatened to destabilize the region. And resurgent Taliban forces are contributing to growing levels of instability in Afghanistan.

Meanwhile, the U.S. presence in Iraq is being used as a recruiting tool for terrorist organizations from around the world. We heard the testimony of Dr. Paul Pillar, former lead CIA analyst for the Middle-East, a few weeks ago in front of the Foreign Relations Committee. He said, and I quote:

> The effects of the war in Iraq on international terrorism were aptly summarized in the National Intelligence Estimate on international terrorism that was partially declassified last fall. In the words of the estimators, the war in Iraq has become a ''cause celebre'' for jihadists, is ''shaping a new generation of terrorist leaders and operatives,'' is one of the major factors fueling the spread of the global jihadist movement, and is being exploited by Al-Qa'ida ''to attract new recruits and donors.'' I concur with those judgments, as I believe would almost any other serious student of international terrorism. [January 10th, 2007]

Retired senior military officers have also weighed in against the President's handling of this war. Retired commander of Central Command, General Hoar, testified in front of the Foreign Relations Committee last week. This is what the general said:

> Sadly, the new strategy, a deeply flawed solution to our current situation, reflects the continuing and chronic inability of the administration to get it right. The courageous men and women of our Armed Forces have been superb. They have met all the challenges of this difficult war. Unfortunately, they have not been well served by the civilian leadership. [January 18th, 2007]

If we escalate our involvement in Iraq or continue the President's course, that means keeping large numbers of U.S. military personnel in Iraq indefinitely. It means continuing to ask our brave servicemembers to somehow provide a military solution to a political problem, one that will require the will of the Iraqi people to resolve.

Escalating our involvement in Iraq also means that our military's readiness levels will continue to deteriorate.

It means that a disproportionate level of our military resources will continue to be focused on Iraq while terrorist networks strengthen their efforts worldwide. The fight against the Taliban and al-Qaida in Afghanistan, too, will continue to suffer, as it has since we invaded Iraq. If we escalate our involvement in Iraq, we won't be able to finish the job in Afghanistan.

Finally, the safety of our country would be uncertain, at best. Terrorist organizations and insurgencies around the world will continue to use our presence in Iraq as a rallying cry and recruiting slogan. Terrorist networks will continue to increase their sophistication and reach as our military capabilities are strained in Iraq.

These are only some of the costs of this ongoing war in Iraq. I have not addressed the most fundamental cost of this war the loss of the lives of our Nation's finest men and women, and the grief and suffering that accompanies their sacrifice by their families. We have lost 3,075 men and women in uniform, and that number continues to rise.

These losses, and the damaging consequences to our national security, are not justified, in my mind, because the war in Iraq was, and remains, a war of choice. Some in this body, even those who have questioned the initial rationale for the war, suggest that we have no choice but to remain in Iraq indefinitely. Some here in this Chamber suggest that there is no choice than to continue to give the President deference, even when the result is damaging to our national security. Some argue it isn't the role of Congress to even debate bringing an end to this war.

That argument is mistaken. Congress has a choice, and a responsibility, to determine whether we continue to allow this President to devote so much of our resources to Iraq or whether we listen to the American public and put an end to this war, begin repairing our military, and devote our resources to waging a global campaign against al-Qaida and its allies. We cannot do both. The Constitution gives Congress the explicit power ''[to] declare War,'' ''[t]o raise and support Armies,'' ''[t]o provide and maintain a Navy,'' and ''[t]o make Rules for the Government and Regulation of the land and naval Forces.'' In addition, under article I, ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.'' These are direct quotes from the Constitution of the United States. Yet to hear some in the administration talk, it is as if these provisions were written in invisible ink. They were not. These powers are a clear and direct statement from the Founders of our Republic that Congress has authority to declare, to define, and ultimately, to end a war.

Our Founders wisely kept the power to fund a war separate from the power to conduct a war. In their brilliant design of our system of government, Congress got the power of the purse, and the President got the power of the sword. As James Madison wrote, ''Those who are to conduct a war cannot in the nature of things, be proper or safe judges, whether a war ought to be commenced, continued or concluded.''

The President has made the wrong judgment about Iraq time and again, first by taking us into war on a fraudulent basis, then by keeping our brave troops in Iraq for nearly 4 years, and now by proceeding despite the opposition of the Congress and the American people to put 21,500 more American troops into harm's way.

If and when Congress acts on the will of the American people by ending our involvement in the Iraq war, Congress will be performing the role assigned it by the Founding Fathers defining the nature of our military commitments and acting as a check on a President whose policies are weakening our Nation.

There is little doubt that decisive action from the Congress is needed. Despite the results of the election and 2 months of study and supposed consultation—during which experts and Members of Congress from across the political spectrum argued for a new policy—the President has decided to escalate the war. When asked whether he would persist in this policy despite congressional opposition, he replied: ''Frankly, that's not their responsibility.''

Last week Vice President CHENEY was asked whether the nonbinding resolution passed by the Foreign Relations Committee that will soon be considered by the full Senate would deter the President from escalating the war. He replied: ''It's not going to stop us.''

In the United States of America, the people are sovereign, not the President. It is Congress's responsibility to challenge an administration that persists in a war that is misguided and that the country opposes. We cannot simply wring our hands and complain about the administration's policy. We cannot just pass resolutions saying ''your policy is mistaken.'' And we can't stand idly by and tell ourselves that it is the President's job to fix the mess he made. It is our job to fix the mess, and if we don't do so we are abdicating our responsibilities.

I have just introduced legislation, cosponsored by Senator BOXER, which will prohibit the use of funds to continue the deployment of U.S. forces in Iraq 6 months after enactment. By prohibiting funds after a specific deadline, Congress can force the President to bring our forces out of Iraq and out of harm's way.

This legislation will allow the President adequate time to redeploy our troops safely from Iraq, and it will make specific exceptions for a limited number of U.S. troops who must remain in Iraq to conduct targeted counterterrorism and training missions and protect U.S. personnel. It will not hurt our troops in any way—they will continue receiving their equipment, training, and salaries. It will simply prevent the President from continuing to deploy them to Iraq and will provide a hard deadline for bringing them home. By passing this bill, we can finally focus on repairing our military and countering the full range of threats that we face around the world.

There is plenty of precedent for Congress exercising its constitutional authority to stop U.S. involvement in armed conflict. Just yesterday, I chaired a Judiciary Committee hearing entitled ''Exercising Congress's Constitutional Power to End a War.''

Without exception, every witness—those called by the majority and the minority—did not challenge the constitutionality of Congress's authority to use the power of the purse to end a war. A number of the witnesses went further and said that Congress has not only the authority but the obligation to take specific actions that are in the interest of the nation.

I would like to read one quote by Mr. Lou Fisher of the Library of Congress. He said, and I quote:

> In debating whether to adopt statutory restrictions on the Iraq War, Members of Congress want to be assured that legislative limitations do not jeopardize the safety and security of U.S. forces. Understandably, every Member wants to respect and honor the performance of dedicated American soldiers. However, the overarching issue for lawmakers is always this: Is a military operation in the nation's interest? If not, placing more U.S. soldiers in harm's way is not a proper response. Members of the House and the Senate cannot avoid the question or defer to the President. Lawmakers always decide the scope of military operations, either by accepting the commitment as it is or by altering its direction and purpose. Decision legitimately and constitutionally resides in Congress.

There are significant historical precedents for this type of legislation that I have introduced today.

In late December 1970, Congress prohibited the use of funds to finance the introduction of ground combat troops into Cambodia or to provide United States advisors to or for Cambodian military forces in Cambodia.

In late June 1973, Congress set a date to cut off funds for combat activities in South East Asia. The provision read, and I quote:

> None of the funds herein appropriated under this act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam, and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other act may be expended for such purpose.

More recently, President Clinton signed into law language that prohibited funding after March 31, 1994, for military operations in Somalia, with certain limited exceptions. And in 1998, Congress passed legislation including a provision that prohibited funding for Bosnia after June 30, 1998, unless the President made certain assurances.

Many Members of this body are well aware of this history. Unfortunately,

many Members of the Congress are still concerned that any effort to limit the President's damaging policies in Iraq would have adverse consequences.

Let me dispel a few myths that have been generated as a result of the discussion about the use of the power of the purse.

Some have suggested that if Congress uses the power of the purse, our brave troops in the field will somehow suffer or be hung out to dry. This is completely false. Congress has the power to end funding for the President's failed Iraq policy and force him to bring our troops home. Nothing—nothing—will prevent the troops from receiving the body armor, ammunition, and other resources they need to keep them safe before, during, and after their redeployment. By forcing the President to safely bring our forces out of Iraq, we will protect them, not harm them.

Others have suggested that using the power of the purse is micromanaging the war. Not so. It makes no sense to argue that once Congress has authorized a war it cannot take steps to limit or end that war. Setting a clear policy is not micromanaging; it is exactly what the Constitution contemplates, as we have heard today. Congress has had to use its power many times before, often when the executive branch was ignoring the will of the American people. It has done so without micromanaging and without endangering our soldiers.

Some have argued that cutting off funding would send the wrong message to the troops. Our new Defense Secretary even made this argument last week with respect to the nonbinding resolution now under consideration. These claims are offensive and self-serving.

Congress has the responsibility in our constitutional system to stand up to the President when he is using our military in a way that is contrary to our national interest. If anything, Congress's failure to act when the American people have lost confidence in the President's policy would send a more dangerous and demoralizing message to our troops—that Congress is willing to allow the President to pursue damaging policies that are a threat to our national security and that place them at risk.

Any effort to end funding for the war must ensure that our troops are not put in even more danger and that important counterterrorism missions are still carried out. Every Member of this body, without exception, wants to protect our troops, and our country. But we can do that while at the same time living up to our responsibility to stop the President's ill-advised, ill-conceived, and poorly executed policies, which are taking a devastating toll on our military and on our national security. It is up to Congress to do what is right for our troops and for our national security, which has been badly damaged by diverting so many resources into Iraq.

As long as this President goes unchecked by Congress, our troops will remain needlessly at risk, and our national security will be compromised. Congress has the duty to stand up and use its power to stop him. If Congress doesn't stop this war, it is not because it doesn't have the power; It is because it doesn't have the will.

COMMITTEE ON VETERANS' AFFAIRS RULES OF PROCEDURE

Mr. AKAKA. Mr. President, the Committee on Veterans' Affairs has adopted rules governing its procedures for the 110th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator CRAIG, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

COMMITTEE ON VETERANS' AFFAIRS

RULES OF PROCEDURE 109TH CONGRESS

I. MEETINGS

(a) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as deemed necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(c) The Chairman of the Committee, or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside at all meetings.

(d) Except as provided in rule XXVI of the Standing Rules of the Senate, no meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(e) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(f) Written or electronic notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee member at least 72 hours (not counting Saturdays, Sundays, and Federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of Members and an agenda shall be furnished prior to the meeting.

(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written or electronic copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

II. QUORUMS

(a) Subject to the provisions of paragraph (b), eight members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Five members of the Committee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(a) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a roll call vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(c) The Committee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee not later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(e) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48–hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

(f) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings

will be required to give testimony under oath whenever the presiding member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(a) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

(b) At any hearing to confine a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who (i) was instrumental in the construction or the operation of the facility to be named, or

(ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) an individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS RULES OF PROCEDURE

Mr. KENNEDY, Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Health, Education, Labor, and Pensions for the 110th Congress adopted by the committee on January 31, 2007.

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

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS, JANUARY 31, 2007

Rule 1.—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD–430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

Rule 3.—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is physically present.

Rule 5.—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a ''yea and nay'' vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

Rule 8.—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9.—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. Testimony may be filed electronically. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to

the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rul 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

Rule 14.—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall place before each member of the committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and in italics, the matter proposed to be added, if a member makes a timely request for such print.

Rule 16.—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

Rule 17.—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—When the ratio of members on the committee is even, the term ''majority'' as used in the committee's rules and guidelines shall refer to the party of the chairman for purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

Rule 21.—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

Rule 22.—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

[Excerpts from the Standing Rules of the Senate]

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(m)(1) Committee on Health, Education, Labor, and Pensions, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Individuals with disabilities.
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first

two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * * * *

GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A(*a*) of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A*(a)* and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.

3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.

4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. Witnesses will be urged to submit testimony even earlier whenever possible. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members. Witness testimony may be submitted and distributed electronically.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed data for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(a) a copy of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(b) a copy of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session including, whenever possible, an explanation of changes to existing law proposed to be made.

2. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES OF PROCEDURES

Mrs. BOXER. Mr. President, I ask unanimous consent to have printed in the RECORD the Rules of the Committee on Environment and Public Works.

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

RULES OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, JANUARY 17, 2007

Jurisdiction

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with

the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) PRESIDING OFFICER:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has six subcommittees: Public Sector Solutions to Global Warming, Oversight, and Children's Health Protection; Transportation and Infrastructure; Private Sector and Consumer Solutions to Global Warming and Wildlife Protection; Clean Air and Nuclear Safety; Superfund and Environmental Health; and Transportation Safety, Infrastructure Security, and Water Quality.

(b) MEMBERSHIP: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89–298, the Rivers and Harbors Act of 1965; Public Law 83–566, the Watershed Protection and Flood Prevention Act; or Public Law 86–249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age or have taken senior status and are over 75 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

COMMITTEE OF THE BUDGET RULES OF PROCEDURES

Mr. CONRAD. Mr. President, I ask unanimous consent to have printed in the RECORD the Rules of the Committee on the Budget.

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

RULES OF THE COMMITTEE ON THE BUDGET, ONE-HUNDRED-TENTH CONGRESS

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the committee, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(3) Notice of, and the agenda for, any business meeting or markup shall be provided to each member and made available to the public at least 48 hours prior to such meeting or markup.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

(4)(a) The committee may poll—

(i) internal committee matters including those concerning the committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other committee business that the committee has designated for polling at a meeting, except that the committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the chair shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2)(a)–(e), then the record of the poll shall be confidential. Any member may move at the committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member determine that there is good cause to begin such hearing at an earlier date.

(2) In the event that the membership of the Senate is equally divided between the two parties, the ranking member is authorized to call witnesses to testify at any hearing in an amount equal to the number called by the chair. The previous sentence shall not apply in the case of a hearing at which the committee intends to call an official of the Federal government as the sole witness.

(3) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 day prior to appearance, unless the requirement is waived by the chair and the ranking member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee, who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VI. USE OF DISPLAY MATERIALS IN COMMITTEE

Graphic displays used during any meetings or hearings of the committee are limited to the following:

Charts, photographs, or renderings:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the member's seat or at the rear of the committee room.

When: only at the time the member is speaking.

Number: no more than two may be displayed at a time.

VII. CONFIRMATION STANDARDS AND PROCEDURES

(1) Standards. In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The committee shall recommend confirmation if it finds that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

(2) Information Concerning the Nominee. Each nominee shall submit the following information to the committee:

(a) A detailed biographical resume which contains information concerning education, employment, and background which generally relates to the position to which the individual is nominated, and which is to be made public;

(b) Information concerning financial and other background of the nominee which is to be made public; provided, that financial information that does not relate to the nominee's qualifications to hold the position to which the individual is nominated, tax returns or reports prepared by federal agencies that may be submitted by the nominee shall, after review by the chair, ranking member, or any other member of the committee upon request, be maintained in a manner to ensure confidentiality; and,

(c) Copies of other relevant documents and responses to questions as the committee may so request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

(3) Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee may be prepared by the committee staff for the chair, the ranking member and, upon request, for any other member of the committee. The report shall summarize the steps taken and the results of the committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

(4) Hearings. The committee shall conduct a hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she would pursue while in that position. No hearing or meeting to consider the confirmation shall be held until at least 72 hours after the following events have occurred: the

nominee has responded to the requirements set forth in subsection (2), and, if a report described in subsection (3) has been prepared, it has been presented to the chairman and ranking member, and is available to other members of the committee, upon request.

RETIREMENT OF TERESA POOLE

Mr. BOND. Mr. President it is both with deep gratitude and regret that I announce the retirement of my Academies Coordinator, Teresa Poole, from the public sector.

Teresa Poole, a distinguished U.S. Senate staffer, is set to retire from the political arena on January 31, 2007. This year has been a milestone, marking her thirtieth year of hard work and dedication to the Federal Government, the citizens of southwest Missouri, and most importantly the U.S. Senate offices of Danforth, Ashcroft, and BOND. We have come together to honor and congratulate Teresa on her devotion, team spirit, and the proficient skills she has provided the Springfield office over the past 30 years. Teresa is to be envied and admired by all in government for her service to the public, which she has done with a helpful heart.

In January 1977, Teresa Poole was member of the first U.S. Senate constituent service office in southwest Missouri for Senator Danforth. Little would Teresa know this would begin a remarkable 30-year trek with the U.S. Senate. With her incredible knowledge of the inner workings of government and her history with the U.S. Senate, Teresa has been a great source of information. She took pride in being able to guide effectively constituents, organizations, and coworkers through the complex infrastructure of government.

Among the numerous achievements that Teresa has attained over the years, her most remarkable was her enthusiastic commitment to the Military Academies. She has worked tirelessly to help students from across Missouri to achieve their dreams of becoming officers in the U.S. military by guiding them through the process required to gain a congressional nomination. Teresa has sifted through thousands of letters, applications, and grades, and made endless calls to hopeful applicants. All of this would be finally completed in December, only to start over the next year with new names, faces, and challenges.

Teresa Poole has shown unwavering loyalty and dedication to her job over the past 30 years. From the day to day routine of compiling local clips to answering the phone, Teresa has approached every task with hard work and a positive attitude. She has delighted everyone she meets with her love of antiques and finding good deals at various auctions and sales, her love of travel with her mother and daughter, her passion for her family and heritage, and her impeccable spirit. We commend her for a stunning and distinguished career with the U.S. Senate and wish Teresa the best in all her future endeavors.

Teresa, we have been honored to work with you for so many years. We will miss you and we wish you and your family the very best.

ADDITIONAL STATEMENTS

TRIBUTE TO GARRETT WALTON

• Mr. MARTINEZ. Mr. President, today I wish to discuss the power of volunteerism and how one person can—in the truest sense—make a lasting difference in the world.

The volunteer spirit helps to keep society civil; volunteers give of themselves in a selfless manner. That spirit is exemplified by the acts of one of my own constituents, Mr. Garrett Walton.

Garrett Walton and volunteerism seem to be synonymous with one another.

When Hurricane Ivan ravaged northwest Florida in September of 2004, Walton, a former attorney-turned-developer put his career on hold, and took on a full-time volunteer role to help an entire region of our State recover.

While the eye of the storm came ashore at Gulf Shores, AL, its most severe winds hit the Florida counties of Santa Rosa and Escambia. Those most damaging of winds, exceeding 140 miles per hour, were a part of a colossal hurricane that triggered more than 100 tornadoes, and also brought a 13-foot storm surge.

Roughly 75,000 homes were damaged; 50,000 people were displaced; and of all of the damaged homes, 37,000 of them belonged to families whose household incomes totaled less than $30,000 a year.

Garrett helped to lead a group of civic-minded citizens that met in each others' homes to discuss how they could rebuild the community.

What grew out of that was a volunteer organization known as REBUILD Northwest Florida. It was a grassroots effort that grew into something extraordinary. More than 4,000 volunteers have contributed close to a quarter of a million hours of volunteer service. Garrett has himself contributed close to 5,000 hours of service.

As of the first week of this year, REBUILD had completed more than 1,350 projects. And as recently as this month, January of 2007, Mr. Walton has continued his relentless quest to rebuild communities in northwest Florida.

With the help of a few other volunteers, including Carolyn Appleyard, Miles Anderson, and Mark Ramos, this small contingent has taken it upon themselves to help many of their fellow Floridians pick up their lives after this awful natural disaster. Ivan caused widespread devastation; and as one of Florida's most deadly and costly storms, we knew the recovery effort would be long and arduous. I commend Garrett Walton for rising to the challenge.

He put others ahead of himself—and not just for a day, a week, or a month, but for several years now. Thank you, Garrett, for your dedication to the people of Florida. You are an exemplar of the volunteer spirit, and make us all very proud to be called Floridians.•

TRIBUTE TO DAVIS MORIUCHI

• Mrs. MURRAY. Mr. President, today I wish share with the Senate a tribute to Mr. Davis Moriuchi, a leader in the Pacific Northwest who is retiring after 30 years of service with the Army Corps of Engineers. During his tenure with the Corps, Davis has left an indelible mark on the environment, economy, and people of Washington State. His expertise and dedication will be sorely missed.

My work with Davis over the years has served as a reminder of the difference dedicated individuals make in large and complex organizations like the Corps of Engineers. As we all know, the Corps tackles huge projects that have a widespread impact on our Nation. Davis's work has reaffirmed for me the importance of committed individuals on the success of those projects. Our State has been lucky to have been able to rely on his personal touch and expertise for so many years.

In Davis, my staff and I have also found an invaluable resource whose devotion to the region is as great as ours. Time and again, Davis has taken the time to explain even the most detailed aspects of Corps initiatives. His patience, clarity, and honesty have allowed me to be a stronger advocate for programs that will have long-term consequences for the Pacific Northwest.

While the extent of Davis's impact cannot be measured by projects alone, I would be remiss if I did not mention a few of the projects that he has taken on. We in Washington State will particularly miss Davis's leadership on water resource projects. From the new Navigation Lock at the Bonneville Dam to the ongoing Columbia River Channel Improvement Project, Davis's work on the health of our State's critical waterways will have lasting effects.

Davis has also championed interim repairs of the Columbia River jetties. It was a very exciting day last August, when Colonel O'Donavon, Davis, a host of other stakeholders and I stood at the mouth of the Columbia River and saw interim jetty repairs. Davis was instrumental in making that day possible.

Davis is ending his career as the deputy district commander for project management and the chief of Planning, Programs and Project Management Division for the U.S Army Corps of Engineers, Portland District. It is a title that, while long in syllables, does not begin to grasp at the immensity of his service. But then again, Davis has never worked for titles or credit. His main concern has always been that the work of the Corps is well-executed and timely.

Davis's devotion to the region will be truly missed. I would like to wish him

the best of luck in an enjoyable retirement and thank him for his distinguished service.●

RETIREMENT OF JOE ALSTON

● Mr. McCAIN. Mr. President, today I wish to honor the service of the Grand Canyon National Park Superintendent, Joe Alston, who is retiring this week. Joe is a man of considerable integrity, ability, and achievement, and his presence at the Grand Canyon will be deeply missed.

After 31 dedicated years, Joe Alston is retiring from the National Park Service. He has spent the last 6 years serving as the superintendent of the Grand Canyon National Park, the crown jewel of Arizona and one of the Nation's oldest and most heavily visited National Parks. Joe has held a wide variety of positions in the Park Service beginning with his first job as a seasonal firefighter on the North Rim of the Grand Canyon. In the years that followed, Joe worked as a concessions specialist at Yellowstone National Park and later became the chief of the Concessions Management Division in the Alaska Regional Office. More recently, Joe Alston was the assistant superintendent of Yellowstone National Park and eventually served as superintendent at several major National Park units such as the Glacier Bay National Park and Preserve, the Curecanti National Recreation Area, the Glen Canyon National Recreation Area, and the Rainbow Bridge National Monument.

We are very fortunate to have benefited from the passion and expertise that Superintendent Alston brought to the Grand Canyon. Joe was challenged with many complex issues and longstanding conflicts ranging from park transportation to aircraft overflights, yet he has managed them all with foresight, thoughtfulness, and resolve. Under Joe's leadership, the Park Service saw the completion of the Colorado River Management Plan, which protects park resources by implementing a new river permitting system that balances competing commercial and recreational interests. Despite its highly contentious nature, it was Superintendent Alston's desire to hear and understand the views of river runners and other constituents by affording the public every opportunity to provide input during the CRMP planning process. Few superintendents in National Park Service history have undertaken such an open nationwide approach that concluded with such remarkable success.

The Grand Canyon has received many honors during Superintendent Alston's tenure. In 2004, Grand Canyon National Park was recognized for a number of environmental accomplishments by EPA Administrator Mike Leavitt, including having the first EPA certified Leadership in Energy and Environmental Design ''green building'' owned and operated in a National Park. Joe was the driving force behind the implementation of new training programs that led to the reduction of visitor and employee injuries which earned the Park the Regional Director's Safety Excellence Award and the Director's Safety Excellence Award for Public Safety Achievement in 2005. Among the many accolades Joe has received over the years, perhaps the most noteworthy came in 2005 when Secretary Gale Norton awarded him the Meritorious Service Award, the second highest honorary recognition granted to Interior Department employees.

Joe Alston's ties to the Grand Canyon extend beyond his outstanding professional career. Indeed, the Grand Canyon also happens to be where he met his wife, Judy, who is a teacher with the Grand Canyon Public Schools System. Joe is regarded by those living in northern Arizona as an individual deeply connected to the community. Just last month, he accepted the Community Person of the Year award from the Grand Canyon Rotary Club for ushering in a new era of partnership between the communities of Tusayan, AZ, and Grand Canyon National Park.

My son and I had the distinct pleasure of hiking the Grand Canyon rim to rim last year with the accompaniment of Joe Alston. I can think of few others alive today who are as knowledgeable and devoted to the history and culture of the Grand Canyon than Superintendent Alston. I wish Joe the very best in his future goals and ambitions.●

SAINT PHOTIOS NATIONAL SHRINE

● Mr. MARTINEZ. Mr. President, today I honor the 25th anniversary of the Saint Photios National Shrine, the only Greek Orthodox National Shrine in the country, located in Saint Augustine, FL.

As early as 1768 and under the leadership of Dr. Andrew Turnbull, Greek immigrants traveled to America to seek a better life in Florida. Many of these early Greek Americans migrated to Saint Augustine, where, over time, a strong Greek community has formed. Greek immigrants found refuge there as many gathered for solace, fellowship, and worship at the historic Averos House built in 1749 on Saint George Street. The Averos House was purchased by the Greek Orthodox Archdiocese in 1965, and in 1982, was opened as a National Greek Orthodox Shrine named after Saint Photios the Great, Patriarch of Constantinople.

The Saint Photios Greek Orthodox National Shrine gives honor to the memory of the first colony of Greeks in the Americas and the succeeding generations of Greek immigrants; it now serves as a connection and pilgrimage point for Greek Americans and the Greek Orthodox Church in America. It also serves to preserve, enhance, and promote the ethnic and cultural traditions of Greek heritage and the teachings of the Greek Orthodox Church in America.

The Shrine continues to be faithful in maintaining and perpetuating the Greek Orthodox faith and Hellenic Heritage through its programs and activities to all who pass through its historic doors.

Mr. President, February 4, 2007, will mark the 25th anniversary of the Saint Photios Greek Orthodox National Shrine, and I ask my colleagues to join me in honoring the purposeful commitment and achievements of this religious and historical institution.●

HONORING HANLEY DENNING

● Ms. SNOWE. Mr. President, today I mourn the loss of Hanley Denning, a truly remarkable native of Maine who in word and deed represented the very best of our State and Nation.

Hanley was the visionary founder and executive director of Safe Passage, a Central American-based nonprofit agency which provides children who live in the Guatemala City garbage dump opportunity and hope through myriad forms, including education, nutrition, and health care. Hanley founded Safe Passage in 1999 after having seen children existing amid the squalor and destitution of refuse and trash. But where many would have seen a dead-end marked by desolation, Hanley saw a need which soon after evolved into a calling that required conscience and action. She imagined a pathway out—and possessed the will, determination, and resolve to forge a plan to begin making that route a reality. Hanley took a dilapidated church near the waste dump and developed a drop-in center where children could receive food and a safe haven.

Hanley found that access to education of any kind was not a possibility for children who couldn't begin to afford the enrollment fees, school supplies, and books required by the Guatemalan public schools—not to mention requisite school uniforms and shoes. But thanks to Safe Passage, children have been able to attend a local public school for at least a half-day term. And that experience is complemented by the additional educational reinforcement, care, and supervision received at the center. Whether it is homework, hands-on learning activities, nutrition, medical attention, or a range of other programs, these at-risk youth are recipients of the care they deserve. Today, remarkably, Safe Passage serves as many as 600 children ages 2 to 19 years old.

Irish playwright George Bernard Shaw once famously wrote that ''You see things; and you say, 'Why?' But I dream things that never were; and I say, 'Why not?' '' When Hanley saw despair, poverty, and indescribable hopelessness, she must have at first said, ''Why?'' But she responded to an unforgivable, intolerable situation—not with indifference, resignation, or anger—but by saying, ''Why not?'' Why not carve out a way forward for these children that leads from an abject condition to

one where the objective is a better way of life.

Hanley's response to the deplorable situation she found at the Guatemalan dump is emblematic of her overall approach to so much of her life—one filled with a selfless care for others and a willful devotion to being an agent of good will and positive change. Although she hadn't created Safe Passage until 1999, Hanley had been offering a kind of safe passage for so many during years prior to her arrival in Guatemala. Along with earning a master's degree along the way, Hanley was also working at a mental health center, assisting children affected by AIDS, and teaching in a Head Start program.

With this shining example of service, it is little wonder Bowdoin College, her alma mater, recognized Hanley's extraordinary contributions by honoring her with its 2002 Common Good Award. What was so exceptional about Hanley was her longstanding dedication and unfailing determination to address and improve the human condition. She truly exemplified words spoken in 1902 by Joseph McKeen, first president of Bowdoin:

> . . . institutions are founded and endowed for the common good and not for the private advantage of those who resort to them for education. It is not that they may be able to pass through life in an easy and reputable manner, but that their mental powers may be cultivated and improved for the benefit of society.

Hanley's greatest legacy and enduring cause will be memorialized in her name and with her spirit—in a thriving center given to helping those who truly cannot help themselves; a center where, according to a Portland Press Herald account, just last year six Safe Passage students were selected to enroll in Guatemala City's foremost private high schools, where the annual budget has grown from funds in the hundreds to $1.6 million and an employee base of 100, and where more than 500 people from Greater Portland are counted among an emerging force for good of Safe Passage volunteers.

Our thoughts and prayers go out to Hanley's parents, Michael and Marina Denning, and her three brothers, Jordan, Seth, and Lucas.

Thank you, Mr. President, for affording me the opportunity to speak about this truly exceptional Mainer and American whose memory will be a lasting inspiration to us all.●

MESSAGES FROM THE HOUSE

At 11:52 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 49. An act to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the ''Gerald R. Ford, Jr. Post Office Building''.

H.R. 335. An act to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the ''Gale W. McGee Post Office''.

H.R. 521. An act to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the ''Lane Evans Post Office Building''.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 20. Concurrent resolution calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process.

The message further announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the United States Group of the NATO Parliamentary Assembly, in addition to Mr. TANNER of Tennessee, Chairman, appointed on January 11, 2007: Mrs. TAUSCHER of California, Vice Chairman, Mr. ROSS of Arkansas, Mr. CHANDLER of Kentucky, Mr. LARSON of Connecticut, Mr. MEEK of Florida, Mr. SCOTT of Georgia and Ms. BEAN of Illinois.

The message also announced that pursuant to 22 U.S.C. 1928a, clause 10 of rule I, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. GILLMOR of Ohio, Mr. REGULA of Ohio, Mr. BOOZMAN of Arkansas, and Mr. SHIMKUS of Illinois.

At 4:01 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 joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 20. A resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

At 4:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 5. Concurrent resolution expressing support for the designation and goals of ''Hire a Veteran Week'' and encouraging the President to issue a proclamation supporting those goals.

H. Con. Res. 34. Concurrent resolution honoring the life of Perry Lavon Julian, a pioneer in the field of organic chemistry research and development and the first and only African American chemist to be inducted into the National Academy of Sciences.

The message further announced that pursuant to section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives as Congressional Advisers on Trade Policy and Negotiations: Mr. RANGEL of New York, Mr. LEVIN of Michigan, Mr. TANNER of Tennessee, Mr. MCCRERY of Louisiana, and Mr. HERGER of California.

The message also announced that pursuant to section 8002 of the Internal Revenue Code of 1986, the Committee on Ways and Means appoints the following Members to serve on the Joint Committee on Taxation: Mr. RANGEL of New York, Mr. STARK of California, Mr. LEVIN of Michigan, Mr. MCCRERY of Louisiana: and Mr. HERGER of California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 49. An act to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the ''Gerald R. Ford, Jr. Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 335. An act to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the ''Gale W. McGee Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 521. An act to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the ''Lane Evans Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 470. A bill to express the sense of Congress on Iraq.

The following joint resolution was read the first time:

H.J. Res. 20. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–562. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiabendazole; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 8111–1) received on January 26, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–563. A communication from the Acting Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Foreign Assets Control Regulations'' (31 CFR Part 500) received on January 29, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–564. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled

''Drawbridge Operation Regulations; Amendment'' ((RIN1625–AA36)(USCG 2001–10881)) received on January 29, 2007; to the Committee on Commerce, Science, and Transportation.

EC–565. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Fundamental Properties of Asphalts and Modified Asphalts—II''; to the Committee on Commerce, Science, and Transportation.

EC–566. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting two documents issued by the Agency relative to its regulatory programs; to the Committee on Environment and Public Works.

EC–567. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Emission Standards for Consumer Products in the Northern Virginia Volatile Organic Compound Emissions Control Area'' (FRL No. 8273–9) received on January 26, 2007; to the Committee on Environment and Public Works.

EC–568. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Michigan; Control of Gasoline Volatility'' (FRL No. 8274–4) received on January 26, 2007; to the Committee on Environment and Public Works.

EC–569. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the Secretary of the Treasury's actions directed at correcting the effects of a clerical error by the Social Security Administration; to the Committee on Finance.

EC–570. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Conditional Release Period and CBP Bond Obligations for Food, Drugs, Devices and Cosmetics'' (RIN1505–AB57) received on January 29, 2007; to the Committee on Finance.

EC–571. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the International Traffic in Arms Regulations: Policy with Respect to Libya and Venezuela'' (22 CFR Part 126) received on January 26, 2007; to the Committee on Foreign Relations.

EC–572. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on Head Start Monitoring for Fiscal Year 2005''; to the Committee on Health, Education, Labor, and Pensions.

EC–573. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Immunology and Microbiology Devices; Classification of Quality Control Material for Cystic Fibrosis Nucleic Acid Assays'' (Docket No. 2006N–0517) received on January 26, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–574. A communication from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–575. A communication from the Acting Administrator, Office of Information and Regulatory Affairs, Executive Office of the President, transmitting, pursuant to law, a report relative to Federal participation in the development and use of voluntary consensus standards during fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–576. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a nomination for the position of Director of National Intelligence, received on January 26, 2007; to the Select Committee on Intelligence.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CONRAD, from the Committee on the Budget, without amendment:

S. Res. 52. An original resolution authorizing expenditures by the Committee on the Budget.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. Res. 55. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 56. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 57. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 58. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. Res. 59. An original resolution authorizing expenditures by the Committee on Finance.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. Res. 60. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN, from the Committee on Rules and Administration, without amendment:

S. Res. 63. An original resolution authorizing expenditures by the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

Michael J. Astrue, of Massachusetts, to be Commissioner of Social Security for a term expiring January 19, 2013.

*Irving A. Williamson, of New York, to be a Member of the United States International Trade Commission for the term expiring June 16, 2014.

*Dean A. Pinkert, of Virginia, to be a Member of the United States International Trade Commission for the term expiring December 16, 2015.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. REID (for himself, Mrs. LINCOLN, Mr. BIDEN, Ms. MIKULSKI, Mrs. BOXER, Mr. DURBIN, Mr. SALAZAR, and Mr. BROWN):

S. 439. A bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation; to the Committee on Armed Services.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 440. A bill to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the ''National Museum of Wildlife Art of the United States''; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 441. A bill to permit certain school districts in Illinois to be reconstituted for purposes of determining assistance under the Impact Aid program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. SMITH, Mr. KERRY, and Ms. COLLINS):

S. 442. A bill to provide for loan repayment for prosecutors and public defenders; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 443. A bill to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 444. A bill to establish the South Park National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself, Mr. GRAHAM, and Mr. LEVIN):

S. 445. A bill to establish the position of Trade Enforcement Officer and a Trade Enforcement Division in the Office of the United States Trade Representative, to require identification of trade enforcement priorities, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 446. A bill to amend the Public Health Service Act to authorize capitation grants to

increase the number of nursing faculty and students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 447. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mrs. BOXER, and Mr. LEAHY):

S. 448. A bill to prohibit the use of funds to continue deployment of the United States Armed Forces in Iraq beyond six months after the date of the enactment of this Act; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself, Mr. MCCONNELL, Mr. MENENDEZ, Mrs. MURRAY, and Mr. SPECTER):

S. 449. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mrs. LINCOLN, Mr. CARDIN, Ms. COLLINS, Mr. REED, Mr. WARNER, Mr. GRAHAM, Mr. AKAKA, Mr. HAGEL, Mr. HATCH, and Mr. DODD):

S. 450. A bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. COCHRAN, Mr. DODD, Mr. FEINGOLD, and Mr. DURBIN):

S. 451. A bill to establish a National Foreign Language Coordination Council; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mrs. BOXER, and Mr. LAUTENBERG):

S. 452. A bill to amend title 11, United States Code, to ensure that liable entities meet environmental cleanup obligations, and for other purposes; to the Committee on Environment and Public Works.

By Mr. OBAMA (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. CARDIN, Mr. FEINGOLD, Mr. KERRY, Mrs. FEINSTEIN, Mrs. CLINTON, Mrs. BOXER, and Mr. KENNEDY):

S. 453. A bill to prohibit deceptive practices in Federal elections; to the Committee on the Judiciary.

By Ms. COLLINS:

S. 454. A bill to provide an increase in funding for Federal Pell Grants, to amend the Internal Revenue Code of 1986 in order to expand the deduction for interest paid on student loans, raise the contribution limits for Coverdell Education Savings Accounts, and make the exclusion for employer provided educational assistance permanent, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 455. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to active duty military personnel and employers who assist them, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. SCHUMER, Mr. SPECTER, Mr. BIDEN, Mr. KYL, Mr. STEVENS, Ms. CANTWELL, Mr. COLEMAN, Ms. MIKULSKI, Mr. BAUCUS, Mr. PRYOR, Mr. SALAZAR, Mrs. MURRAY, Mr. BROWN, Mrs. CLINTON, Mrs. DOLE, Mr. CORNYN, Mr. KOHL, and Mr. CASEY):

S. 456. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. BROWN, Mr. SESSIONS, Mr. BINGAMAN, Mrs. CLINTON, Mr. DOMENICI, Mr. KENNEDY, Mr. LIEBERMAN, Mr. LOTT, and Mr. REED):

S. 457. A bill to extend the date on which the National Security Personnel System will first apply to certain defense laboratories; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. LINCOLN (for herself, Mr. THOMAS, and Mr. PRYOR):

S. 458. A bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program; to the Committee on Finance.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. COCHRAN, Mrs. MURRAY, Mr. LAUTENBERG, Mr. DURBIN, Mrs. CLINTON, Mr. SANDERS, Mrs. FEINSTEIN, Mrs. BOXER, Ms. CANTWELL, Ms. MIKULSKI, Mr. HARKIN, Mr. SCHUMER, and Mr. MENENDEZ):

S. 459. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 460. A bill to make determinations by the United States Trade Representative under title III of the Trade Act of 1974 reviewable by the Court of International Trade and to ensure that the United States Trade Representative considers petitions to enforce United States Trade rights, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 461. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. ENSIGN):

S. 462. A bill to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes; to the Committee on Indian Affairs.

By Mr. MCCAIN (for himself and Mr. FEINGOLD):

S. 463. A bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself, Ms. COLLINS, and Mr. NELSON of Florida):

S. 464. A bill to amend title XVIII and XIX of the Social Security Act to improve the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Ms. COLLINS, Mr. DURBIN, and Mr. BINGAMAN):

S. 465. A bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. NELSON of Florida, and Mr. LUGAR):

S. 466. A bill to amend title XVIII of the Social Security Act to provide for coverage of an end-of-life planning consultation as part of an initial preventive physical examination under the Medicare program; to the Committee on Finance.

By Mr. DODD (for himself, Mr. GRASSLEY, Mr. WYDEN, Mr. BINGAMAN, Mr. DURBIN, and Mr. HARKIN):

S. 467. A bill to amend the Public Health Service Act to expand the clinical trials drug data bank; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. DODD, Ms. MIKULSKI, and Mr. BINGAMAN):

S. 468. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 469. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Finance.

By Mr. LEVIN:

S. 470. A bill to express the sense of Congress on Iraq; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD:

S. Res. 52. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. Res. 53. A resolution congratulating Illinois State University as it marks its sesquicentennial; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions; from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Mr. AKAKA:

S. Res. 55. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. DODD:

S. Res. 56. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and

Urban Affairs; to the Committee on Rules and Administration.

By Mr. HARKIN:

S. Res. 57. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. INOUYE:

S. Res. 58. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. BAUCUS:

S. Res. 59. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Mr. LIEBERMAN:

S. Res. 60. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs; from the Committee on Homeland Security and Governmental Affairs; to the Committee on Rules and Administration.

By Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. AKAKA, Mr. BOND, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Mr. CONRAD, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENSIGN, Mr. GRASSLEY, Mr. ISAKSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Ms. MURKOWSKI, Mr. PRYOR, Mr. SANDERS, Mr. REID, and Mr. SPECTER):

S. Res. 61. A resolution designating January 2007 as ''National Mentoring Month''; considered and agreed to.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. Res. 62. A resolution recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States; considered and agreed to.

By Mrs. FEINSTEIN:

S. Res. 63. An original resolution authorizing expenditures by the Committee on Rules and Administration; from the Committee on Rules and Administration; placed on the calendar.

By Mr. OBAMA (for himself, Mr. DURBIN, Mr. DODD, Mr. LUGAR, Mr. LIEBERMAN, and Mr. BAYH):

S. Con. Res. 5. A concurrent resolution honoring the life of Percy Lavon Julian, a pioneer in the field of organic chemistry and the first and only African-American chemist to be inducted into the National Academy of Sciences; to the Committee on the Judiciary.

By Mr. ENZI (for himself and Mr. THOMAS):

S. Con. Res. 6. A concurrent resolution expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, should be designated as the ''National Museum of Wildlife Art of the United States''; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. LEVIN, and Ms. SNOWE):

S. Con. Res. 7. A concurrent resolution expressing the sense of Congress on Iraq; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. STEVENS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 101, a bill to update and reinvigorate universal service provided under the Communications Act of 1934.

S. 166

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 166, a bill to restrict any State from imposing a new discriminatory tax on cell phone services.

S. 233

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) 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. 268

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 268, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes.

S. 281

At the request of Mr. VITTER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of 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.

S. 287

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of 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.

S. 380

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 381

At the request of Mr. INOUYE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 381, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 408

At the request of Mr. CHAMBLISS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 408, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 430

At the request of Mr. BOND, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. LEAHY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Montana (Mr. BAUCUS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 430, supra.

S. 431

At the request of Mr. MCCAIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

AMENDMENT NO. 115

At the request of Mr. KYL, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 115 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 209

At the request of Mr. KYL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 209 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mrs. LINCOLN, Mr. BIDEN, Ms. MIKULSKI, Mrs. BOXER, Mr. DURBIN, Mr. SALAZAR, and Mr. BROWN):

S. 439. A bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation; to the Committee on Armed Services.

Mr. REID. Mr. President, we are going to have a debate on Iraq, and it will be a historic debate about that war, a war that has demanded unparalleled sacrifices from our men and women in uniform.

While we have our disagreements with the President's conduct of the war, all 100 Senators stand side by side in supporting our troops. They have done everything asked of them, carrying out a difficult mission with honor and skill. We as a country owe the brave men and women in our military a debt of gratitude and have responsibility to ensure our veterans receive both the thanks of a grateful nation and the benefits they have earned,

and that is a subject I would like to discuss briefly this morning.

About 8 years ago, one of my staff came to me and said: Senator, do you realize that if a person is disabled in the military and retires from the military, they cannot draw on both their benefits? I said: What? And he repeated that. If you are in the military and you become disabled and you retire, you cannot draw both your benefits. I thought my staffer didn't know what he was talking about, but he did. That was the law in our country and had been for many years, and it was a wrong law. That law is still mostly in effect, and that is too bad.

When someone who is disabled retires from the U.S. military, he or she cannot draw on both their benefits. If you retire from any other branch of the Federal Government, such as the Bureau of Land Management, you can draw both your disability pay and your retirement pay but, no, not if you are in the military. These people have been robbed of their benefits, in my opinion, and I refer specifically to thousands of men and women who have been denied their retirement because of an unfair policy referred to as concurrent receipt.

By law, disabled veterans, as I have said, cannot collect disability pay and retirement pay at the same time. What does this mean? It means for every dollar of compensation a disabled veteran receives as a result of their injuries, they must sacrifice a dollar of their retirement pay they earned in the service of our Nation. In many cases, this ban takes away a veteran's full retirement pay, wiping away the benefits he or she earned in 20 or more years of service. That is wrong.

Concurrent receipt is a special tax on the men and women who keep us safe. Few veterans can afford to live on their retirement pay alone. Those burdened with disability face an even greater struggle, often denied any postservice work. They receive disability compensation to pay for pain, suffering, and loss of future earnings caused by a service-connected illness or injury. No other Federal retiree is forced to make forfeit of their retirement—only our disabled military retirees. This is not just an error, it is a disgrace.

Of course, concurrent receipt is not a new problem. I hope most everyone in the Senate knows about it. This is the seventh year I have introduced legislation to give disabled veterans the support they have earned, and I will continue fighting until we succeed, ending this unacceptable policy.

I first of all want to suggest that the two managers of the Defense bill, every year since I have worked on this, have been Senator WARNER and Senator LEVIN, and they have helped me. I appreciate that very much. They have been thoughtful and understanding in their approach to this issue. What has happened these past 7 years is good but not really good. We have chipped away at this unfair policy of concurrent receipt.

In 2000, I introduced legislation to eliminate this unfair policy for the first time. I did it at the end of the 106th Congress. This legislation passed the Senate but was removed by the House during conference. So I reintroduced the legislation in the 107th Congress, in both 2001 and 2002. Unfortunately, it was once again adopted by the Senate but removed in conference.

In 2003, I proposed legislation to allow disabled veterans with at least a 50-percent disability rating to become eligible for full concurrent receipt over a 10-year phase-in period. Despite veto threats from the Bush administration, Congress passed this very important version of concurrent receipt.

In 2004, I took it a step further. I introduced legislation to eliminate the 10-year phase-in period for veterans with a 100-percent disability. The motivation here was to get concurrent receipt to the most severely disabled veterans. We thought many of these veterans would never see the benefits with a 10-year phase-in. They are old World War II veterans, where the average age is well over 80 now, and to think they would have to wait 10 years for a phase-in isn't very fair.

In 2005, we focused on the most severely disabled veterans and successfully eliminated the 10-year phase-in for veterans listed as unemployable. I was pleased with the passage of that 2005 amendment but disappointed that the conference committee chose not to enact this valuable legislation for veterans rated as unemployable until 2009. So in 2006, I sought to get unemployable veterans immediate relief, but we didn't act. Congress didn't act.

So here we are in 2007, back at it again. Today, concurrent receipt remains one of my highest priorities. It is a priority, I believe, in fairness. We need to continue to chip away at this policy, and I am committed to that goal 100 percent, so that 100 percent of disabled veterans get the money they earn in being part of the great fighting force of this Nation.

We are blessed in this country to be defended by an All-Volunteer Army. These patriots put their lives and safety on the line because they love this country. I believe it is time for this country and this Congress to repay their service and sacrifice, and that is why I am reintroducing today the Retired Pay Restoration Act of 2007.

Mr. President, I ask unanimous consent that the text of this legislation 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. 439

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 ''Retired Pay Restoration Act of 2007''.

SEC. 2. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—

(1) REPEAL OF 50 PERCENT REQUIREMENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) COMPUTATION.—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

''(G) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, $0.''.

(b) REPEAL OF PHASE-IN OF CONCURRENT RECEIPT FOR RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL.—Subsection (a)(1) of such section is amended by striking ''except that'' and all that follows and inserting ''except—

''(A) in the case of a qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004; and

''(B) in the case of a qualified retiree receiving veterans' disability compensation for a disability rated as total by reason of unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2007.''.

(c) CLERICAL AMENDMENTS.—

(1) The heading for section 1414 of such title is amended to read as follows:

''§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation''.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

SEC. 3. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) ELIGIBILITY FOR TERA RETIREES.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking ''entitled to retired pay who—'' and inserting ''who—

''(1) is entitled to retired pay, other than a member retired under chapter 61 of this title with less than 20 years of service creditable under section 1405 of this title and less than 20 years of service computed under section 12732 of this title; and

''(2) has a combat-related disability.''.

(b) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) CLERICAL AMENDMENT.—The heading for paragraph (3) of section 1413a(b) of such title is amended by striking ''RULES'' and inserting ''RULE''.

(2) QUALIFIED RETIREES.—Subsection (a) of section 1414 of such title, as amended by section 2(a), is amended—

(A) by striking ''a member or'' and all that follows through ''retiree'')'' and inserting ''a qualified retiree''; and

(B) by adding at the end the following new paragraph:

''(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

''(A) is entitled to retired pay, other than in the case of a member retired under chapter 61 of this title with less than 20 years of service creditable under section 1405 of this title and less than 20 years of service computed under section 12732 of this title; and

''(B) is also entitled for that month to veterans' disability compensation.''.

(3) DISABILITY RETIREES.—Subsection (b) of section 1414 of such title is amended—

(A) by striking ''SPECIAL RULES'' in the subsection heading and all that follows through ''is subject to'' and inserting ''SPECIAL RULE FOR CHAPTER 61 DISABILITY RETIREES.—In the case of a qualified retiree who is retired under chapter 61 of this title, the retired pay of the member is subject to''; and

(B) by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 441. A bill to permit certain school districts in Illinois to be reconstituted for purposes of determining assistance under the Impact Aid program; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 441

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

SECTION 1. ELIGIBILITY FOR IMPACT AID PAYMENT.

(a) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)(B)), North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.

(b) COMPUTATION.—Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a))) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—

(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and

(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.

By Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. SMITH, Mr. KERRY, and Ms. COLLINS):

S. 442. A bill to provide for loan repayment for prosecutors and public defenders; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce the John R. Justice Prosecutors and Defenders Incentive Act of 2007. I am honored to have the support and cosponsorship of Senator LEAHY and Senator SPECTER, the chairman and ranking member of the Judiciary Committee, on this important legislation. I look forward to working closely with Chairman LEAHY and Ranking Member SPECTER to advance it through the Judiciary Committee and secure its enactment into law. I also appreciate the cosponsorship of Senator SMITH, Senator KERRY and Senator COLLINS on this bipartisan bill.

Our bill seeks to enhance our criminal justice system by encouraging talented law school graduates to serve as criminal prosecutors and public defenders. The bill would establish a student loan repayment program for qualified attorneys who agree to remain employed for at least 3 years as State or local criminal prosecutors, or as State, local, or Federal public defenders in criminal cases.

This legislation is supported by the American Bar Association, the National District Attorneys Association, the National Association of Prosecutor Coordinators, the National Legal Aid and Defender Association, and the National Association of Criminal Defense Lawyers.

For our criminal justice system to function effectively, we need to have a sufficient supply of dedicated and competent attorneys working in prosecutor and public defender offices. However, many qualified law school graduates who have a strong motivation to work in the public sector find it economically impossible due to the overwhelming burden of student loan debt.

The legal profession and our communities pay a severe price when law graduates are shut out from pursuing public service careers due to educational debt. When prosecutor and public defender offices cannot attract new lawyers or keep experienced ones, their ability to protect the public interest is compromised. Such offices may find themselves unable to take on new cases due to staffing shortages, and their existing staff may be forced to handle unmanageable workloads. Cases may suffer from lengthy and unnecessary delays, and some cases may be mishandled by inexperienced or overworked attorneys. As a result, innocent people may be sent to jail, and criminals may go free.

Our bill, the John R. Justice Prosecutors and Defenders Incentive Act, is designed to help remedy some of these problems. The availability of student loan repayment can be a powerful incentive for attracting talented new lawyers to public service employment. Our proposal complements loan forgiveness options that currently exist for Federal prosecutors. Passage of this bill will help make prosecutor and public defender jobs at all levels of government more attractive and financially viable for law school graduates who have incurred significant educational debt.

Our bill is named after the late John R. Justice, former president of the National District Attorneys Association and a distinguished prosecutor from the State of South Carolina. John Justice was instrumental in promoting student loan repayment efforts for law school graduates seeking to work in public service. This bill is a fitting tribute to his dedicated efforts.

The need for this legislation is evident. In recent years, the costs of a law school education have skyrocketed. Researchers found that tuition increased about 340 percent from 1985 to 2002 for private law school students and for out-of-State students at public law schools. In-State students at public law schools saw their tuition jump about 500 percent during that time. In 2005, the average annual tuition was $28,900 for private law schools, $22,987 for nonresident students at public law schools, and $13,145 for resident students at public law schools. These tuition costs do not include the costs of food, lodging, books, fees and personal expenses over 3 years of law school.

Unsurprisingly, the vast majority of law students—over 80 percent—must borrow funds to finance their legal education. According to the American Bar Association, the average total cumulative educational debt for law school graduates in the class of 2005 was $78,763 for private schools and $51,056 for public schools. Two-thirds of law students generally carry additional unpaid debt from their undergraduate studies. These education debts are serious financial obligations that must be repaid, as any default on a loan triggers significant consequences.

Many law students graduate with a deep commitment to pursuing a career in public service. However, they need a level of income sufficient to meet the demands of their educational loan liabilities, and public service salaries have not kept up with rising law school debt burdens. From 1985 to 2002, while law school tuition increased 340 percent for private law school students and 500 percent for in-state students at public law schools, salaries for public service lawyers such as prosecutors and public defenders increased by just 70 percent. According to the National Association for Law Placement, NALP, the median entry-level salary for public defenders is $43,000. With 11 to 15 years of experience, the median salary

increases only to $65,500. The salary progression for State prosecuting attorneys is similar, starting at around $46,000 and progressing to about $68,000 for those with 11 to 15 years of experience.

Many law school graduates can earn much more and repay their student loans much faster by entering the private sector. According to a NALP survey, in 2005 the median salary for first-year attorneys at law firms ranged from $67,500 in firms of 2 to 25 attorneys to $135,000 in firms of 500 attorneys or more. The median first-year salary for all firms participating in the survey was $100,000. When choosing between a private sector job and a job as a prosecutor or defender, talented law graduates with large debt burdens must take into consideration this salary differential.

It is clear that large student debt deters many law graduates from pursuing public service careers. According to a national survey of 1,622 students from 117 law schools conducted by Equal Justice Works, the Partnership for Public Service, and NALP in 2002, 66 percent of respondents stated that law school debt prevented them from considering a public interest or government job.

Some law graduates initially accept public service jobs despite their high debt burdens. However, many attorneys cannot repay their loan obligations as well as pay all their other living expenses on a government salary. Attorneys who begin careers in public service, and who would like to remain, frequently leave after a few years when they find their debts are hindering their ability to provide for themselves, much less support their families or save for retirement.

Many public service employers report having a difficult time attracting and retaining talented law graduates. Prosecutor and public defender offices across the country have vacancies they cannot fill because new law graduates cannot afford to work for them. Alternatively, those who do hire law graduates find that, because of educational debt burdens, those whom they do hire leave just at the point when they have acquired the experience to provide the most valuable services. According to a Bureau of Justice Statistics survey, 24 percent of state prosecutors' offices reported problems in 2005 with recruiting new attorneys, and 35 percent reported problems in retaining attorneys. Another survey administered by Equal Justice Works and the National Legal Aid & Defender Association in 2002 found that over 60 percent of public interest law employers, including state and local prosecutor and public defender offices, reported difficulty in attorney recruitment and retention.

I recently received a letter from Bernard Murray, President of the Prosecutors Bar Association and Chief of the Criminal Prosecutions Bureau for the Cook County State's Attorney's Office in Chicago. He wrote: ''[W]e are faced with enormous hurdles in attracting first-rate candidates to pursue a career with the Cook County State's Attorney's Office. We simply cannot afford to pay new assistants a salary high enough to offset the enormous debt load that follows them from their law school graduation.''

His letter also stated: ''We are observing an exodus of talent at about the three to five year experience mark in the office when assistants are no longer able to postpone life events such as marriage, home ownership, and starting a family. We are losing much of our best talent before they even have a chance to put their skills to use in felony cases.''

I also received a copy of a letter from Michael Judge, Chief Defender of the Los Angeles County Public Defender Office, the oldest and largest such office in the Nation. His letter states the following about his office's efforts to recruit new lawyers: ''It became necessary to expand the ambit of recruiting from locally to statewide, to the western region of the country and now to the entire nation to ensure the success of our recruiting in the face of the deterrent of crushing student loan debt. . . . In some sense we are 'poaching' in the territory of other defender offices. . . . I have experienced more 'turndowns' of employment offers in the recent past than during my first 9 or 10 years as Chief Defender. I attribute that to the 'ice cold water in the face syndrome' experienced by motivated candidates making the final net calculations and discovering a defender career can be an adventure in deficit financing.''

It harms the public interest when communities face a shortage of attorneys who can effectively prosecute cases and provide criminal defendants with their constitutional right to counsel. Sadly, these situations occur all too frequently. We can—and should—do more to help prosecutor and public defender offices recruit and retain attorneys in the face of increasing student debt burdens and higher private sector salaries.

Our legislation would help by establishing, within the Department of Justice, a program of student loan repayment for borrowers who agree to remain employed for at least three years as State or local criminal prosecutors, or as State, local, or Federal public defenders in criminal cases. It would allow eligible attorneys to receive student loan debt repayments of up to $10,000 per year, with a maximum aggregate over time of $60,000. The bill would cover student loans made, insured, or guaranteed under the Higher Education Act of 1965, including consolidation loans.

Under our bill, repayment benefits for public sector attorneys would be made available on a first-come, first-served basis, and would be subject to the availability of appropriations. Priority would be given to borrowers who received repayment benefits for the preceding fiscal year and who have completed less than three years of the first required service period. Borrowers could enter into an additional agreement, after the required three-year period, for a successive period of service which may be less than three years. Attorneys who do not complete their required period of service would be required to repay the government.

In addition to covering those who agree to serve in State and local prosecutor and defender offices, our bill complements existing loan forgiveness programs that are currently available for Federal prosecutors by making loan relief available to Federal public defenders as well.

Our bill is modeled on a loan repayment program that has been created for Federal executive branch employees and that has enjoyed growing success. Federal law currently permits Federal executive branch agencies to repay their employees' student loans, up to $10,000 in a year, and up to a lifetime maximum of $60,000. In exchange, the employee must agree to remain with the agency for at least three years. According to the Office of Personnel Management (OPM), during fiscal year 2005 there were 479 lawyers working in Federal agencies who received loan repayments under this program, including 242 lawyers for the Securities and Exchange Commission and 85 attorneys for the Department of Justice. According to OPM, Federal agencies across the board say that the program has been of tremendous benefit in recruiting and retaining attorneys.

As I have worked on behalf of our legislation, I have been moved by the personal stories of attorneys who have been trying to embark on a career of public service but have been struggling because of student loans. One compelling letter I received came from Aisha Cornelius, an Assistant State's Attorney in Cook County, Illinois. Her letter said the following: ''I am a full-time prosecutor in Cook County. I wanted this job because I desired to use my law degree for public service. Although making a lot of money was not my primary goal, I had hoped at least for financial stability. This, however, is difficult to accomplish as my student loan payments take up a considerable amount of my income. I have more than $100,000 in student loan debt. I am also a single mother with a five-year-old daughter in kindergarten. In order to work, I have to pay for before- and after-school care for her. . . . I depleted my savings while studying for the bar exam last year and I essentially live check to check. In order to supplement my income, I sell cosmetics and skin care. I am also in the process of applying for a part-time evening teaching position. I love my job and serving the greater good. The only reason I would ever leave public service is if I could no longer afford to stay. This is much more of a possibility than I would like it to be. Loan repayment assistance would help me stay longer in a position

that allows me to serve the community during the day while giving me the freedom and peace of mind to focus [on] my daughter at night.''

I appreciate Ms. Cornelius's willingness to share her story with me. By enacting and funding this legislation, we can take a meaningful step toward alleviating some of the financial burden for attorneys such as Ms. Cornelius who choose careers as criminal prosecutors and public defenders.

I know there are many other law graduates who, like Aisha Cornelius, want to apply their legal training and develop their skills in the public sector, but are deterred by the weight of student loan obligations. Passage of the John R. Justice Prosecutors and Defenders Incentive Act will help them make their career dreams a reality. I urge its swift adoption.

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. 442

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 ''John R. Justice Prosecutors and Defenders Incentive Act of 2007''.

SEC. 2. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

''PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

''SEC. 3111. GRANT AUTHORIZATION.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

''(b) DEFINITIONS.—In this section:

''(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

''(A) is continually licensed to practice law; and

''(B) prosecutes criminal cases at the State or local level.

''(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

''(A) is continually licensed to practice law; and

''(B) is—

''(i) a full-time employee of a State or local agency or a nonprofit organization operating under a contract with a State or unit of local government, that provides legal representation to indigent persons in criminal cases; or

''(ii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal cases.

''(3) STUDENT LOAN.—The term 'student loan' means—

''(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

''(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

''(c) PROGRAM AUTHORIZED.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a prosecutor or public defender; and

''(2) is not in default on a loan for which the borrower seeks forgiveness.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

''(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

''(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

''(i) $10,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $60,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

''(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) received repayment benefits under this section during the preceding fiscal year; and

''(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

By Mr. DURBIN:

S. 446. A bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 446

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 ''Nurse Education, Expansion, and Development Act of 2007''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) While the Nurse Reinvestment Act (Public Law 107–205) helped to increase applications to schools of nursing by 125 percent, schools of nursing have been unable to accommodate the influx of interested students because they have an insufficient number of nurse educators. It is estimated that—

(A) in the 2006–2007 school year—

(i) 66.6 percent of schools of nursing had from 1 to 18 vacant faculty positions; and

(ii) an additional 16.7 percent of schools of nursing needed additional faculty, but lacked the resources needed to add more positions; and

(B) 41,683 eligible candidates were denied admission to schools of nursing in 2005, primarily due to an insufficient number of faculty members.

(2) A growing number of nurses with doctoral degrees are choosing careers outside of education. Over the last few years, 22.5 percent of doctoral nursing graduates reported seeking employment outside the education profession.

(3) In 2006 the average age of nurse faculty at retirement is 63.1 years. With the average age of doctorally-prepared nurse faculty at 54.7 years in 2005, a wave of retirements is expected within the next 10 years.

(4) Master's and doctoral programs in nursing are not producing a large enough pool of potential nurse educators to meet the projected demand for nurses over the next 10 years. While graduations from master's and doctoral programs in nursing rose by 12.8 percent (or 1,369 graduates) and 13.1 percent (or 56 graduates), respectively, in the 2005–2006 school year, projections still demonstrate a shortage of nurse faculty. Given current trends, there will be at least 2,616 unfilled faculty positions in 2012.

(5) According to the February 2004 Monthly Labor Review of the Bureau of Labor Statistics, more than 1,000,000 new and replacement nurses will be needed by 2012.

SEC. 3. CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS.

(a) GRANTS.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p) is amended by adding at the end the following:

"SEC. 832. CAPITATION GRANTS.

''(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

''(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

''(c) GRANT COMPUTATION.—

''(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

''(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

''(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

''(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

''(B) $1,405 for each full-time or part-time student who—

''(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

''(ii) has not more than 3 years of academic credits remaining in the program.

''(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

''(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

''(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

''(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

''(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

''(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

''(d) ELIGIBILITY.—For purposes of this section, the term 'eligible school of nursing' means a school of nursing that—

''(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

''(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 school years preceding submission of the grant application; and

''(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 school years preceding submission of the grant application.

''(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each school year for which the grant is awarded, the school will comply with the following:

''(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

''(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

''(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding school year by 5 percent or 5 students, whichever is greater.

''(B) Subparagraph (A) does not apply to the first school year for which a school receives a grant under this section.

''(C) With respect to any school year, the Secretary may waive application of subparagraph (A) if—

''(i) the physical facilities at the school involved limit the school from enrolling additional students; or

''(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding school years.

''(4) Not later than 1 year after receipt of the grant, the school will formulate and implement a plan to accomplish at least 2 of the following:

''(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

''(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

''(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

''(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

''(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

''(F) Increasing enrollment of minority and diverse student populations.

''(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

''(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

''(I) Increasing integration of geriatric content into the core curriculum.

''(J) Partnering with economically disadvantaged communities to provide nursing education.

''(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

''(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

''(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

''(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to the Congress—

''(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

''(2) not later than the end of fiscal year 2010, a final report on such results.

''(g) APPLICATION.—To seek a grant under this section, a school nursing shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the costs of carrying out this section (except the costs described in paragraph (2)), there are authorized to be appropriated $75,000,000 for fiscal year 2008, $85,000,000 for fiscal year 2009, and $95,000,000 for fiscal year 2010.

''(2) ADMINISTRATIVE COSTS.—For the costs of administering this section, including the costs of evaluating the results of grants and submitting reports to the Congress, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008, 2009, and 2010.''.

(b) GAO STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to the Congress on ways to increase participation in the nurse faculty profession.

(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall include the following:

(A) A discussion of the master's degree and doctoral degree programs that are successful in placing graduates as faculty in schools of nursing.

(B) An examination of compensation disparities throughout the nursing profession and compensation disparities between higher education instructional faculty generally and higher education instructional nursing faculty.

By Mr. FEINGOLD:

S. 447. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I am introducing the Federal Death Penalty Abolition Act of 2007. This bill would abolish the death penalty at the Federal level. It would put an immediate halt to executions and forbid the imposition of the death penalty as a sentence for violations of Federal law.

Since 1976, when the death penalty was reinstated by the Supreme Court, there have been 1,060 executions across the country, including three at the Federal level. During that same time period, 123 people on death row have been exonerated and released from death row. These people never should have been convicted in the first place.

Consider those numbers. One thousand and sixty executions, and one hundred and twenty-three exonerations in the modern death penalty era. Had those exonerations not taken place, had those 123 people been executed, those executions would have represented an error rate of greater than 10 percent. That is more than an embarrassing statistic; it is a horrifying one, one that should have us all questioning the use of capital punishment in this country. In fact, since 1999 when I first introduced this bill, 46 death row inmates have been exonerated throughout the country.

In the face of these numbers, the national debate on the death penalty has intensified. For the second year in a row, the number of executions, the number of death sentences imposed, and the size of the death row population have decreased as a growing number of voices have joined to express doubt about the use of capital punishment in America. The voices of those questioning the fairness of the death penalty have been heard from college campuses and courtrooms and podiums across the Nation, to the Senate Judiciary Committee hearing room, to the United States Supreme Court. The American public understands that the death penalty raises serious and complex issues. The death penalty can no longer be exploited for political purposes. In fact, for the first time, a May 2006 Gallup Poll reported that more Americans prefer a sentence of life without parole over the death penalty when given a choice. If anything, the political consensus is that it is time for a change. We must not ignore these voices.

In the wake of the Supreme Court's decision in 1976 to allow capital punishment, the Federal Government first resumed death penalty prosecutions after enactment of a 1988 Federal law that provided for the death penalty for murder in the course of a drug-kingpin conspiracy. The Federal death penalty was then expanded significantly in 1994, when the omnibus crime bill expanded its use to a total of some 60 Federal offenses. And despite my best efforts to halt the expansion of the Federal death penalty, more and more provisions seem to be added every year. While the use of and confidence in the death penalty is decreasing overall, the Federal Government has been going in the opposite direction, making more defendants eligible for capital punishment and increasing the size of its Federal death row. Moreover, there are now six individuals on Federal death row from States that do not have capital punishment. The Federal Government is pulling in the wrong direction as the rest of the Nation moves toward a more just system.

On this very day eight years ago, Governor George Ryan took the historic step of placing a moratorium on executions in Illinois and creating an independent, blue ribbon commission to review the State's death penalty system. The Commission conducted an extensive study of the death penalty in Illinois and released a report with 85 recommendations for reform of the death penalty system. The Commission concluded that the death penalty system is not fair, and that the risk of executing the innocent is alarmingly real. Governor Ryan later pardoned four death row inmates and commuted the sentences of all remaining Illinois death row inmates to life in prison before he left office in January 2003.

Illinois is not alone. Seven years ago, then Maryland Governor Parris Glendening learned of suspected racial disparities in the administration of the death penalty in Maryland. Governor Glendening did not look the other way. He commissioned the University of Maryland to conduct the most exhaustive study of Maryland's application of the death penalty in history. Then faced with the rapid approach of a scheduled execution, Governor Glendening acknowledged that it was unacceptable to allow executions to take place while the study he had ordered was not yet complete. So, in May 2002, he placed a moratorium on executions. Although Governor Bob Ehrlich lifted that moratorium and allowed executions to resume during his tenure, Governor Martin O'Malley has indicated that he would approve a legislative repeal of the death penalty and that he, like the majority in this country, favors life without parole.

Other States also have taken important steps. New York's death penalty was overturned by a court decision in 2004 and has not been reinstated by the legislature, and New Jersey enacted a moratorium in 2006. Along with New York and New Jersey, four other States that still have the death penalty technically on their books have not executed any individuals since 1976. In addition, there are 12 States, plus the District of Columbia, whose laws do not provide for capital punishment at all. And following in the footsteps of Illinois and Maryland, North Carolina and California both began legislative studies of their own capital punishment systems this past year.

The more we learn about the death penalty through studies like those, the more reasons we have to oppose it. For example, the Maryland study—released in January 2003—contained findings that should startle us all. The study found that blacks accused of killing whites are more likely to receive a death sentence than blacks who kill blacks, or than white killers. According to the report, black offenders who kill whites are four times as likely to be sentenced to death as blacks who kill blacks, and twice as likely to get a death sentence as whites who kill whites.

The Maryland and Illinois studies cannot be brushed aside as atypical or dismissed as revealing state-specific anomalies in an otherwise perfect system. Years of study have shown that the death penalty does little to deter crime, and that defendants' likelihood of being sentenced to death depends heavily on illegitimate factors such as whether they are rich or poor. Since reinstatement of the modern death penalty, 80 percent of murder victims in cases where death sentences were handed down were white, even though only 50 percent of murder victims are white. Nationwide, more than half of the death row inmates are African Americans or Hispanic Americans. There is evidence of racial disparities, inadequate counsel, prosecutorial misconduct, and false scientific evidence in death penalty systems across the country.

At least Maryland, Illinois, North Carolina, and California have begun the process of investigating the flaws in their own systems. But there are 36 other States that have death penalty provisions in their laws, 36 other States with systems that are most likely plagued with the same flaws. And these systems come at great additional cost to the taxpayers. For example, a 2005 report found that California's death penalty system costs taxpayers $114 million in additional costs each year. Similar reports detailing the extraordinary financial costs of the death penalty have been generated for States across the Nation.

Moreover, there are growing concerns about the most common method of execution, lethal injection. These concerns are so grave that eight States and the Federal system all halted individual executions in 2006 to work through these problems. And these numbers are growing. Just this last week, executions in North Carolina were halted because of challenges to lethal injection. More and more research is emerging that suggests that lethal injections are unnecessarily painful and cruel, and that this method of capital punishment—however sanitary or humane it may appear—is no less barbaric than the more antiquated methods lethal injection was designed to replace, such as the noose or the firing squad, no less horrific than the electric chair or the gas chamber.

Nothing is more barbaric, of course, than the execution of an innocent person, and it is clearer than ever that the

risk is very real. Already, information has surfaced that suggests that two men put to death in the 1990s may have been innocent. This is a chilling prospect, one that illustrates the very grave danger in imposing the death penalty. The loss of just one innocent life through capital punishment should be enough to force all of us to stop and reconsider this penalty.

And while we examine the flaws in our death penalty system, we cannot help but note that our use of the death penalty stands in stark contrast to the majority of nations, which have abolished the death penalty in law or practice. There are now 123 countries that have done so. In 2005, only China, Iran, and Saudi Arabia executed more people than we did. These countries, and others on the list of nations that actively use capital punishment, are countries that we often criticize for human rights abuses. The European Union denies membership in the alliance to those nations that use the death penalty. In fact, it passed a resolution calling for the immediate and unconditional global abolition of the death penalty, and it specifically called on all States within the United States to abolish the death penalty. This is significant because it reflects the unanimous view of a group of nations with which the United States enjoys close relationships and shares common values. We should join with them and with the over 100 other nations that have renounced this practice.

We are a Nation that prides itself on the fundamental principles of justice, liberty, equality and due process. We are a Nation that scrutinizes the human rights records of other nations. Historically, we are one of the first Nations to speak out against torture and killings by foreign governments. We should hold our own system of justice to the highest standard.

As a matter of justice, this is an issue that transcends political allegiances. A range of prominent voices in our country are raising serious questions about the death penalty, and they are not just voices of liberals, or of the faith community. They are the voices of former FBI Director William Sessions, former Justice Sandra Day O'Connor, Reverend Pat Robertson, George Will, former Mississippi warden Donald Cabana, the Republican former Governor of Illinois, George Ryan, and the Democratic former Governor of Maryland, Parris Glendening. The voices of those questioning our application of the death penalty are growing in number, they are growing louder, and they are reflected in some of the decisions of the highest court of the land. In recent years, the Supreme Court has held that the execution of juvenile offenders and the mentally retarded is unconstitutional.

As we begin a new year and a new Congress, I believe the continued use of the death penalty in the United States is beneath us. The death penalty is at odds with our best traditions. It is wrong and it is immoral. The adage ''two wrongs do not make a right,'' applies here in the most fundamental way. Our Nation has long ago done away with other barbaric punishments like whipping and cutting off the ears of criminals. Just we did away with these punishments as contrary to our humanity and ideals, it is time to abolish the death penalty as we seek to spread peace and justice both here and overseas. It is not just a matter of morality. The continued viability of our criminal justice system as a truly just system that deserves the respect of our own people and the world requires that we do so. Our Nation's goal to remain the world's leading defender of freedom, liberty and equality demands that we do so.

Abolishing the death penalty will not be an easy task. It will take patience, persistence, and courage. As we work to move forward in a rapidly changing world, let us leave this archaic practice behind.

I ask my colleagues to join me in taking the first step in abolishing the death penalty in our great Nation. I also call on each State that authorizes the use of the death penalty to cease this practice. Let us together reject violence and restore fairness and integrity to our criminal justice system.

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. 447

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Death Penalty Abolition Act of 2007''.

SEC. 2. REPEAL OF FEDERAL LAWS PROVIDING FOR THE DEATH PENALTY.

(a) HOMICIDE-RELATED OFFENSES.—

(1) MURDER RELATED TO THE SMUGGLING OF ALIENS.—Section 274(a)(1)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)(iv)) is amended by striking ''punished by death or''.

(2) DESTRUCTION OF AIRCRAFT, MOTOR VEHICLES, OR RELATED FACILITIES RESULTING IN DEATH.—Section 34 of title 18, United States Code, is amended by striking ''to the death penalty or''.

(3) MURDER COMMITTED DURING A DRUG-RELATED DRIVE-BY SHOOTING.—Section 36(b)(2)(A) of title 18, United States Code, is amended by striking ''death or''.

(4) MURDER COMMITTED AT AN AIRPORT SERVING INTERNATIONAL CIVIL AVIATION.—Section 37(a) of title 18, United States Code, is amended, in the matter following paragraph (2), by striking ''punished by death or''.

(5) MURDER COMMITTED USING CHEMICAL WEAPONS.—Section 229A(a)(2) of title 18, United States Code, is amended—

(A) in the paragraph heading, by striking ''DEATH PENALTY'' and inserting ''CAUSING DEATH''; and

(B) by striking ''punished by death or''.

(6) CIVIL RIGHTS OFFENSES RESULTING IN DEATH.—Chapter 13 of title 18, United States Code, is amended—

(A) in section 241, by striking '', or may be sentenced to death'';

(B) in section 242, by striking '', or may be sentenced to death'';

(C) in section 245(b), by striking '', or may be sentenced to death''; and

(D) in section 247(d)(1), by striking '', or may be sentenced to death''.

(7) MURDER OF A MEMBER OF CONGRESS, AN IMPORTANT EXECUTIVE OFFICIAL, OR A SUPREME COURT JUSTICE.—Section 351 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking ''(1)''; and

(ii) by striking '', or (2) by death'' and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (d)—

(i) by striking ''(1)''; and

(ii) by striking '', or (2) by death'' and all that follows through the end of the subsection and inserting a period.

(8) DEATH RESULTING FROM OFFENSES INVOLVING TRANSPORTATION OF EXPLOSIVES, DESTRUCTION OF GOVERNMENT PROPERTY, OR DESTRUCTION OF PROPERTY RELATED TO FOREIGN OR INTERSTATE COMMERCE.—Section 844 of title 18, United States Code, is amended—

(A) in subsection (d), by striking ''or to the death penalty'';

(B) in subsection (f)(3), by striking ''subject to the death penalty, or'';

(C) in subsection (i), by striking ''or to the death penalty''; and

(D) in subsection (n), by striking ''(other than the penalty of death)''.

(9) MURDER COMMITTED BY USE OF A FIREARM OR ARMOR PIERCING AMMUNITION DURING COMMISSION OF A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.—Section 924 of title 18, United States Code, is amended—

(A) in subsection (c)(5)(B)(i), by striking ''punished by death or''; and

(B) in subsection (j)(1), by striking ''by death or''.

(10) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking ''death or''.

(11) FIRST DEGREE MURDER.—Section 1111(b) of title 18, United States Code, is amended by striking ''by death or''.

(12) MURDER BY A FEDERAL PRISONER.—Section 1118 of title 18, United States Code, is amended—

(A) in subsection (a), by striking ''by death or''; and

(B) in subsection (b), in the third undesignated paragraph—

(i) by inserting ''or'' before ''an indeterminate''; and

(ii) by striking '', or an unexecuted sentence of death''.

(13) MURDER OF A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR OTHER PERSON AIDING IN A FEDERAL INVESTIGATION; MURDER OF A STATE CORRECTIONAL OFFICER.—Section 1121 of title 18, United States Code, is amended—

(A) in subsection (a), by striking ''by sentence of death or''; and

(B) in subsection (b)(1), by striking ''or death''.

(14) MURDER DURING A KIDNAPING.—Section 1201(a) of title 18, United States Code, is amended by striking ''death or''.

(15) MURDER DURING A HOSTAGE-TAKING.—Section 1203(a) of title 18, United States Code, is amended by striking ''death or''.

(16) MURDER WITH THE INTENT OF PREVENTING TESTIMONY BY A WITNESS, VICTIM, OR INFORMANT.—Section 1512(a)(2)(A) of title 18, United States Code, is amended by striking ''the death penalty or''.

(17) MAILING OF INJURIOUS ARTICLES WITH INTENT TO KILL OR RESULTING IN DEATH.—Section 1716(j)(3) of title 18, United States Code, is amended by striking ''to the death penalty or''.

(18) ASSASSINATION OR KIDNAPING RESULTING IN THE DEATH OF THE PRESIDENT OR VICE PRESIDENT.—Section 1751 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking ''(1)''; and

(ii) by striking '', or (2) by death'' and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (d)—

(i) by striking ''(1)''; and

(ii) by striking '', or (2) by death'' and all that follows through the end of the subsection and inserting a period.

(19) MURDER FOR HIRE.—Section 1958(a) of title 18, United States Code, is amended by striking ''death or''.

(20) MURDER INVOLVED IN A RACKETEERING OFFENSE.—Section 1959(a)(1) of title 18, United States Code, is amended by striking ''death or''.

(21) WILLFUL WRECKING OF A TRAIN RESULTING IN DEATH.—Section 1992 of title 18, United States Code, is amended—

(A) in subsection (a), in the matter following paragraph (10), by striking ''or subject to death,''; and

(B) in subsection (b), in the matter following paragraph (3), by striking '', and if the offense resulted in the death of any person, the person may be sentenced to death''.

(22) BANK ROBBERY-RELATED MURDER OR KIDNAPING.—Section 2113(e) of title 18, United States Code, is amended by striking ''death or''.

(23) MURDER RELATED TO A CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking '', or sentenced to death''.

(24) MURDER RELATED TO AGGRAVATED CHILD SEXUAL ABUSE.—Section 2241(c) of title 18, United States Code, is amended by striking ''unless the death penalty is imposed,''.

(25) MURDER RELATED TO SEXUAL ABUSE.—Section 2245 of title 18, United States Code, is amended by striking ''punished by death or''.

(26) MURDER RELATED TO SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended by striking ''punished by death or''.

(27) MURDER COMMITTED DURING AN OFFENSE AGAINST MARITIME NAVIGATION.—Section 2280(a)(1) of title 18, United States Code, is amended by striking ''punished by death or''.

(28) MURDER COMMITTED DURING AN OFFENSE AGAINST A MARITIME FIXED PLATFORM.—Section 2281(a)(1) of title 18, United States Code, is amended by striking ''punished by death or''.

(29) MURDER USING DEVICES OR DANGEROUS SUBSTANCES IN WATERS OF THE UNITED STATES.—Section 2282A of title 18, United States Code, is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(30) MURDER INVOLVING THE TRANSPORTATION OF EXPLOSIVE, BIOLOGICAL, CHEMICAL, OR RADIOACTIVE OR NUCLEAR MATERIALS.—Section 2283 of title 18, United States Code, is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(31) MURDER INVOLVING THE DESTRUCTION OF VESSEL OR MARITIME FACILITY.—Section 2291(d) of title 18, United States Code, is amended by striking ''to the death penalty or''.

(32) MURDER OF A UNITED STATES NATIONAL IN ANOTHER COUNTRY.—Section 2332(a)(1) of title 18, United States Code, is amended by striking ''death or''.

(33) MURDER BY THE USE OF A WEAPON OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) in subsection (a), in the matter following paragraph (4), by striking '', and if death results shall be punished by death'' and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (b), by striking '', and if death results shall be punished by death'' and all that follows through the end of the subsection and inserting a period.

(34) MURDER BY ACT OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.—Section 2332b(c)(1)(A) of title 18, United States Code, is amended by striking ''by death, or''.

(35) MURDER INVOLVING TORTURE.—Section 2340A(a) of title 18, United States Code, is amended by striking ''punished by death or''.

(36) MURDER INVOLVING A WAR CRIME.—Section 2441(a) of title 18, United States Code, is amended by striking '', and if death results to the victim, shall also be subject to the penalty of death''.

(37) MURDER RELATED TO A CONTINUING CRIMINAL ENTERPRISE OR RELATED MURDER OF A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT OFFICER.—Section 408(e) of the Controlled Substances Act (21 U.S.C. 848(e)) is amended—

(A) in the subsection heading, by striking ''DEATH PENALTY'' and inserting ''INTENTIONAL KILLING''; and

(B) in paragraph (1)—

(i) subparagraph (A), by striking '', or may be sentenced to death''; and

(ii) in subparagraph (B), by striking '', or may be sentenced to death''.

(38) DEATH RESULTING FROM AIRCRAFT HIJACKING.—Section 46502 of title 49, United States Code, is amended—

(A) in subsection (a)(2)(B), by striking ''put to death or''; and

(B) in subsection (b)(1)(B), by striking ''put to death or''.

(b) NON-HOMICIDE RELATED OFFENSES.—

(1) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking ''punished by death or'' and all that follows before the period and inserting ''imprisoned for any term of years or for life''.

(2) TREASON.—Section 2381 of title 18, United States Code, is amended by striking ''shall suffer death, or''.

(c) TITLE 10.—

(1) OFFENSES.—

(A) CONSPIRACY.—Section 881(b) of title 10, United States Code (article 81(b) of the Uniform Code of Military Justice), is amended by striking '', if death results'' and all that follows through the end and inserting ''as a court-martial or military commission may direct.''.

(B) DESERTION.—Section 885(c) of title 10, United States Code (article 85(c)), is amended by striking '', if the offense is committed in time of war'' and all that follows through the end and inserting ''as a court-martial may direct.''.

(C) ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER.—Section 890 of title 10, United States Code (article 90), is amended by striking '', if the offense is committed in time of war'' and all that follows and inserting ''as a court-martial may direct.''.

(D) MUTINY OR SEDITION.—Section 894(b) of title 10, United States Code (article 94(b)), is amended by striking ''by death or such other punishment''.

(E) MISBEHAVIOR BEFORE THE ENEMY.—Section 899 of title 10, United States Code (article 99), is amended by striking ''by death or such other punishment''.

(F) SUBORDINATE COMPELLING SURRENDER.—Section 900 of title 10, United States Code (article 100), is amended by striking ''by death or such other punishment''.

(G) IMPROPER USE OF COUNTERSIGN.—Section 901 of title 10, United States Code (article 101), is amended by striking ''by death or such other punishment''.

(H) FORCING A SAFEGUARD.—Section 902 of title 10, United States Code (article 102), is amended by striking ''suffer death'' and all that follows and inserting ''be punished as a court-martial may direct.''.

(I) AIDING THE ENEMY.—Section 904 of title 10, United States Code (article 104), is amended by striking ''suffer death or such other punishment as a court-martial or military commission may direct'' and inserting ''be punished as a court-martial or military commission may direct''.

(J) SPIES.—Section 906 of title 10, United States Code (article 106), is amended by striking ''by death'' and inserting ''by imprisonment for life''.

(K) ESPIONAGE.—Section 906a of title 10, United States Code (article 106a), is amended—

(i) by striking subsections (b) and (c);

(ii) by redesignating paragraphs (2) and (3) of subsection (a) as subsections (b) and (c), respectively;

(iii) in subsection (a)—

(I) by striking ''(1)'';

(II) by striking ''paragraph (2)'' and inserting ''subsection (b)'';

(III) by striking ''paragraph (3)'' and inserting ''subsection (c)''; and

(IV) by striking ''as a court-martial may direct,'' and all that follows and inserting ''as a court-martial may direct.'';

(iv) in subsection (b), as so redesignated—

(I) by striking ''paragraph (1)'' and inserting ''subsection (a)''; and

(II) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(v) in subsection (c), as so redesignated, by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(L) IMPROPER HAZARDING OF VESSEL.—The text of section 910 of title 10, United States Code (article 110), is amended to read as follows:

''Any person subject to this chapter who willfully and wrongfully, or negligently, hazards or suffers to be hazarded any vessel of the Armed Forces shall be punished as a court-martial may direct.''.

(M) MISBEHAVIOR OF SENTINEL.—Section 913 of title 10, United States Code (article 113), is amended by striking '', if the offense is committed in time of war'' and all that follows and inserting ''as a court-martial may direct.''.

(N) MURDER.—Section 918 of title 10, United States Code (article 118), is amended by striking ''death or imprisonment for life as a court-martial may direct'' and inserting ''imprisonment for life''.

(O) DEATH OR INJURY OF AN UNBORN CHILD.—Section 919a(a) of title 10, United States Code, is amended—

(i) in paragraph (1), by striking '', other than death,''; and

(ii) by striking paragraph (4).

(P) RAPE.—Section 920(a) of title 10, United States Code (article 120(a)), is amended by striking ''by death or such other punishment''.

(Q) CRIMES TRIABLE BY MILITARY COMMISSION.—Section 950v(b) of title 10, United States Code, is amended—

(i) in paragraph (1), by striking ''by death or such other punishment'';

(ii) in paragraph (2), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(iii) in paragraph (7), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(iv) in paragraph (8), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(v) in paragraph (9), by striking '', if death results'' and all that follows and inserting

''as a military commission under this chapter may direct.'';

(vi) in paragraph (11)(A), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(vii) in paragraph (12)(A), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(viii) in paragraph (13)(A), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(ix) in paragraph (14), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(x) in paragraph (15), by striking ''by death or such other punishment'';

(xi) in paragraph (17), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(xii) in paragraph (23), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(xiii) in paragraph (24), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(xiv) in paragraph (27), by striking ''by death or such other punishment''; and

(xv) in paragraph (28), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.''.

(2) JURISDICTIONAL AND PROCEDURAL MATTERS.—

(A) DISMISSED OFFICER'S RIGHT TO TRIAL BY COURT-MARTIAL.—Section 804(a) of title 10, United States Code (article 4(a) of the Uniform Code of Military Justice), is amended by striking ''or death''.

(B) COURTS-MARTIAL CLASSIFIED.—Section 816(1)(A) of title 10, United States Code (article 10(1)(A)), is amended by striking ''or, in a case in which the accused may be sentenced to a penalty of death'' and all that follows through ''(article 25a)''.

(C) JURISDICTION OF GENERAL COURTS-MARTIAL.—Section 818 of title 10, United States Code (article 18), is amended—

(i) in the first sentence by striking ''including the penalty of death when specifically authorized by this chapter'' and inserting ''except death''; and

(ii) by striking the third sentence.

(D) JURISDICTION OF SPECIAL COURTS-MARTIAL.—Section 819 of title 10, United States Code (article 19), is amended in the first sentence by striking ''for any noncapital offense'' and all that follows and inserting ''for any offense made punishable by this chapter.''.

(E) JURISDICTION OF SUMMARY COURTS-MARTIAL.—Section 820 of title 10, United States Code (article 20), is amended in the first sentence by striking ''noncapital''.

(F) NUMBER OF MEMBERS IN CAPITAL CASES.—

(i) IN GENERAL.—Section 825a of title 10, United States Code (article 25a), is repealed.

(ii) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 47 of title 10, United States Code, is amended by striking the item relating to section 825a (article 25a).

(G) ABSENT AND ADDITIONAL MEMBERS.—Section 829(b)(2) of title 10, United States Code (article 29(b)(2)), is amended by striking ''or, in a case in which the death penalty may be adjudged'' and all that follows and inserting a period.

(H) STATUTE OF LIMITATIONS.—Subsection (a) of section 843 of title 10, United States Code (article 43), is amended to read as follows:

''(a)(1) A person charged with an offense described in paragraph (2) may be tried and punished at any time without limitation.

''(2) An offense described in this paragraph is any offense as follows:

''(A) Absence without leave or missing movement in time of war.

''(B) Murder.

''(C) Rape.

''(D) A violation of section 881 of this title (article 81) that results in death to one or more of the victims.

''(E) Desertion or attempt to desert in time of war.

''(F) A violation of section 890 of this title (article 90) committed in time of war.

''(G) Attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition.

''(H) A violation of section 899 of this title (article 99).

''(I) A violation of section 900 of this title (article 100).

''(J) A violation of section 901 of this title (article 101).

''(K) A violation of section 902 of this title (article 102).

''(L) A violation of section 904 of this title (article 104).

''(M) A violation of section 906 of this title (article 106).

''(N) A violation of section 906a of this title (article 106a).

''(O) A violation of section 910 of this title (article 110) in which the person subject to this chapter willfully and wrongfully hazarded or suffered to be hazarded any vessel of the Armed Forces.

''(P) A violation of section 913 of this title (article 113) committed in time of war.''.

(I) PLEAS OF ACCUSED.—Section 845(b) of title 10, United States Code (article 45(b)), is amended—

(i) by striking the first sentence; and

(ii) by striking ''With respect to any other charge'' and inserting ''With respect to any charge''.

(J) DEPOSITIONS.—Section 849 of title 10, United States Code (article 49), is amended—

(i) in subsection (d), by striking ''in any case not capital''; and

(ii) by striking subsections (e) and (f).

(K) ADMISSIBILITY OF RECORDS OF COURTS OF INQUIRY.—Section 850 of title 10, United States Code (article 50), is amended—

(i) in subsection (a), by striking ''not capital and''; and

(ii) in subsection (b), by striking ''capital cases or''.

(L) NUMBER OF VOTES REQUIRED FOR CONVICTION AND SENTENCING BY COURT-MARTIAL.—Section 852 of title 10, United States Code (article 52), is amended—

(i) in subsection (a)—

(I) by striking paragraph (1);

(II) by redesignating paragraph (2) as subsection (a); and

(III) by striking ''any other offense'' and inserting ''any offense''; and

(ii) in subsection (b)—

(I) by striking paragraph (1); and

(II) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(M) RECORD OF TRIAL.—Section 854(c)(1)(A) of title 10, United States Code (article 54(c)(1)(A)), is amended by striking ''death,''.

(N) FORFEITURE OF PAY AND ALLOWANCES DURING CONFINEMENT.—Section 858b(a)(2)(A) of title 10, United States Code (article 58b(a)(2)(A)), is amended by striking ''or death''.

(O) WAIVER OR WITHDRAWAL OF APPEAL.—Section 861 of title 10, United States Code (article 61), is amended—

(i) in subsection (a), by striking ''except a case in which the sentence as approved under section 860(c) of this title (article 60(c)) includes death,''; and

(ii) in subsection (b), by striking ''Except in a case in which the sentence as approved under section 860(c) of this title (article 60(c)) includes death, the accused'' and inserting ''The accused''.

(P) REVIEW BY COURT OF CRIMINAL APPEALS.—Section 866(b) of title 10, United States Code (article 66(b)), is amended—

(i) in the matter preceding paragraph (1), by inserting ''in which'' after ''court-martial'';

(ii) in paragraph (1), by striking ''in which the sentence, as approved, extends to death,'' and inserting ''the sentence, as approved, extends to''; and

(iii) in paragraph (2), by striking ''except in the case of a sentence extending to death,''.

(Q) REVIEW BY COURT OF APPEALS FOR THE ARMED FORCES.—Section 867(a) of title 10, United States Code (article 67(a)), is amended—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(R) EXECUTION OF SENTENCE.—Section 871 of title 10, United States Code (article 71), is amended—

(i) by striking subsection (a);

(ii) by redesignating subsection (b) as subsection (a);

(iii) by striking subsection (c) and inserting the following:

''(b)(1) If a sentence extends to dismissal or a dishonorable or bad conduct discharge and if the right of the accused to appellate review is not waived, and an appeal is not withdrawn, under section 861 of this title (article 61), that part of the sentence extending to dismissal or a dishonorable or bad conduct discharge may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to dismissal, approval under subsection (a)). A judgment as to legality of the proceedings is final in such cases when review is completed by a Court of Criminal Appeals and—

''(A) the time for the accused to file a petition for review by the Court of Appeals for the Armed Forces has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court;

''(B) such a petition is rejected by the Court of Appeals for the Armed Forces; or

''(C) review is completed in accordance with the judgment of the Court of Appeals for the Armed Forces and—

''(i) a petition for a writ of certiorari is not filed within the time limits prescribed by the Supreme Court;

''(ii) such a petition is rejected by the Supreme Court; or

''(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

''(2) If a sentence extends to dismissal or a dishonorable or bad conduct discharge and if the right of the accused to appellate review is waived, or an appeal is withdrawn, under section 861 of this title (article 61), that part of the sentence extending to dismissal or a bad conduct or dishonorable discharge may not be executed until review of the case by a judge advocate (and any action on that review) under section 864 of this title (article 64) is completed. Any other part of a court-martial sentence may be ordered executed by the convening authority or other person acting on the case under section 860 of this title (article 60) when approved by him under that section.'';

(iv) by redesignating subsection (d) as subsection (c); and

(v) in subsection (c), as so redesignated, by striking '', except a sentence of death''.

(S) GENERAL ARTICLE.—Section 934 of title 10, United States Code (article 134), is amended by striking ''crimes and offenses not capital'' and inserting ''crimes and offenses''

(T) JURISDICTION OF MILITARY COMMISSIONS.—Section 948d(d) of title 10, United States Code, is amended by striking ''including the penalty of death'' and all that follows and inserting ''except death.''.

(U) NUMBER OF MEMBERS OF MILITARY COMMISSIONS.—Subsection (a) of section 948m of title 10, United States Code, is amended to read as follows:

''(a) NUMBER OF MEMBERS.—A military commission under this chapter shall have at least 5 members.''.

(V) NUMBER OF VOTES REQUIRED FOR SENTENCING BY MILITARY COMMISSION.—Section 949m of title 10, United States Code, is amended—

(i) in subsection (b)—

(I) by striking paragraph (1); and

(II) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(ii) by striking subsection (c).

(W) APPELLATE REFERRAL FOR MILITARY COMMISSIONS.—Section 950c of title 10, United States Code, is amended—

(i) in subsection (b)(1), by striking ''except a case in which the sentence as approved under section 950b of this title extends to death,''; and

(ii) in subsection (c), by striking ''Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused'' and inserting ''The accused''.

(X) EXECUTION OF SENTENCE BY MILITARY COMMISSIONS.—

(i) IN GENERAL.—Section 950i of title 10, United States Code, is amended—

(I) in the section heading, by striking ''**; PROCEDURES FOR EXECUTION OF SENTENCE OF DEATH**'';

(II) by striking subsections (b) and (c);

(III) by redesignating subsection (d) as subsection (b); and

(IV) in subsection (b), as so redesignated, by striking '', except a sentence of death''.

(ii) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of title 10, United States Code, is amended by striking the item relating to section 950i and inserting the following new item:

''950i. Execution of sentence.''.

(d) CONFORMING AMENDMENTS.—

(1) REPEAL OF CRIMINAL PROCEDURES RELATING TO IMPOSITION OF DEATH SENTENCE.—

(A) IN GENERAL.—Chapter 228 of title 18, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by striking the item relating to chapter 228.

(2) OTHER PROVISIONS.—

(A) INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS.—Section 2516(1)(a) of title 18, United States Code, is amended by striking ''by death or''.

(B) RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS.—Chapter 207 of title 18, United States Code, is amended—

(i) in section 3142(f)(1)(B), by striking ''or death''; and

(ii) in section 3146(b)(1)(A)(i), by striking ''death, life imprisonment,'' and inserting ''life imprisonment''.

(C) VENUE IN CAPITAL CASES.—Chapter 221 of title 18, United States Code, is amended—

(i) by striking section 3235; and

(ii) in the table of sections, by striking the item relating to section 3235.

(D) PERIOD OF LIMITATIONS.—

(i) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by striking section 3281 and inserting the following:

''§ 3281. Offenses with no period of limitations

''An indictment may be found at any time without limitation for the following offenses:

''(1) A violation of section 274(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)) resulting in the death of any person.

''(2) A violation of section 34 of this title.

''(3) A violation of section 36(b)(2)(A) of this title.

''(4) A violation of section 37(a) of this title that results in the death of any person.

''(5) A violation of section 229A(a)(2) of this title.

''(6) A violation of section 241, 242, 245(b), or 247(a) of this title that—

''(A) results in death; or

''(B) involved kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(7) A violation of subsection (b) or (d) of section 351 of this title.

''(8) A violation of section 794(a) of this title.

''(9) A violation of subsection (d), (f), or (i) of section 844 of this title that results in the death of any person (including any public safety officer performing duties as a direct or proximate result of conduct prohibited by such subsection).

''(10) An offense punishable under subsection (c)(5)(B)(i) or (j)(1) of section 924 of this title.

''(11) An offense punishable under section 1091(b)(1) of this title.

''(12) A violation of section 1111 of this title that is murder in the first degree.

''(13) A violation of section 1118 of this title.

''(14) A violation of subsection (a) or (b) of section 1121 of this title.

''(15) A violation of section 1201(a) of this title that results in the death of any person.

''(16) A violation of section 1203(a) of this title that results in the death of any person.

''(17) An offense punishable under section 1512(a)(3) of this title that is murder (as that term is defined in section 1111 of this title).

''(18) An offense punishable under section 1716(j)(3) of this title.

''(19) A violation of subsection (b) or (d) of section 1751 of this title.

''(20) A violation of section 1958(a) of this title that results in death.

''(21) A violation of section 1959(a) of this title that is murder.

''(22) A violation of subsection (a) (except for a violation of paragraph (8), (9) or (10) of such subsection) or (b) of section 1992 of this title that results in the death of any person.

''(23) A violation of section 2113(e) of this title that results in death.

''(24) An offense punishable under section 2119(3) of this title.

''(25) An offense punishable under section 2245(a) of this title.

''(26) A violation of section 2251 of this title that results in the death of a person.

''(27) A violation of section 2280(a)(1) of this title that results in the death of any person.

''(28) A violation of section 2281(a)(1) of this title that results in the death of any person.

''(29) A violation of section 2282A(a) of this title that causes the death of any person.

''(30) A violation of section 2283(a) of this title that causes the death of any person.

''(31) An offense punishable under section 2291(d) of this title.

''(32) An offense punishable under section 2332(a)(1) of this title.

''(33) A violation of subsection (a) or (b) of section 2332a of this title that results in death.

''(34) An offense punishable under section 2332b(c)(1)(A) of this title.

''(35) A violation of section 2340A(a) of this title that results in the death of any person.

''(36) A violation of section 2381 of this title.

''(37) A violation of section 2441(a) of this title that results in the death of the victim.

''(38) A violation of section 408(e) of the Controlled Substances Act (21 U.S.C. 848(e)).

''(39) An offense punishable under subsection (a)(2)(B) or (b)(1)(B) of section 46502 of title 49.''

(ii) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3281 and inserting the following:

''3281. Offenses with no period of limitations.''.

SEC. 3. PROHIBITION ON IMPOSITION OF DEATH SENTENCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, no person may be sentenced to death or put to death on or after the date of enactment of this Act for any violation of Federal law.

(b) PERSONS SENTENCED BEFORE DATE OF ENACTMENT.—Notwithstanding any other provision of law, any person sentenced to death before the date of enactment of this Act for any violation of Federal law shall serve a sentence of life imprisonment without the possibility of parole.

By Mr. BIDEN (for himself, Mr. MCCONNELL, Mr. MENENDEZ, Mrs. MURRAY, and Mr. SPECTER):

S. 449. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise to introduce the State and Local Law Enforcement Discipline Accountability, and Due Process Act of 2007.

These are trying times for the men and women on our front lines who provide our domestic security and public safety—our Nation's law enforcement personnel. Indeed, they face one of the most difficult work environments imaginable—an average of 165 police officers are killed in the line of duty every year. Our Nation's law enforcement officers put themselves in harms way on a daily basis to ensure the safety of their fellow citizens and the domestic security of our Nation. Nevertheless, many times these brave officers do not receive basic rights if they become involved in internal police investigations or administrative hearings. According to the National Association of Police Organizations, ''[i]n roughly half of the states in this country, officers enjoy some legal protections against false accusations and abusive conduct, but hundreds of thousands of officers have very limited due

process rights and confront limitations on their exercise of other rights, such as the right to engage in political activities.'' Similarly, the Fraternal Order of Police notes that, ''[i]n a startling number of jurisdictions throughout this country, law enforcement officers have no procedural or administrative protections whatsoever; in fact, they can be, and frequently are, summarily dismissed from their jobs without explanation. Officers who lose their careers due to administrative or political expediency almost always find it impossible to find new employment in public safety. An officer's reputation, once tarnished by accusation, is almost impossible to restore.''

The legislation being introduced today, which is endorsed by the Fraternal Order of Police and of the National Association of Police Organizations, seeks to provide officers with certain basic protections in those jurisdictions where such workplace protections are not currently provided. First, this bill allows law enforcement officials to engage in political activities when they are off-duty. Second, it provides standards and procedures to guide State and local law enforcement agencies during internal investigations, interrogations, and administrative disciplinary hearings. Additionally, it calls upon States to develop and enforce these disciplinary procedures. The bill would preempt State laws which confer fewer rights than those provided for in the legislation, but it would not preempt any State or local laws that confer rights or protections that are equal to or exceed the rights and protections afforded in the bill. For example, my own State of Delaware has a law enforcement officers' bill of rights, and those procedures would not be impacted by the provisions of this bill.

This bill will also include important provisions that will enhance the ability of citizens to hold their local police departments accountable. The legislation includes provisions that will ensure citizen complaints against police officers are investigated and that citizens are informed of the outcome of these investigations. The bill balances the rights of police officers with the rights of citizens to raise valid concerns about the conduct of some of these officers. In addition, I have consulted with constitutional experts who have opined that the bill is consistent with Congress' powers under the Commerce Clause and that it does not run afoul of the Supreme Court's Tenth Amendment jurisprudence.

I would also like to note that I understand the objections that many management groups, including the International Association of Chiefs of Police's, have to this measure. I have discussed this with them, and I've pledged that their views will be heard and considered as this bill is debated in Congress. It is my view that we must bridge this gap. Without a meeting of the minds between police management and union officials, the enactment of a meaningful law enforcement officers' bill of rights will be difficult. Law enforcement officials are facing unprecedented challenges, and management and labor simply must work together on this issue and the numerous other issues facing the law enforcement community.

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. 449

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 ''State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2007''.

SEC. 2. FINDINGS AND DECLARATION OF PURPOSE AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) the rights of law enforcement officers to engage in political activity or to refrain from engaging in political activity, except when on duty, or to run as candidates for public office, unless such service is found to be in conflict with their service as officers, are activities protected by the first amendment of the United States Constitution, as applied to the States through the 14th amendment of the United States Constitution, but these rights are often violated by the management of State and local law enforcement agencies;

(2) a significant lack of due process rights of law enforcement officers during internal investigations and disciplinary proceedings has resulted in a loss of confidence in these processes by many law enforcement officers, including those unfairly targeted for their labor organization activities or for their aggressive enforcement of the laws, demoralizing many rank and file officers in communities and States;

(3) unfair treatment of officers has potentially serious long-term consequences for law enforcement by potentially deterring or otherwise preventing officers from carrying out their duties and responsibilities effectively and fairly;

(4) the lack of labor-management cooperation in disciplinary matters and either the perception or the actuality that officers are not treated fairly detrimentally impacts the recruitment of and retention of effective officers, as potential officers and experienced officers seek other careers, which has serious implications and repercussions for officer morale, public safety, and labor-management relations and strife and can affect interstate and intrastate commerce, interfering with the normal flow of commerce;

(5) there are serious implications for the public safety of the citizens and residents of the United States which threatens the domestic tranquility of the United States because of a lack of statutory protections to ensure—

(A) the due process and political rights of law enforcement officers;

(B) fair and thorough internal investigations and interrogations of and disciplinary proceedings against law enforcement officers; and

(C) effective procedures for receipt, review, and investigation of complaints against officers, fair to both officers and complainants; and

(6) resolving these disputes and problems and preventing the disruption of vital police services is essential to the well-being of the United States and the domestic tranquility of the Nation.

(b) DECLARATION OF POLICY.—Congress declares that it is the purpose of this Act and the policy of the United States to—

(1) protect the due process and political rights of State and local law enforcement officers and ensure equality and fairness of treatment among such officers;

(2) provide continued police protection to the general public;

(3) provide for the general welfare and ensure domestic tranquility; and

(4) prevent any impediments to the free flow of commerce, under the rights guaranteed under the United States Constitution and Congress' authority thereunder.

SEC. 3. DISCIPLINE, ACCOUNTABILITY, AND DUE PROCESS OF OFFICERS.

(a) IN GENERAL.—Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781 et seq.) is amended by adding at the end the following:

''SEC. 820. DISCIPLINE, ACCOUNTABILITY, AND DUE PROCESS OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

''(a) DEFINITIONS.—In this section:

''(1) DISCIPLINARY ACTION.—The term 'disciplinary action' means any adverse personnel action, including suspension, reduction in pay, rank, or other employment benefit, dismissal, transfer, reassignment, unreasonable denial of secondary employment, or similar punitive action taken against a law enforcement officer.

''(2) DISCIPLINARY HEARING.—The term 'disciplinary hearing' means an administrative hearing initiated by a law enforcement agency against a law enforcement officer, based on an alleged violation of law, that, if proven, would subject the law enforcement officer to disciplinary action.

''(3) EMERGENCY SUSPENSION.—The term 'emergency suspension' means the temporary action by a law enforcement agency of relieving a law enforcement officer from the active performance of law enforcement duties without a reduction in pay or benefits when the law enforcement agency, or an official within that agency, determines that there is probable cause, based upon the conduct of the law enforcement officer, to believe that the law enforcement officer poses an immediate threat to the safety of that officer or others or the property of others.

''(4) INVESTIGATION.—The term 'investigation'—

''(A) means an action taken to determine whether a law enforcement officer violated a law by a public agency or a person employed by a public agency, acting alone or in cooperation with or at the direction of another agency, or a division or unit within another agency, regardless of a denial by such an agency that any such action is not an investigation; and

''(B) includes—

''(i) asking questions of any other law enforcement officer or non-law enforcement officer;

''(ii) conducting observations;

''(iii) reviewing and evaluating reports, records, or other documents; and

''(iv) examining physical evidence.

''(5) LAW ENFORCEMENT OFFICER.—The terms 'law enforcement officer' and 'officer' have the meaning given the term 'law enforcement officer' in section 1204, except the term does not include a law enforcement officer employed by the United States, or any department, agency, or instrumentality thereof.

''(6) PERSONNEL RECORD.—The term 'personnel record' means any document, whether in written or electronic form and irrespective of location, that has been or may be used in determining the qualifications of a

law enforcement officer for employment, promotion, transfer, additional compensation, termination or any other disciplinary action.

''(7) PUBLIC AGENCY AND LAW ENFORCEMENT AGENCY.—The terms 'public agency' and 'law enforcement agency' each have the meaning given the term 'public agency' in section 1204, except the terms do not include the United States, or any department, agency, or instrumentality thereof.

''(8) SUMMARY PUNISHMENT.—The term 'summary punishment' means punishment imposed—

''(A) for a violation of law that does not result in any disciplinary action; or

''(B) for a violation of law that has been negotiated and agreed upon by the law enforcement agency and the law enforcement officer, based upon a written waiver by the officer of the rights of that officer under subsection (i) and any other applicable law or constitutional provision, after consultation with the counsel or representative of that officer.

''(b) APPLICABILITY.—

''(1) IN GENERAL.—This section sets forth the due process rights, including procedures, that shall be afforded a law enforcement officer who is the subject of an investigation or disciplinary hearing.

''(2) NONAPPLICABILITY.—This section does not apply in the case of—

''(A) an investigation of specifically alleged conduct by a law enforcement officer that, if proven, would constitute a violation of a statute providing for criminal penalties; or

''(B) a nondisciplinary action taken in good faith on the basis of the employment related performance of a law enforcement officer.

''(c) POLITICAL ACTIVITY.—

''(1) RIGHT TO ENGAGE OR NOT TO ENGAGE IN POLITICAL ACTIVITY.—Except when on duty or acting in an official capacity, a law enforcement officer shall not be prohibited from engaging in political activity or be denied the right to refrain from engaging in political activity.

''(2) RIGHT TO RUN FOR ELECTIVE OFFICE.—A law enforcement officer shall not be—

''(A) prohibited from being a candidate for an elective office or from serving in such an elective office, solely because of the status of the officer as a law enforcement officer; or

''(B) required to resign or take an unpaid leave from employment with a law enforcement agency to be a candidate for an elective office or to serve in an elective office, unless such service is determined to be in conflict with or incompatible with service as a law enforcement officer.

''(3) ADVERSE PERSONNEL ACTION.—An action by a public agency against a law enforcement officer, including requiring the officer to take unpaid leave from employment, in violation of this subsection shall be considered an adverse personnel action within the meaning of subsection (a)(1).

''(d) EFFECTIVE PROCEDURES FOR RECEIPT, REVIEW, AND INVESTIGATION OF COMPLAINTS AGAINST LAW ENFORCEMENT OFFICERS.—

''(1) COMPLAINT PROCESS.—Not later than 1 year after the effective date of this section, each law enforcement agency shall adopt and comply with a written complaint procedure that—

''(A) authorizes persons from outside the law enforcement agency to submit written complaints about a law enforcement officer to—

''(i) the law enforcement agency employing the law enforcement officer; or

''(ii) any other law enforcement agency charged with investigating such complaints;

''(B) sets forth the procedures for the investigation and disposition of such complaints;

''(C) provides for public access to required forms and other information concerning the submission and disposition of written complaints; and

''(D) requires notification to the complainant in writing of the final disposition of the complaint and the reasons for such disposition.

''(2) INITIATION OF AN INVESTIGATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an investigation based on a complaint from outside the law enforcement agency shall commence not later than 15 days after the receipt of the complaint by—

''(i) the law enforcement agency employing the law enforcement officer against whom the complaint has been made; or

''(ii) any other law enforcement agency charged with investigating such a complaint.

''(B) EXCEPTION.—Subparagraph (A) does not apply if—

''(i) the law enforcement agency determines from the face of the complaint that each allegation does not constitute a violation of law; or

''(ii) the complainant fails to comply substantially with the complaint procedure of the law enforcement agency established under this section.

''(3) COMPLAINANT OR VICTIM CONFLICT OF INTEREST.—The complainant or victim of the alleged violation of law giving rise to an investigation under this subsection may not conduct or supervise the investigation or serve as an investigator.

''(e) NOTICE OF INVESTIGATION.—

''(1) IN GENERAL.—Any law enforcement officer who is the subject of an investigation shall be notified of the investigation 24 hours before the commencement of questioning of such officer or to otherwise being required to provide information to an investigating agency.

''(2) CONTENTS OF NOTICE.—Notice given under paragraph (1) shall include—

''(A) the nature and scope of the investigation;

''(B) a description of any allegation contained in a written complaint;

''(C) a description of each violation of law alleged in the complaint for which suspicion exists that the officer may have engaged in conduct that may subject the officer to disciplinary action; and

''(D) the name, rank, and command of the officer or any other individual who will be conducting the investigation.

''(f) RIGHTS OF LAW ENFORCEMENT OFFICERS PRIOR TO AND DURING QUESTIONING INCIDENTAL TO AN INVESTIGATION.—If a law enforcement officer is subjected to questioning incidental to an investigation that may result in disciplinary action against the officer, the following minimum safeguards shall apply:

''(1) COUNSEL AND REPRESENTATION.—

''(A) IN GENERAL.—Any law enforcement officer under investigation shall be entitled to effective counsel by an attorney or representation by any other person who the officer chooses, such as an employee representative, or both, immediately before and during the entire period of any questioning session, unless the officer consents in writing to being questioned outside the presence of counsel or representative.

''(B) PRIVATE CONSULTATION.—During the course of any questioning session, the officer shall be afforded the opportunity to consult privately with counsel or a representative, if such consultation does not repeatedly and unnecessarily disrupt the questioning period.

''(C) UNAVAILABILITY OF COUNSEL.—If the counsel or representative of the law enforcement officer is not available within 24 hours of the time set for the commencement of any questioning of that officer, the investigating law enforcement agency shall grant a reasonable extension of time for the law enforcement officer to obtain counsel or representation.

''(2) REASONABLE HOURS AND TIME.—Any questioning of a law enforcement officer under investigation shall be conducted at a reasonable time when the officer is on duty, unless exigent circumstances compel more immediate questioning, or the officer agrees in writing to being questioned at a different time, subject to the requirements of subsections (e) and paragraph (1).

''(3) PLACE OF QUESTIONING.—Unless the officer consents in writing to being questioned elsewhere, any questioning of a law enforcement officer under investigation shall take place—

''(A) at the office of the individual conducting the investigation on behalf of the law enforcement agency employing the officer under investigation; or

''(B) the place at which the officer under investigation reports for duty.

''(4) IDENTIFICATION OF QUESTIONER.—Before the commencement of any questioning, a law enforcement officer under investigation shall be informed of—

''(A) the name, rank, and command of the officer or other individual who will conduct the questioning; and

''(B) the relationship between the individual conducting the questioning and the law enforcement agency employing the officer under investigation.

''(5) SINGLE QUESTIONER.—During any single period of questioning of a law enforcement officer under investigation, each question shall be asked by or through 1 individual.

''(6) REASONABLE TIME PERIOD.—Any questioning of a law enforcement officer under investigation shall be for a reasonable period of time and shall allow reasonable periods for the rest and personal necessities of the officer and the counsel or representative of the officer, if such person is present.

''(7) NO THREATS, FALSE STATEMENTS, OR PROMISES TO BE MADE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no threat against, false or misleading statement to, harassment of, or promise of reward to a law enforcement officer under investigation shall be made to induce the officer to answer any question, give any statement, or otherwise provide information.

''(B) EXCEPTION.—The law enforcement agency employing a law enforcement officer under investigation may require the officer to make a statement relating to the investigation by explicitly threatening disciplinary action, including termination, only if—

''(i) the officer has received a written grant of use and derivative use immunity or transactional immunity by a person authorized to grant such immunity; and

''(ii) the statement given by the law enforcement officer under such an immunity may not be used in any subsequent criminal proceeding against that officer.

''(8) RECORDING.—

''(A) IN GENERAL.—All questioning of a law enforcement officer under an investigation shall be recorded in full, in writing or by electronic device, and a copy of the transcript shall be provided to the officer under investigation before any subsequent period of questioning or the filing of any charge against that officer.

''(B) SEPARATE RECORDING.—To ensure the accuracy of the recording, an officer may utilize a separate electronic recording device, and a copy of any such recording (or

the transcript) shall be provided to the public agency conducting the questioning, if that agency so requests.

''(9) USE OF HONESTY TESTING DEVICES PROHIBITED.—No law enforcement officer under investigation may be compelled to submit to the use of a lie detector, as defined in section 2 of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001).

''(g) NOTICE OF INVESTIGATIVE FINDINGS AND DISCIPLINARY RECOMMENDATION AND OPPORTUNITY TO SUBMIT A WRITTEN RESPONSE.—

''(1) NOTICE.—Not later than 30 days after the conclusion of an investigation under this section, the person in charge of the investigation or the designee of that person shall notify the law enforcement officer who was the subject of the investigation, in writing, of the investigative findings and any recommendations for disciplinary action.

''(2) OPPORTUNITY TO SUBMIT WRITTEN RESPONSE.—

''(A) IN GENERAL.—Not later than 30 days after receipt of a notification under paragraph (1), and before the filing of any charge seeking the discipline of such officer or the commencement of any disciplinary proceeding under subsection (h), the law enforcement officer who was the subject of the investigation may submit a written response to the findings and recommendations included in the notification.

''(B) CONTENTS OF RESPONSE.—The response submitted under subparagraph (A) may include references to additional documents, physical objects, witnesses, or any other information that the law enforcement officer believes may provide exculpatory evidence.

''(h) DISCIPLINARY HEARINGS.—

''(1) NOTICE OF OPPORTUNITY FOR HEARING.—Except in a case of summary punishment or emergency suspension (subject to subsection (k)), before the imposition of any disciplinary action the law enforcement agency shall notify the officer that the officer is entitled to a due process hearing by an independent and impartial hearing officer or board.

''(2) REQUIREMENT OF DETERMINATION OF VIOLATION.—No disciplinary action may be taken against a law enforcement officer unless an independent and impartial hearing officer or board determines, after a hearing and in accordance with the requirements of this subsection, that the law enforcement officer committed a violation of law.

''(3) TIME LIMIT.—No disciplinary charge may be brought against a law enforcement officer unless—

''(A) the charge is filed not later than the earlier of—

''(i) 1 year after the date on which the law enforcement agency filing the charge had knowledge or reasonably should have had knowledge of an alleged violation of law; or

''(ii) 90 days after the commencement of an investigation; or

''(B) the requirements of this paragraph are waived in writing by the officer or the counsel or representative of the officer.

''(4) NOTICE OF HEARING.—Unless waived in writing by the officer or the counsel or representative of the officer, not later than 30 days after the filing of a disciplinary charge against a law enforcement officer, the law enforcement agency filing the charge shall provide written notification to the law enforcement officer who is the subject of the charge, of—

''(A) the date, time, and location of any disciplinary hearing, which shall be scheduled in cooperation with the law enforcement officer, or the counsel or representative of the officer, and which shall take place not earlier than 30 days and not later than 60 days after notification of the hearing is given to the law enforcement officer under investigation;

''(B) the name and mailing address of the independent and impartial hearing officer, or the names and mailing addresses of the independent and impartial hearing board members; and

''(C) the name, rank, command, and address of the law enforcement officer prosecuting the matter for the law enforcement agency, or the name, position, and mailing address of the person prosecuting the matter for a public agency, if the prosecutor is not a law enforcement officer.

''(5) ACCESS TO DOCUMENTARY EVIDENCE AND INVESTIGATIVE FILE.—Unless waived in writing by the law enforcement officer or the counsel or representative of that officer, not later than 15 days before a disciplinary hearing described in paragraph (4)(A), the law enforcement officer shall be provided with—

''(A) a copy of the complete file of the predisciplinary investigation; and

''(B) access to and, if so requested, copies of all documents, including transcripts, records, written statements, written reports, analyses, and electronically recorded information that—

''(i) contain exculpatory information;

''(ii) are intended to support any disciplinary action; or

''(iii) are to be introduced in the disciplinary hearing.

''(6) EXAMINATION OF PHYSICAL EVIDENCE.—Unless waived in writing by the law enforcement officer or the counsel or representative of that officer—

''(A) not later than 15 days before a disciplinary hearing, the prosecuting agency shall notify the law enforcement officer or the counsel or representative of that officer of all physical, non-documentary evidence; and

''(B) not later than 10 days before a disciplinary hearing, the prosecuting agency shall provide a reasonable date, time, place, and manner for the law enforcement officer or the counsel or representative of the law enforcement officer to examine the evidence described in subparagraph (A).

''(7) IDENTIFICATION OF WITNESSES.—Unless waived in writing by the law enforcement officer or the counsel or representative of the officer, not later than 15 days before a disciplinary hearing, the prosecuting agency shall notify the law enforcement officer or the counsel or representative of the officer, of the name and address of each witness for the law enforcement agency employing the law enforcement officer.

''(8) REPRESENTATION.—During a disciplinary hearing, the law enforcement officer who is the subject of the hearing shall be entitled to due process, including—

''(A) the right to be represented by counsel or a representative;

''(B) the right to confront and examine all witnesses against the officer; and

''(C) the right to call and examine witnesses on behalf of the officer.

''(9) HEARING BOARD AND PROCEDURE.—

''(A) IN GENERAL.—A State or local government agency, other than the law enforcement agency employing the officer who is subject of the disciplinary hearing, shall—

''(i) determine the composition of an independent and impartial disciplinary hearing board;

''(ii) appoint an independent and impartial hearing officer; and

''(iii) establish such procedures as may be necessary to comply with this section.

''(B) PEER REPRESENTATION ON DISCIPLINARY HEARING BOARD.—A disciplinary hearing board that includes employees of the law enforcement agency employing the law enforcement officer who is the subject of the hearing, shall include not less than 1 law enforcement officer of equal or lesser rank to the officer who is the subject of the hearing.

''(10) SUMMONSES AND SUBPOENAS.—

''(A) IN GENERAL.—The disciplinary hearing board or independent hearing officer—

''(i) shall have the authority to issue summonses or subpoenas, on behalf of—

''(I) the law enforcement agency employing the officer who is the subject of the hearing; or

''(II) the law enforcement officer who is the subject of the hearing; and

''(ii) upon written request of either the law enforcement agency or the officer, shall issue a summons or subpoena, as appropriate, to compel the appearance and testimony of a witness or the production of documentary evidence.

''(B) EFFECT OF FAILURE TO COMPLY WITH SUMMONS OR SUBPOENA.—With respect to any failure to comply with a summons or a subpoena issued under subparagraph (A)—

''(i) the disciplinary hearing officer or board shall petition a court of competent jurisdiction to issue an order compelling compliance; and

''(ii) subsequent failure to comply with such a court order issued pursuant to a petition under clause (i) shall—

''(I) be subject to contempt of a court proceedings according to the laws of the jurisdiction within which the disciplinary hearing is being conducted; and

''(II) result in the recess of the disciplinary hearing until the witness becomes available to testify and does testify or is held in contempt.

''(11) CLOSED HEARING.—A disciplinary hearing shall be closed to the public unless the law enforcement officer who is the subject of the hearing requests, in writing, that the hearing be open to specified individuals or to the general public.

''(12) RECORDING.—All aspects of a disciplinary hearing, including pre-hearing motions, shall be recorded by audio tape, video tape, or transcription.

''(13) SEQUESTRATION OF WITNESSES.—Either side in a disciplinary hearing may move for and be entitled to sequestration of witnesses.

''(14) TESTIMONY UNDER OATH.—The hearing officer or board shall administer an oath or affirmation to each witness, who shall testify subject to the laws of perjury of the State in which the disciplinary hearing is being conducted.

''(15) FINAL DECISION ON EACH CHARGE.—

''(A) IN GENERAL.—At the conclusion of the presentation of all the evidence and after oral or written argument, the hearing officer or board shall deliberate and render a written final decision on each charge.

''(B) FINAL DECISION ISOLATED TO CHARGE BROUGHT.—The hearing officer or board may not find that the law enforcement officer who is the subject of the hearing is liable for disciplinary action for any violation of law as to which the officer was not charged.

''(16) BURDEN OF PERSUASION AND STANDARD OF PROOF.—The burden of persuasion or standard of proof of the prosecuting agency shall be—

''(A) by clear and convincing evidence as to each charge alleging false statement or representation, fraud, dishonesty, deceit, moral turpitude, or criminal behavior on the part of the law enforcement officer who is the subject of the charge; and

''(B) by a preponderance of the evidence as to all other charges.

''(17) FACTORS OF JUST CAUSE TO BE CONSIDERED BY THE HEARING OFFICER OR BOARD.—A law enforcement officer who is the subject of a disciplinary hearing shall not be found guilty of any charge or subjected to any disciplinary action unless the disciplinary hearing board or independent hearing officer finds that—

''(A) the officer who is the subject of the charge could reasonably be expected to have

had knowledge of the probable consequences of the alleged conduct set forth in the charge against the officer;

''(B) the rule, regulation, order, or procedure that the officer who is the subject of the charge allegedly violated is reasonable;

''(C) the charging party, before filing the charge, made a reasonable, fair, and objective effort to discover whether the officer did in fact violate the rule, regulation, order, or procedure as charged;

''(D) the charging party did not conduct the investigation arbitrarily or unfairly, or in a discriminatory manner, against the officer who is the subject of the charge, and the charge was brought in good faith; and

''(E) the proposed disciplinary action reasonably relates to the seriousness of the alleged violation and to the record of service of the officer who is the subject of the charge.

''(18) NO COMMISSION OF A VIOLATION.—If the officer who is the subject of the disciplinary hearing is found not to have committed the alleged violation—

''(A) the matter is concluded;

''(B) no disciplinary action may be taken against the officer;

''(C) the personnel record of that officer shall not contain any reference to the charge for which the officer was found not guilty; and

''(D) any pay and benefits lost or deferred during the pendency of the disposition of the charge shall be restored to the officer as though no charge had ever been filed against the officer, including salary or regular pay, vacation, holidays, longevity pay, education incentive pay, shift differential, uniform allowance, lost overtime, or other premium pay opportunities, and lost promotional opportunities.

''(19) COMMISSION OF A VIOLATION.—

''(A) IN GENERAL.—If the officer who is the subject of the charge is found to have committed the alleged violation, the hearing officer or board shall make a written recommendation of a penalty to the law enforcement agency employing the officer or any other governmental entity that has final disciplinary authority, as provided by applicable State or local law.

''(B) PENALTY.—The employing agency or other governmental entity may not impose a penalty greater than the penalty recommended by the hearing officer or board.

''(20) APPEAL.—Any officer who has been found to have committed an alleged violation may appeal from a final decision of a hearing officer or hearing board to a court of competent jurisdiction or to an independent neutral arbitrator to the extent available in any other administrative proceeding under applicable State or local law, or a collective bargaining agreement.

''(i) WAIVER OF RIGHTS.—

''(1) IN GENERAL.—An officer who is notified that the officer is under investigation or is the subject of a charge may, after such notification, waive any right or procedure guaranteed by this section.

''(2) WRITTEN WAIVER.—A written waiver under this subsection shall be—

''(A) in writing; and

''(B) signed by—

''(i) the officer, who shall have consulted with counsel or a representative before signing any such waiver; or

''(ii) the counsel or representative of the officer, if expressly authorized by subsection (h).

''(j) SUMMARY PUNISHMENT.—Nothing in this section shall preclude a public agency from imposing summary punishment.

''(k) EMERGENCY SUSPENSION.—Nothing in this section may be construed to preclude a law enforcement agency from imposing an emergency suspension on a law enforcement officer, except that any such suspension shall—

''(1) be followed by a hearing in accordance with the requirements of subsection (h); and

''(2) not deprive the affected officer of any pay or benefit.

''(l) RETALIATION FOR EXERCISING RIGHTS.—There shall be no imposition of, or threat of, disciplinary action or other penalty against a law enforcement officer for the exercise of any right provided to the officer under this section.

''(m) OTHER REMEDIES NOT IMPAIRED.—Nothing in this section may be construed to impair any other right or remedy that a law enforcement officer may have under any constitution, statute, ordinance, order, rule, regulation, procedure, written policy, collective bargaining agreement, or any other source.

''(n) DECLARATORY OR INJUNCTIVE RELIEF.—A law enforcement officer who is aggrieved by a violation of, or is otherwise denied any right afforded by, the Constitution of the United States, a State constitution, this section, or any administrative rule or regulation promulgated pursuant thereto, may file suit in any Federal or State court of competent jurisdiction for declaratory or injunctive relief to prohibit the law enforcement agency from violating or otherwise denying such right, and such court shall have jurisdiction, for cause shown, to restrain such a violation or denial.

''(o) PROTECTION OF LAW ENFORCEMENT OFFICER PERSONNEL FILES.—

''(1) RESTRICTIONS ON ADVERSE MATERIAL MAINTAINED IN OFFICERS' PERSONNEL RECORDS.—

''(A) IN GENERAL.—Unless the officer has had an opportunity to review and comment, in writing, on any adverse material generated after the effective date of the State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2007 to be included in a personnel record relating to the officer, no law enforcement agency or other governmental entity may—

''(i) include the adverse material in that personnel record; or

''(ii) possess or maintain control over the adverse material in any form as a personnel record within the law enforcement agency or elsewhere in the control of the employing governmental entity.

''(B) RESPONSIVE MATERIAL.—Any responsive material provided by an officer to adverse material included in a personnel record pertaining to the officer shall be—

''(i) attached to the adverse material; and

''(ii) released to any person or entity to whom the adverse material is released in accordance with law and at the same time as the adverse material is released.

''(2) RIGHT TO INSPECTION OF, AND RESTRICTIONS ON ACCESS TO INFORMATION IN, THE OFFICER'S OWN PERSONNEL RECORDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a law enforcement officer shall have the right to inspect all of the personnel records of the officer not less than annually.

''(B) RESTRICTIONS.—A law enforcement officer shall not have access to information in the personnel records of the officer if the information—

''(i) relates to the investigation of alleged conduct that, if proven, would constitute or have constituted a definite violation of a statute providing for criminal penalties, but as to which no formal charge was brought;

''(ii) contains letters of reference for the officer;

''(iii) contains any portion of a test document other than the results;

''(iv) is of a personal nature about another officer, and if disclosure of that information in non-redacted form would constitute a clearly unwarranted intrusion into the privacy rights of that other officer; or

''(v) is relevant to any pending claim brought by or on behalf of the officer against the employing agency of that officer that may be discovered in any judicial or administrative proceeding between the officer and the employer of that officer.

''(p) STATES' RIGHTS.—

''(1) IN GENERAL.—Nothing in this section may be construed—

''(A) to preempt any State or local law, or any provision of a State or local law, in effect on the date of enactment of the State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2007, that confers a right or a protection that equals or exceeds the right or protection afforded by this section; or

''(B) to prohibit the enactment of any State or local law that confers a right or protection that equals or exceeds a right or protection afforded by this section.

''(2) STATE OR LOCAL LAWS PREEMPTED.—A State or local law, or any provision of a State or local law, that confers fewer rights or provides less protection for a law enforcement officer than any provision in this section shall be preempted by this section.

''(q) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this section may be construed to—

''(1) preempt any provision in a mutually agreed-upon collective bargaining agreement, in effect on the date of enactment of the State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2007, that provides for substantially the same or a greater right or protection afforded under this section; or

''(2) prohibit the negotiation of any additional right or protection for an officer who is subject to any collective bargaining agreement.''.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after the item relating to section 819 the following:

''Sec. 820. Discipline, accountability, and due process of State and local law enforcement officers.''.

SEC. 4. PROHIBITION OF FEDERAL CONTROL OVER STATE AND LOCAL CRIMINAL JUSTICE AGENCIES.

Nothing in this Act or the amendments made by this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control of any police force or any criminal justice agency of any State or any political subdivision thereof.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect with respect to each State on the earlier of—

(1) 2 years after the date of enactment of this Act; or

(2) the conclusion of the second legislative session of the State that begins on or after the date of enactment of this Act.

By Mr. AKAKA (for himself, Mr. COCHRAN, Mr. DODD, Mr. FEINGOLD, and Mr. DURBIN):

S. 451. A bill to establish a National Foreign language Coordination Council; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I am pleased to reintroduce the National Foreign Language Coordination Act with my colleagues Senators THAD COCHRAN, CHRISTOPHER DODD, and RUSSELL FEINGOLD. We are joined by

Representative BRIAN BAIRD, who is offering a companion bill in the House of Representatives today as well.

The legislation we introduce today would implement a key recommendation of the 2004 Department of Defense, DOD, National Language Conference to establish a National Foreign Language Coordination Council, chaired by a National Language Director. An integrated foreign language strategy and sustained leadership within the Federal Government is needed to address the lack of foreign language proficient speakers in government and in business. Without such a coordinated strategy, I fear that the country's national and economic security will be at greater risk.

The communications failures of 9/11 clearly demonstrate that we can no longer ignore the consequence of our citizens being unable to converse fluently in languages other than English. The fact that only 9.3 percent of all Americans speak both their native languages and another language fluently, compared with 56 percent of people in the European Union is troubling. The Iraq Study Group reported last month that of the 1,000 American embassy employees in Baghdad, only 33 speak Arabic, and just 6 of them are fluent in this critical language. The shortfall of skilled linguists prompted the Iraq Study Group to recommend that ''The Secretary of State, the Secretary of Defense, and the Director of National Intelligence should accord the highest possible priority to professional language proficiency and cultural training, in general and specifically for U.S. officers and personnel about to be assigned to Iraq.''

The Federal Government has an essential role to play by collaborating with educators, State and local governments, foreign language associations, and the private sector to increase the number of Americans who speak and understand foreign languages. A National Foreign Language Coordination Council brings these diverse interests together to shape a much needed, comprehensive approach. Just as I have advocated the need for deputy secretaries for management at the Departments of Defense and Homeland Security to direct and sustain management leadership, I envision a National Language Director to be responsible for maintaining and leading a cooperative effort to strengthen our foreign language capabilities.

Our Nation's security is at risk without a sufficient number of foreign language proficient individuals. Counterterrorism intelligence will go untranslated and opportunities will be missed. Equally important is preserving the economic competitiveness of the United States. Globalization means that Americans must compete for jobs in a marketplace no longer confined to the boundaries of the United States. In short, both the security and economic vitality of the United States are tied to improving foreign language education. However, according to the Committee on Economic Development, many of our schools do not have foreign language programs that address the educational challenges of the 21st century. Many American students lack sufficient knowledge of other countries, languages, and cultures to compete effectively in the global marketplace.

Specifically, our bill ensures that the key recommendations of the DOD National Language Conference will be implemented by: Developing policies and programs that build the Nation's language and cultural understanding capability; engaging Federal, State, and local agencies and the private sector in solutions; developing language and cultural competency across public and private sectors; developing language skills in a wide range of critical languages; strengthening our education system, programs, and tools in foreign languages and cultures; and integrating language training into career fields and increase the number of language professionals.

Last week, the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, which I chair, held a hearing on the Federal Government's language strategy. Dr. Diane Birckbichler, director of the Foreign Language Center and chair of the Departments of French and Italian at Ohio State University, testified that ''if there is a national language strategy, it isn't very well known.'' She further recommended the development of a national language policy to create a language-ready workforce for the future.

To strengthen the role of the United States in the world, our country must ensure that there is a sufficient number of individuals who are proficient in languages other than their native languages. Increasing foreign language skills enhances national security, just as increasing foreign language skills enhances the ability of Americans to compete on a more global playing field.

I ask my colleagues to support this legislation and 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. 451

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

SECTION 1. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) SHORT TITLE.—This Act may be cited as the ''National Foreign Language Coordination Act of 2007''.

(b) ESTABLISHMENT.—There is established in the Executive Office of the President a National Foreign Language Coordination Council (in this section referred to as the ''Council'').

(c) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The National Language Director, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.

(9) The Director of the Office of Personnel Management.

(10) The Director of the Office of Management and Budget.

(11) The Secretary of Commerce.

(12) The Secretary of Health and Human Services.

(13) The Secretary of the Treasury.

(14) The Secretary of Housing and Urban Development.

(15) The Secretary of Agriculture.

(16) The Chairman and President of the Export-Import Bank of the United States.

(17) The heads of such other Federal agencies as the Council considers appropriate.

(d) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) overseeing, coordinating, and implementing the National Security Language Initiative;

(B) developing a national foreign language strategy, building upon the efforts of the National Security Language Initiative, within 18 months after the date of the enactment of this section, in consultation with—

(i) State and local government agencies;

(ii) academic sector institutions;

(iii) foreign language related interest groups;

(iv) business associations;

(v) industry;

(vi) heritage associations; and

(vii) other relevant stakeholders;

(C) conducting a survey of the status of Federal agency foreign language and area expertise and agency needs for such expertise; and

(D) monitoring the implementation of such strategy through—

(i) application of current and recently enacted laws; and

(ii) the promulgation and enforcement of rules and regulations.

(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—

(A) recommendations for amendments to title 5, United States Code, in order to improve the ability of the Federal Government to recruit and retain individuals with foreign language proficiency and provide foreign language training for Federal employees;

(B) the long term goals, anticipated effect, and needs of the National Security Language Initiative;

(C) identification of crucial priorities across all sectors;

(D) identification and evaluation of Federal foreign language programs and activities, including—

(i) any duplicative or overlapping programs that may impede efficiency;

(ii) recommendations on coordination;

(iii) program enhancements; and

(iv) allocation of resources so as to maximize use of resources;

(E) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness during the next 20 to 50 years;

(F) effective ways to increase public awareness of the need for foreign language skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—

(i) Federal, State, and local leaders;
(ii) students;
(iii) parents;
(iv) elementary, secondary, and postsecondary educational institutions; and
(v) employers;
(G) recommendations for incentives for related educational programs, including foreign language teacher training;
(H) coordination of cross-sector efforts, including public-private partnerships;
(I) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign language research into issues of national concern;
(J) recommendations for assistance for—
(i) the development of foreign language achievement standards; and
(ii) corresponding assessments for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;
(K) recommendations for development of—
(i) language skill-level certification standards;
(ii) frameworks for pre-service and professional development study for those who teach foreign language;
(iii) suggested graduation criteria for foreign language studies and appropriate non-language studies, such as—
(I) international business;
(II) national security;
(III) public administration;
(IV) health care;
(V) engineering;
(VI) law;
(VII) journalism; and
(VIII) sciences;
(L) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community; and
(M) recommendations for overcoming barriers in foreign language proficiency.
(3) NATIONAL SECURITY LANGUAGE INITIATIVE.—The term ''National Security Language Initiative'' means the comprehensive national plan of the President announced on January 5, 2006, and under the direction of the Secretaries of State, Education, and Defense and the Director of National Intelligence to expand foreign language education for national security purposes in the United States.
(e) SUBMISSION OF STRATEGY TO PRESIDENT AND CONGRESS.—Not later than 18 months after the date of enactment of this section, the Council shall prepare and transmit to the President and the relevant committees of Congress the strategy required under subsection (d).
(f) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.
(g) STAFF.—
(1) IN GENERAL.—The Director may—
(A) appoint, without regard to the provisions of title 5, United States Code, governing the competitive service, such personnel as the Director considers necessary; and
(B) compensate such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title.
(2) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.
(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.
(4) TRAVEL EXPENSES.—Council members and staff 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 Council.
(5) SECURITY CLEARANCE.—
(A) IN GENERAL.—Subject to subparagraph (B), the appropriate Federal agencies or departments shall cooperate with the Council in expeditiously providing to the Council members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.
(B) EXCEPTION.—No person shall be provided with access to classified information under this section without the appropriate required security clearance access.
(6) COMPENSATION.—The rate of pay for any employee of the Council (including the Director) may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(h) POWERS.—
(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.
(2) INFORMATION.—
(A) COUNCIL AUTHORITY TO SECURE.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, including The Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and Department of Education's General Education Provisions Act (20 U.S.C. 1232(h)), the Council considers necessary to carry out its responsibilities.
(B) REQUIREMENT TO FURNISH REQUESTED INFORMATION.—Upon request of the Director, the head of such agency shall furnish such information to the Council.
(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.
(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(i) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this section, the Council—
(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;
(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and
(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(j) ANNUAL REPORT.—
(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Council shall prepare and transmit to the President and the relevant committees of Congress a report that describes—
(A) the activities of the Council;
(B) the efforts of the Council to improve foreign language education and training; and
(C) impediments to the use of a National Foreign Language program, including any statutory and regulatory restrictions.
(2) RELEVANT COMMITTEES.—For purposes of paragraph (1), the relevant committees of Congress include—
(A) in the House of Representatives—
(i) the Committee on Appropriations;
(ii) the Committee on Armed Services;
(iii) the Committee on Education and Labor;
(iv) the Committee on Oversight and Government Reform;
(v) the Committee on Small Business;
(vi) the Committee on Foreign Affairs; and
(vii) the Permanent Select Committee on Intelligence;
(B) in the Senate—
(i) the Committee on Appropriations;
(ii) the Committee on Armed Services;
(iii) the Committee on Health, Education, Labor, and Pensions;
(iv) the Committee on Homeland Security and Governmental Affairs;
(v) the Committee on Foreign Relations; and
(vi) the Select Committee on Intelligence.

(k) ESTABLISHMENT OF A NATIONAL LANGUAGE DIRECTOR.—
(1) IN GENERAL.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recognized individual with credentials and abilities across the sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.
(2) RESPONSIBILITIES.—The National Language Director shall—
(A) develop and monitor the implementation of a national foreign language strategy, built upon the efforts of the National Security Language Initiative, across all sectors;
(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and
(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(l) ENCOURAGEMENT OF STATE INVOLVEMENT.—
(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.
(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(m) CONGRESSIONAL NOTIFICATION.—The Council shall provide to Congress such information as may be requested by Congress, through reports, briefings, and other appropriate means.

(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

By Mr. OBAMA (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. CARDIN, Mr. FEINGOLD, Mr. KERRY, Mrs. FEINSTEIN, Mrs. CLINTON, Mrs. BOXER, and Mr. KENNEDY):

S. 453. A bill to prohibit deceptive practices in Federal elections; to the Committee on the Judiciary.

Mr. OBAMA. Mr. President, I am pleased to introduce a bill today that seeks to address the all-too-common efforts to deceive voters in order to keep them away from the polls.

It's hard to imagine that we even need a bill like this. But, unfortunately, there are people who will stop at nothing to try to deceive voters and keep them away from the polls. What's worse, these practices often target and exploit vulnerable populations, such as minorities, the disabled, or the poor.

We saw countless examples in this past election. Some of us remember the thousands of Latino voters in Orange County, California, who received letters warning them in Spanish that, ''if you are an immigrant, voting in a federal election is a crime that can result in incarceration.''

Or the voters in Maryland who received a ''democratic sample ballot'' featuring a Republican candidate for Governor and a Republican candidate for U.S. Senator.

Or the voters in Virginia who received calls from a so-called ''Virginia Elections Commission'' informing them—falsely—that they were ineligible to vote.

Or the voters who were told that they couldn't vote if they had family members who had been convicted of a crime.

Of course, these so-called warnings have no basis in fact, and are made with only one goal in mind—to keep Americans away from the polls. We see these problems year after year and election and after election, and my hope is that this bill will finally stop these practices in time for the next election.

That is why I am reintroducing the Deceptive Practices and Voter Intimidation Prevention Act. It's a bill that makes voter intimidation and deception punishable by law, and it contains strong penalties so that people who commit these crimes suffer more than just a slap on the wrist. The bill also seeks to address the real harm of these crimes—people who are prevented from voting by misinformation—by establishing a process for reaching out to these misinformed voters with accurate information so they can cast their votes in time.

Senator SCHUMER has joined me in introducing this legislation, and we are joined by our colleagues, Senator PATRICK LEAHY, Chairman of the Judiciary Committee, and Senators CARDIN, FEINGOLD, KERRY, FEINSTEIN and CLINTON as original co-sponsors to this bill.

There are some issues in this country that are inherently difficult and political. Making sure that every American can cast a ballot shouldn't be one of them. There is no place for politics in this debate—no room for those who feel that they can gain a partisan advantage by keeping people away from the polls. It's time to get this done in a bipartisan fashion, and I believe this bill can make it happen.

I ask unanimous consent that a New York Times editorial from January 31, 2007, be printed in the RECORD.

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

[From the New York Times, Jan. 31, 2007]

HONESTY IN ELECTIONS

On Election Day last fall in Maryland, fliers were handed out in black neighborhoods with the heading ''Democratic Sample Ballot'' and photos of black Democratic leaders—and boxes checked off beside the names of the Republican candidates for senator and governor. They were a blatant attempt to fool black voters into thinking the Republican candidates were endorsed by black Democrats. In Orange County, Calif., 14,000 Latino voters got letters in Spanish saying it was a crime for immigrants to vote in a federal election. It didn't say that immigrants who are citizens have the right to vote.

Dirty tricks like these turn up every election season, in large part because they are so rarely punished. But two Democratic senators, Barack Obama of Illinois and Charles Schumer of New York, are introducing a bill today that would make deceiving or intimidating voters a federal crime with substantial penalties.

The bill aims at some of the most commonly used deceptive political tactics. It makes it a crime to knowingly tell voters the wrong day for an election. There have been numerous reports of organized efforts to use telephones, leaflets or posters to tell voters, especially in minority areas, not to vote on Election Day because voting has been postponed.

The bill would also criminalize making false claims to voters about who has endorsed a candidate, or wrongly telling people—like immigrants who are registered voters in Orange County—that they cannot vote.

Along with defining these crimes and providing penalties of up to five years' imprisonment, the bill would require the Justice Department to counteract deceptive election information that has been put out, and to report to Congress after each election on what deceptive practices occurred and what the Justice Department did about them.

The bill would also allow individuals to go to court to stop deceptive practices while they are happening. That is important, given how uninterested the current Justice Department has proved to be in cracking down on election season dirty tricks.

The bill is careful to avoid infringing on First Amendment rights, and that is the right course. But in steering clear of regulating speech, it is not clear how effective the measure would be in addressing one of the worst dirty tricks of last fall's election: a particular kind of deceptive ''robocall'' that was used against Democratic Congressional candidates. These calls, paid for by the Republicans, sounded as if they had come from the Democrat; when a recipient hung up, the call was repeated over and over. The intent was clearly to annoy the recipients so they would not vote for the Democrat.

While there are already laws that can be used against this sort of deceptive telephone harassment, a more specific bill aimed directly at these calls is needed. But the bill being introduced today is an important step toward making elections more honest and fair. There is no reason it should not be passed by Congress unanimously.

Mr. SCHUMER. Mr. President, I rise today to join with Senator OBAMA in introducing landmark legislation to protect the most sacred right of our democracy: the right to vote. The Obama-Schumer Deceptive Practices and Voter Intimidation Prevention Act of 2007 will end the deceptive practices that have become far too common in recent elections.

At the outset, I want to commend my colleague from Illinois, Senator OBAMA, for his leadership on this important issue. It has been a great pleasure to work with him to draft this bill. I am also proud that we are joined by Senators LEAHY, CARDIN, FEINGOLD, KERRY, FEINSTEIN, and CLINTON as original cosponsors of this legislation.

We all know that there is an urgent need for this legislation. The right to vote is the wellspring of our democracy. Yet Americans have been profoundly shocked and disgusted in recent elections to see so many cynical attempts to lie to voters in order to keep them from casting their ballots.

Let me give just a few examples. In last year's mid-term election, letters in Spanish were sent to voters in Orange County, CA, stating that it is a crime for an immigrant to vote. In fact, immigrants who are naturalized citizens have the right to vote just as any other American citizen does.

In 2006, as well, fliers were handed out on election day in Maryland that gave the impression that top Republican candidates for office were Democratic candidates and were endorsed by prominent African Americans. These fliers were a clear and deliberate attempt to mislead voters.

In Virginia, registered voters received recorded calls that falsely stated that the recipient of the call was registered in another State and would face criminal charges if they came to the polls.

These dirty tricks are not new. In 2002, fliers were distributed in public housing complexes in Louisiana, telling people that they could cast their votes 3 days after election day if the weather was bad.

These schemes insult the intelligence of those they target, and they insult our democracy. Yet they actually seem to be growing more common. The shameful reality is that today, Federal law does not prohibit wrongdoers from spreading these lies.

It is high time for Congress to do something about this disgraceful state of affairs. The Obama-Schumer bill creates a new offense of voter deception. Under our legislation, anyone who intentionally lies to voters about certain key information will now face both civil penalties and criminal punishment of up to 5 years in prison or a $100,000 fine.

The Obama-Schumer bill covers the facts that are most critical for reaching the polls—facts like where, when,

and how you can vote; whether you are eligible to vote; or whether an organization has actually endorsed a candidate. When voters are being misled about these core facts, the right to vote is nothing more than a hollow promise. It is a real threat to the right to vote when criminal elements are deliberately lying about something as basic—yet as important—as the date of the election. These types of lies are the poll taxes of today. They are being used to build a barrier around polling places and to disenfranchise voters in the most cynical and destructive way.

Even when misinformation campaigns are not successful, because voters are too smart and too determined to reach the polls, these deceptive practices make a mockery out of the great tradition of American democracy. These despicable attempts have gone unpunished for far too long. The Obama-Schumer bill provides strong penalties to deter and punish the offense of voter deception.

The Obama-Schumer bill will also increase the maximum penalty for voter intimidation from 1 year to 5 years in prison. Someone who tries to keep voters away from the polls with threats should not be released with a slap on the wrist, and our bill will create real penalties for this crime.

Finally, our legislation also ensures that lies do not go unanswered and pass for truth. Under the Obama-Schumer bill, the Department of Justice will be responsible for getting the correct information out to voters so that they can get to the polls and cast their vote without undue confusion.

As a check on whether elections are being tainted by these practices, after each election, the Attorney General will have to report to Congress about allegations of voter deception and how they were handled. We want to make sure that the Department of Justice uses the new tools that would be provided under this bill. The Attorney General's reports will give us a foundation for vigorous oversight.

Let me also be clear about what this legislation does not do. Senator OBAMA and I have taken great care to craft a bill that will not run afoul of the first amendment or prevent Americans from expressing their political opinions. Our bill strikes a balance between the need for political debate and the fundamental right to vote. It is narrowly tailored: it applies only to activities within 60 days prior to an election, and it covers only the key facts that voters need to reach the polls and cast their votes without interference. This bill will not limit legitimate debate, and it will not punish honest mistakes. It is clear from the dirty tricks that America has witnessed in recent elections that the Congress has a compelling interest in protecting the right to vote by regulating false speech that disenfranchises voters. We have a responsibility to act on that interest for the sake of all Americans.

The Obama-Schumer Deceptive Practices and Voter Intimidation Prevention Act of 2007 will finally criminalize efforts to keep voters away from the polls with deliberate lies. I hope and trust that the Congress will take up our bill and pass it without delay.

Mr. LEAHY. Mr. President, today, I join Senators OBAMA, SCHUMER, CARDIN, FEINSTEIN, FEINGOLD, CLINTON, and KERRY to introduce the Deceptive Practices and Voter Intimidation Prevention Act of 2007, a measure that would create new protections and expand existing protections against the use of deceptive practices in elections.

There are few things as critical to the fabric of our Nation, and to American citizenship, as voting. The right to vote and to have your vote count is a foundational right, like our first amendment rights, because it secures the effectiveness of other protections. The legitimacy of our government is dependent on the access all Americans have to the political process.

We saw last year in nearly 20 hearings in the House and Senate on the reauthorization of the Voting Rights Act that there is a continuing need for the vital voting rights protections that landmark civil rights law provides for all Americans. But our need to protect the effective access of voters to the political process does not stop with those vital protections against discrimination. I am concerned about increasing efforts on behalf of some candidates and political parties to interfere with recent elections and undermine the participation of many voters. So today we take another step toward protecting the exercise of the effective exercise of voting rights by ensuring that the access to vote is not undermined by those who would take away that access through deceit and false information.

The Deceptive Practices and Voter Intimidation Prevention Act of 2007 would provide additional tools and criminal penalties to help combat the kinds of practices used during the 2006 midterms in places like Maryland and Virginia. In Maryland, Republican leaders admitted to distributing misleading flyers in African-American communities on election day suggesting that prominent African-American Democrats supported Republican candidates. In Virginia, the FBI has investigated calls received by many voters in heavily Democratic precincts directing them to the wrong polling sites, giving incorrect information about their eligibility to vote, or encouraging them not to vote on election day. I supported a similar bill, S. 1975, in the last Congress, and I hope that we can move forward in this Congress.

Regrettably, the problems leading up to and on election day last year were not limited to a few isolated incidents. In the ninth precinct in Tucson, AZ, an area with a heavy percentage of Latino voters, it has been reported that three vigilantes armed with a clipboard, a video camera, and a visible firearm stopped only Latino voters as they entered and exited the polls on election day, issuing implied and overt threats. In Orange County, CA, Republican congressional candidate Tan Nguyen admitted that his campaign staffer sent letters to 73,000 households, spreading misinformation about voting requirements apparently designed to suppress Latino voter turnout.

In letters to the Attorney General and other officials at the Justice Department and in oversight hearings last November and 2 weeks ago, we have asked the Justice Department for more information about what it has been doing to investigate and combat these practices. In the information we have obtained so far, it is apparent that the Justice Department has not done enough and additional tools are needed.

The Deceptive Practices and Voter Intimidation Prevention Act of 2007 would expand the conduct currently prohibited by law to include the dissemination of false information within 60 days of an election about the time, place, and manner of the election, the qualifications for voter eligibility, or the sponsor of public communications about an election. In addition, it would provide new means of enforcing these prohibitions and combating such dissemination: it creates a private right of action for persons aggrieved by the dissemination of such false information; it provides criminal penalties for such false dissemination of up to 5 years and $100,000; and it provides that any person may report such false dissemination to the Attorney General, and if it is determined that such information is false or deliberately misleading, the Justice Department would be required to take action to provide corrective information. In addition, this bill provides an additional tool for effective oversight by requiring the Attorney General to report to Congress on allegations of the dissemination of false information within 90 days of an election.

By passing this bill and enacting it into law, we can continue our march towards a more inclusive democracy for all Americans.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator OBAMA and our other colleagues in sponsoring the Deceptive Practices and Voter Intimidation Prevention Act, because it addresses an essential aspect of voting rights. For too long, we've ignored the festering problem of deceptive practices intended to intimidate and deceive voters in our national elections and suppress the vote of certain minority groups for partisan gain. The problem is a continuing threat to our democracy, and it's up to our new Congress to outlaw such practices, and I commend the Senator from Illinois for his leadership on this basic challenge.

In doing so, we must be vigilant to ensure that the bill does not erode the important division of responsibility in the Department of Justice between civil rights enforcement by the Civil Rights Division and the efforts by the Criminal Division to combat voter fraud. That division of responsibility is essential to convincing voters, particularly those in poor or minority communities to have the trust necessary to work with the Civil Rights Division and to inform it of possible civil rights violations. The bill should clearly provide that, as traditionally has been the case, the Voting Section of the Civil Rights Division may not investigate matters of voter fraud, although it

may provide technical advice and assistance to other parts of the Department in carrying out the requirements of this legislation.

We also need to guarantee that additional resources are appropriated to carry out the bill's requirements, so that resources will not be diverted from other important law enforcement activities of the Department.

In addition, we must ensure that the bill's civil and criminal provisions are not misused to erode voter participation even further, particularly among poor and minority voters by wrongly targeting voter registration activities or chilling legitimate get-out-the-vote efforts by organizations serving the public interest.

I look forward very much to working with my colleagues to deal with these specific issues, and to enact this important new measure as part of our fundamental responsibility to protect the most basic right in our democracy, the right to vote.

By Ms. COLLINS:

S. 454. A bill to provide an increase in funding for Federal Pell Grants, to amend the Internal Revenue Code of 1986 in order to expand the deduction for interest paid on student loans, raise the contribution limits for Coverdell Education Savings Accounts, and make the exclusion for employer provided educational assistance permanent, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Improving Access to Higher Education Act. This legislation would provide an increase in the maximum Pell grant award to $5,100, as well as additional benefits to help make higher education more accessible and affordable.

Our system of higher education is, in many ways, the envy of the world, but its benefits have not been equally available. Unfortunately, family income still largely determines whether students will pursue higher education. Students from families with incomes above $75,000 are more than twice as likely to attend college as students from families with incomes of less than $25,000.

To help remedy these inequities, the Federal Government has committed itself to a need-based system of student financial aid designed to help remove the economic barriers to higher education. Central to this effort over the past 30 years has been the Pell grant program.

The Pell Grant Program is the largest source of Federal grant aid and the cornerstone of our Federal need-based aid system. In 2006, the Pell program provided approximately $13 billion in grant aid to more than 5.3 million students. Students with the greatest need receive the maximum Pell award, which is currently set at $4,050. And Pell grants are truly targeted to the neediest of students—Pell recipients have a median family income of only $15,200.

Because of the central role of the Pell Grant Program, I am deeply concerned by the significant erosion in the purchasing power of the Pell grant that has occurred in recent years. In 1975, the maximum Pell grant represented approximately 80 percent of the costs of attending a public, 4-year institution. Today, it covers only 33 percent of these costs.

When lower levels of grant aid are available, students are forced to make up the difference by taking on larger and larger amounts of debt to finance their education. Earlier this month, I met with two students from the University of Southern Maine who told me that students graduating from 4-year institutions in Maine leave with an average debt of $20,239. As startling as this figure may be, it underestimates the true indebtedness of students, since it does not take into account credit card debt or private loans that students use to help finance their education.

The decline in the value of grant aid and the growing reliance on loans have particularly negative consequences for low-income students. In fact, the staggering amount of debt required to finance higher education may force some low-income students to abandon their plans to attend college altogether.

As explained in a recent report by the Educational Policy Institute, ''Grants for Students: What they do, Why they work,'' people from lower-income backgrounds often place a higher value on having money to meet pressing current needs, and accordingly, are less likely to make investments where the financial return comes only in the long term. According to the report, ''[L]ong term poverty encourages short-term thinking and those who experience it tend to identify very strongly with the expression 'one in the hand is worth two in the bush.' '' This is just one reason why the availability of loans does not solve the college access problem for low-income students, and why grant aid is so crucial.

That is why today I am introducing legislation that will raise the maximum Pell grant award to $5,100, an increase of more tha $1,000 in a single year. While I recognize that this represents a significant increase in a single year, this increase is long overdue. The maximum grant award has been essentially level-funded since Fiscal Year 2002. If we do not act soon Fiscal Year 2007 will become the fifth year in a row that the Pell maximum award has been level-funded.

By raising the maximum award to $5,100, my home state of Maine will receive approximately $60 million in Pell grant funding, an increase of over $15 million from current levels. This level of funding would provide Pell grants to more than 20,000 Maine students.

I recently met with Andrew Bossie, a first-generation college student from my hometown of Caribou, about the importance of Pell grants. Andrew is currently a student at the University of Southern Maine and will graduate this spring, in large part, because of the help of Pell grants. As Andrew told me, ''Without Pell grants, there is no doubt that I would not have been able to attend college. Although the current Pell grant award is a huge help, I still feel the stress of sometimes having to decide between a badly-needed new pair of shoes and making my tuition payments.'' Andrew is thriving academically—he is on the Dean's list—and he is also the student body president and is active as a community volunteer.

Increasing the maximum Pell award by $1,050 is going to make a real difference for Andrew and other students in their ability to pursue their college dreams. While I recognize that an increase to $5,100 in a single year is an ambitious goal, it is a worthy one for a nation that understands the opportunities that a college education brings.

My legislation also amends the Higher Education Act to raise the minimum Pell award to $500, up from the current minimum of $400. The minimum award level has not been increased in over 10 years. I believe we should ensure that every student who qualifies for a Pell receives at least $500.

In addition to our efforts on behalf of Pell grants, there are other important steps we can take to put higher education in the reach of more families. Ten years ago, in my first year as a Senator, I introduced S. 930, the ''College Affordability and Access Act,'' which contained three provisions designed to expand access to higher education, and reduce its cost. These three provisions were enacted into law, in amended form, as part of the Taxpayer Relief Act of 1997.

The proposal I am submitting today builds upon each of those three provisions. First, in recognition of the increased cost of higher education, my proposal calls for an increase in the tax deduction available for interest paid on higher education loans. Second, my proposal calls for a similar increase in the contribution limit for tax-free Coverdell Education Savings Accounts. Third, the bill would make permanent the current tax-free treatment of employer-provided educational assistance programs.

The value of the tax relief we provided 10 years ago has not kept pace with the rising cost of higher education. According to data from the College Board, 4-year private colleges now charge $30,000 per year for tuition, fees, room, and board. Even after taking inflation into account, this represents an increase of more than $6,000 since the 1996–1997 school year. Perhaps even more troubling, the College Board reports that the rate of increase has actually been sharper at public 4-year institutions than their private counterparts. Ten years ago, students attending any of America's excellent public universities would have paid, on average, just over $9,000 to cover tuition, fees, room, and board. Today, these

students can expect to pay nearly $12,800—an increase of 38 percent after taking inflation into account.

By contrast, the student loan interest deduction we provided as part of the Taxpayer Relief Act of 1997 remains at $2,500. It is time that we raise this cap to $3,750, a 50-percent increase. Doing so is a step toward recognizing that investments in higher education are essential to the health of our economy in an increasingly global, competitive marketplace.

I also believe it is necessary to increase the contribution limits for Coverdell Education Savings Accounts. Under current law, taxpayers may make contributions of up to $2,000 per year to these tax-free higher education accounts. In light of the inflation in college costs that I have already described, I believe this contribution limit ought to be increased to $3,000 per year.

Finally, my proposal would also extend current education benefits provided to employees through their employers. Under current law, a taxpayer may receive, tax free, up to $5,250 in education benefits through their employers each year. This provision helps both companies and their employees. Companies that provide this benefit get a workforce that is current with the latest methods and technologies in the field, while their employees get the training they need to advance through the ranks. Unfortunately, this provision expires on December 31, 2010. I propose that it be made permanent.

Now is the time for us to make a commitment to raising the Pell maximum award to $5,100, and to providing additional relief to families struggling to afford higher education. Investing in higher education is crucial to our economic future and competitiveness in the global economy, and my legislation represents a sound investment towards making the dream of a college education a reality for more Americans. I hope my colleagues will join me in supporting this legislation.

By Mr. KERRY:

S. 455. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to active duty military personnel and employers who assist them, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, today Senator SMITH and I are introducing the Active Duty Military Tax Relief Act of 2007. This legislation will help those who are valiantly serving their country and the families that they leave behind.

The best definition of patriotism is keeping faith with those who wear the uniform of our country. That means giving our troops the resources they need to keep them safe while they are protecting us. And it means supporting our troops at home as well as abroad.

Currently, there are over 132,000 military personnel serving in Iraq and more are on the way. There are approximately 22,100 U.S. servicemembers in Afghanistan. Many of these men and women are reservists and have been called to activity duty, frequently for multiple tours. Often they own, or are employed, by a small business and their activation results in hardship for the business.

Small businesses with less than 100 employees employ about 18 percent of all reservists who hold civilian jobs. Most large businesses have the resources to provide supplemental income to reservist employees called up and to replace them with temporary employees. I applaud the businesses that have been able to pay supplemental income to their reservists, but it is not easy for small businesses to do the same.

Earlier today, the Small Business and Entrepreneurship Committee held a hearing on veterans' small business issues. A majority of our veterans returning from Iraq and Afghanistan are Reserve and National Guard members—35 percent of whom are either self-employed or own or are employed by a small business.

We heard some disturbing statistics about the impact and unintended consequences the callup of reservists is having on small businesses. According to a January 2007 survey conducted by Workforce Management, 54 percent of the businesses surveyed responded that they would not hire a citizen soldier if they knew that they could be called up for an indeterminate amount of time. I am concerned that long callups have made it hard for small businesses to be supportive of civilian soldiers.

The Active Duty Military Tax Relief Act of 2007 provides a tax credit to small businesses with fewer than 100 employees and the self-employed to help with the cost of paying the salary of their reservist employees when they are called to active duty. This legislation also provides an additional tax credit to help offset the cost of hiring temporary employees to fill vacancies left by the servicemembers.

Many reservists who own their own business return from duty to find that their business is floundering. These tax credits will help reservists who own their own businesses to hire temporary employees for the duration of their tour as well as to assist small businesses deal with the impact of having an essential employee called up for active duty.

In addition to helping small businesses, the Active Duty Military Tax Relief of 2007 addresses concerns related to differential military pay, income tax withholding, and retirement plan participation. These provisions will make it easier for employers who would like to pay their employees supplemental income, above their military pay, and make pension contributions. Our legislation would make differential military pay subject to Federal income tax withholding. In addition, with respect to the retirement plan rules, the bill provides that a person receiving differential military pay would be treated as an employee of the employer making the payment and allows the differential military pay to be treated as compensation.

This bill also attempts to mitigate the financial strains placed on our military families while the family member is deployed. To help ease some of this burden, the Active Duty Military Tax Relief Act of 2007 would increase the standard deduction for active duty military personnel by $1,000 for 2007 and 2008. In addition, this legislation would make permanent the existing provision which allows taxpayers to include combat pay as earned income for purposes of the earned income tax credit (EITC). Without this provision some military families would no longer be eligible to receive the EITC because combat pay is currently not taxable.

Last Congress, Senator SMITH and I introduced the Fallen Heroes Family Savings Act, which we have incorporated into the Active Duty Military Tax Relief Act. This provision provides tax relief for the death gratuity payment that is given to families that have lost a loved one in combat. This payment is currently $100,000.

Our current tax laws do not allow the recipients of this payment to use it to make contributions to tax-preferred saving accounts that help with saving for retirement, health care, or the costs of education. Our legislation would allow military death gratuities to be contributed to certain tax-preferred accounts. These contributions would be treated as qualified rollovers. The contribution limits of these accounts will not be applied to these contributions.

Our service men and women need to know that we are honoring their valor by taking care of those they leave behind. Helping ease the tax burden on the death gratuity will enable military families to save more for retirement, education, and health care by allowing them to put the payment in an account in which the earnings will accumulate tax-free.

These changes to our tax laws will help our military families with some of their financial burdens. It cannot repay the sacrifices they have made for us, but it is a small way we can support our troops and their families at home as well as abroad.

The National Military Family Association, the Reserve Officers Association, and The Military Coalition (a consortium of veterans and military organizations representing more than 5.5 million members plus their families and survivors) support this legislation.

I ask unanimous consent that the text of this legislation 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. 455

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 ''Active Duty Military Tax Relief Act of 2007''.

SEC. 2. CREDIT FOR INCOME DIFFERENTIAL FOR EMPLOYMENT OF ACTIVATED MILITARY RESERVIST AND REPLACEMENT PERSONNEL.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30C. EMPLOYER WAGE CREDIT FOR ACTIVATED MILITARY RESERVISTS.

''(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) in the case of an eligible small business employer, the employment credit with respect to all qualified employees and qualified replacement employees of the taxpayer, plus

''(2) the self-employment credit of a qualified self-employed taxpayer.

''(b) EMPLOYMENT CREDIT.—For purposes of this section—

''(1) QUALIFIED EMPLOYEES.—

''(A) IN GENERAL.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to 40 percent of so much of the excess (if any) paid by the taxpayer to such qualified employee of—

''(i) the qualified employee's average daily qualified compensation for the taxable year, over

''(ii) the average daily military pay and allowances received by the qualified employee during the taxable year while participating in qualified reserve component duty to the exclusion of the qualified employee's normal employment duties,

for the aggregate number of days the qualified employee participates in qualified reserve component duty during the taxable year (including time spent in a travel status) as does not exceed $25,000. The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

''(B) AVERAGE DAILY QUALIFIED COMPENSATION AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a qualified employee—

''(i) the term 'average daily qualified compensation' means the qualified compensation of the qualified employee for the taxable year divided by 365, and

''(ii) the term 'average daily military pay and allowances' means—

''(I) the amount paid to the qualified employee during the taxable year as military pay and allowances on account of the qualified employee's participation in qualified reserve component duty, divided by

''(II) the total number of days the qualified employee participates in qualified reserve component duty, including time spent in travel status.

''(C) QUALIFIED COMPENSATION.—When used with respect to the compensation paid to a qualified employee for any period during which the qualified employee participates in qualified reserve component duty, the term 'qualified compensation' means—

''(i) compensation which is normally contingent on the qualified employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the qualified employee were present and receiving such compensation,

''(ii) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the qualified employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the qualified employee, and

''(iii) group health plan costs (if any) with respect to the qualified employee.

''(D) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who—

''(i) has been an employee of the taxpayer for the 91-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

''(ii) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

''(2) QUALIFIED REPLACEMENT EMPLOYEES.—

''(A) IN GENERAL.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year is equal to 40 percent of so much of the individual's qualified compensation attributable to service rendered as a qualified replacement employee as does not exceed $15,000. The employment credit, with respect to all qualified replacement employees, is equal to the sum of the employment credits for each qualified replacement employee under this subsection.

''(B) QUALIFIED COMPENSATION.—When used with respect to the compensation paid to a qualified replacement employee, the term 'qualified compensation' means—

''(i) compensation which is normally contingent on the qualified replacement employee's presence for work and which is deductible from the taxpayer's gross income under section 162(a)(1),

''(ii) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

''(iii) group health plan costs (if any) with respect to the qualified replacement employee.

''(C) QUALIFIED REPLACEMENT EMPLOYEE.—The term 'qualified replacement employee' means an individual who is hired to replace a qualified employee or a qualified self-employed taxpayer, but only with respect to the period during which such employee or taxpayer participates in qualified reserve component duty, including time spent in travel status, and, in the case of a qualified employee, is receiving qualified compensation (as defined in paragraph (1)(C)) for which an employment credit is allowed as determined under paragraph (1).

''(c) SELF-EMPLOYMENT CREDIT.—For purposes of this section—

''(1) IN GENERAL.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to 40 percent of so much of the excess (if any) of—

''(A) the qualified self-employed taxpayer's average daily qualified compensation for the taxable year, over

''(B) the average daily military pay and allowances received by the taxpayer during the taxable year while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment duties,

for the aggregate number of days the taxpayer participates in qualified reserve component duty during the taxable year (including time spent in a travel status) as does not exceed $25,000.

''(2) AVERAGE DAILY QUALIFIED COMPENSATION AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a qualified self-employed taxpayer—

''(A) the term 'average daily qualified compensation' means the qualified compensation of the qualified self-employed taxpayer for the taxable year divided by 365 days, and

''(B) the term 'average daily military pay and allowances' means—

''(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

''(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

''(3) QUALIFIED COMPENSATION.—When used with respect to the compensation paid to a qualified self-employed taxpayer for any period during which the qualified self-employed taxpayer participates in qualified reserve component duty, the term 'qualified compensation' means—

''(A) the self-employment income (as defined in section 1402(b) of the taxpayer which is normally contingent on the taxpayer's presence for work,

''(B) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

''(C) the amount paid for insurance which constitutes medical care for the taxpayer for such year (within the meaning of section 162(l)).

''(4) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term 'qualified self-employed taxpayer' means a taxpayer who—

''(A) has net earnings from self-employment (as defined in section 1402(a)) for the taxable year, and

''(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

''(d) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under this chapter with respect to compensation paid to any employee shall be reduced by the credit allowed by this section with respect to such employee.

''(e) LIMITATIONS.—

''(1) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

''(B) the tentative minimum tax for the taxable year.

''(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

''(A) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

''(B) the 2 succeeding taxable years.

''(3) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period by taking into account any person who is called or ordered to active duty for any of the following types of duty:

''(A) Active duty for training under any provision of title 10, United States Code.

''(B) Training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code.

''(C) Full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

''(f) GENERAL DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) ELIGIBLE SMALL BUSINESS EMPLOYER.—

''(A) IN GENERAL.—The term 'eligible small business employer' means, with respect to any taxable year, any employer which—

''(i) employed an average of 100 or fewer employees on business days during such taxable year, and

''(ii) under a written plan of the employer, provides the excess amount described in subsection (b)(1)(A) to every qualified employee of the employer.

''(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

''(2) MILITARY PAY AND ALLOWANCES.—The term 'military pay' means pay as that term is defined in section 101(21) of title 37, United States Code, and the term 'allowances' means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

''(3) QUALIFIED RESERVE COMPONENT DUTY.—The term 'qualified reserve component duty' includes only active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

''(4) CARRYBACK AND CARRYFORWARD ALLOWED.—

''(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (f)(1) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to the taxable year preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year.

''(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

''(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.''.

(b) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) of the Internal Revenue Code of 1986 (relating to rule for employment credits) is amended—

(1) by inserting ''or compensation'' after ''salaries'', and

(2) by inserting ''30C,'' before ''45A(a),''.

(c) CONFORMING AMENDMENT.—Section 55(c)(2) of the Internal Revenue Code of 1986 is amended by inserting ''30C(e)(1),'' after ''30(b)(3),''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end of 30A the following new item:

''Sec. 30C. Employer wage credit for activated military reservists.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid in taxable years beginning after December 31, 2006.

SEC. 3. DIFFERENTIAL WAGE PAYMENTS.

(a) INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.—

(1) IN GENERAL.—Section 3401 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

''(h) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

''(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

''(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

''(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

''(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to remuneration paid after December 31, 2007.

(b) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.—

(1) PENSION PLANS.—

(A) IN GENERAL.—Section 414(u) of the Internal Revenue Code of 1986 (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by adding at the end the following new paragraph:

''(11) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

''(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

''(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

''(ii) the differential wage payment shall be treated as compensation, and

''(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

''(B) SPECIAL RULE FOR DISTRIBUTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

''(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

''(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer (as determined under subsections (b), (c), (m), and (o)) performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments on reasonably equivalent terms. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5), of section 410(b) shall apply.

''(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(h)(2).''.

(B) CONFORMING AMENDMENT.—The heading for section 414(u) of such Code is amended by inserting ''AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY'' after ''USERRA''.

(2) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) of the Internal Revenue Code of 1986 (defining compensation) is amended by adding at the end the following new sentence: ''The term 'compensation' includes any differential wage payment (as defined in section 3401(h)(2)).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2007.

(c) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2009.

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 4. CONTRIBUTIONS OF MILITARY DEATH GRATUITIES TO CERTAIN TAX-FAVORED ACCOUNTS.

(a) ROTH IRAS.—

(1) PROVISION IN EFFECT BEFORE PENSION PROTECTION ACT.—Subsection (e) of section 408A of the Internal Revenue Code of 1986 (relating to qualified rollover contribution), as in effect before the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

''(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution to a Roth IRA from another such account, or from an individual retirement plan, but only if such rollover contribution meets the requirements of section 408(d)(3). Such term includes a rollover contribution described in section 402A(c)(3)(A). For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

''(2) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual to the extent that such contribution does not exceed the amount received by such individual under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, if such contribution is made not later than 1 year after the day on which such individual receives such amount.

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(2) PROVISION IN EFFECT AFTER PENSION PROTECTION ACT.—Subsection (e) of section 408A, as in effect after the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

''(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution—

''(A) to a Roth IRA from another such account,

''(B) from an eligible retirement plan, but only if—

''(i) in the case of an individual retirement plan, such rollover contribution meets the requirements of section 408(d)(3), and

''(ii) in the case of any eligible retirement plan (as defined in section 402(c)(8)(B) other than clauses (i) and (ii) thereof), such rollover contribution meets the requirements of section 402(c), 403(b)(8), or 457(e)(16), as applicable.

For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

''(2) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual to the extent that such contribution does not exceed the amount received by such individual under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, if such contribution is made not later than 1 year after the day on which such individual receives such amount.

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(b) HEALTH SAVINGS ACCOUNTS AND ARCHER MSAS.—Sections 220(f)(5) and 223(f)(5) of the Internal Revenue Code of 1986 are each amended by adding at the end the following flush sentence:

''For purposes of subparagraphs (A) and (B), rules similar to the rules of section 408A(e)(2) (relating to rollover treatment for contributions of military death gratuity) shall apply.''.

(c) EDUCATION SAVINGS ACCOUNTS.—Section 530(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''For purposes of this paragraph, rules similar to the rules of section 408A(e)(2) (relating to rollover treatment for contributions of military death gratuity) shall apply.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraphs (2) and (3), the amendments made by this section shall apply with respect to deaths from injuries occurring on or after the date of the enactment of this Act.

(2) APPLICATION OF AMENDMENTS TO DEATHS FROM INJURIES OCCURRING ON OR AFTER OCTOBER 7, 2001, AND BEFORE ENACTMENT.—The amendments made by this section shall apply to any contribution made pursuant to section 408A(e)(2), 220(f)(5), 223(f)(5), or 530(d)(5) of the Internal Revenue Code of 1986, as amended by this Act, with respect to amounts received under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, for deaths from injuries occurring on or after October 7, 2001, and before the date of the enactment of this Act if such contribution is made not later than 1 year after the date of the enactment of this Act.

(3) PENSION PROTECTION ACT CHANGES.—Section 408A(e)(1) of the Internal Revenue Code of 1986 (as in effect after the amendments made by subsection (a)(2)) shall apply to taxable years beginning after December 31, 2007.

SEC. 5. TEMPORARY INCREASE IN STANDARD DEDUCTION FOR ACTIVE DUTY MILITARY PERSONNEL.

(a) IN GENERAL.—Paragraph (3) of section 63(c) of the Internal Revenue Code of 1986 (defining additional standard deduction for the aged and blind) is amended to read as follows:

''(3) ADDITIONAL STANDARD DEDUCTION.—For the purposes of paragraph (1), the additional standard deduction is the sum of—

''(A) the sum of each additional amount to which the taxpayer is entitled under subsection (f), plus

''(B) in the case of a taxable year beginning in 2007 or 2008, an additional amount of $1,000 for an individual for such taxable year if the individual who at any time during such taxable year is performing service in the uniformed services while on active duty for a period of more than 30 days.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 3402(m)(3) of the the Internal Revenue Code of 1986 is amended by striking ''for the aged and blind''.

(2) Section 6012(a)(1)(B) of such Code is amended by adding at the end the following new sentence: ''The preceding sentence shall be applied without regard to section 63(c)(3)(B) and each of the amounts specified in subparagraph (A) shall be increased by the portion of any additional standard deduction to which the individual is entitled by reason of section 63(c)(3)(B).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 6. PERMANENT EXTENSION OF ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(c)(2)(B)(vi) of the Internal Revenue Code of 1986, as amended by section 106 of division A of the Tax Relief and Health Care Act of 2006, is amended to read as follows:

''(vi) a taxpayer may elect to treat amounts excluded from gross income by means of section 112 as earned income.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. SCHUMER, Mr. SPECTER, Mr. BIDEN, Mr. KYL, Mr. STEVENS, Ms. CANTWELL, Mr. COLEMAN, Ms. MIKULSKI, Mr. BAUCUS, Mr. PRYOR, Mr. SALAZAR, Mrs. MURRAY, Mr. BROWN, Mrs. CLINTON, Mrs. DOLE, Mr. CORNYN, Mr. KOHL, and Mr. CASEY):

S. 456. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senator HATCH and a bipartisan group of at least 15 original cosponsors in introducing comprehensive antiaging legislation—the Gang Abatement and Prevention Act of 2007.

This bill will provide a comprehensive approach to gang violence by: helping those on the front lines of enforcement, by adopting new criminal laws and tougher penalties against those who commit gang-related and other violent acts; authorizing hundreds of millions of dollars for gang-related investigations and prosecutions, and new funds for witness protection; and identifying successful community programs, and investing significant resources in schools and civic and religious organizations to prevent teenagers and other young people from joining gangs in the first place.

On January 10 of this year, officials in Van Nuys, CA, reported that two teenage boys were shot in a reported gang-related shooting.

A few weeks earlier, on December 29, Visalia, CA, law enforcement officials reported two separate shootings and the wounding of two minors.

On December 24, San Diego officials noted how a 16 year old was shot in the leg in gang violence.

On December 22, a 9-year-old girl in Los Angeles was just washing dishes with her mom inside her home—until gang members exchanged fire across the street, and a bullet tore through the front wall of her house and struck her in the head.

And that came 5 days after Cheryl Green, a 14-year-old black girl who was talking to friends, was shot and killed by two Hispanic gang members.

The New York Times just reported on the Cheryl Green shooting, but unfortunately, I see gang violence in the news almost every day in California, with gang-related shootings of children almost too numerous to count. Perhaps the worst occurred last September, when Los Angeles experienced a new low.

Three-year-old Kaitlyn Avila was shot point-blank by a gang member who mistakenly thought her father was a member of a rival gang. The gang member shot and wounded her father, then intentionally fired into little Kaitlyn's chest.

It is the first time ever that law enforcement officials remember a young child being ''targeted'' in a gang-related shooting.

Unfortunately, this shooting is only a symptom of the disease that has taken hold of our cities—gang violence. The violence perpetrated by gang members affects not only those associated with gangs, but also police officers and innocent bystanders. It impacts not only individuals, but also our communities.

It stops mothers from allowing their children to play outside. It prevents

the elderly from taking walks in their neighborhoods. And it creates an environment of fear.

It is past time for the Federal Government to provide a hand of assistance to state and local law enforcement. And it is past time to come to grips with our country's escalating levels of gang violence.

Just last month the FBI released its Uniform Crime Report for the first half of 2006. The news was disturbing.

The report showed an alarming increase in homicides, assaults, robberies and other violent crimes across the U.S.—a surge of nearly 3.7 percent for the first 6 months of 2006.

This, of course follows on the heels of the FBI's 2005 figures, which had showed a 2.5 percent jump in violent crime.

At the time, those 2005 figures had represented the largest increase in violent crime in the U.S. in 15 years. But this newly announced increase for the first half of 2006 is almost 50 percent higher.

Of course, a big part of this increase is due to gang violence. Just as we heard when the 2005 figures were released, criminologists point to the spread of violent street gangs as a major cause of the 2006 increase in violent crime as well.

The warnings we have received about the links between the increase in violent crime and gangs have been steady and consistent.

When the FBI announced its 2005 figures last June, the Washington Post reported how criminal justice experts specifically identified ''an influx of gangs into medium-sized cities'' as a big reason for this increase. According to the Los Angeles Times, Houston police attributed their 2005 increase to gang members who evacuated New Orleans after Katrina.

When the 2006 figures were announced, the Washington Post quoted criminologist James Alan Fox, who described how ''[w]e have many high-crime areas where gangs have made a comeback.'' The L.A. Times noted how ''[e]xperts said the crime upsurge reflected an increase in gang violence, particularly in midsized cities.'' Cities like Houston, which experienced a massive 28 percent increase in violent crime.

The headline for the Sacramento Bee, reporting on the FBI's 31 percent reported increase in violent crime for that county, said it all: ''Gangs blamed for increase, which is part of [a] national hike in mayhem in '06.''

Even among the cities that experienced a 2006 reduction in violent crime—such as Los Angeles, which moved into the ranks of the safest cities in the U.S.—Mayor Villairaigosa described gang violence as the ''glaring exception.'' Gang crime was up by 14 percent in Los Angeles—and up 40 percent in San Fernando Valley, and 57 percent of Los Angeles' 478 homicides for 2006 were attributed to gangs—up 50 percent from 2005. And 86 percent of those murder victims were African American or Latino.

There can no longer be serious debate that gang violence is a big part of this problem.

The problem of gang violence in America is daunting. According to the FBI, there are now at least 30,000 gangs nationwide, with 800,000 members.

In California, the State attorney general now estimates that there are 171,000 juveniles and adults committed to criminal street gangs and their way of life. That's greater than the population of 28 California counties.

From 1992 to 2003, there were more than 7,500 gang-related homicides reported in California.

In 2004, more than one-third of the 2,000 homicides in California—698—were gang-related.

And it is worse among teens and young adults. In that same year, nearly 50 percent of the murders of 18 to 29 year olds were gang related. And nearly 60 percent of the murders of teens under 18 were gang related.

The list of people murdered by gangs includes some of our finest law enforcement officers:

Oceanside Police Officer, Dan Bessant, gunned down from behind just last month, in an incident described as eerily similar to a similar killing in 2003, when Oceanside Police Officer, Tony Zepetella, was shot and killed by a known gang member.

Los Angeles Police Officer Ricardo Lizarraga, killed while responding to a domestic violence call, by a man who drew a gun and shot him twice in the back. The suspect was a known member of the Rollin20s Bloods.

Merced Police Officer Stephan Gray, a member of his department's gang violence unit. Gray was shot and killed when a suspect—a gang member he had encountered before—fired two bullets into his chest.

Los Angeles Sherriff's Deputy Jeffrey Ortiz: As a member of his department's anti-gang task force, Ortiz had been going door to door in a gang-plagued neighborhood of L.A. He had just knocked on a door and was checking IDs when he was shot in the head at point-blank range. The alleged gunman is a suspected gang member wanted on an outstanding warrant for attempted murder.

Burbank Police Officer Matthew Pavelka: Two gunmen whom he had stopped for driving without license plates got out and showered him with gunfire. They were allegedly affiliated with the Vineland Boys gang.

California Highway Patrol Officer Thomas Steiner, killed after walking out of the Pomona courthouse after testifying in a series of traffic cases, by a 16-year-old intent on ''killing a cop'' to prove himself to the Pomona 12th street gang.

San Francisco Police Officer Isaac Espinoza: The first San Francisco police officer slain on duty in more than a decade, killed when an apparent ''Westmob'' gang member fired 14 rounds from an AK–47 assault rifle.

Gang killings also impact children and families. Unfortunately, 3–year-old Kaitlyn Avila is not alone: There is also 11-year-old Mynisha Crenshaw of San Bernardino, CA, a little girl shot and killed in November 2005;

Seven-week-old infant Glenn ''Baby G'' Molex, shot and killed on September 28, 2003, by one of the ''Down Below'' Gang after 28 bullets penetrated his family's apartment in San Francisco's Bayview District;

Joseph Swift, a 13-year-old boy shot outside a home after attending church in Los Angeles in 2003; and

Eight-year-old Sunny Elijah Peralez, shot in East Los Angeles by the Ghetto Boyz in 1999.

And this problem extends far beyond California—as evidenced by 8-year-old Kyron Butler, killed by a stray bullet during a Jersey Park Boys gang shootout in Smithfield, VA, in 2003, and 9-year-old Genesis Gonzalez, a little girl shot by a car of Crips gang members in Nevada in 2002.

As gangs have continued to spread across our country, increasing in violence and power in every State, they are no longer just a big city problem. They have metastasized from Los Angeles and Chicago to the medium and smaller cities where they face less competition.

The FBI now estimates that gangs are having an impact on at least 2,500 communities across the nation.

In the latest FBI statistics, violent crime and murder grew fastest in the midsized and smaller cities—not in our largest urban areas. The average midsized city, in fact, had a surge in overall violent crime of more than 5 percent in a single year.

It is clear that gangs engage in drug trafficking, robbery, extortion, prostitution, gun trafficking, and murder. They destroy neighborhoods, cripple families and kill innocent people.

Los Angeles Police Department Chief Bill Bratton put it bluntly:

> There is nothing more insidious than these gangs. They are worse than the Mafia. Show me a year in New York where the Mafia indiscriminately killed 300 people. You can't.

Our national gang problem is immense and growing, and it is not going away. Our cities and States need help. The many law enforcement officers that have spoken to me and others in my office say one thing clearly—short-term infusions are great, but what they really need is a long-term Federal commitment to combat gang violence.

A massive report just prepared for the City of Los Angeles even suggested that what is needed is a ''Marshal Plan'' initiative to combat gang violence.

Senator HATCH and I have been introducing comprehensive Federal gang legislation for over a decade. Our gang bills have been modified and refined over the years, most recently in legislation that we negotiated with the House for possible inclusion in the DOD Authorization bill last year.

The bill that we introduce today essentially takes that bill, but removes

all of its new death penalties. It has no mandatory minimums, and we have eliminated juvenile justice changes that previously proved to be an impediment to the larger bill's passage.

The bill that we offer today will provide a comprehensive solution to gang violence, combining enforcement and prevention efforts in a collaborative approach that has proven effective in models like Operation Ceasefire, and in Modesto, CA.

This bill would establish new Federal gang crimes and tougher Federal penalties.

Today's Federal street gang laws are frankly weak, and are almost never used. Currently, a person committing a gang crime might have extra time tacked on to the end of their Federal sentence. That is because Federal law currently focuses on gang violence only as a sentencing enhancement, rather than a crime unto itself.

The bill that I offer today would make it a separate Federal crime for any criminal street gang member to commit, conspire or attempt to commit violent crimes—including murder, kidnapping, arson, extortion—in furtherance of the gang.

And the penalties for gang members committing such crimes would increase considerably.

For gang-related murder, kidnapping, aggravated sexual abuse or maiming, the penalties would range up to life imprisonment.

For any other serious violent felony, the penalty would range up to 30 years—which in the Federal system means without parole.

And for other crimes of violence—defined as the actual or intended use of physical force against the person of another—the penalty could bring up to 20 years in prison.

The bill would also create a new crime for recruiting juveniles and adults into a criminal street gang, with a penalty of up to 10 years, or if the recruiting involved a juvenile or recruiting from prison, up to 20 years;

Create new Federal crimes for committing violent crimes in connection with drug trafficking, and increase existing penalties for violent crimes in aid of racketeering;

Enact a host of other violent crime reforms, including closing a loophole that had allowed carjackers to avoid convictions, increasing the penalties for those who use guns in violent crimes or transfer guns knowing they will be used in crimes, limiting bail for violent felons who possess firearms, and in a number of other respects cracking down harder on those who commit violent crimes; and

Make a long-term Federal commitment to fight gangs, by authorizing over $1 billion in new funds over the next 5 years for enforcement, prevention, and witness protection.

This would include $500 million for the development of High Intensity Interstate Gang Activity Areas, or HIIGAAs.

These HIIGAAs would mirror the successful HIDTA—High Intensity Drug Trafficking Area model—under which Federal, State and local agents coordinate investigations and prosecutions. And this $500 million would also be split 50/50, so that for every dollar spent on law enforcement, a dollar would be spent on prevention and intervention.

This balanced approach—of prevention and intervention plus tough penalties—will send a clear message to gang members: a new day has arrived. This bill will provide them with new opportunities, with schools and social services agencies empowered to make alternatives to gangs a realistic option. But if gang members continue to engage in violence, they will face new and serious Federal consequences.

I am pleased to report that this bill has already been endorsed by the National Sheriff's Association, the International Association of Chiefs of Police, and the National Association of Police Officers.

For more than 10 years now, Senator HATCH and I have been trying to pass Federal anti-gang legislation. There have been times when we have gotten close. Unfortunately, while Congress has failed to act, violent street gangs have only expanded nationwide and become more empowered and entrenched in other States and communities.

I believe this bill can pass the Senate and be enacted into law, especially after these changes that we have made and our previous negotiations conducted with members of the House and Senate.

The time has arrived for us to finally address this problem, and this bill is well-suited to help solve it. I urge my colleagues to support this legislation.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 460. A bill to make determinations by the United States Trade Representative under title III of the Trade Act of 1974 reviewable by the Court of International Trade and to ensure that the United States Trade Representative considers petitions to enforce United States Trade rights, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, when reflecting on the attributes that have made our great country prosperous—its free market system, its hard-working and enterprising people, its treasured natural resources—we must not overlook the rule of law as an equal, if not paramount element of the blessings we have secured. Since our Nation's founding, Americans have recognized that the success of worthy enterprises in a functioning market require the government—rather than choosing winners and losers—to consistently and dispassionately enforce the rules that bind all actors.

While our legal system evolved over the course of centuries to provide for the rule of law throughout our country, the fates of American people and businesses have become increasingly bound to counterparts in the world beyond our borders. Whether called ''Globalization'', ''Internationalization'' or some other moniker, the rapidly growing number of connections between suppliers, consumers and financiers across national boundaries means that agreements breached and laws broken on the far side of the world can harm companies and workers here at home.

Yet our government has failed to adapt to this new reality. While foreign governments engage in market-distorting currency manipulation, refuse to protect intellectual property rights and turn a blind eye to labor exploitation—each a violation of trade obligations to the United States—ours demurs with communiques and consultations, rather than formal enforcement action. What makes this abdication of its duty to defend the U.S. economy from unfair foreign practices especially troubling is that the tools to do so already exist in the dispute resolution provisions of various trade agreements.

The distressing reality is that U.S. industry and labor groups are often rebuffed in attempts to petition the United States Trade Representative to initiate a formal investigation or bring a dispute resolution action under the relevant multilateral or bilateral trade agreement, as there seems to be considerable institutional momentum among senior officials at USTR and elsewhere in the Administration against bringing formal enforcement action against certain trade partners, and China in particular.

USTR's handling of the trade effects of China's currency manipulation practices is representative of the problem. In September 2004, a U.S. industry coalition filed a petition under Section 301 of the Trade Act of 1974—the statute setting forth general procedures for the enforcement of U.S. trade rights—alleging that Chinese currency manipulation practices constituted a violation of China's obligations to the United States under World Trade Organization rules, and calling for USTR to conduct an investigation of such practices. USTR rejected the petition on the day it was filed, contending that ''an investigation would not be effective in addressing the acts, policies, and practices covered in the petition. The Administration is currently involved in efforts to address with the Government of China the currency valuation issues raised in the petition. The USTR believes that initiation of an investigation under [the Section 301 process] would hamper, rather than advance, Administration efforts to address Chinese currency valuation policies.'' Shortly thereafter, in November of 2004, a Congressional coalition of 12 Senators and 23 Representatives filed a similar Section 301 petition, which was rejected by USTR on the same grounds.

As noted in USTR's rejection of these petitions, current law allows the Executive to decline to initiate an industry-

requested investigation where it determines that action under Section 301 would be ineffective in addressing the offending act, policy or practice. The merits of USTR's determination are unreviewable under current law. USTR used this loophole to avoid having to even investigate industry's claim, let alone take formal action against China. And as we now know, the Administration's ''soft'' approach to Chinese currency manipulation has itself proven ineffective in addressing the problem in the two years since these filings.

It is to prevent further disregard for U.S. businesses and workers seeking a fair and consequential hearing of their concerns with foreign trade practices that Senator ROCKEFELLER and I today introduce the Trade Complaint and Litigation Accountability Improvement Measures Act, or the ''Trade CLAIM Act''.

The Trade CLAIM Act would amend the Section 301 process to require the United States Trade Representative to act upon an interested party's petition to take formal action in cases where a U.S. trade right has been violated, except in instances where: the matter has already been addressed by the relevant trade dispute settlement body; the foreign country is taking imminent steps to end to ameliorate the effects of the practice; taking action would do more harm than good to the U.S. economy; or taking action would cause serious harm to the national security of the United States.

The bill would also grant the Court of International Trade jurisdiction to review de novo USTR's denials of Section 301 industry petitions to investigate and take enforcement action against unfair foreign trade laws or practices. Such jurisdiction would include the ability to review USTR determinations that U.S. trade rights have not been violated as alleged in industry petitions, and the sufficiency of formal actions taken by USTR in response to foreign trade laws or practices determined to violate U.S. trade rights.

The Trade CLAIM Act would give U.S. businesses and workers a greater say in whether, when and how U.S. trade rights should be enforced. The bill would be particularly beneficial to small businesses, which—like other petitioners in Section 301 cases—currently have no avenue to formally challenge the merits of USTR's decisions, and are often drowned out by large business interests in industry-wide Section 301 actions initiated by USTR.

By providing for judicial review of USTR decisions not to enforce U.S. trade rights, the bill provides for impartial third party oversight by a specialty court not subject to political and diplomatic pressures. In delinking discreet trade disputes from the mercurial machinations of international relations, this Act would end the sacrifice of individual industries on the negotiating table, and leave it to the free market—uniformly operating under the trade rules to which our trading partners have already agreed—to decide their fate.

By Mr. GRASSLEY:

S. 461. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of this 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. 461

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 ''Judicial Transparency and Ethics Enhancement Act of 2007''.

SEC. 2. INSPECTOR GENERAL FOR THE JUDICIAL BRANCH.

(a) ESTABLISHMENT AND DUTIES.—Part III of title 28, United States Code, is amended by adding at the end the following:

''CHAPTER 60—INSPECTOR GENERAL FOR THE JUDICIAL BRANCH

''Sec.
''1021. Establishment.
''1022. Appointment, term, and removal of Inspector General.
''1023. Duties.
''1024. Powers.
''1025. Reports.
''1026. Whistleblower protection.

''§ 1021. Establishment

''There is established for the judicial branch of the Government the Office of Inspector General for the Judicial Branch (in this chapter referred to as the 'Office').

''§ 1022. Appointment, term, and removal of Inspector General

''(a) APPOINTMENT.—The head of the Office shall be the Inspector General, who shall be appointed by the Chief Justice of the United States after consultation with the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives.

''(b) TERM.—The Inspector General shall serve for a term of 4 years and may be reappointed by the Chief Justice of the United States for any number of additional terms.

''(c) REMOVAL.—The Inspector General may be removed from office by the Chief Justice of the United States. The Chief Justice shall communicate the reasons for any such removal to both Houses of Congress.

''§ 1023. Duties

''With respect to the judicial branch, the Office shall—

''(1) conduct investigations of alleged misconduct in the judicial branch (other than the United States Supreme Court) under chapter 16, that may require oversight or other action within the judicial branch or by Congress;

''(2) conduct investigations of alleged misconduct in the United States Supreme Court, that may require oversight or other action within the judicial branch or by Congress;

''(3) conduct and supervise audits and investigations;

''(4) prevent and detect waste, fraud, and abuse; and

''(5) recommend changes in laws or regulations governing the judicial branch.

''§ 1024. Powers

''(a) POWERS.—In carrying out the duties of the Office, the Inspector General shall have the power to—

''(1) make investigations and reports;

''(2) obtain information or assistance from any Federal, State, or local governmental agency, or other entity, or unit thereof, including all information kept in the course of business by the Judicial Conference of the United States, the judicial councils of circuits, the Administrative Office of the United States Courts, and the United States Sentencing Commission;

''(3) require, by subpoena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence memoranda, papers, and documents, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by civil action;

''(4) administer to or take from any person an oath, affirmation, or affidavit;

''(5) employ such officers and employees, subject to the provisions of title 5, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

''(6) obtain services as authorized by section 3109 of title 5 at daily rates not to exceed the equivalent rate for a position at level IV of the Executive Schedule under section 5315; and

''(7) the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the duties of the Office.

''(b) CHAPTER 16 MATTERS.—The Inspector General shall not commence an investigation under section 1023(1) until the denial of a petition for review by the judicial council of the circuit under section 352(c) of this title or upon referral or certification to the Judicial Conference of the United States of any matter under section 354(b) of this title.

''(c) LIMITATION.—The Inspector General shall not have the authority to—

''(1) investigate or review any matter that is directly related to the merits of a decision or procedural ruling by any judge, justice, or court; or

''(2) punish or discipline any judge, justice, or court.

''§ 1025. Reports

''(a) WHEN TO BE MADE.—The Inspector General shall—

''(1) make an annual report to the Chief Justice and to Congress relating to the activities of the Office; and

''(2) make prompt reports to the Chief Justice and to Congress on matters that may require action by the Chief Justice or Congress.

''(b) SENSITIVE MATTER.—If a report contains sensitive matter, the Inspector General may so indicate and Congress may receive that report in closed session.

''(c) DUTY TO INFORM ATTORNEY GENERAL.—In carrying out the duties of the Office, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

''§ 1026. Whistleblower protection

''(a) IN GENERAL.—No officer, employee, agent, contractor or subcontractor in the judicial branch may discharge, demote, threaten, suspend, harass or in any other manner discriminate against an employee in the terms and conditions of employment because

of any lawful act done by the employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding any possible violation of Federal law or regulation, or misconduct, by a judge, justice, or any other employee in the judicial branch, which may assist the Inspector General in the performance of duties under this chapter.

''(b) CIVIL ACTION.—An employee injured by a violation of subsection (a) may, in a civil action, obtain appropriate relief.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 28, United States Code, is amended by adding at the end the following:

''60. Inspector General for the judicial branch.''.

Mr. REID (for himself and Mr. ENSIGN):

S. 462. A bill to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes; to the Committee on Indian Affairs.

Mr. REID. Mr. President, I rise today to introduce legislation to resolve a Nevada water rights matter that has lasted more than a decade.

This bill, the Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act, would ratify an agreement reached last fall by the State of Nevada, the Tribes, many individual water users, and the United States. I am pleased that the parties came together, asserted their interests, made compromises, and reached an agreement. Each party had different—and frequently conflicting—water claims, water needs, and ideas on water use and conservation. I appreciate the parties' hard work and their commitment to end expensive litigation to reach an agreement that will permanently resolve the water rights matters along the East Fork of the Owyhee River. This bill, if enacted, will ratify the agreement reached by the parties.

The primary purpose of this bill is to approve, ratify and confirm the agreement that addresses the Tribes' water rights, the rights of upstream water users, and the implementation of a plan for the parties to exercise their water rights.

The Agreement quantifies the Tribes' surface water rights and groundwater claims in Nevada. The Tribes will establish a water code and administer the quantified rights on the Reservation accordingly.

The Agreement also states that the water rights of the upstream water users who live off the Reservation will be determined and administered by the State Engineer. Under the settlement, the parties have agreed to a limitation on the number of acres that can be irrigated by the upstream water users.

The settlement's implementation plan describes how the rights of the respective parties will be administered and disputes will be resolved. It describes that the surface water basin will be closed, and provides that a groundwater basin will be declared a basin in need of additional administration under state law. The agreement further addresses operation of the system particularly during times of shortage. Under this part of the plan, upstream water users gain a small amount of water storage in the Wild Horse Reservoir.

The second purpose of this bill is to settle the Tribes' long-standing claims against the United States for damages caused by the Bureau of Reclamation's Duck Valley Irrigation Project, related Bureau of Indian Affairs projects, and the mismanagement of tribal resources, particularly the destruction of the Tribe's salmon and steelhead trout fishing stock.

The Shoshone-Paiutes have a long history in Nevada and Idaho. The Tribes roamed the region well before the Duck Valley Reservation was established by Executive Order in 1877. The Reservation today encompasses approximately 290,000 acres of land held in trust by the federal government for the Shoshone-Paiute Tribes.

The Reservation draws water from three primary sources: 1. the East Fork of the Owyhee River that flows through the Reservation from south to north from the Nevada side; 2. Blue Creek, a tributary to the Owyhee that flows north to south through the Reservation until it meets the Owyhee on the Idaho side of the Reservation; and 3. Mary's Creek, located in the northeastern part of the Reservation, flowing northeasterly through the Reservation and into Idaho.

When the Bureau of Indian Affairs' Duck Valley Indian Irrigation Project was initiated in the 1930s, the project placed over 12,000 acres of land under irrigation. Like many Indian water projects, the Project was only partially completed and never fully funded, which accounted for the Projects' disrepair, resulted in reduced storage capacity, and an inability to reach the goal of maximizing the acres in production.

With the construction of the Bureau of Reclamation's Owyhee Irrigation Project Dam in the 1930s, the Tribes' salmon runs were destroyed.

The affects of these federal projects on the Tribes' resources and culture and the Federal Government's failure to protect tribal water rights require places the United States in the position of compensating the Tribes for their loss. The Tribes value the loss to their resources and culture at level much higher than what Senator Ensign and I propose. While the United States can never fully compensate the Tribes for their loss, I appreciate the Tribes' willingness to accept the settlement figure and put an end to this painful part of our sovereign-to-sovereign relationship.

The bill, if enacted, would authorize two settlement funds—a development fund and a maintenance fund.

The development fund, to be authorized at $45 million over 5 fiscal years, would fund tribal water development projects. After careful research and consultation with its members and advisors, the Tribes have identified many projects to increase their economic opportunities. The Tribes are preparing to rehabilitate the dilapidated Duck Valley Irrigation Project, increase the amount of irrigable lands in agricultural production, develop a Wildlife Habitat Project, and undertake other economic development projects to enhance the Reservation economy and contribute to the permanent homeland purpose of the Duck Valley Reservation.

The maintenance fund, authorized at $15 million over 5 fiscal years, would fund the refurbishment and maintenance of the Reservation's water infrastructure.

The Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act is important legislation. It reflects the compromises of our constituents who worked hard to reach agreement on matters that affect their livelihoods and cultures. I believe this bill benefit the Tribes, the ranchers and upstream water users, and those residents in the northern Nevada and southern Idaho region.

I look forward to working with the chairman and ranking member of the Senate Committee on Indian Affairs to ensure timely review and passage of this bill.

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. 462

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 ''Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is the policy of the United States, in accordance with the trust responsibility of the United States to Indian tribes, to promote Indian self-determination and economic self-sufficiency and to settle Indian water rights claims without lengthy and costly litigation, if practicable;

(2) quantifying rights to water and development of facilities needed to use tribal water supplies is essential to the development of viable Indian reservation economies and the establishment of a permanent reservation homeland;

(3) uncertainty concerning the extent of the right to water of the Shoshone-Paiute Tribes has limited the access of the Tribes to water and financial resources necessary to achieve self-determination and self-sufficiency;

(4) in 2006, the Tribes, the State of Idaho, the affected individual water users, and the United States resolved all tribal claims to water rights in the Snake River Basin Adjudication through a consent decree entered by the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to implement the Tribes' water rights in the State of Idaho;

(5) as of the date of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes are pending before the Nevada State Engineer;

(6) final resolution through litigation of the water claims of the Tribes will—

(A) take many years;

(B) entail great expense;

(C) continue to limit the access of the Tribes to water, with economic and social consequences;

(D) prolong uncertainty relating to the availability of water supplies; and

(E) seriously impair long-term economic planning and development for all parties to the litigation;

(7) after many years of negotiation, the United States, the Tribes, the State, and the upstream water users have entered into a settlement agreement to resolve permanently all water rights of the Tribes in the State; and

(8) the Tribes have certain water-related claims for damages against the United States.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to resolve outstanding issues with respect to the East Fork of the Owyhee River in the State in such a manner as to provide important benefits to—

(A) the United States;

(B) the State;

(C) the Tribes; and

(D) the upstream water users;

(2) to achieve a fair, equitable, and final settlement of all claims of the Tribes, members of the Tribes, and the United States on behalf of the Tribes to the East Fork of the Owyhee River in the State;

(3) to ratify and provide for the enforcement of the Agreement among the parties to the litigation;

(4) to resolve the Tribes' water-related claims for damages against the United States;

(5) to require the Secretary to perform all obligations of the Secretary under the Agreement and this Act; and

(6) to authorize the actions and appropriations necessary for the United States to meet the obligations of the United States under the Agreement and this Act.

SEC. 4. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the agreement entitled the ''Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation and the Upstream Water Users, East Fork Owyhee River'' (including all attachments to that agreement).

(2) DEVELOPMENT FUND.—The term ''Development Fund'' means the Shoshone-Paiute Tribes Water Rights Development Fund established by section 7(b)(1).

(3) EAST FORK OF THE OWYHEE RIVER.—The term ''East Fork of the Owyhee River'' means the portion of the east fork of the Owyhee River that is located in the State.

(4) MAINTENANCE FUND.—The term ''Maintenance Fund'' means the Shoshone-Paiute Tribes Operation and Maintenance Fund established by section 7(c)(1).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Nevada.

(7) TRIBAL WATER RIGHT.—The term ''tribal water right'' means a right of the Tribes described in the Agreement relating to water, including groundwater, storage water, and surface water.

(8) TRIBES.—The term ''Tribes'' means the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation.

(9) UPSTREAM WATER USER.—The term ''upstream water user'' means an individual water user that—

(A) is located upstream from the Duck Valley Indian Reservation on the East Fork of the Owyhee River; and

(B) is a signatory to the Agreement.

SEC. 5. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT.

(a) IN GENERAL.—Except as provided in section 1f of article III of the Agreement, and except to the extent that the Agreement otherwise conflicts with this Act, the Agreement is approved, ratified, and confirmed.

(b) PERFORMANCE OF OBLIGATIONS.—The Secretary and any other head of a Federal agency obligated under the Agreement shall perform any action necessary to carry out an obligation under the Agreement in accordance with this Act.

SEC. 6. TRIBAL WATER RIGHTS.

(a) IN GENERAL.—The Secretary shall hold the tribal water rights in trust on behalf of the United States for the benefit of the Tribes.

(b) ADMINISTRATION.—

(1) ENACTMENT OF WATER CODE.—Not later than 3 years after the date of enactment of this Act, the Tribes shall enact a water code to administer tribal water rights.

(2) INTERIM ADMINISTRATION.—The Secretary shall regulate the tribal water rights during the period beginning on the date of enactment of this Act and ending on the date on which the Tribes enact a water code under paragraph (1).

(c) LOSS OF TRIBAL WATER RIGHTS.—The tribal water rights shall not be subject to loss by abandonment, forfeiture, or nonuse.

SEC. 7. DEVELOPMENT AND MAINTENANCE FUNDS.

(a) DEFINITION OF FUNDS.—In this section, the term ''Funds'' means—

(1) the Development Fund; and

(2) the Maintenance Fund.

(b) DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Shoshone-Paiute Tribes Water Rights Development Fund''.

(2) USE OF FUNDS.—The Tribes shall use amounts in the Development Fund—

(A) to pay or reimburse costs incurred by the Tribes in acquiring land and water rights;

(B) for purposes of cultural preservation;

(C) to restore or improve fish or wildlife habitat;

(D) for fish or wildlife production, water resource development, agricultural development, rehabilitation, and expansion of the Duck Valley Irrigation Project;

(E) for water resource planning and development; or

(F) to pay the costs of designing and constructing water supply and sewer systems for tribal communities, including—

(i) a water quality testing laboratory;

(ii) other appropriate water-related projects and other related economic development projects;

(iii) the development of a water code; and

(iv) other costs of implementing the Agreement.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Development Fund $9,000,000 for each of fiscal years 2008 through 2012.

(c) MAINTENANCE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Shoshone-Paiute Tribes Operation and Maintenance Fund''.

(2) USE OF FUNDS.—The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for the costs of—

(A) operation and maintenance of the Duck Valley Irrigation Project and other water-related projects funded under this Act; or

(B) water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality testing laboratory.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund $3,000,000 for each of fiscal years 2008 through 2012.

(d) ADMINISTRATION OF FUNDS.—

(1) IN GENERAL.—The Secretary, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), this Act, and the Agreement, shall manage the Funds, including by investing amounts from the Funds in accordance with—

(A) the Act of April 1, 1880 (25 U.S.C. 161); and

(B) the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(2) DISTRIBUTIONS.—

(A) WITHDRAWALS.—

(i) IN GENERAL.—During any fiscal year, the Tribes may withdraw amounts from the Funds if the Secretary approves a plan of the Tribes to withdraw amounts under section 202 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4022).

(ii) PLAN TO WITHDRAW AMOUNTS.—

(I) INCLUSION.—In addition to any information required under section 202 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4022), a plan of the Tribes to withdraw amounts under this subparagraph shall include a requirement that the Tribes spend the amounts withdrawn from the Funds during a fiscal year for 1 or more uses described in subsection (b)(2) or (c)(2).

(II) ENFORCEMENT.—The Secretary may take administrative or judicial action to enforce a plan of the Tribes to withdraw amounts.

(B) REMAINING AMOUNTS.—

(i) IN GENERAL.—On approval of an expenditure plan submitted by the Tribes under clause (ii), the Secretary shall distribute to the Tribes amounts in the Funds not withdrawn by the Tribes during the preceding fiscal year.

(ii) EXPENDITURE PLAN.—

(I) IN GENERAL.—For each fiscal year, the Tribes shall submit to the Secretary for approval an expenditure plan for amounts described in clause (i).

(II) INCLUSIONS.—An expenditure plan under subclause (I) shall include—

(aa) an accounting by the Tribes of any funds withdrawn by the Tribes from the Funds during the preceding fiscal year, including a description of any use by the Tribes of the funds and the amount remaining in the Funds for the preceding fiscal year; and

(bb) a description of the means by which the Tribes will use any amount distributed under this subparagraph.

(iii) APPROVAL.—The Secretary shall approve an expenditure plan under this subparagraph if the Secretary determines that the plan is—

(I) reasonable; and

(II) consistent with this Act and the Agreement.

(C) LIMITATIONS.—

(i) TIMING.—No amount from the Funds (including any interest income accruing to the Funds) shall be distributed until the waivers under section 8(a) take effect.

(ii) NO PER CAPITA DISTRIBUTIONS.—No amount from the Funds (including any interest income accruing to the Funds) shall be distributed to a member of the Tribes on a per capita basis.

(3) FUNDING AGREEMENT.—Notwithstanding any other provision of this Act, on receipt of a request from the Tribes, the Secretary shall include an amount appropriated under this subsection in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections (b)(2) and (c)(2).

(4) LIABILITY.—The Secretary and the Secretary of the Treasury shall not retain any liability for the expenditure or investment of amounts distributed to the Tribes under this subsection.

(5) CAPITAL COSTS NONREIMBURSABLE.—The capital costs associated with the Duck Valley Indian Irrigation Project as of the date of enactment of this Act, including any capital cost incurred with funds distributed under this subsection for that project, shall be permanently nonreimbursable.

SEC. 8. TRIBAL WAIVER OF CLAIMS.

(a) WAIVERS.—

(1) IN GENERAL.—Except as otherwise provided in the Agreement and this Act, the Tribes, and the United States on behalf of the Tribes, waive and release—

(A) all claims to water in the East Fork of the Owyhee River and all claims to injury relating to that water; and

(B) all claims against the State, any agency or political subdivision of the State, or any person, entity, or corporation relating to injury to a right of the Tribe under any Executive order entered on behalf of the Tribes, to the extent that the injury—

(i) resulted from a flow modification or a reduction in the quantity of water available; and

(ii) accrued on or before the effective date of the Agreement.

(2) ENFORCEMENT OF WAIVERS.—A waiver of a claim under this subsection by the Tribes, or the United States on behalf of the Tribes, shall be enforceable in the appropriate forum.

(3) EFFECTIVE DATE.—A waiver by the Tribes, or the United States on behalf of the Tribes, of a claim under this subsection shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that includes a finding that—

(A) all parties to the Agreement have executed the Agreement;

(B) a decree acceptable to each party to the Agreement has been entered by the Fourth Judicial District Court, Elko County, Nevada; and

(C) the Agreement has been ratified under section 5(a).

(b) WAIVER AND RELEASE OF CLAIMS AGAINST THE UNITED STATES.—

(1) IN GENERAL.—In consideration of performance by the United States of all actions required by the Agreement and this Act, including the authorization of appropriations under subsections (b)(3) and (c)(3) of section 7, the Tribe shall execute a waiver and release of any claim against the United States for—

(A) a water right in the East Fork of the Owyhee River;

(B) an injury to a right described in subparagraph (A);

(C) breach of trust—

(i) for failure to protect, acquire, or develop a water right that accrued on or before the effective date of a waiver under this subsection; or

(ii) arising out of the negotiation or adoption of the Agreement; or

(D) a fishing right under any Executive order, to the extent that an injury to such a right—

(i) resulted from a reduction in the quantity of water available in the East Fork of the Owyhee River; and

(ii) accrued on or before the effective date of a waiver under this subsection.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The waiver under paragraph (1) takes effect on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 7 are distributed to the Tribes.

(B) TOLLING OF CLAIMS.—

(i) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in paragraph (1) shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 7 are distributed to the Tribes.

(ii) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(c) RETENTION OF RIGHTS.—

(1) IN GENERAL.—The Tribes shall retain all rights not waived by the Tribes, or the United States on behalf of the Tribes, in the Agreement or this Act.

(2) CLAIMS OUTSIDE RESERVATION.—Nothing in the Agreement or this Act shall be considered to be a waiver by the Tribes of any claim to a right on land outside the Duck Valley Indian Reservation.

(3) FUTURE ACQUISITION OF WATER RIGHTS.—Nothing in the Agreement or this Act precludes the Tribes, or the United States as trustee for the Tribes, from acquiring a water right in the State to the same extent as any other entity in the State, in accordance with State law.

SEC. 9. MISCELLANEOUS.

(a) GENERAL DISCLAIMER.—The parties to the Agreement expressly reserve all rights not specifically granted, recognized, or relinquished by—

(1) the settlement described in the Agreement; or

(2) this Act.

(b) LIMITATION OF CLAIMS AND RIGHTS.—Nothing in this Act—

(1) establishes a standard for quantifying—

(A) a Federal reserved water right;

(B) an aboriginal claim; or

(C) any other water right claim of an Indian tribe in a judicial or administrative proceeding; or

(2) limits the right of a party to the Agreement to litigate any issue not resolved by the Agreement or this Act.

(c) ADMISSION AGAINST INTEREST.—Nothing in this Act shall be considered to be an admission against interest by a party in any legal proceeding.

(d) DUCK VALLEY RESERVATION.—The Duck Valley Indian Reservation established by the Executive order dated April 16, 1877, as adjusted pursuant to the Executive order dated May 4, 1886, and Executive order numbered 1222 and dated July 1, 1910, for use and occupation by the Western Shoshones and the Paddy Cap Band of Paiutes shall be—

(1) considered to be the property of the Tribes; and

(2) permanently held in trust by the United States for the sole use and benefit of the Tribes.

(e) JURISDICTION.—

(1) SUBJECT MATTER JURISDICTION.—Nothing in the Agreement or this Act restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or tribal court.

(2) CIVIL OR REGULATORY JURISDICTION.—Nothing in the Agreement or this Act impairs or impedes the exercise of any civil or regulatory authority of the United States, the State, or the Tribes.

(3) CONSENT TO JURISDICTION.—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(4) EFFECT OF SUBSECTION.—Nothing in this subsection confers jurisdiction on any State court to—

(A) enforce Federal environmental laws relating to the duties of the United States under this Act; or

(B) conduct judicial review of a Federal agency action in accordance with this Act.

By Mr. McCAIN (for himself and Mr. FEINGOLD):

S. 463. A bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; to the Committee on Rules and Administration.

Mr. McCAIN. Mr. President, once again I am pleased to be joined by my good friend and colleague Senator FEINGOLD from Wisconsin in introducing a bill to end the illegal practice of 527 groups spending soft money on ads and other activities to influence Federal elections.

This bill is very simple. It would require that all 527s register as political committees and comply with Federal campaign finance laws, including Federal limits on the contributions they receive, unless the money they raise and spend is only in connection with non-Federal candidate elections, State or local ballot initiatives, or the nomination or confirmation of individuals to non-elected offices.

Additionally, this legislation would set new rules for Federal political committees that spend funds on voter mobilization efforts effecting both Federal and local races and, therefore, use both a Federal and a non-Federal account under Federal Election Commission (FEC) regulation. The new rules would prevent unlimited soft money from being channeled into Federal election activities by these Federal political committees.

Under the new rules that would be established under this bill, at least half of the funds spent on these voter mobilization activities by Federal political committees would have to be hard money from their Federal account. More importantly, the funds raised for their non-Federal account would have to come from individuals and would be limited to no more than $25,000 per year per donor. Corporations and labor unions could not contribute to these non-Federal accounts. To put it in simple terms, a George Soros could give $25,000 per year as opposed to $10 million to finance these activities.

It is unfortunate that we even need to be here introducing this bill today. This legislation would not be necessary if the FEC would enforce existing law. As my colleagues know, a number of 527 groups raised and spent a substantial amount of soft money in a blatant effort to influence the outcome of the 2004 Presidential election. These activities are illegal under existing laws,

but, unfortunately, the FEC has failed to implement the regulations necessary to stop these illegal activities.

According to an analysis by campaign finance scholar Tony Corrado, federally oriented 527s spent $423 million to affect the outcome of the 2004 elections. The same analysis shows that ten donors gave at least $4 million each to 527s involved in the 2004 elections and two donors each contributed over $20 million. Let me be perfectly clear on one point here. Our proposal will NOT shut down 527s. It will simply require them to abide by the same Federal regulations every other Federal political committee must abide by in spending money to influence Federal elections.

Opponents of campaign finance reform like to point out that the activities of these 527s serve as proof that the Bipartisan Campaign Reform Act (BCRA) has failed in its stated purpose, which is to eliminate the corrupting influence of soft money in our political campaigns. Let me be perfectly clear on this. The 527 issue has nothing to do with BCRA, it has everything to do with the Federal Election Campaign Act of 1974 and the failure of the FEC to properly regulate the activities of these groups.

The bill Senator FEINGOLD and I are introducing today is designed to put an end to the abusive, illegal practices of these 527s. I urge my colleagues to support swift passage of this bill and put an end to this problem once and for all.

Mr. FEINGOLD. Mr. President, I am pleased to be working once again with my partner in reform, the senior Senator from Arizona, Senator MCCAIN, to introduce the 527 Reform Act.

Our purpose is simple—to pass legislation that will do what the FEC could and should do under current law, but, once again, has failed to do. Current Federal election law requires these groups to register as political committees and to stop raising and spending soft money. But the FEC has failed to enforce the law, so we must act in the Congress. This bill will make it absolutely clear that the federal election laws apply to 527 organizations.

We had to something similar with BCRA, the Bipartisan Campaign Reform Act, which passed in 2002, closing the soft money loophole that the FEC created in the late '70s and expanded in the '90s. That struggle took seven years. We have now been seeking to bring 527s within the law for four.

This bill will require all 527s to register as political committees unless they fall into a number of narrow categories. The exceptions are basically for groups that Congress exempted from disclosure requirements because they are so small or for groups that are involved exclusively in State election activity. Once a group registers as a political committee, certain activities, such as ads that mention only Federal candidates, will have to be paid for solely with hard money.

Under current rules, the FEC permits Federal political committees to maintain a non-Federal account to pay a portion of the expenses of activities that affect both Federal and non-Federal elections. Our bill sets new allocation rules that will make sure that these allocable activities are paid for with at least 50 percent hard money.

Finally, the bill makes an important change with respect to the non-federal portion of the allocable activities. We put a limit of $25,000 per year on the contributions that can be accepted for that non-federal account. This means no more million dollar soft money contributions to pay for get-out-the-vote efforts in the presidential campaign.

Nothing in this bill will affect legitimate 501(c) advocacy groups. The bill only applies to groups that claim a tax exemption under section 527.

Having laid out the central components of the bill, let me discuss how this bill has evolved, and the differences between this bill and the bill we introduced in 2005. In the last Congress, we made a great deal of progress working with the Senator from Mississippi, who at the time chaired the Rules Committee. Prior to taking the bill to a markup in the spring of 2005, Senator LOTT worked with us to clarify the bill and address some of the concerns that had been raised about it. The bill we are introducing today is identical to the ''Chairman's Mark'' that Senator LOTT brought before the Rules Committee last year.

While the original bill exempted 527s engaged exclusively in state elections from the registration requirement, it denied the exemption to groups that carry out ''voter drive activities''—defined as get-out-the vote, voter ID, or voter registration—during a federal election year. This made the exemption too narrow, so we looked for another way to ensure that state 527s that only work on behalf of non-Federal officeholders will not have to become Federal PACs.

The Chairman's Mark, and this year's bill, completely exempt organizations of State and local candidates or officeholders. Groups such as the Democratic Governors Association, Republican Governors Association, or a state legislative caucus would be exempt, as long as their voter drive activities only mention state candidates or ballot issues. These groups do not qualify for the exemption, however, if they mention Federal candidates in their communications.

Second, the bill provides a slightly narrower exemption for State PACs that are active only in State elections. The only additional requirements for these PACs to qualify for an exemption are that they can only be active in a single State, and they cannot have a candidate for Federal office or Federal officeholder controlling or participating in the organization or raising money for it.

Finally, we made a number of changes to ensure that Federal PACs that allocate expenditures can use non-Federal money for expenditures designed only to assist State candidates even if they make an incidental reference to a Federal candidate or political party.

The changes to the legislation that we made last year working with Senator LOTT prior to the Rules Committee markup have been carried forward in the bill we introduce today. They improved and strengthened the bill. Unfortunately, other amendments were added during the Rules Committee consideration of the bill that we could not support. So the bill that we are introducing today is the same as the bill that went to markup in 2005, not the bill that was reported.

In closing, let me remind my colleagues that the soft money loophole was first opened by FEC rulings in the late '70s. By the time we started work on BCRA, the problem had mushroomed and led to the scandals we saw in the 1996 campaign. When we passed BCRA, I said we would have to be vigilant to make sure that the FEC enforced the law and that similar loopholes did not develop. That is what we are trying to do here.

I have no doubt that if we don't act on this 527 problem now, we will see more problems explode into scandals over the next few election cycles. In the 2004 cycle, Federal-oriented 527s spend $423 million. In fact, there were two donors who each contributed over $20 million. We cannot afford to wait until another presidential campaign season is in full bloom before addressing this problem. This FEC-ordained loophole threatens to further undermine the federal election laws. We must close it this year.

By Mr. ROCKEFELLER (for himself, Ms. COLLINS, and Mr. NELSON of Florida):

S. 464. A bill to amend title XVIII and XIX of the Social Security Act to improve the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Ms. COLLINS Mr. DURBIN, and Mr. BINGAMAN):

S. 465. A bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. NELSON of Florida, and Mr. LUGAR):

S. 466. A bill to amend title XVIII of the Social Security Act to provide for coverage of an end-of-life planning consultation as part of an initial preventive physical examination under the Medicare program; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, death is by no means an easy subject to talk about; nonetheless, end-of-life care continues to be a controversial topic that must be addressed. Today, I am introducing three bills that I hope will go a long way to improve end-of-life care in this country. Senator SUSAN COLLINS and I are reintroducing our Advance Planning and Compassionate Care Act, comprehensive legislation that would ensure that patients' final wishes for end-of-life care are known, respected, and complied with. This legislation has been introduced in each Congress since the 105th Congress. I am hopeful that we will be able to move it this year.

I am also introducing the Medicare End-of-Life Care Planning Act with Senators LUGAR and BILL NELSON. This important bill is based on an amendment that I introduced during the Finance Committee's consideration of the Deficit Reduction Act in 2005. It would require physician consultation regarding advance directives during the initial ''Welcome to Medicare'' physician visit. An end-of-life care consultation during a Medicare recipient's first contact with the program would emphasize the importance of advance planning and give him or her the tools necessary to understand advance directives, the Medicare hospice benefit, and other end-of-life care concerns. Having such a benefit in Medicare would undoubtedly improve patient care and quality at the end-of-life.

The final bill that I would like to talk about today is the Advance Directives Improvement and Education Act, legislation that I am cosponsoring with Senators BILL NELSON and RICHARD LUGAR. The Advance Directives Improvement and Education Act complements both of the bills I am introducing today. It includes my language on the ''Welcome to Medicare'' doctor's visit, which I believe is critical, but it also includes two other important provisions. It improves the policies for use and portability of advance directives across state lines, and it directs the Secretary of HHS to conduct a public education campaign on the importance of end-of-life planning.

I am happy to be an author of each of these bills. As we have seen recently with the well-publicized case of Terri Shiavo, end-of-life decision making can be confusing and cause added anguish to an already sorrowful situation. The delicate nature of life and love make it very difficult to create strict rules governing end-of-life care, nor should we want to. In its present form, however, end-of-life planning and care for most Americans is perplexing, disjointed, and lacking an active dialogue. We can, and must, take action to make this process as easy as possible.

It is not surprising that we face this problem. Health care professionals frequently use terms that are too technical or confusing for the average person. Patients who appear too sick to participate in the discussions may be excluded from determining their own destiny. And all too often the entire conversation never happens due to the discomfort of all parties involved. As a result, patients and families, suffer needlessly during these already difficult times. A report issued by the Institute of Medicine Committee on Care at the End of Life stated that, and I quote, ''suffering arises when the aggressive use of ineffectual or intrusive interventions serves to prolong the period of dying unnecessarily or to dishonor the dying person's wishes about care. Too often, dying people and their families are either not aware of these care options, not fully apprised of the probable benefits and burdens of these various options, or are the recipients of care that is inconsistent with their wishes as expressed in written or oral directives.''

Despite these shortcomings, the evidence tells us that most people want to discuss advanced directives when they are healthy and they want their families involved in the process. According to the American Psychological Association, almost 60 percent of individuals 65 or older state that they want their family to be given choices about treatment should they become incapacitated rather than leaving the decision up to physicians. How can we allow these serious problems to persist when dealing with the lives of our family and friends?

Death is hard to think about. Death is hard to talk about. And the final period of time leading up to our death is hard to plan. But we must encourage our family, our friends, and our loved ones to discuss this difficult topic in an open and effective manner in order to avoid any additional pain when a loved one passes away. We must also provide them the best tools to do so.

The legislation I am introducing today accomplishes this objective by developing standards for end-of-life care, facilitating opportunities for patients to discuss end-of-life issues with a trained professional, and authorizing funds for demonstration projects on innovative approaches to end-of-life care.

Death is a serious, personal, and complicated issue that is eventually relevant to each and every one of us. Americans deserve end-of-life care that is effective in fulfilling individual wishes, avoiding unnecessary disputes, and, most importantly, providing quality end-of-life care. Therefore, I urge my colleagues to join us in improving end-of-life care and reducing the amount of grief that inevitably comes with losing those who we hold dear.

I ask unanimous consent that the text of each of these bills be printed in the RECORD.

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

S. 464

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Advance Planning and Compassionate Care Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Development of standards to assess end-of-life care.
Sec. 3. Study and report by the Secretary of Health and Human Services regarding the establishment and implementation of a national uniform policy on advance directives.
Sec. 4. Improvement of policies related to the use of advance directives.
Sec. 5. National information hotline for end-of-life decisionmaking and hospice care.
Sec. 6. Demonstration project for innovative and new approaches to end-of-life care for Medicare, Medicaid, and SCHIP beneficiaries.
Sec. 7. Establishment of End-of-Life Care Advisory Board.

SEC. 2. DEVELOPMENT OF STANDARDS TO ASSESS END-OF-LIFE CARE.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, the Director of the National Institutes of Health, the Administrator of the Agency for Health Care Policy and Research, and the End-of-Life Care Advisory Board (established under section 7), shall develop outcome standards and measures to—

(1) evaluate the performance of health care programs and projects that provide end-of-life care to individuals, including the quality of the care provided by such programs and projects; and

(2) assess the access to, and utilization of, such programs and projects, including differences in such access and utilization in rural and urban areas and for minority populations.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the outcome standards and measures developed under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

SEC. 3. STUDY AND REPORT BY THE SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING THE ESTABLISHMENT AND IMPLEMENTATION OF A NATIONAL UNIFORM POLICY ON ADVANCE DIRECTIVES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a thorough study of all matters relating to the establishment and implementation of a national uniform policy on advance directives for individuals receiving items and services under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.).

(2) MATTERS STUDIED.—The matters studied by the Secretary of Health and Human Services under paragraph (1) shall include issues concerning—

(A) family satisfaction that a patient's wishes, as stated in the patient's advance directive, were carried out;

(B) the portability of advance directives, including cases involving the transfer of an individual from 1 health care setting to another;

(C) immunity from civil liability and criminal responsibility for health care providers that follow the instructions in an individual's advance directive that was validly executed in, and consistent with the laws of, the State in which it was executed;

(D) conditions under which an advance directive is operative;

(E) revocation of an advance directive by an individual;

(F) the criteria used by States for determining that an individual has a terminal condition;

(G) surrogate decisionmaking regarding end-of-life care;

(H) the provision of adequate palliative care (as defined in paragraph (3)), including pain management; and

(I) adequate and timely referrals to hospice care programs.

(3) PALLIATIVE CARE.—For purposes of paragraph (2)(H), the term ''palliative care'' means interdisciplinary care for individuals with a life-threatening illness or injury relating to pain and symptom management and psychological, social, and spiritual needs and that seeks to improve the quality of life for the individual and the individual's family.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(c) CONSULTATION.—In conducting the study and developing the report under this section, the Secretary of Health and Human Services shall consult with the End-of-Life Care Advisory Board (established under section 7), the Uniform Law Commissioners, and other interested parties.

SEC. 4. IMPROVEMENT OF POLICIES RELATED TO THE USE OF ADVANCE DIRECTIVES.

(a) MEDICARE.—Section 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting ''and if presented by the individual, to include the content of such advance directive in a prominent part of such record'' before the semicolon at the end;

(B) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.'';

(2) in paragraph (3), by striking ''a written'' and inserting ''an''; and

(3) by adding at the end the following new paragraph:

''(5)(A) An advance directive validly executed outside of the State in which such advance directive is presented by an adult individual to a provider of services, a Medicare Advantage organization, or a prepaid or eligible organization shall be given the same effect by that provider or organization as an advance directive validly executed under the law of the State in which it is presented would be given effect.

''(B)(i) The definition of an advanced directive shall also include actual knowledge of instructions made while an individual was able to express the wishes of such individual with regard to health care.

''(ii) For purposes of clause (i), the term 'actual knowledge' means the possession of information of an individual's wishes communicated to the health care provider orally or in writing by the individual, the individual's medical power of attorney representative, the individual's health care surrogate, or other individuals resulting in the health care provider's personal cognizance of these wishes. Other forms of imputed knowledge are not actual knowledge.

''(C) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.''.

(b) MEDICAID.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking ''in the individual's medical record'' and inserting ''in a prominent part of the individual's current medical record''; and

(ii) by inserting ''and if presented by the individual, to include the content of such advance directive in a prominent part of such record'' before the semicolon at the end;

(B) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.'';

(2) in paragraph (4), by striking ''a written'' and inserting ''an''; and

(3) by adding at the end the following paragraph:

''(6)(A) An advance directive validly executed outside of the State in which such advance directive is presented by an adult individual to a provider or organization shall be given the same effect by that provider or organization as an advance directive validly executed under the law of the State in which it is presented would be given effect.

''(B)(i) The definition of an advanced directive shall also include actual knowledge of instructions made while an individual was able to express the wishes of such individual with regard to health care.

''(ii) For purposes of clause (i), the term 'actual knowledge' means the possession of information of an individual's wishes communicated to the health care provider orally or in writing by the individual, the individual's medical power of attorney representative, the individual's health care surrogate, or other individuals resulting in the health care provider's personal cognizance of these wishes. Other forms of imputed knowledge are not actual knowledge.

''(C) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.''.

(c) STUDY AND REPORT REGARDING IMPLEMENTATION.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study regarding the implementation of the amendments made by subsections (a) and (b).

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsections (a) and (b) shall apply to provider agreements and contracts entered into, renewed, or extended under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and to State plans under title XIX of such Act (42 U.S.C. 1396 et seq.), on or after such date as the Secretary of Health and Human Services specifies, but in no case may such date be later than 1 year after the date of enactment of this Act.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsection (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 5. NATIONAL INFORMATION HOTLINE FOR END-OF-LIFE DECISIONMAKING AND HOSPICE CARE.

The Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall operate directly, or by grant, contract, or interagency agreement, out of funds otherwise appropriated to the Secretary, a clearinghouse and a 24-hour toll-free telephone hotline in order to provide consumer information about advance directives (as defined in section 1866(f)(3) of the Social Security Act (42 U.S.C. 1395cc(f)(3)), as amended by section 4(a)), end-of-life decisionmaking, and available end-of-life and hospice care services. In carrying out the preceding sentence, the Administrator may designate an existing clearinghouse and 24-hour toll-free telephone hotline or, if no such entity is appropriate, may establish a new clearinghouse and a 24-hour toll-free telephone hotline.

SEC. 6. DEMONSTRATION PROJECT FOR INNOVATIVE AND NEW APPROACHES TO END-OF-LIFE CARE FOR MEDICARE, MEDICAID, AND SCHIP BENEFICIARIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project under which the Secretary contracts with entities operating programs in order to develop new and innovative approaches to providing end-of-life care to Medicare beneficiaries, Medicaid beneficiaries, and SCHIP beneficiaries.

(2) APPLICATION.—Any entity seeking to participate in the demonstration project shall submit to the Secretary an application in such form and manner as the Secretary may require.

(3) DURATION.—The authority of the Secretary to conduct the demonstration project shall terminate at the end of the 5-year period beginning on the date the Secretary implements the demonstration project.

(b) SELECTION CRITERIA.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in selecting entities to participate in the demonstration project, the Secretary shall select entities that will allow for programs to be conducted in a variety of States, in an array of care settings, and that reflect—

(A) a balance between urban and rural settings;

(B) cultural diversity; and

(C) various modes of medical care and insurance, such as fee-for-service, preferred provider organizations, health maintenance organizations, hospice care, home care services, long-term care, pediatric care, and integrated delivery systems.

(2) PREFERENCES.—The Secretary shall give preference to entities operating programs that—

(A) will serve Medicare beneficiaries, Medicaid beneficiaries, or SCHIP beneficiaries who are dying of illnesses that are most prevalent under the Medicare program, the Medicaid program, or SCHIP, respectively; and

(B) appear capable of sustained service and broad replication at a reasonable cost within commonly available organizational structures.

(3) SELECTION OF PROGRAM THAT PROVIDES PEDIATRIC END-OF-LIFE CARE.—The Secretary shall ensure that at least 1 of the entities selected to participate in the demonstration project operates a program that provides pediatric end-of-life care.

(c) EVALUATION OF PROGRAMS.—

(1) IN GENERAL.—Each program operated by an entity under the demonstration project shall be evaluated at such regular intervals as the Secretary determines are appropriate.

(2) USE OF PRIVATE ENTITIES TO CONDUCT EVALUATIONS.—The Secretary, in consultation with the End-of-Life Care Advisory Board (established under section 7), shall contract with 1 or more private entities to coordinate and conduct the evaluations under paragraph (1). Such a contract may not be awarded to an entity selected to participate in the demonstration project.

(3) REQUIREMENTS FOR EVALUATIONS.—

(A) USE OF OUTCOME MEASURES AND STANDARDS.—In coordinating and conducting an evaluation of a program conducted under the demonstration project, an entity shall use the outcome standards and measures required to be developed under section 2 as soon as those standards and measures are available.

(B) ELEMENTS OF EVALUATION.—In addition to the use of the outcome standards and measures under subparagraph (A), an evaluation of a program conducted under the demonstration project shall include the following:

(i) A comparison of the quality of care provided by, and of the outcomes for Medicare beneficiaries, Medicaid beneficiaries, and SCHIP beneficiaries, and the families of such beneficiaries enrolled in, the program being evaluated to the quality of care and outcomes for such individuals that would have resulted if care had been provided under existing delivery systems.

(ii) An analysis of how ongoing measures of quality and accountability for improvement and excellence could be incorporated into the program being evaluated.

(iii) A comparison of the costs of the care provided to Medicare beneficiaries, Medicaid beneficiaries, and SCHIP beneficiaries under the program being evaluated to the costs of such care that would have been incurred under the Medicare program, the Medicaid program, and SCHIP if such program had not been conducted.

(iv) An analysis of whether the program being evaluated implements practices or procedures that result in improved patient outcomes, resource utilization, or both.

(v) An analysis of—

(I) the population served by the program being evaluated; and

(II) how accurately that population reflects the total number of Medicare beneficiaries, Medicaid beneficiaries, and SCHIP beneficiaries residing in the area who are in need of services offered by such program.

(vi) An analysis of the eligibility requirements and enrollment procedures for the program being evaluated.

(vii) An analysis of the services provided to beneficiaries enrolled in the program being evaluated and the utilization rates for such services.

(viii) An analysis of the structure for the provision of specific services under the program being evaluated.

(ix) An analysis of the costs of providing specific services under the program being evaluated.

(x) An analysis of any procedures for offering Medicare beneficiaries, Medicaid beneficiaries, and SCHIP beneficiaries enrolled in the program being evaluated a choice of services and how the program responds to the preferences of such beneficiaries.

(xi) An analysis of the quality of care provided to, and of the outcomes for, Medicare beneficiaries, Medicaid beneficiaries, and SCHIP beneficiaries, and the families of such beneficiaries, that are enrolled in the program being evaluated.

(xii) An analysis of any ethical, cultural, or legal concerns—

(I) regarding the program being evaluated; and

(II) with the replication of such program in other settings.

(xiii) An analysis of any changes to regulations or of any additional funding that would result in more efficient procedures or improved outcomes under the program being evaluated.

(d) WAIVER AUTHORITY.—The Secretary may waive compliance with any of the requirements of titles XI, XVIII, XIX, and XXI of the Social Security Act (42 U.S.C. 1301 et seq.; 1395 et seq.; 1396 et seq.; 1397aa et seq.) which, if applied, would prevent the demonstration project carried out under this section from effectively achieving the purpose of such project.

(e) REPORTS TO CONGRESS.—

(1) ANNUAL REPORTS BY SECRETARY.—

(A) IN GENERAL.—Beginning 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the demonstration project and on the quality of end-of-life care under the Medicare program, the Medicaid program, and SCHIP, together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(B) SUMMARY OF RECENT STUDIES.—A report submitted under subparagraph (A) shall include a summary of any recent studies and advice from experts in the health care field regarding the ethical, cultural, and legal issues that may arise when attempting to improve the health care system to meet the needs of individuals with serious and eventually terminal conditions.

(C) CONTINUATION OR REPLICATION OF DEMONSTRATION PROJECTS.—The first report submitted under subparagraph (A) after the 3-year anniversary of the date the Secretary implements the demonstration project shall include recommendations regarding whether such demonstration project should be continued beyond the period described in subsection (a)(3) and whether broad replication of any of the programs conducted under the demonstration project should be initiated.

(2) REPORT BY END-OF-LIFE CARE ADVISORY BOARD ON DEMONSTRATION PROJECT.—

(A) IN GENERAL.—Not later than 2 years after the conclusion of the demonstration project, the End-of-Life Advisory Board shall submit a report to the Secretary and Congress on such project.

(B) CONTENTS.—The report submitted under subparagraph (A) shall contain—

(i) an evaluation of the effectiveness of the demonstration project; and

(ii) recommendations for such legislation and administrative actions as the Board considers appropriate.

(f) FUNDING.—There are appropriated such sums as are necessary for conducting the demonstration project and for preparing and submitting the reports required under subsection (e)(1).

(g) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROJECT.—The term ''demonstration project'' means the demonstration project conducted under this section.

(2) MEDICAID BENEFICIARIES.—The term ''Medicaid beneficiaries'' means individuals who are enrolled in the State Medicaid program.

(3) MEDICAID PROGRAM.—The term ''Medicaid program'' means the health care program under title XIX of the Social Security Act (42 U.S.C. 1395 et seq.).

(4) MEDICARE BENEFICIARIES.—The term ''Medicare beneficiaries'' means individuals who are entitled to, or enrolled for, benefits under part A or enrolled for benefits under part B of the Medicare program.

(5) MEDICARE PROGRAM.—The term ''Medicare program'' means the health care program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(6) SCHIP.—The term ''SCHIP'' means the State children's health insurance program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(7) SCHIP BENEFICIARY.—The term ''SCHIP beneficiary'' means an individual who is enrolled in SCHIP.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 7. ESTABLISHMENT OF END-OF-LIFE CARE ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services an End-of-Life Care Advisory Board (in this section referred to as the ''Board'').

(b) STRUCTURE AND MEMBERSHIP.—

(1) IN GENERAL.—The Board shall be composed of 15 members who shall be appointed by the Secretary of Health and Human Services (in this section referred to as the ''Secretary'').

(2) REQUIRED REPRESENTATION.—The Secretary shall ensure that the following groups, organizations, and associations are represented in the membership of the Board:

(A) An end-of-life consumer advocacy organization.

(B) A senior citizen advocacy organization.

(C) A physician-based hospice or palliative care organization.

(D) A nurse-based hospice or palliative care organization.

(E) A hospice or palliative care provider organization.

(F) A hospice or palliative care representative that serves the veterans population.

(G) A physician-based medical association.

(H) A physician-based pediatric medical association.

(I) A home health-based nurses association.

(J) A hospital-based or health system-based palliative care group.

(K) A children-based or family-based hospice resource group.

(L) A cancer pain management resource group.

(M) A cancer research and policy advocacy group.

(N) An end-of-life care policy advocacy group.

(O) An interdisciplinary end-of-life care academic institution.

(3) ETHNIC DIVERSITY REQUIREMENT.—The Secretary shall ensure that the members of the Board appointed under paragraph (1) represent the ethnic diversity of the United States.

(4) PROHIBITION.—No individual who is a Federal officer or employee may serve as a member of the Board.

(5) TERMS OF APPOINTMENT.—Each member of the Board shall serve for a term determined appropriate by the Secretary.

(6) CHAIRPERSON.—The Secretary shall designate a member of the Board as chairperson.

(c) MEETINGS.—The Board shall meet at the call of the chairperson but not less often than every 3 months.

(d) DUTIES.—

(1) IN GENERAL.—The Board shall advise the Secretary on all matters related to the furnishing of end-of-life care to individuals.

(2) SPECIFIC DUTIES.—The specific duties of the Board are as follows:

(A) CONSULTING.—The Board shall consult with the Secretary regarding—

(i) the development of the outcome standards and measures under section 2;

(ii) conducting the study and submitting the report under section 3; and

(iii) the selection of private entities to conduct evaluations pursuant to section 6(c)(2).

(B) REPORT ON DEMONSTRATION PROJECT.—The Board shall submit the report required under section 6(e)(2).

(e) MEMBERS TO SERVE WITHOUT COMPENSATION.—

(1) IN GENERAL.—All members of the Board shall serve on the Board without compensation for such service.

(2) TRAVEL EXPENSES.—The members of the Board 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 Board.

(f) STAFF.—

(1) IN GENERAL.—The chairperson of the Board may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Board to perform its duties. The employment of an executive director shall be subject to confirmation by the Board.

(2) COMPENSATION.—The chairperson of the Board may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Board who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF BOARD.—Subparagraph (A) shall not be construed to apply to members of the Board.

(g) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board without additional reimbursement (other than the employee's regular compensation), and such detail shall be without interruption or loss of civil service status or privilege.

(h) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Board may procure temporary and intermittent services 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 level V of the Executive Schedule under section 5316 of such title.

(i) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(j) TERMINATION.—The Board shall terminate 90 days after the date on which the Board submits the report under section 6(e)(2).

(k) FUNDING.—Funding for the operation of the Board shall be from amounts otherwise appropriated to the Department of Health and Human Services.

S. 465

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 ''Advance Directives Improvement and Education Act of 2007''.

SEC. 2. ADVANCE DIRECTIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Every year 2,500,000 people die in the United States. Eighty percent of those people die in institutions such as hospitals, nursing homes, and other facilities. Chronic illnesses, such as cancer and heart disease, account for 2 out of every 3 deaths.

(2) In 1997, the Supreme Court of the United States, in its decisions in Washington v. Glucksberg and Vacco v. Quill, reaffirmed the constitutional right of competent adults to refuse unwanted medical treatment. In those cases, the Court stressed the use of advance directives as a means of safeguarding that right should those adults become incapable of deciding for themselves.

(3) A survey published in 2005 estimated that the overall prevalence of advance directives is 29 percent of the general population, despite the passage of the Patient Self-Determination Act in 1990, which requires that health care providers tell patients about advance directives.

(4) Competent adults should complete advance care plans stipulating their health care decisions in the event that they become unable to speak for themselves. Through the execution of advance directives, including living wills and durable powers of attorney for health care according to the laws of the State in which they reside, individuals can protect their right to express their wishes and have them respected.

(b) PURPOSES.—The purposes of this section are to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decision-making so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

(c) MEDICARE COVERAGE OF END-OF-LIFE PLANNING AND CONSULTATIONS AS PART OF INITIAL PREVENTIVE PHYSICAL EXAMINATION.—

(1) IN GENERAL.—Section 1861(ww) of the Social Security Act (42 U.S.C. 1395x(ww)) is amended—

(A) in paragraph (1), by striking ''paragraph (2),'' and inserting ''paragraph (2) and an end-of-life planning consultation (as defined in paragraph (3)),''; and

(B) by adding at the end the following new paragraph:

''(3) For purposes of paragraph (1), the term 'end-of-life planning consultation' means a consultation between the physician and an individual regarding—

''(A) the importance of preparing advance directives in case an injury or illness causes the individual to be unable to make health care decisions;

''(B) the situations in which an advance directive is likely to be relied upon;

''(C) the reasons that the development of a comprehensive end-of-life plan is beneficial and the reasons that such a plan should be updated periodically as the health of the individual changes;

''(D) the identification of resources that an individual may use to determine the requirements of the State in which such individual resides so that the treatment wishes of that individual will be carried out if the individual is unable to communicate those wishes, including requirements regarding the designation of a surrogate decision maker (health care proxy); and

''(E) whether or not the physician is willing to follow the individual's wishes as expressed in an advance directive.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to initial preventive physical examinations provided on or after January 1, 2008.

(d) IMPROVEMENT OF POLICIES RELATED TO THE USE AND PORTABILITY OF ADVANCE DIRECTIVES.—

(1) MEDICARE.—Section 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ''and if presented by the individual (or on behalf of the individual), to include the content of such advance directive in a prominent part of such record'' before the semicolon at the end;

(ii) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(iv) by inserting after subparagraph (E) the following new subparagraph:

''(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.'';

(B) in paragraph (3), by striking ''a written'' and inserting ''an''; and

(C) by adding at the end the following new paragraph:

''(5)(A) In addition to the requirements of paragraph (1), a provider of services, Medicare Advantage organization, or prepaid or eligible organization (as the case may be) shall give effect to an advance directive executed outside the State in which such directive is presented, even one that does not appear to meet the formalities of execution, form, or language required by the State in which it is presented to the same extent as such provider or organization would give effect to an advance directive that meets such requirements, except that a provider or organization may decline to honor such a directive if the provider or organization can reasonably demonstrate that it is not an authentic expression of the individual's wishes concerning his or her health care. Nothing in this paragraph shall be construed to authorize the administration of medical treatment otherwise prohibited by the laws of the State in which the directive is presented.

''(B) The provisions of this paragraph shall preempt any State law to the extent such

law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.''.

(2) MEDICAID.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by striking ''in the individual's medical record'' and inserting ''in a prominent part of the individual's current medical record''; and

(II) by inserting ''and if presented by the individual (or on behalf of the individual), to include the content of such advance directive in a prominent part of such record'' before the semicolon at the end;

(ii) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(iv) by inserting after subparagraph (E) the following new subparagraph:

''(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.'';

(B) in paragraph (4), by striking ''a written'' and inserting ''an''; and

(C) by adding at the end the following paragraph:

''(6)(A) In addition to the requirements of paragraph (1), a provider or organization (as the case may be) shall give effect to an advance directive executed outside the State in which such directive is presented, even one that does not appear to meet the formalities of execution, form, or language required by the State in which it is presented to the same extent as such provider or organization would give effect to an advance directive that meets such requirements, except that a provider or organization may decline to honor such a directive if the provider or organization can reasonably demonstrate that it is not an authentic expression of the individual's wishes concerning his or her health care. Nothing in this paragraph shall be construed to authorize the administration of medical treatment otherwise prohibited by the laws of the State in which the directive is presented.

''(B) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.''.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by paragraphs (1) and (2) shall apply to provider agreements and contracts entered into, renewed, or extended under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and to State plans under title XIX of such Act (42 U.S.C. 1396 et seq.), on or after such date as the Secretary of Health and Human Services specifies, but in no case may such date be later than 1 year after the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by paragraph (2), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(e) INCREASING AWARENESS OF THE IMPORTANCE OF END-OF-LIFE PLANNING.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

''PART R—PROGRAMS TO INCREASE AWARENESS OF ADVANCE DIRECTIVE PLANNING ISSUES

''SEC. 399Z–1. ADVANCE DIRECTIVE EDUCATION CAMPAIGNS AND INFORMATION CLEARINGHOUSES.

''(a) ADVANCE DIRECTIVE EDUCATION CAMPAIGN.—The Secretary shall, directly or through grants awarded under subsection (c), conduct a national public education campaign—

''(1) to raise public awareness of the importance of planning for care near the end of life;

''(2) to improve the public's understanding of the various situations in which individuals may find themselves if they become unable to express their health care wishes;

''(3) to explain the need for readily available legal documents that express an individual's wishes, through advance directives (including living wills, comfort care orders, and durable powers of attorney for health care); and

''(4) to educate the public about the availability of hospice care and palliative care.

''(b) INFORMATION CLEARINGHOUSE.—The Secretary, directly or through grants awarded under subsection (c), shall provide for the establishment of a national, toll-free, information clearinghouse as well as clearinghouses that the public may access to find out about State-specific information regarding advance directive and end-of-life decisions.

''(c) GRANTS.—

''(1) IN GENERAL.—The Secretary shall use at least 60 percent of the funds appropriated under subsection (d) for the purpose of awarding grants to public or nonprofit private entities (including States or political subdivisions of a State), or a consortium of any of such entities, for the purpose of conducting education campaigns under subsection (a) and establishing information clearinghouses under subsection (b).

''(2) PERIOD.—Any grant awarded under paragraph (1) shall be for a period of 3 years.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000.''.

(f) GAO STUDY AND REPORT ON ESTABLISHMENT OF NATIONAL ADVANCE DIRECTIVE REGISTRY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility of a national registry for advance directives, taking into consideration the constraints created by the privacy provisions enacted as a result of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (1) together with recommendations for such legislation and administrative action as the Comptroller General of the United States determines to be appropriate.

(g) EFFECTIVE DATE.—Except as provided in subsections (c) and (d), this section and the amendments made by this section shall take effect on the date of enactment of this Act.

Mr. NELSON of Florida. Mr. President, I am pleased to be joined by my colleagues and cosponsors Senators JAY ROCKEFELLER and RICHARD LUGAR as we introduce the Advance Directives Improvement and Education Act of 2007.

The Advance Directives Improvement and Education Act of 2007 has a simple purpose: to encourage all adults in America, especially those 65 and older, to think about, talk about and write down their wishes for medical care near the end of life should they become unable to make decisions for themselves. Advance directives, which include a living will stating the individual's preferences for care, and a power of attorney for health care, are critical documents that each of us should have. The goal is clear, but reaching it requires that we educate the public about the importance of advance directives, offer opportunities for discussion of the issues, and reinforce the requirement that health care providers honor patients' wishes. This bill is designed to do just that.

The Advance Directives Improvement and Education Act of 2007 would encourage new Medicare beneficiaries to prepare advance directives by including a physician consultation on advance directives in each ''Welcome to Medicare'' physical exam. This initial consultation would cover the importance of preparing advance directives, when these documents are most likely to be used, and where to find additional resources and information. The conversation will also enable physicians to learn about their patients' wishes, fears, religious beliefs, and life experiences that might influence their medical care wishes. These are important aspects of a physician-patient relationship that are too often unaddressed.

Another part of our bill would provide funds for the Department of Health and Human Services, HHS, to conduct a public education campaign to raise awareness of the importance of planning for care near the end of life. This campaign would explain what advance directives are, where they are available, what questions need to be asked and answered, and what to do with the executed documents. HHS, directly or through grants, would also establish an information clearinghouse where consumers could receive State-specific information and consumer-friendly documents and publications.

The bill also contains language that would make all advance directives ''portable,'' that is, useful from one State to another. If an out-of-State directive is presented, it will be presumed valid unless the health care provider can reasonably demonstrate that it is not an authentic expression of the individual's wishes concerning his or her health care.

We all know about the tragic situation that occurred in Florida with Terri Schiavo and her family. She was

a young woman who was the subject of a debate about her treatment between her husband and her parents, a debate that was a court case and a legislative quagmire. Most experts agree that if she had an advance directive that made her wishes clear and named a health care proxy, there would have been no question as to who could decide the course of her care.

One of the great legacies of Terri Schiavo's life will be that she began a national dialogue about end-of-life care and got people discussing living wills. Regardless of our views on the ethical, legal and constitutional issues surrounding her case, we all can agree that more people now than ever know the importance of having end-of-life discussions with their family, doctor, clergy or attorney. This bill would build upon this national dialogue and encourage more Americans to learn about and fill out advance directives.

This body is a legislative institution, not a medical one. We cannot legislate good medical care or compassion. What we can do, what I hope we will do, is to enact this bill so that the American public can participate in improving end-of-life care. If we can do that, we will have done a great deal.

S. 466

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 End-of-Life Care Planning Act of 2007''.

SEC. 2. MEDICARE COVERAGE OF AN END-OF-LIFE PLANNING CONSULTATION AS PART OF AN INITIAL PREVENTIVE PHYSICAL EXAMINATION.

(a) IN GENERAL.—Section 1861(ww) of the Social Security Act (42 U.S.C. 1395x(ww)) is amended—

(1) in paragraph (1), by striking ''paragraph (2),'' and inserting ''paragraph (2) and an end-of-life planning consultation (as defined in paragraph (3)),''; and

(2) by adding at the end the following new paragraph:

''(3) For purposes of paragraph (1), the term 'end-of-life planning consultation' means a consultation between the physician and an individual regarding—

''(A) the importance of preparing advance directives in case an injury or illness causes the individual to be unable to make health care decisions;

''(B) the situations in which an advance directive is likely to be relied upon;

''(C) the reasons why the development of a comprehensive end-of-life plan is beneficial and the reasons why such a plan should be updated periodically as the health of the individual changes;

''(D) the identification of resources that an individual may use to determine the requirements of the State in which such individual resides so that the treatment wishes of that individual will be carried out if the individual is unable to communicate those wishes, including requirements regarding the designation of a surrogate decision maker (health care proxy); and

''(E) whether or not the physician is willing to follow the individual's wishes as expressed in an advance directive.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to initial preventive physical examinations provided on or after January 1, 2008.

By Mr. DODD (for himself, Mr. GRASSLEY, Mr. WYDEN, Mr. BINGAMAN, Mr. DURBIN, and Mr. HARKIN):

S. 467. A bill to amend the Public Health Service Act to expand the clinical trials drug data bank; to the Committee on Health, Education, Labor and Pensions.

By Mr. GRASSLEY (for himself, Mr. DODD, Ms. MIKULSKI, and Mr. BINGAMAN):

S. 468. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Fair Access to Clinical Trials (FACT) Act. I want to begin by thanking Senators GRASSLEY, WYDEN, BINGAMAN, DURBIN, and HARKIN for joining me in introducing this legislation. I also would like to recognize the leadership of Senator JOHNSON who was involved in the crafting of this legislation from the beginning and who has been a long-standing supporter of the FACT Act.

Our bill will create an electronic databank for clinical trials of drugs, biological products, and medical devices. Such a databank will ensure that physicians, researchers, the general public, and patients seeking to enroll in clinical trials have access to basic information about those trials. It will require manufacturers and other researchers to reveal the results of clinical trials so that clinically important information will be available to all Americans, and physicians will have all the information necessary to make appropriate treatment decisions for their patients.

Events of the past few years have made it clear that such a databank is needed. For example, serious questions were raised about the effectiveness and safety of antidepressants when used in children and youth. It has now become clear that the existing data indicates that these drugs may very well put children at risk. However, because the data from antidepressant clinical trials was not publicly available, it took years for this risk to be realized. In the meantime, millions of children have been prescribed antidepressants by well-meaning physicians. While these drugs undoubtedly helped many of these children, they also led to greater suffering for others.

The news is similarly disturbing for a popular class of painkillers known as Cox-2 inhibitors. These medicines, taken by millions of Americans, have been associated with an increased risk of cardiovascular adverse events, such as heart attack and stroke. It has been suggested that one of these medicines, which has since been pulled from the market, may have been responsible for tens of thousands of deaths.

Most recently, a drug manufacturer acknowledged that it did not inform the Food and Drug Administration (FDA) or the public about the results of a 67,000 person study it conducted of an FDA-approved drug used commonly during heart surgery to reduce the need for a transfusion. The study revealed the drug may increase patients' risk of death, serious kidney damage, congestive heart failure, and stroke.

Unfortunately, these are just a few examples of stories that have become all too common. It has been suggested that negative data might actually have been suppressed; and if this is discovered to be the case, those responsible should be dealt with harshly. However, because of what is known as ''publication bias,'' the information available to the public and physicians can be misleading even without nefarious motives. The simple fact is that studies with a positive result are far more likely to be published, and thus publicly available, than a study with a negative result. Physicians and patients hear the good news. Rarely do they hear the bad news. In the end, the imbalance of available information hurts patients.

Our bill would correct this imbalance in information, and prevent manufacturers from suppressing negative data. It would do so by creating a two-part databank, consisting of an expansion of clinicaltrials.gov—an existing registry that is operated by the National Library of Medicine (NLM)—and a new database for clinical trial results.

Under the FACT Act, the registry would continue to operate as a resource for patients seeking to enroll in clinical trials for drugs and biological products intended to treat serious or life-threatening conditions—and for the first time, it would also include medical device trials. The new results database would include all trials (except for preliminary safety trials), and would require the submission of clinical trial results data.

Our legislation would enforce the requirement to submit information to the databank in two ways. First, by requiring registration as a condition of Institutional Review Board (IRB) approval, no trial could begin without submitting preliminary information to the registry and database. This information would include the purpose of the trial, the estimated date of trial completion, as well as all of the information necessary to help patients to enroll in the trial.

Once the trial is completed, the researcher or manufacturer is required to submit the results to the database. If they refuse to do so, they are subject to monetary penalties or, in the case of federally-funded research, a restriction on future federal funding. It is my belief that these enforcement mechanisms will ensure broad compliance. However, in the rare case where a manufacturer does not comply, this legislation also gives the FDA the authority to publicize the required information.

Let me also say that any time you are collecting large amounts of data and making it public, protecting patient privacy and confidentiality is

paramount. Our legislation would in no way threaten patient privacy. The simple fact is that under this bill, no individually-identifiable information would be available to the public.

I believe that the establishment of a clinical trials databank is absolutely necessary for the health and well-being of the American public. But I would also like to highlight two other benefits that such a databank will have. First, it has the potential to reduce health care costs. Studies have shown that publication bias also leads to a bias toward new and more expensive treatment options. A databank could help make it clear that in some cases less expensive treatments are just as effective for patients.

In addition, a databank will ensure that the sacrifice made by patients who enroll in clinical trials is not squandered. We owe it to patients to make sure that their participation in a trial will benefit other individuals suffering from the same illness or condition by making the results of the trial public, no matter the outcome of the trial.

The problems associated with publication bias have recently drawn more attention from the medical community, and there is broad consensus that a clinical trials registry is one of the best ways to address the issue. Accordingly, the American Medical Association (AMA) has recommended creating such a databank. Additionally, the major medical journals have established a policy that they will only publish the results of trials that were registered in a public database before the trial began. Our legislation meets all of the minimum criteria for a trial registry set out by the International Committee of Medical Journal Editors. In fact, our bill closely follows recommendations issued by the Institute of Medicine (IOM) in its recent report on drug safety.

To its credit, the pharmaceutical industry has also acknowledged the problem, and has created a database where manufacturers can voluntarily submit clinical trials data. I applaud this step. However, if our objective is to provide the public with a complete and consistent supply of information, a voluntary database is unlikely to achieve that goal. Some companies will provide information, but others may decide not to participate. We need a clinical trials framework that is not just fair to all companies, but provides patients with the peace of mind that they will receive complete information about the medicines they rely on.

The American drug industry is an extraordinary success story. As a result of the innovations that this industry has spawned, millions of lives have been improved and saved in our country and around the globe. Due to the importance of these medicines to our health and well-being, I have consistently supported sound public policies to help the industry succeed in protecting the public's health and well-being. This legislation aims to build upon the successes of this industry, and help ensure that the positive changes to our health care system that prescription drugs have brought are not undermined by controversies such as the ones surrounding antidepressants and Cox-2 inhibitors, which are at least in part based on a lack of public information. This bill will help ensure that well-informed patients will use new and innovative medicines.

Creating a clinical trials databank is a critical step toward ensuring the safety of drugs, biological products, and medical devices in this country—but it should not be the end of our efforts. However, other steps are necessary to fully restore patient confidence in the safety of the medicines they rely on.

That is why today I am also introducing the Food and Drug Administration Safety Act (FDASA) with Senator GRASSLEY. We are joined by Senators MIKULSKI and BINGAMAN in introducing this legislation and thank them for their support for reforming our nation's system to ensure that FDA-approved drugs being used by millions are safe and effective.

Our legislation would enhance the FDA's drug-safety monitoring system by setting up an independent center within the FDA called the Center for Postmarket Evaluation and Research for Drugs and Biologics (CPER). This Center would be responsible for monitoring the safety of drugs and biologics once they are on the market, in consultation with other existing Centers at the FDA, and would have the authority to take corrective action if a drug or biologic presents a risk to patients. Under the bill, the Center Director is authorized to require manufacturers to conduct post-market clinical or observational studies if there are questions about the safety or efficacy of a drug or biologic once it is already on the market. The Center Director can take corrective actions to include labeling changes, restricted distribution, and other risk management tools if an unreasonable risk is found to exist. The bill also gives the Center Director the authority to review drug advertisements before they are disseminated, and to require certain disclosures about increased risk, and in extreme cases, the authority to pull the product off the market. Our bill authorizes $500 million over the next 5 years to provide the new center with the resources necessary to carry out the critically important provisions of this legislation.

Under our legislation, the Director of CPER will report directly to the FDA Commissioner. Our bill will ensure that CPER consults with the other Centers at FDA as it conducts risk assessments, benefiting from their knowledge and expertise, but not being beholden to them if corrective action is needed.

These new authorities will allow the FDA to act quickly to get answers when there are questions about the safety of a drug, and to act decisively to mitigate the risks when the evidence shows that a drug presents a safety issue. With these authorities, we will never again have a situation where a critical labeling change takes 2 years to complete, as was the case with Vioxx. When we are talking about drugs that are already on the market and in widespread use, any delay can put millions of patients in harm's way.

By creating CPER we hope to restore confidence in the medicines that so many Americans rely on to safeguard their health and well-being. Patients should have the peace of mind that the drugs they take to help them will not hurt them instead. We must restore public confidence in the words ''FDA-Approved.'' Unfortunately, events of the past few years have seriously tarnished the FDA's image and put millions of patients at undue risk. Recent developments have cast into doubt the FDA's ability to ensure that the drugs that it approves are safe—especially once they are on the market. These concerns are bad for patients, bad for physicians, and bad for the pharmaceutical industry.

Like many Americans, I have been deeply disturbed by the revelations of the significant risk associated with widely-used medications to treat pain and depression. These revelations raise legitimate questions about the safety of drugs that have already been approved. It would be one thing if these drugs were in a trial phase, but safety issues are being identified in drugs once they are on the market and in widespread use. Health risks significant enough to remove drugs from the market or significantly restrict their use are becoming clear only after millions of Americans have been exposed to real or potential harm.

It has been estimated that more than 100,000 Americans might have been seriously injured or killed by a popular pain medication, while millions of children have been prescribed antidepressants that could put them at risk. This recent spate of popular medicines being identified as unsafe underscores the need to take additional steps to monitor and protect patient safety after a drug has been approved. Allowing the status quo on drug safety at the FDA is unacceptable. Real reform is needed now.

An internal study conducted by the Department of Health and Human Services (HHS) Office of the Inspector General in 2002 revealed that approximately one-fifth of drug reviewers were pressured to approve a drug despite concerns about safety, efficacy, or quality. In addition, more than one-third said they were ''not at all'' or only ''somewhat'' confident that final decisions of the Center for Drug Evaluation and Research (CDER) adequately assessed safety. A more recent survey of 997 FDA scientists conducted by the Union of Concerned Scientists and the Public Employees for Environmental Responsibility found that 420

FDA scientists reported that they knew of cases in which HHS or FDA political appointees inappropriately injected themselves into FDA determinations or actions.

I look forward to working with industry, physicians, medical journals, patient groups, and my colleagues—including the Chairman and Ranking Member of the Health, Education, Labor, and Pensions Committee, Senator KENNEDY and Senator ENZI—to move this legislation forward. These bills have already been endorsed by Consumers Union, the U.S. Public Interest Research Group (PIRG), the National Women's Health Network, and Public Citizen. I thank these organizations for lending their expertise as we crafted these bills. I also want to recognize the New England Journal of Medicine and the American Psychiatric Association for their support in the crafting of the FACT Act.

Clinical trials are critically important to protecting the safety and health of the American public. For this reason, clinical trial results must not be treated as information that can be hidden from scrutiny. Recent events have made it clear that a clinical trials databank is needed. Patients and physicians agree that such a databank is important to our public health. At the same time, there have been disturbing reports that suggest the FDA does not place enough emphasis on drug safety, and that concerns raised by those in the Office of Surveillance and Epidemiology (formerly the Office of Drug Safety) at CDER are sometimes ignored and even suppressed. Our legislation will ensure that those who are responsible for monitoring the safety of drugs already on the market at the FDA will have the independence, resources, and authority to ensure medicines intended to help patients won't instead end up causing them harm. I urge my colleagues to support these bills, and I am hopeful that they will become law as soon as possible.

I ask unanimous consent that a letter from the American Psychiatric Association supporting the FACT Act be printed in the RECORD.

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

AMERICAN PSYCHIATRIC ASSOCIATION,
Arlington, VA, January 31, 2007.

Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: The American Psychiatric Association (APA) would like to commend and congratulate you on your efforts to strengthen and improve clinical trial registries. The FACT Act's goals of revamping the Food and Drug Administration's post-marketing surveillance by ensuring that access to clinical trials information is accessible and available to the scientific community and the general public is a goal shared by the APA.

The APA is the national medical specialty society representing more than 37,000 psychiatric physicians nationwide who specialize in the diagnosis and treatment of mental and emotional illnesses and substance use disorders. APA advocates for patient access to information and supports further post-market research of medications to ensure the safety of patients. APA member David Fassler, M.D. testified before the Senate Health, Education, Labor and Pensions Committee on March 1, 2005 and subsequent FDA Advisory Committee meetings. Dr. Fassler's testimony focused on key recommendations to improve the FDA's drug approval process outlining: The importance of access to comprehensive clinical trial data including negative trials and unpublished results to be housed in a publicly accessible registry; The need for ongoing post-marketing surveillance with increased funding for follow up; and The necessity of a workforce of researchers, including experts who can assist with the design, oversight, interpretation and reporting of clinical research.

The APA thanks you again for your dedication and commitment to enhance the nation's drug safety monitoring system. We look forward to working with you in ensuring that clinical trial data is transparent and accountable in order for patients to make well informed decisions. As your staff move forward with further action on legislation, Lizbet Boroughs, Deputy Director, Government Relations for the APA or Chatrane Birbal, Federal Legislative Coordinator may be reached at *lboroughs@psych.org* 703/489–5907 or *cbirbal@psych.org* 703/907–8584 respectively.

Sincerely,

James H. Scully, Jr.,
CEO and Medical Director.

Mr. DODD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 467

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 ''Fair Access to Clinical Trials Act of 2007'' or the ''FACT Act''.

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to create a publicly accessible national data bank of clinical trial information comprised of a clinical trial registry and a clinical trial results database;

(2) to foster transparency and accountability in health-related intervention research and development;

(3) to maintain a clinical trial registry accessible to patients and health care practitioners seeking information related to ongoing clinical trials for serious or life-threatening diseases and conditions; and

(4) to establish a clinical trials results database of all publicly and privately funded clinical trial results regardless of outcome, that is accessible to the scientific community, health care practitioners, and members of the public.

SEC. 3. CLINICAL TRIALS DATA BANK.

(a) IN GENERAL.—Subsection (i) of section 402 of the Public Health Service Act (42 U.S.C. 282), as amended by Public Law 109–482, is amended—

(1) in paragraph (1)(A), by striking ''for drugs for serious or life-threatening diseases and conditions'';

(2) in paragraph (2), by striking ''available to individuals with serious'' and all that follows through the period and inserting ''accessible to patients, other members of the public, health care practitioners, researchers and the scientific community. In making information about clinical trials publicly available, the Secretary shall seek to be as timely and transparent as possible.'';

(3) by redesignating paragraphs (4) and (5), as paragraphs (8) and (9), respectively;

(4) by striking paragraph (3) and inserting the following:

''(3) The data bank shall include the following:

''(A)(i) A registry of clinical trials (in this subparagraph referred to as the 'registry') of health-related interventions (whether federally or privately funded).

''(ii) The registry shall include information for all clinical trials conducted to test the safety or effectiveness (including comparative effectiveness) of any drug, biological product, or device (including those drugs, biological products, or devices approved or cleared by the Secretary) intended to treat serious or life-threatening diseases and conditions, except those Phase I clinical trials conducted to test solely the safety of an unapproved drug or unlicensed biological product, or pilot or feasibility studies conducted to confirm the design and operating specifications of an unapproved or not yet cleared medical device. For purposes of this section, Phase I clinical trials are trials described in section 313.12(a) of title 21, Code of Federal Regulations (or any successor regulations).

''(iii) The registry may include information for—

''(I) Phase I clinical trials conducted to test solely the safety of an unapproved drug or unlicensed biological product, or pilot or feasibility studies conducted to confirm the design and operating specifications of an unapproved or not yet cleared medical device with the consent of the responsible person; and

''(II) clinical trials of other health-related interventions with the consent of the responsible person.

''(iv) The information to be included in the registry under this subparagraph shall include the following:

''(I) Descriptive information, including a brief title, trial description in lay terminology, trial phase, trial type, trial purpose, description of the primary and secondary clinical outcome measures to be examined in the trial, the time at which the outcome measures will be assessed, and the dates and details of any revisions to such outcomes.

''(II) Recruitment information, including eligibility and exclusion criteria, a description of whether, and through what procedure, the manufacturer or sponsor of the investigation of a new drug will respond to requests for protocol exception, with appropriate safeguards, for single-patient and expanded protocol use of the new drug, particularly in children, a statement as to whether the trial is closed to enrollment of new patients, overall trial status, individual site status, and estimated completion date. For purposes of this section the term 'completion date' means the date of the last visit by subjects in the trial for the outcomes described in subclause (I).

''(III) Location and contact information, including the identity of the responsible person.

''(IV) Administrative data, including the study sponsor and the study funding source.

''(V) Information pertaining to experimental treatments for serious or life-threatening diseases and conditions (whether federally or privately funded) that may be available—

''(aa) under a treatment investigational new drug application that has been submitted to the Secretary under section 360bbb(c) of title 21, Code of Federal Regulations; or

''(bb) as a Group C cancer drug (as defined by the National Cancer Institute).

''(B)(i) A clinical trial results database (in this subparagraph referred to as the 'database') of health-related interventions (whether federally or privately funded).

''(ii) The database shall include information for all clinical trials conducted to test the safety or effectiveness (including comparative effectiveness) of any drug, biological product, or device (including those drugs, biological products, or devices approved or cleared by the Secretary), except those Phase I clinical trials conducted to test solely the safety of an unapproved drug or unlicensed biological product, or pilot or feasibility studies conducted to confirm the design and operating specifications of an unapproved or not yet cleared medical device.

''(iii) The database may include information for—

''(I) Phase I clinical trials conducted to test solely the safety of an unapproved drug or unlicensed biological product, or pilot or feasibility studies conducted to confirm the design and operating specifications of an unapproved or not yet cleared medical device with the consent of the responsible person; and

''(II) clinical trials of other health-related interventions with the consent of the responsible person.

''(iv) The information to be included in the database under this subparagraph shall include the following:

''(I) Descriptive information, including—

''(aa) a brief title;

''(bb) the drug, biological product or device to be tested;

''(cc) a trial description in lay terminology;

''(dd) the trial phase;

''(ee) the trial type;

''(ff) the trial purpose;

''(gg) demographic data such as age, gender, or ethnicity of trial participants;

''(hh) the estimated completion date for the trial; and

''(ii) the study sponsor and the study funding source.

''(II) A description of the primary and secondary clinical outcome measures to be examined in the trial, the time at which the outcome measures will be assessed, and the dates and details of any revisions to such outcomes.

''(III) The actual completion date of the trial and the reasons for any difference from such actual date and the estimated completion date submitted pursuant to subclause (I)(ii). If the trial is not completed, the termination date and reasons for such termination.

''(IV) A summary of the results of the trial in a standard, non-promotional summary format (such as ICHE3 template form), including the trial design and methodology, results of the primary and secondary outcome measures as described in subclause (II), summary data tables with respect to the primary and secondary outcome measures, including information on the statistical significance or lack thereof of such results.

''(V) Safety data concerning the trial (including a summary of all adverse events specifying the number and type of such events, data on prespecified adverse events, data on serious adverse events, and data on overall deaths).

''(VI) Any publications in peer reviewed journals relating to the trial. If the trial results are published in a peer reviewed journal, the database shall include a citation to and, when available, a link to the journal article.

''(VII) A description of the process used to review the results of the trial, including a statement about whether the results have been peer reviewed by reviewers independent of the trial sponsor.

''(VIII) If the trial addresses the safety, effectiveness, or benefit of a use not described in the approved labeling for the drug, biological product, or device, a statement, as appropriate, displayed prominently at the beginning of the data in the registry with respect to the trial, that the Food and Drug Administration—

''(aa) is currently reviewing an application for approval of such use to determine whether the use is safe and effective;

''(bb) has disapproved an application for approval of such use;

''(cc) has reviewed an application for approval of such use but the application was withdrawn prior to approval or disapproval; or

''(dd) has not reviewed or approved such use as safe and effective.

''(IX) If data from the trial has not been submitted to the Food and Drug Administration, an explanation of why it has not been submitted.

''(X) A description of the protocol used in such trial to the extent necessary to evaluate the results of such trial.

''(4)(A)(i) Not later than 90 days after the date of the completion of the review by the Food and Drug Administration of information submitted by a sponsor in support of a new drug application, or a supplemental new drug application, whether or not approved by the Food and Drug Administration, the Commissioner of Food and Drugs shall make available to the public the full reviews conducted by the Administration of such application, including documentation of significant differences of opinion and the resolution of those differences.

''(ii) When submitting information in support of a new drug application or a supplemental new drug application, the sponsor shall certify, in writing, that the information submitted to the Food and Drug Administration complies with the requirements of the Federal Food, Drug, and Cosmetic Act and that such information presented is accurate.

''(iii) If the sponsor fails to provide certification as specified under clause (ii), the Secretary shall transmit to the sponsor a notice stating that such sponsor shall submit the certification by the date determined by the Secretary. If, by the date specified by the Secretary in the notice under this clause, the Secretary has not received the certification, the Secretary, after providing the opportunity for a hearing, shall order such sponsor to pay a civil monetary penalty of $10,000 for each day after such date that the certification is not submitted.

''(iv) If the Secretary determines, after notice and opportunity for a hearing, that the sponsor knew or should have known that the information submitted in support of a new drug application or a supplemental new drug application was inaccurate, the Secretary shall order such sponsor to pay a civil monetary penalty of not less than $100,000 but not to exceed $2,000,000 for any 30-day period.

''(B)(i) The Secretary shall deposit the funds collected under subparagraph (A) into an account and use such funds, in consultation with the Director of the Agency for Healthcare Research and Quality, to fund studies that compare the clinical effectiveness of 2 or more treatments for similar diseases or conditions.

''(ii) The Secretary shall award funding under clause (i) based on a priority list established not later than 6 months after the date of enactment of the FACT Act by the Director of the Agency for Healthcare Research and Quality and periodically updated as determined appropriate by the Director.

''(C) Not later than 90 days after the date of the completion of a written consultation on a drug concerning the drug's safety conducted by the Office of Surveillance and Epidemiology, regardless of whether initiated by such Office or outside of the Office, the Commissioner of Food and Drugs shall make available to the public a copy of such consultation in full.

''(D) Nothing in this paragraph shall be construed to alter or amend section 301(j) or section 1905 of title 18, United States Code.

''(E) This paragraph shall supersede section 552 of title 5, United States Code.

''(5) The information described in subparagraphs (A) and (B) of paragraph (3) shall be in a format that can be readily accessed and understood by members of the general public, including patients seeking to enroll as subjects in clinical trials.

''(6) The Secretary shall assign each clinical trial a unique identifier to be included in the registry and in the database described in subparagraphs (A) and (B) of paragraph (3). To the extent practicable, this identifier shall be consistent with other internationally recognized and used identifiers.

''(7) To the extent practicable, the Secretary shall ensure that where the same information is required for the registry and the database described in subparagraphs (A) and (B) of paragraph (3), a process exists to allow the responsible person to make only one submission.''; and

(5) by adding at the end the following:

''(10) In this section, the term 'clinical trial' with respect to the registry and the database described in subparagraphs (A) and (B) of paragraph (3) means a research study in human volunteers to answer specific health questions, including treatment trials, prevention trials, diagnostic trials, screening trials, and quality of life trials.''.

(b) ACTIONS OF SECRETARY REGARDING CLINICAL TRIALS.—Section 402 of the Public Health Service Act (42 U.S.C. 282), as amended by Public Law 109–482, is amended—

(1) by redesignating subsections (j) and (k) as subsections (o) and (p), respectively; and

(2) by inserting after subsection (i), the following:

''(j) FEDERALLY SUPPORTED TRIALS.—

''(1) ALL FEDERALLY SUPPORTED TRIALS.—With respect to any clinical trial described in subsection (i)(3)(B) that is supported solely by a grant, contract, or cooperative agreement awarded by the Secretary, the principal investigator of such trial shall, not later than the date specified in paragraph (2), submit to the Secretary—

''(A) the information described in subclauses (II) through (X) of subsection (i)(3)(B)(iv), and with respect to clinical trials in progress on the date of enactment of the FACT Act, the information described in subclause (I) of subsection (i)(3)(B)(iv); or

''(B) a statement containing information sufficient to demonstrate to the Secretary that the information described in subparagraph (A) cannot reasonably be submitted, along with an estimated date of submission of the information described in such subparagraph.

''(2) DATE SPECIFIED.—The date specified in this paragraph shall be the date that is 1 year from the earlier of—

''(A) the estimated completion date of the trial, as submitted under subsection (i)(3)(B)(vi)(I)(ii); or

''(B) the actual date of the completion or termination of the trial.

''(3) CONDITION OF FEDERAL GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

''(A) CERTIFICATION OF COMPLIANCE.—To be eligible to receive a grant, contract, or cooperative agreement from the Secretary for the conduct or support of a clinical trial described in subsection (i)(3)(B), the principal investigator involved shall certify to the Secretary that—

''(i) such investigator shall submit data to the Secretary in accordance with this subsection; and

''(ii) such investigator has complied with the requirements of this subsection with respect to other clinical trials conducted by

such investigator after the date of enactment of the FACT Act.

''(B) FAILURE TO SUBMIT CERTIFICATION.—An investigator that fails to submit a certification as required under subparagraph (A) shall not be eligible to receive a grant, contract, or cooperative agreement from the Secretary for the conduct or support of a clinical trial described in subsection (i)(3)(B).

''(C) FAILURE TO COMPLY WITH CERTIFICATION.—If, by the date specified in paragraph (2), the Secretary has not received the information or statement described in paragraph (1), the Secretary shall—

''(i) transmit to the principal investigator involved a notice specifying the information or statement required to be submitted to the Secretary and stating that such investigator shall not be eligible to receive further funding from the Secretary if such information or statement is not submitted to the Secretary within 30 days of the date on which such notice is transmitted; and

''(ii) include and prominently display, until such time as the Secretary receives the information or statement described in paragraph (1), as part of the record of such trial in the database described in subsection (i), a notice stating that the results of such trials have not been reported as required by law.

''(D) FAILURE TO COMPLY WITH NOTICE.—If by the date that is 30 days after the date on which the notice described in subparagraph (C) is transmitted, the Secretary has not received from the principal investigator involved the information or statement required pursuant to such notice, the Secretary may not award a grant, contract, cooperative agreement, or any other award to such principal investigator until such principal investigator submits to the Secretary the information or statement required pursuant to such notice.

''(E) SUBMISSION OF STATEMENT BUT NOT INFORMATION.—

''(i) IN GENERAL.—If by the date specified in paragraph (2), the Secretary has received a statement described in paragraph (1)(B) but not the information described in paragraph (1)(A), the Secretary shall transmit to the principal investigator involved a notice stating that such investigator shall submit such information by the date determined by the Secretary in consultation with such investigator.

''(ii) FAILURE TO COMPLY WITH CERTIFICATION.—If, by the date specified by the Secretary in the notice under clause (i), the Secretary has not received the information described in paragraph (1)(B), the Secretary shall—

''(I) transmit to the principal investigator involved a notice specifying the information required to be submitted to the Secretary and stating that such investigator shall not be eligible to receive further funding from the Secretary if such information is not submitted to the Secretary within 30 days of the date on which such notice is transmitted; and

''(II) include and prominently display, until such time as the Secretary receives the information described in paragraph (1)(B), as part of the record of such trial in the database described in subsection (i), a notice stating that the results of such trials have not been reported as required by law.

''(F) FAILURE TO COMPLY WITH NOTICE.—If by the date that is 30 days after the date on which the notice described in subparagraph (E)(ii)(I) is transmitted, the Secretary has not received from the principal investigator involved the information required pursuant to such notice, the Secretary may not award a grant, contract, cooperative agreement, or any other award to such principal investigator until such principal investigator submits to the Secretary the information required pursuant to such notice.

''(G) RULE OF CONSTRUCTION.—For purposes of this paragraph, limitations on the awarding of grants, contracts, cooperative agreements, or any other awards to principal investigators for violations of this paragraph shall not be construed to include any funding that supports the clinical trial involved.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an investigator other than the investigator described in paragraph (3)(F) from receiving an ongoing award, contract, or cooperative agreement.

''(5) INCLUSION IN REGISTRY.—

''(A) GENERAL RULE.—The Secretary shall, pursuant to subsection (i)(5), include—

''(i) the data described in subsection (i)(3)(A) and submitted under the amendments made by section 4(a) of the FACT Act in the registry described in subsection (i) as soon as practicable after receiving such data; and

''(ii) the data described in clause (I) of subsection (i)(3)(B)(iv) and submitted under this subsection or the amendments made by section 4(a) of the FACT Act in the database described in subsection (i) as soon as practicable after receiving such data.

''(B) OTHER DATA.—

''(i) IN GENERAL.—The Secretary shall, pursuant to subsection (i)(5), include the data described in subclauses (II) through (X) of subsection (i)(3)(B)(iv) and submitted under this section in the database described in subsection (i)—

''(I) as soon as practicable after receiving such data; or

''(II) in the case of data to which clause (ii) applies, by the date described in clause (iii).

''(ii) DATA DESCRIBED.—This clause applies to data described in clause (i) if—

''(I) the principal investigator involved requests a delay in the inclusion in the database of such data in order to have such data published in a peer reviewed journal; and

''(II) the Secretary determines that an attempt will be made to seek such publication.

''(iii) DATE FOR INCLUSION IN REGISTRY.—Subject to clause (iv), the date described in this clause is the earlier of—

''(I) the date on which the data involved is published as provided for in clause (ii); or

''(II) the date that is 18 months after the date on which such data is submitted to the Secretary.

''(iv) EXTENSION OF DATE.—The Secretary may extend the 18-month period described in clause (iii)(II) for an additional 6 months if the principal investigator demonstrates to the Secretary, prior to the expiration of such 18-month period, that the data involved has been accepted for publication by a journal described in clause (ii)(I).

''(v) MODIFICATION OF DATA.—Prior to including data in the database under clause (ii) or (iv), the Secretary shall permit the principal investigator to modify the data involved.

''(6) MEMORANDUM OF UNDERSTANDING.—Not later than 6 months after the date of enactment of the FACT Act, the Secretary shall seek a memorandum of understanding with the heads of all other Federal agencies that conduct clinical trials to include in the registry and the database clinical trials sponsored by such agencies that meet the requirements of this subsection.

''(7) APPLICATION TO CERTAIN PERSONS.—The provisions of this subsection shall apply to a responsible person described in subsections (n)(1)(A)(ii)(II) or (n)(1)(B)(i)(II).

''(k) TRIALS WITH NON-FEDERAL SUPPORT.—

''(1) IN GENERAL.—The responsible person for a clinical trial described in subsection (i)(3)(B) shall, not later than the date specified in paragraph (3), submit to the Secretary—

''(A) the information described in subclauses (II) through (X) of subsection (i)(3)(B)(iv), and with respect to clinical trials in progress on the date of enactment of the FACT Act, the information described in subclause (I) of subsection (i)(3)(B)(iv); or

''(B) a statement containing information sufficient to demonstrate to the Secretary that the information described in subparagraph (A) cannot reasonably be submitted, along with an estimated date of submission of the information described in such subparagraph.

''(2) SANCTION IN CASE OF NONCOMPLIANCE.—

''(A) INITIAL NONCOMPLIANCE.—If by the date specified in paragraph (3), the Secretary has not received the information or statement required to be submitted to the Secretary under paragraph (1), the Secretary shall—

''(i) transmit to the responsible person for such trial a notice stating that such responsible person shall be liable for the civil monetary penalties described in subparagraph (B) if the required information or statement is not submitted to the Secretary within 30 days of the date on which such notice is transmitted; and

''(ii) include and prominently display, until such time as the Secretary receives the information described in paragraph (1), as part of the record of such trial in the database described in subsection (i), a notice stating that the results of such trials have not been reported as required by law.

''(B) CIVIL MONETARY PENALTIES FOR NONCOMPLIANCE.—

''(i) IN GENERAL.—If by the date that is 30 days after the date on which a notice described in subparagraph (A) is transmitted, the Secretary has not received from the responsible person involved the information or statement required pursuant to such notice, the Secretary shall, after providing the opportunity for a hearing, order such responsible person to pay a civil penalty of $10,000 for each day after such date that the information or statement is not submitted.

''(ii) WAIVERS.—In any case in which a responsible person described in clause (i) is a nonprofit entity, the Secretary may waive or reduce the penalties applicable under such clause to such person.

''(C) SUBMISSION OF STATEMENT BUT NOT INFORMATION.—

''(i) IN GENERAL.—If by the date specified in paragraph (3), the Secretary has received a statement described in paragraph (1)(B) but not the information described in paragraph (1)(A) the Secretary shall transmit to the responsible person involved a notice stating that such responsible person shall submit such information by the date determined by the Secretary in consultation with such responsible person.

''(ii) FAILURE TO COMPLY.—If, by the date specified by the Secretary in the notice under clause (i), the Secretary has not received the information described in paragraph (1)(A), the Secretary shall—

''(I) transmit to the responsible person involved a notice specifying the information required to be submitted to the Secretary and stating that such responsible person shall be liable for the civil monetary penalties described in subparagraph (D) if such information is not submitted to the Secretary within 30 days of the date on which such notice is transmitted; and

''(II) include and prominently display, until such time as the Secretary receives the information described in paragraph (1)(A), as part of the record of such trial in the database described in subsection (i), a notice stating that the results of such trials have not been reported as required by law.

''(D) NONCOMPLIANCE.—

''(i) IN GENERAL.—If by the date that is 30 days after the date on which a notice described in subparagraph (C)(ii)(I) is transmitted, the Secretary has not received from the responsible person involved the information required pursuant to such notice, the Secretary, after providing the opportunity for a hearing, shall order such responsible person to pay a civil penalty of $10,000 for each day after such date that the information is not submitted.

''(ii) WAIVERS.—In any case in which a responsible person described in clause (i) is a nonprofit entity, the Secretary may waive or reduce the penalties applicable under such clause to such person.

''(E) NOTICE OF PUBLICATION OF DATA.—If the responsible person is the manufacturer or distributor of the drug, biological product, or device involved, the notice under subparagraphs (A)(i) and (C)(ii)(I) shall include a notice that the Secretary shall publish the data described in subsection (i)(3)(B) in the database if the responsible person has not submitted the information specified in the notice transmitted by the date that is 6 months after the date of such notice.

''(F) PUBLICATION OF DATA.—Notwithstanding section 301(j) of the Federal Food, Drug, and Cosmetic Act, section 1905 of title 18, United States Code, or any other provision of law, if the responsible person is the manufacturer or distributor of the drug, biological product, or device involved, and if the responsible person has not submitted to the Secretary the information specified in a notice transmitted pursuant to subparagraph (A)(i) or (C)(ii)(I) by the date that is 6 months after the date of such notice, the Secretary shall publish in the registry information that—

''(i) is described in subsection (i)(3)(B); and

''(ii) the responsible person has submitted to the Secretary in any application, including a supplemental application, for the drug or device under section 505, 510, 515, or 520 of the Federal Food, Drug, and Cosmetic Act or for the biological product under section 351.

''(3) DATE SPECIFIED.—The date specified in this paragraph shall be the date that is 1 year from the earlier of—

''(A) the estimated completion date of the trial, submitted under subsection (i)(3)(B)(vi)(I)(ii); or

''(B) the actual date of completion or termination of the trial.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—The Secretary shall deposit the funds collected under paragraph (2) into an account and use such funds, in consultation with the Director of the Agency for Healthcare Research and Quality, to fund studies that compare the clinical effectiveness of 2 or more treatments for similar diseases or conditions.

''(B) FUNDING DECISIONS.—The Secretary shall award funding under subparagraph (A) based on a priority list established not later than 6 months after the date of enactment of the FACT Act by the Director of the Agency for Healthcare Research and Quality and periodically updated as determined appropriate by the Director.

''(5) INCLUSION IN REGISTRY.—

''(A) GENERAL RULE.—The Secretary shall, pursuant to subsection (i)(5), include—

''(i) the data described in subsection (i)(3)(A) and submitted under the amendments made by section 4(a) of the FACT Act in the registry described in subsection (i) as soon as practicable after receiving such data; and

''(ii) the data described in clause (I) of subsection (i)(3)(B)(iv) and submitted under this subsection in the database described in subsection (i) as soon as practicable after receiving such data.

''(B) OTHER DATA.—

''(i) IN GENERAL.—The Secretary shall, pursuant to subsection (i)(5), include the data described in subclauses (II) through (X) of subsection (i)(3)(B)(iv) and submitted under this section in the database described in subsection (i)—

''(I) as soon as practicable after receiving such data; or

''(II) in the case of data to which clause (ii) applies, by the date described in clause (iii).

''(ii) DATA DESCRIBED.—This clause applies to data described in clause (i) if—

''(I) the responsible person involved requests a delay in the inclusion in the database of such data in order to have such data published in a peer reviewed journal; and

''(II) the Secretary determines that an attempt will be made to seek such publication.

''(iii) DATE FOR INCLUSION IN REGISTRY.—Subject to clause (iv), the date described in this clause is the earlier of—

''(I) the date on which the data involved is published as provided for in clause (ii); or

''(II) the date that is 18 months after the date on which such data is submitted to the Secretary.

''(iv) EXTENSION OF DATE.—The Secretary may extend the 18-month period described in clause (iii)(II) for an additional 6 months if the responsible person demonstrates to the Secretary, prior to the expiration of such 18-month period, that the data involved has been accepted for publication by a journal described in clause (ii)(I).

''(v) MODIFICATION OF DATA.—Prior to including data in the database under clause (ii) or (iv), the Secretary shall permit the responsible person to modify the data involved.

''(6) EFFECT.—The information with respect to a clinical trial submitted to the Secretary under this subsection, including data published by the Secretary pursuant to paragraph (2)(F), may not be submitted by a person other than the responsible person as part of, or referred to in, an application for approval of a drug or device under section 505, 510, 515, or 520 of the Federal Food, Drug, and Cosmetic Act or of a biological product under section 351, unless the information is available from a source other than the registry or database described in subsection (i).

''(l) PROCEDURES AND WAIVERS.—

''(1) SUBMISSION PRIOR TO NOTICE.—Nothing in subsections (j) through (k) shall be construed to prevent a principal investigator or a responsible person from submitting any information required under this subsection to the Secretary prior to receiving any notice described in such subsections.

''(2) ONGOING TRIALS.—A factually accurate statement that a clinical trial is ongoing shall be deemed to be information sufficient to demonstrate to the Secretary that the information described in subsections (j)(1)(A) and (k)(1)(A) cannot reasonably be submitted.

''(3) INFORMATION PREVIOUSLY SUBMITTED.—Nothing in subsections (j) through (k) shall be construed to require the Secretary to send a notice to any principal investigator or responsible person requiring the submission to the Secretary of information that has already been submitted.

''(4) SUBMISSION FORMAT AND TECHNICAL STANDARDS.—

''(A) IN GENERAL.—The Secretary shall, to the extent practicable, accept submissions required under this subsection in an electronic format and shall establish interoperable technical standards for such submissions.

''(B) CONSISTENCY OF STANDARDS.—To the extent practicable, the standards established under subparagraph (A) shall be consistent with standards adopted by the Consolidated Health Informatics Initiative (or a successor organization to such Initiative) to the extent such Initiative (or successor) is in operation.

''(5) TRIALS COMPLETED PRIOR TO ENACTMENT.—The Secretary shall establish procedures and mechanisms to allow for the voluntary submission to the database of the information described in subsection (i)(3)(B) with respect to clinical trials completed prior to the date of enactment of the FACT Act. In cases in which it is in the interest of public health, the Secretary may require that information from such trials be submitted to the database. To the extent practicable, submissions to the database shall comply with paragraph (4). Failure to comply with a requirement to submit information to the database under this paragraph shall be deemed to be a failure to submit information as required under this section, and the appropriate remedies and sanctions under this section shall apply.

''(6) TRIALS NOT INVOLVING DRUGS, BIOLOGICAL PRODUCTS, OR DEVICES.—The Secretary shall establish procedures and mechanisms to allow for the voluntary submission to the database of the information described in subsection (i)(3)(B) with respect to clinical trials that do not involve drugs, biological products, or devices. In cases in which it is in the interest of public health, the Secretary may require that information from such trials be submitted to the database. Failure to comply with such a requirement shall be deemed to be a failure to submit information as required under this section, and the appropriate remedies and sanctions under this section shall apply.

''(7) SUBMISSION OF INACCURATE INFORMATION.—

''(A) IN GENERAL.—If the Secretary determines that information submitted by a principal investigator or a responsible person under this section is factually and substantively inaccurate, the Secretary shall submit a notice to the investigator or responsible person concerning such inaccuracy that includes—

''(i) a summary of the inaccuracies involved; and

''(ii) a request for corrected information within 30 days.

''(B) AUDIT OF INFORMATION.—

''(i) IN GENERAL.—The Secretary may conduct audits of any information submitted under subsection (i).

''(ii) REQUIREMENT.—Any principal investigator or responsible person that has submitted information under subsection (i) shall permit the Secretary to conduct the audit described in clause (i).

''(C) CHANGES TO INFORMATION.—Any change in the information submitted by a principal investigator or a responsible person under this section shall be reported to the Secretary within 30 days of the date on which such investigator or person became aware of the change for purposes of updating the registry or the database.

''(D) FAILURE TO CORRECT.—If a principal investigator or a responsible person fails to permit an audit under subparagraph (B), provide corrected information pursuant to a notice under subparagraph (A), or provide changed information under subparagraph (C), the investigator or responsible person involved shall be deemed to have failed to submit information as required under this section and the appropriate remedies and sanction under this section shall apply.

''(E) CORRECTIONS.—

''(i) IN GENERAL.—The Secretary may correct, through any means deemed appropriate by the Secretary to protect public health, any information included in the registry or the database described in subsection (i) (including information described or contained in a publication referred to under subclause (VI) of subsection (i)(3)(B)(iv)) that is—

''(I) submitted to the Secretary for inclusion in the registry or the database; and

''(II) factually and substantively inaccurate or false or misleading.

''(ii) RELIANCE ON INFORMATION.—The Secretary may rely on any information from a clinical trial or a report of an adverse event acquired or produced under the authority of section 351 of this Act or of the Federal Food, Drug, and Cosmetic Act in determining whether to make corrections as provided for in clause (i).

''(iii) DETERMINATIONS RELATING TO MISLEADING INFORMATION.—For purposes of clause (i)(II), in determining whether information is misleading, the Secretary shall use the standard described in section 201(n) of the Federal Food, Drug, and Cosmetic Act that is used to determine whether labeling or advertising is misleading.

''(iv) RULE OF CONSTRUCTION.—This subparagraph shall not be construed to authorize the disclosure of information if—

''(I) such disclosure would constitute an invasion of personal privacy;

''(II) such information concerns a method or process which as a trade secret is entitled to protection within the meaning of section 301(j) of the Federal Food, Drug, and Cosmetic Act;

''(III) such disclosure would disclose confidential commercial information or a trade secret, other than a trade secret described in subclause (II), unless such disclosure is necessary—

''(aa) to make a correction as provided for under clause (i); and

''(bb) protect the public health; or

''(IV) such disclosure relates to a biological product for which no license is in effect under section 351, a drug for which no approved application is in effect under section 505(c) of the Federal Food, Drug, and Cosmetic Act, or a device that is not cleared under section 510(k) of such Act or for which no application is in effect under section 515 of such Act.

''(v) NOTICE.—In the case of a disclosure under clause (iv)(III), the Secretary shall notify the manufacturer or distributor of the drug, biological product, or device involved—

''(I) at least 30 days prior to such disclosure; or

''(II) if immediate disclosure is necessary to protect the public health, concurrently with such disclosure.

''(8) WAIVERS REGARDING CLINICAL TRIAL RESULTS.—The Secretary may waive the requirements of subsections (j)(1) and (k)(1) that the results of clinical trials be submitted to the Secretary, upon a written request from the responsible person if the Secretary determines that extraordinary circumstances justify the waiver and that providing the waiver is in the public interest, consistent with the protection of public health, or in the interest of national security. Not later than 30 days after any part of a waiver is granted, the Secretary shall notify, in writing, the appropriate committees of Congress of the waiver and provide an explanation for why the waiver was granted.

''(m) TRIALS CONDUCTED OUTSIDE OF THE UNITED STATES.—

''(1) IN GENERAL.—With respect to clinical trials described in paragraph (2), the responsible person shall submit to the Secretary the information required under subclauses (II) through (X) of subsection (i)(3)(B)(iv). The Secretary shall ensure that the information described in the preceding sentence is made available in the database under subsection (i) in a timely manner. Submissions to the database shall comply with subsection (l)(4) to the extent practicable. The Secretary shall include the information described in the preceding sentence in the database under subsection (i) as soon as practicable after receiving such information. Failure to comply with this paragraph shall be deemed to be a failure to submit information as required under this section, and the appropriate remedies and sanctions under this section shall apply.

''(2) CLINICAL TRIAL DESCRIBED.—A clinical trial is described in this paragraph if—

''(A) such trial is conducted outside of the United States; and

''(B) the data from such trial is—

''(i) submitted to the Secretary as part of an application, including a supplemental application, for a drug or device under section 505, 510, 515, or 520 of the Federal Food, Drug, and Cosmetic Act or for the biological product under section 351; or

''(ii) used in advertising or labeling to make a claim about the drug, device, or biological product involved.

''(n) DEFINITIONS; INDIVIDUAL LIABILITY.—

''(1) RESPONSIBLE PERSON.—

''(A) IN GENERAL.—In this section, the term 'responsible person' with respect to a clinical trial, means—

''(i) if such clinical trial is the subject of an investigational new drug application or an application for an investigational device exemption, the sponsor of such investigational new drug application or such application for an investigational device exemption; or

''(ii) except as provided in subparagraph (B), if such clinical trial is not the subject of an investigational new drug application or an application for an investigational device exemption—

''(I) the person that provides the largest share of the monetary support (such term does not include in-kind support) for the conduct of such trial; or

''(II) in the case in which the person described in subclause (I) is a Federal or State agency, the principal investigator of such trial.

''(B) NONPROFIT ENTITIES AND REQUESTING PERSONS.—

''(i) NONPROFIT ENTITIES.—For purposes of subparagraph (A)(ii)(I), if the person that provides the largest share of the monetary support for the conduct of the clinical trial involved is a nonprofit entity, the responsible person for purposes of this section shall be—

''(I) the nonprofit entity; or

''(II) if the nonprofit entity and the principal investigator of such trial jointly certify to the Secretary that the principal investigator will be responsible for submitting the information described in subsection (i)(3)(B) for such trial, the principal investigator.

''(ii) REQUESTING PERSONS.—For purposes of subparagraph (A)(ii)(I), if a person—

''(I) has submitted a request to the Secretary that the Secretary recognize the person as the responsible person for purposes of this section; and

''(II) the Secretary determines that such person—

''(aa) provides monetary support for the conduct of such trial;

''(bb) is responsible for the conduct of such trial; and

''(cc) will be responsible for submitting the information described in subsection (i)(3)(B) for such trial;

such person shall be the responsible person for purposes of this section.

''(2) DRUG, DEVICE, BIOLOGICAL PRODUCT.—In this section—

''(A) the terms 'drug' and 'device' have the meanings given such terms in section 201 of the Federal Food, Drug, and Cosmetic Act; and

''(B) the term 'biological product' has the meaning given such term in section 351 of this Act.

''(3) INDIVIDUAL LIABILITY.—

''(A) LIMITATION ON LIABILITY OF INDIVIDUALS.—No individual shall be liable for any civil monetary penalty under this section.

''(B) INDIVIDUALS WHO ARE RESPONSIBLE PERSONS.—If a responsible person under subparagraph (A) or (B) of paragraph (1) is an individual, such individual shall be subject to the procedures and conditions described in subsection (j).''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 402 of the Public Health Service Act (42 U.S.C. 282), as amended by this section, is further amended by adding at the end the following:

''(q) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

(d) CONFORMING AMENDMENT.—Section 402(c)(1)(D) of the Public Health Service Act (42 U.S.C. 282(c)(1)(D)), as amended by Public Law 109-482, is amended by striking ''402(k)'' and inserting ''402(p)''.

SEC. 4. REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH.

(a) AMENDMENTS.—Section 492A(a) of the Public Health Service Act (42 U.S.C. 289a–1(a)) is amended—

(1) in paragraph (1)(A), by striking ''unless'' and all that follows through the period and inserting the following: ''unless—

''(i) the application has undergone review in accordance with such section and has been recommended for approval by a majority of the members of the Board conducting the review;

''(ii) such Board has submitted to the Secretary a notification of such approval; and

''(iii) with respect to an application involving a clinical trial to which section 402(i) applies, the principal investigator who has submitted such application has submitted to the Secretary for inclusion in the registry and the database described in section 402(i) the information described in paragraph (3)(A) and subclause (I) of paragraph (3)(B)(iv) of such section.''; and

(2) by adding at the end the following:

''(3) COST RECOVERY.—Nonprofit entities may recover the full costs associated with compliance with the requirements of paragraph (1) from the Secretary as a direct cost of research.''.

(b) REGULATIONS.—The Secretary of Health and Human Services shall modify the regulations promulgated at part 46 of title 45, Code of Federal Regulations, part 50 of title 21, Code of Federal Regulations, and part 56 of title 21, Code of Federal Regulations, to reflect the amendments made by subsection (a).

(c) CONFORMING AMENDMENT.—Section 492A(a)(2) of the Public Health Service Act (42 U.S.C. 289a–1(a)(2)), as amended by Public Law 109-482, is amended by striking ''402(k)'' and inserting ''402(p)''.

SEC. 5. PROHIBITED ACTS.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(ii)(1) The entering into of a contract or other agreement by a responsible person or a manufacturer of a drug, biological product, or device with an individual who is not an employee of such responsible person or manufacturer, or the performance of any other act by such a responsible person or manufacturer, that prohibits, limits, or imposes unreasonable delays on the ability of such individual to—

''(A) discuss the results of a clinical trial at a scientific meeting or any other public or private forum; or

''(B) publish the results of a clinical trial or a description or discussion of the results of a clinical trial in a scientific journal or any other publication.

''(2) The entering into a contract or other agreement by a responsible person or a manufacturer of a drug, biological product, or device with an academic institution or a health care facility, or the performance of any other act by such a responsible person or manufacturer, that prohibits, limits, or imposes unreasonable delays on the ability of an individual who is not an employee of such responsible person or manufacturer to—

''(A) discuss the results of a clinical trial at a scientific meeting or any other public or private forum; or

''(B) publish the results of a clinical trial or a description or discussion of the results of a clinical trial in a scientific journal or any other publication.''.

SEC. 6. REPORTS.

(a) IMPLEMENTATION REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report on the status of the implementation of the requirements of the amendments made by section 3 that includes a description of the number and types of clinical trials for which information has been submitted under such amendments.

(b) DATA COLLECTION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning the extent to which data submitted to the registry under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) has impacted the public health.

(2) REPORT.—Not later than 6 months after the date on which a contract is entered into under paragraph (1), the Institute of Medicine shall submit to the Secretary of Health and Human Services a report on the results of the study conducted under such paragraph. Such report shall include recommendations for changes to the registry, the database, and the data submission requirements that would benefit the public health.

Mr. GRASSLEY. Madam President, I am pleased to have bipartisan sponsorship of two very important bills with Senator DODD of Connecticut that are being introduced today, the Food and Drug Administration Safety Act of 2007 and the Fair Access to Clinical Trials Act of 2007.

These bills are part of a sustained effort to restore public confidence in the Federal Government's food and drug safety program and to make sure the agency does all it can to protect the public.

Enactment of those two bills would provide doctors and patients with more information about the risks and benefits of their medicines and bring about greater transparency and accountability of the Food and Drug Administration.

I am sure my colleagues realize I have been involved in oversight of the Food and Drug Administration for now at least 3 years, and it has been in response to concerns about the reluctance of the Food and Drug Administration to provide information to the public about the increased suicide risks for young people taking antidepressants.

In November 2004, I chaired a groundbreaking hearing on drug safety involving the Food and Drug Administration and the drug Vioxx. That hearing and other critical drug safety concerns that have come to light since then highlight the need for comprehensive and systematic reforms as well as more stringent oversight of the Food and Drug Administration.

Over the past 3 years, it has become increasingly apparent that the Food and Drug Administration has repeatedly failed to protect the public from an industry that focuses all too often on profits, even when those profits come at the expense of ''John Q. Public.''

In 2005, then, and because of this, Senator DODD and I introduced almost identical companion bills to advance serious reforms at the Food and Drug Administration. In the 2 years following the introduction of those bills, however, the Food and Drug Administration failed to take comprehensive and systematic steps toward restoring public confidence in that agency, as well as the necessity of strengthening public safety.

Yesterday, the Food and Drug Administration released its response to the Institute of Medicine's 2006 report on drug safety. The two safety bills introduced today are not intended to supplant the plans articulated in the Food and Drug Administration's response but, rather, to augment those plans and to provide the FDA with additional enforcement tools, something they now lack.

In fact, one of our bills is intended to specifically address a serious problem that was also identified by the Institute of Medicine. Dr. Alta Charo, a member of the Institute of Medicine committee that wrote the report on drug safety, stated in the newspaper USA Today:

I have to confess I'm disappointed that they—

Meaning the FDA—

ignored one of our most critical recommendations.

According to the USA Today article, she was referring to the Institute of Medicine's recommendation that the Food and Drug Administration give more clout to the office that monitors drugs after they go to market. I want you to know I agree with Dr. Charo.

The Food and Drug Administration Safety Act of 2007 would then establish an independent center within the Food and Drug Administration. The name of the center would be the Center for Postmarket Evaluation and Research for Drugs and Biologics. The director of this center would report directly to the Food and Drug Administration Commissioner and would be responsible for conducting risk assessments for approved drugs and biological products.

The new center would also be responsible for ensuring the safety and effectiveness of drugs once they are on the market. Unfortunately, the problem we are trying to solve is that now at the FDA, the office that reviews drug safety postmarketing is a mere consultant and under the thumb of the office that puts the drugs on the market in the first place.

Even more troubling is the fact that those who speak out of line are targeted. Whistleblowers, as we call them, are targeted. They are very helpful to Congress in ferreting out wrongdoing, that laws are not being faithfully executed, that money is not being spent according to congressional intent. So they speak out at the FDA and point out a lot of things that are wrong. And what do they get for it? They are treated like a skunk at a picnic. They are targeted.

So this legislation we put before us would provide the new center with the independence and authority to promptly identify serious safety risks and take necessary actions to protect the public, and I hope eliminate some of the intimidation against whistleblowers.

At the same time, the intra-agency communication is essential in addressing drug safety. So this legislation would encourage communication between the center and other centers and offices, or let's say subagencies at the Food and Drug Administration that handle drugs and biological products, to do what is best for the consumer and not have big PhRMA having undue influence.

The second bill we are introducing would expand an existing Web site, www.clinicaltrials.gov, to create a publicly accessible national databank of clinical trial information. The databank would be comprised of a clinical trial registry and a clinical trial results database of all publicly and privately funded clinical trials so that everything is out there for the public to consider, not letting somebody choose: Well, if this is a little negative toward our drug, we will not make that public. All the positive stuff, of course, we will make public.

So I think this legislation is going to foster transparency. But it is going to bring about a great deal of accountability in health research and development and ensure that the scientific community and, most importantly, the general public whom we are trying to protect have access to basic information about clinical trials, about new drugs going out on the market.

The legislation would also create an environment that would encourage companies from withholding clinically important information about their products from the Food and Drug Administration and from the public.

By the way, the information that is coming out now about Vioxx in the newspapers today will even tell you that a long time before Vioxx went on the market there were scientists within the company who were raising questions about whether it was going to cause harm to the heart. All of this information should be out there. The public ought to know it. Your doctor ought to know it. Transparency and accountability should not hurt anybody in an open society such as we have in

America. Oh, there might be some legitimate reasons for intellectual property privacy, but nothing beyond that.

If we have learned anything over the last few years, it is that the Food and Drug Administration is a troubled agency that lost sight of its fundamental function. That fundamental function is to protect the safety and the efficacy of new prescription drugs.

Two very important things for them to answer: Are the drugs safe for you? Are they effective?

Unfortunately, the public has good reason to doubt the Food and Drug Administration's ability to do its job. And experts from all over the country have expressed concern. These two bills, then, that Senator DODD and I are introducing—and let me parenthetically say for the public, people are always thinking that Democrats are hitting on Republicans and Republicans are hitting on Democrats. There is a lot going on around here you never see on evening television that is bipartisan because there is not controversy about it, or at least there is no controversy between Republicans and Democrats. But what they want to put in the news media every night is when some Republican is fighting some Democrat. So our constituents get a view about this Congress that is very distorted.

I would like to have people read on a regular basis about how Senator BAUCUS and I meet on a regular basis to determine the agenda for the Finance Committee. I would like to have them read about how he and I have put out bipartisan bills for the last 6 years—whether he was chairman or I was chairman—and that every one of them got to the President to be signed. But you do not hear those things.

So I want to emphasize, this is a DODD—and Senator DODD is a Democrat from Connecticut—and a GRASSLEY bill—and GRASSLEY is a Republican Senator from Iowa. So this bill is being introduced to ensure the safety and efficacy of new prescription drugs, not to do something new for the FDA, just to give them the tools to do what they have had a responsibility to do for several decades.

So the public has doubts about the FDA's ability to do it. These two bills will help put the FDA back on the path to fulfilling its mission and, most importantly, put the American consumer first.

So, Madam President, in closing, I ask unanimous consent that my statement in the RECORD that I give today be coupled with the statement of Senator DODD, which will be given later today, regarding the introduction of these important bills.

By giving me this unanimous consent, it will assure the public, when they read about these bills, knows that DODD is a Democrat, GRASSLEY is a Republican, and they are bipartisan bills.

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

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

S. 468

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 ''Food and Drug Administration Safety Act of 2007''.

SEC. 2. CENTER FOR POSTMARKET EVALUATION AND RESEARCH FOR DRUGS AND BIOLOGICS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 506C the following:

''SEC. 507. DRUG SAFETY.

''(a) ESTABLISHMENT OF THE CENTER FOR POSTMARKET EVALUATION AND RESEARCH FOR DRUGS AND BIOLOGICS.—There is established within the Food and Drug Administration a Center for Postmarket Evaluation and Research for Drugs and Biologics (referred to in the section as the 'Center'). The Director of the Center shall report directly to the Commissioner of Food and Drugs.

''(b) DUTIES OF THE CENTER FOR POSTMARKET EVALUATION AND RESEARCH FOR DRUGS AND BIOLOGICS.—

''(1) RESPONSIBILITIES OF DIRECTOR.—The Director of the Center, in consultation with the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research, as appropriate, shall—

''(A) conduct postmarket risk assessment of drugs approved under section 505 of this Act and of biological products licensed under section 351 of the Public Health Service Act;

''(B) conduct and improve postmarket surveillance of approved drugs and licensed biological products using postmarket surveillance programs and activities (including MedWatch), risk-benefit analyses, adverse event reports, the scientific literature, any clinical or observational studies (including studies required under subsection (d) or (e)), and any other resources that the Director of the Center determines appropriate;

''(C) determine whether a study is required under subsection (d) or (e) and consult with the sponsors of drugs and biological products to ensure that such studies are completed by the date, and according to the terms, specified by the Director of the Center;

''(D) contract, or require the sponsor of an application or the holder of an approved application or license to contract, with the holders of domestic and international patient databases to conduct epidemiologic and other observational studies;

''(E) determine, based on postmarket surveillance programs and activities (including MedWatch), risk-benefit analyses, adverse event reports, the scientific literature, and any clinical or observational studies (including studies required under subsection (d) or (e)), and any other resources that the Director of the Center determines appropriate, whether a drug or biological product may present an unreasonable risk to the health of patients or the general public, and take corrective action if such an unreasonable risk may exist;

''(F) make information about the safety and effectiveness of approved drugs and licensed biological products available to the public and healthcare providers in a timely manner; and

''(G) conduct other activities as the Director of the Center determines appropriate to ensure the safety and effectiveness of all drugs approved under section 505 and all biological products licensed under section 351 of the Public Health Service Act.

''(2) DETERMINATION OF UNREASONABLE RISK.—In determining whether a drug or biological product may present an unreasonable risk to the health of patients or the general public, the Director of the Center, in consultation with the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research, as appropriate, shall consider the risk in relation to the known benefits of such drug or biological product.

''(c) SECRETARIAL AUTHORITY.—

''(1) IN GENERAL.—Approval of a drug under section 505 of this Act or issuance of a license for a biological product under section 351 of the Public Health Service Act may be subject to the requirement that the sponsor conduct 1 or more postmarket studies as described in subsection (d) or (e) of this section, or other postmarket studies as required by the Secretary, to validate the safety and effectiveness of the drug or biological product.

''(2) DEFINITION.—For purposes of this section, the term 'postmarket' means—

''(A) with respect to a drug, after approval of an application under section 505; and

''(B) with respect to a biological product, after licensure under section 351 of the Public Health Service Act.

''(d) PREAPPROVAL REVIEW.—

''(1) REVIEW OF APPLICATION.—

''(A) IN GENERAL.—

''(i) REVIEW.—At any time before a drug is approved under section 505 of this Act or a biological product is licensed under section 351 of the Public Health Service Act, the Director of the Center shall review the application (or supplement to the application), and any analyses associated with the application, of such drug or biological product.

''(ii) EFFECT OF APPROVAL OR LICENSURE.—The approval of a drug under section 505 or the licensure of a biological product under such section 351 shall not affect the continuation and completion of a review under clause (i).

''(B) LIMITATION.—In no case shall the review under subparagraph (A) delay a decision with respect to an application for a drug under section 505 of this Act or for a biological product under section 351 of the Public Health Service Act.

''(2) RESULT OF REVIEW.—The Director of the Center may, based on the review under paragraph (1)—

''(A) require that the sponsor of the application agree to conduct 1 or more postmarket studies to determine the safety or effectiveness of a drug or biological product, including such safety or effectiveness as compared to other drugs or biological products, to be completed by a date, and according to the terms, specified by the Director of the Center; or

''(B) contract, or require the sponsor of the application to contract, with a holder of a domestic or an international patient database to conduct 1 or more epidemiologic or other observational studies.

''(e) POSTMARKETING STUDIES OF DRUG SAFETY.—

''(1) IN GENERAL.—At any time after a drug is approved under section 505 of this Act or a biological product is licensed under section 351 of the Public Health Service Act, the Director of the Center, may—

''(A) require that the holder of an approved application or license conduct 1 or more studies to determine the safety or effectiveness of such drug or biological product, including such safety and effectiveness as compared to other drugs or biological products, to be completed by a date, and according to the terms, specified by such Director; or

''(B) contract, or require the holder of the approved application or license to contract, with a holder of a domestic or an international patient database to conduct 1 or more epidemiologic or other observational studies.

''(2) REVIEW OF OUTSTANDING STUDIES.—Not later than 90 days after the date of enactment of the Food and Drug Administration Safety Act of 2007, the Director of the Center shall—

''(A) review and publish a list in the Federal Register of any postmarketing studies outstanding on the date of enactment of the Food and Drug Administration Safety Act of 2007; and

''(B) as the Director determines appropriate, require the sponsor of a study described in subparagraph (A) to conduct such study under this subsection.

''(f) PUBLICATION OF PROGRESS REPORTS AND COMPLETED STUDIES.—

''(1) IN GENERAL.—The Director of the Center shall require that the sponsor of a study under subsection (d) or (e) submit to the Secretary—

''(A) not less frequently than every 90 days, an up-to-date report describing the progress of such study; and

''(B) upon the completion date of such study, the results of such study.

''(2) COMPLETION DATE.—For purposes of this section, the completion date of such study shall be determined by the Director of the Center.

''(g) DETERMINATIONS BY DIRECTOR.—

''(1) RESULTS OF STUDY.—The Director of the Center shall determine, upon receipt of the results of a study required under subsection (d) or (e)—

''(A) whether the drug or biological product studied may present an unreasonable risk to the health of patients or the general public; and

''(B) what, if any, corrective action under subsection (k) shall be taken to protect patients and the public health.

''(2) RESULTS OF EVIDENCE.—The Director of the Center may, at any time, based on the empirical evidence from postmarket surveillance programs and activities (including MedWatch), risk-benefit analyses, adverse event reports, the scientific literature, any clinical or observational studies (including studies required under subsection (d) or (e)), or any other resources that the Director of the Center determines appropriate—

''(A) make a determination that a drug or biological product may present an unreasonable risk to the health of patients or the general public; and

''(B) order a corrective action under subsection (k) be taken to protect patients and the public health.

''(3) REQUIRED CONSULTATION AND CONSIDERATIONS.—Before making a determination under paragraph (2), ordering a study under subsection (d) or (e), or taking a corrective action under subsection (k), the Director of the Center shall—

''(A) consult with the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research, as appropriate; and

''(B) consider—

''(i) the benefit-to-risk profile of the drug or biological product;

''(ii) the effect that a corrective action, or failure to take corrective action, will have on the patient population that relies on the drug or biological product; and

''(iii) the extent to which the drug or biological product presents a meaningful therapeutic benefit as compared to other available treatments.

''(h) PUBLIC INFORMATION.—Periodically, but not less often than every 90 days, the Secretary shall make available to the public, by publication in the Federal Register and posting on an Internet website, the following information:

''(1) Studies required under subsection (d) or (e) including—

''(A) the type of study;

''(B) the nature of the study;

''(C) the primary and secondary outcomes of the study;

''(D) the date the study was required under subsection (d) or (e) or was agreed to by the sponsor;

''(E) the deadline for completion of the study; and

''(F) if the study has not been completed by the deadline under subparagraph (E), a statement that explains why.

''(2) The periodic progress reports and results of completed studies described under subsection (f).

''(3) Any determinations made by the Director of the Center under subsection (g), including—

''(A) reasons for the determination, including factual basis for such determination;

''(B) reference to supporting empirical data; and

''(C) an explanation that describes why contrary data is insufficient.

''(i) DRUG ADVISORY COMMITTEE.—The Drug Safety and Risk Management Advisory Committee within the Center of the Food and Drug Administration shall—

''(1) meet not less frequently than every 180 days; and

''(2) make recommendations to the Director of the Center with respect to—

''(A) which drugs and biological products should be the subject of a study under subsection (d) or (e);

''(B) the design and duration for studies under subsection (d) or (e);

''(C) which drugs and biological products may present an unreasonable risk to the health of patients or the general public; and

''(D) appropriate corrective actions under subsection (k).

''(j) PENALTIES.—

''(1) IN GENERAL.—If the Secretary determines, after notice and opportunity for an informal hearing, that a sponsor of a drug or biological product or other entity has failed to complete a study required under subsection (d) or (e) by the date or to the terms specified by the Secretary under such subsection, the Secretary may order such sponsor or other entity to—

''(A) complete the study in a specified time;

''(B) revise the study to comply with the terms specified by the Secretary under subsection (d) or (e); or

''(C) pay a civil penalty.

''(2) AMOUNT OF PENALTIES.—

''(A) IN GENERAL.—The civil penalty ordered under paragraph (1) shall be $250,000 for the first 30-day period after the date specified by the Secretary that the study is not completed, and shall double in amount for every 30-day period thereafter that the study is not completed.

''(B) LIMITATION.—In no case shall a penalty under subparagraph (A) exceed $2,000,000 for any 30-day period.

''(3) NOTIFICATION OF PENALTY.—The Secretary shall publish in the Federal Register any civil penalty ordered under this subsection.

''(k) RESULT OF DETERMINATION.—

''(1) IN GENERAL.—If the Director of the Center makes a determination that a drug or biological product may present an unreasonable risk to the health of patients or the general public under subsection (g), such Director shall order a corrective action, as described under paragraph (2).

''(2) CORRECTIVE ACTIONS.—The corrective action described under subsection (g)—

''(A) may include—

''(i) requiring a change to the drug or biological product label by a date specified by the Director of the Center;

''(ii) modifying the approved indication of the drug or biological product to restrict use to certain patients;

''(iii) placing restriction on the distribution of the drug or biological product to ensure safe use;

''(iv) requiring the sponsor of the drug or biological product or license to establish a patient registry;

''(v) requiring patients to sign a consent form prior to receiving a prescription of the drug or biological product;

''(vi) requiring the sponsor to monitor sales and usage of the drug or biological product to detect unsafe use;

''(vii) requiring patient or physician education; and

''(viii) requiring the establishment of a risk management plan by the sponsor; and

''(B) shall include the requirements with respect to promotional material under subsection (l)(1).

''(3) PENALTIES.—

''(A) IN GENERAL.—If the Secretary determines, after notice and opportunity for an informal hearing, that a sponsor of a drug or biological product has failed to take the corrective action ordered by the Director of the Center under this subsection or has failed to comply with subsection (l)(2), the Secretary may order such sponsor to pay a civil penalty.

''(B) AMOUNT OF PENALTIES.—

''(i) IN GENERAL.—The civil penalty ordered under subparagraph (A) shall be $250,000 for the first 30-day period that the sponsor does not comply with the order under paragraph (1), and shall double in amount for every 30-day period thereafter that the order is not complied with.

''(ii) LIMITATION.—In no case shall a penalty under clause (i) exceed $2,000,000 for any 30-day period.

''(C) NOTIFICATION OF PENALTY.—The Secretary shall publish in the Federal Register any civil penalty ordered under this paragraph.

''(l) PROMOTION MATERIAL.—

''(1) SAFETY ISSUE.—If the Director of the Center makes a determination that a drug or biological product may present an unreasonable risk to the health of patients or the general public under subsection (g), such Director, in consultation with the Division of Drug Marketing, Advertising, and Communications of the Food and Drug Administration, shall—

''(A) notwithstanding section 502(n), require that the sponsor of such drug or biological product submit to the Director of the Center copies of all promotional material with respect to the drug or biological product not less than 30 days prior to the dissemination of such material; and

''(B) require that all promotional material with respect to the drug or biological product include certain disclosures, which shall be displayed prominently and in a manner easily understood by the general public, including—

''(i) a statement that describes the unreasonable risk to the health of patients or the general public as determined by the Director of the Center;

''(ii) a statement that encourages patients to discuss potential risks and benefits with their healthcare provider;

''(iii) a description of the corrective actions required under subsection (k);

''(iv) where appropriate, a statement explaining that there may be products available to treat the same disease or condition that present a more favorable benefit-to-risk profile, and that patients should talk to their healthcare provider about the risks and benefits of alternative treatments;

''(v) a description of any requirements of outstanding clinical and observational studies, including the purpose of each study; and

''(vi) contact information to report a suspected adverse reaction.

''(2) NEW PRODUCTS; OUTSTANDING STUDIES.—For the first 2-year period after a drug is approved under section 505 of this Act or a biological product is licensed under section 351 of the Public Health Service Act, and with respect to drugs and biological products for which there are outstanding study requirements under subsection (d) or (e), the Director of the Center, in consultation with the Division of Drug Marketing, Advertising, and Communications of the Food and Drug Administration, shall—

''(A) notwithstanding section 502(n), require that the sponsor of such drug or biological product submit to the Director of the Center copies of all promotional material with respect to the drug or biological product not less than 30 days prior to the dissemination of such material; and

''(B) require that all promotional material with respect to the drug or biological product include certain disclosures, which shall be displayed prominently and in a manner easily understood by the general public, including—

''(i) a statement explaining that the drug or biological product is newly approved or licensed or the subject of outstanding clinical or observational studies, as the case may be, and, as a result, not all side effects or drug interactions may be known;

''(ii) the number of people in which the drug or biological product has been studied and the duration of time during which the drug or biological product has been studied;

''(iii) a statement that encourages patients to discuss the potential risks and benefits of treatment with their healthcare provider;

''(iv) a description of any requirements of outstanding clinical and observational studies, including the purpose of each study; and

''(v) contact information to report a suspected adverse reaction.

''(3) EFFECT OF VOLUNTARY SUBMISSION.—Paragraphs (1)(A) and (2)(A) shall not apply to the sponsor of a drug or biological product if such sponsor has voluntarily submitted to the Division of Drug Marketing, Advertising, and Communications of the Food and Drug Administration all promotional material with respect to the drug or biological product prior to the dissemination of such material.

''(m) WITHDRAWAL OR SUSPENSION OF APPROVAL OR LICENSURE.—

''(1) IN GENERAL.—The Director of the Center, may withdraw or suspend approval of a drug or licensure of a biological product using expedited procedures (as prescribed by the Secretary in regulations promulgated not later than 1 year after the date of enactment of the Food and Drug Administration Safety Act of 2007, which shall include an opportunity for an informal hearing) after consultation with the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research, as appropriate, and any other person as determined appropriate by the Director of the Center, if—

''(A) the Director of the Center makes a determination that the drug or biological product may present an unreasonable risk to the health of patients or the general public, and that risk cannot be satisfactorily alleviated by a corrective action under subsection (k); or

''(B) the sponsor fails to comply with an order or requirement under this section.

''(2) PUBLIC INFORMATION.—The Secretary shall make available to the public, by publication in the Federal Register and posting on an Internet website, the details of the consultation described in paragraph (1), including—

''(A) the reason for the determination to withdraw, suspend, or failure to withdraw or suspend, approval for the drug or licensure for the biological product;

''(B) the factual basis for such determination;

''(C) reference to supporting empirical data;

''(D) an explanation that describes why contrary data is insufficient; and

''(E) the position taken by each individual consulted.

''(n) EFFECT OF SECTION.—The authorities conferred by this section shall be separate from and in addition to the authorities conferred by section 505B.

''(o) ADMINISTRATION OF SECTION.—The provisions of this section shall be carried out by the Secretary, acting through the Director of the Center.''.

(b) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by inserting after subsection (j) the following:

''(k) If it is a drug or biological product for which the sponsor of an application or holder of an approved application or license has not complied with an order or requirement under section 507.''.

(c) REPORT ON DEVICES.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Food and Drugs, the Director of the Center for Postmarket Evaluation and Research for Drugs and Biologics, and the Director of the Center for Devices and Radiological Health, shall submit to Congress a report that—

(1) identifies gaps in the current process of postmarket surveillance of devices approved under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.);

(2) includes recommendations on ways to improve gaps in postmarket surveillance of devices; and

(3) identifies the changes in authority needed to make those improvements, recognizing the legitimate differences between devices and other medical products regulated by the Food and Drug Administration.

(d) TRANSFER OF FUNCTIONS.—The functions and duties of the Office of Surveillance and Epidemiology, including the Drug Safety and Risk Management Advisory Committee, of the Food and Drug Administration on the day before the date of enactment of this Act shall be transferred to the Center for Postmarket Evaluation and Research for Drugs and Biologics established under section 507 of the Federal Food, Drug, and Cosmetic Act (as added by this section). The Center for Postmarket Evaluation and Research for Drugs and Biologics shall be a separate entity within the Food and Drug Administration and shall not be an administrative office of the Center for Drug Evaluation and Research or the Center for Biologics Evaluation and Research.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act (and the amendments made by this Act)—

(1) $50,000,000 for fiscal year 2008;
(2) $75,000,000 for fiscal year 2009;
(3) $100,000,000 for fiscal year 2010;
(4) $125,000,000 for fiscal year 2011; and
(5) $150,000,000 for fiscal year 2012.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 469. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the Rural Heritage Conservation Extension Act of 2007, along with my good friend Senator GRASSLEY from Iowa.

As we all know, the country, and my home State of Montana, are losing precious agricultural and ranch lands at a record pace. While providing Montana and the Nation with the highest quality food and fiber, these farms and ranches also provide habitat for wildlife and the open spaces, land that many of us take for granted and assume will always be there. Montana has begun to recognize the importance of these lands. We currently have 1,573,411 acres covered by conservation easements. To some, that may seem like a large amount, but this is Montana, a State that covers 93,583,532 acres, making the conservation easements coverage a mere 1.68 percent of all of our lands.

To assure that open space and habitat will be there for future generations, we must help our hardworking farmers and ranchers preserve this precious heritage and their way-of-life.

Conservation easements have been tremendously successful in preserving open space and wildlife habitat. Last year, the Congress recognized this by providing targeted income tax relief to small farmers and ranchers who wish to make a charitable contribution of a qualified conservation easement. The provision allows eligible farmers and ranchers to increase the amounts of deduction that may be taken currently for charitable contributions of qualified conservation easements by raising the Adjusted Gross Income (AGI) limitations to 100 percent and extending the carryover period from 5 years to 15 years. In the case of all landowners, the AGI limitation would be raised from 30 percent to 50 percent.

The Rural Heritage Conservation Extension Act of 2007 would make this allowable deduction permanent, building on the success of conservation easements. Our farmers and ranchers will be able to preserve their important agricultural and ranching lands for future generations, while continuing to operate their businesses. Landowners, conservationists, the Federal Government, and local communities are working together to preserve our precious natural resources.

This legislation is vitally important to Montana, and to every other State in the Nation.

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. 469

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

SECTION 1. SPECIAL RULE FOR CONTRIBUTIONS OF QUALIFIED CONSERVATION CONTRIBUTIONS MADE PERMANENT.

(a) IN GENERAL.—

(1) INDIVIDUALS.—Subparagraph (E) of section 170(b)(1) of the Internal Revenue Code of 1986 (relating to contributions of qualified conservation contributions) is amended by striking clause (vi).

(2) CORPORATIONS.—Subparagraph (B) of section 170(b)(2) of such Code (relating to qualified conservation contributions) is amended by striking clause (iii).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 52—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. CONRAD submitted the following resolution; from the Committee on the Budget; which was referred to the Committee on Rules and Administration.

S. RES. 52

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $3,554,606, of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $70,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $6,230,828, of which amount (1) not to exceed $60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $120,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $2,646,665, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2008, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 53—CONGRATULATING ILLINOIS STATE UNIVERSITY AS IT MARKS ITS SESQUICENTENNIAL

Mr. DURBIN (for himself and Mr. OBAMA) submitted the following resolution; which was referred to the Committe on the Judiciary:

S. RES. 53

Whereas Illinois State University marks its sesquicentennial with a year-long celebration, beginning with Founders Day on February 15, 2007;

Whereas Illinois State University is the oldest public university in the State of Illinois;

Whereas Illinois State University has 34 academic departments and offers more than 160 programs of study in the College of Applied Science and Technology, the College of Arts and Sciences, the College of Business, the College of Education, the College of Fine Arts, and the Mennonite College of Nursing;

Whereas Illinois State University is 1 of the 10 largest producers of teachers in the Nation, and nearly 1 in 7 Illinois teachers holds a degree from Illinois State University;

Whereas Milner Library at Illinois State University contains more than 3 million holdings and special collections;

Whereas Illinois State University is ranked nationally as one of the 100 ''best values'' in public higher education; and

Whereas Illinois State University participates in the American Democracy Project, an initiative that prepares students to engage in a competitive global society: Now, therefore, be it

Resolved, That the Senate congratulates Illinois State University as it marks its sesquicentennial.

Mr. DURBIN. Mr. President, I rise today to congratulate Illinois State University, ISU, as it marks its 150th year of providing an outstanding college education to students in the State of Illinois.

Illinois State University commemorates its 150th anniversary this year with a year-long celebration that begins with Founders Day on February 15, 2007. ISU was founded as Bloomington-Normal in 1857. The school was Illinois's first public university and is one of the oldest institutions of higher education in the Midwest. Abraham Lincoln himself drew up the legal papers to establish the University, which has grown from a small teachers' college to a premiere liberal arts university. The University now serves more than 20,000 talented undergraduate and graduate students from across the country and from 88 nations.

For 150 years, Illinois State University has prided itself on providing a high quality education at a cost within the reach of most students. In fact, ISU is ranked nationally as one of the 100 ''best values'' in public higher education, according to Kiplinger magazine. ISU students can choose the program that best fits their academic needs from among 63 undergraduate programs in more than 160 fields of study. In particular, I commend Illinois State for its successful College of Education, which continues the University's long tradition of educating teachers. ISU is one of the 10 largest producers of teachers in the Nation. In fact, nearly 1 in 7 Illinois teachers holds a degree from ISU. By educating future teachers, Illinois State University has played an invaluable role in shaping the education of Illinois children.

Illinois State hosts a large and successful athletics program. During the past 23 years, the ISU Redbirds have won 125 league titles in 19 intercollegiate sports. Redbird competitors have gone on to be professional athletes, Olympians, and World Series Champions, as in the case of pitcher Neal Cotts, an ISU alumnus and member of the 2005 World Champion Chicago White Sox team.

Students at Illinois State are encouraged to embrace the University's motto, ''Gladly we Learn and Teach,'' both in and outside the classroom. Many students choose to take part in public service and outreach programs that provide learning and service experiences beyond the classroom. ISU also participates in the American Democracy Project, an initiative that prepares students to be engaged in a competitive global society.

Illinois State University has proven itself to be a tremendous asset to the students and citizens of Illinois for the past 150 years. I congratulate the University on its 150th anniversary, and I look forward to many more years of excellence in education and academic advancement in the future.

SENATE RESOLUTION 54—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KENNEDY submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

S. RES. 54

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursible basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $4,794,663, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $8,402,456, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $3,568,366, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 2008 and February 28, 2009, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007, October 1, 2007 through September 30, 2008; and October 1, 2008 through February 28, 2009, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 55—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. AKAKA submitted the following resolution; from the Committee on Veterans' Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 55

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $1,259,442 of which amount (1) not to exceed $59,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $2,207,230 of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(I)of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2007, through February 28, 2008, expenses of the committee under this resolution shall not exceed $937,409, of which amount (1) not to exceed $42,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i)of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,334 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendation for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007, and February 28, 2008, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for (1) the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 56—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 56

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2007 through September 30, 2007; October 1, 2007, through September 30,2008, and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the Period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $3,370,280 of which amount (1) not to exceed $12,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $700 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $5,905,629 of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $2,507,776 of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 57—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry; which was referred to the Committee on Rules and Administration:

S. RES. 57

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 2007, through September 30, 2007; October 1, 2007 to September 30, 2008; and October 1, 2008 through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $2,204,538, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $3,862,713, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $1,640,188, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008 through February 28, 2009 to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 58—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INOUYE submitted the following resolution; from the Committee on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration:

S. RES. 58

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2007, through September 30, 2007, October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the Committee for the period from March 1, 2007, through September 30, 2007, under this resolution shall not exceed $3,652,466, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the Committee under this resolution shall not exceed $6,400,559, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $2,718,113, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 2008, and February 28, 2009, respectively.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, (2) for the payment of

telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (6) for the payment of Senate Recording and Photographic Services, or (7) for the payment of franked and mass mail costs by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 2007, through September 30, 2007, October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 59—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BAUCUS submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

S. RES. 59

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $4,203,707, of which amount (1) not to exceed $17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $7,356,895, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $3,120,762, of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007 through September 30, 2008; and October 1, 2008 through February 28, 2009, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 60—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LIEBERMAN submitted the following resolution; from the Committee on Homeland Security and Governmental Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 60

Resolved,

SECTION 1. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs (referred to in this resolution as the ''committee'') is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $5,393,404, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $9,451,962, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $4,014,158, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 2. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 3. EXPENSES; AGENCY CONTRIBUTIONS; AND INVESTIGATIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee for the period March 1, 2007, through September 30, 2007, for the period October 1, 2007, through September 30, 2008, and for the period October 1, 2008, through February 28,

2009, to be paid from the appropriations account for `Expenses of Inquiries and Investigations' of the Senate.

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2007, through February 28, 2009, is authorized, in its, his, her, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 50, agreed to February 17, 2005 (109th Congress), are authorized to continue.

SENATE RESOLUTION 61—DESIGNATING JANUARY 2007 AS ''NATIONAL MENTORING MONTH''

Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. AKAKA, Mr. BOND, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Mr. CONRAD, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENSIGN, Mr. GRASSLEY, Mr. ISAKSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Ms. MURKOWSKI, Mr. PRYOR, Mr. SANDERS, Mr. REID, and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 61

Whereas mentoring is a long-standing tradition with modern applications in which an adult provides guidance, support, and encouragement to help with a young person's social, emotional, and cognitive development;

Whereas research provides strong evidence that mentoring can promote positive outcomes for young people, such as an increased sense of industry and competency, a boost in academic performance and self-esteem, and improved social and communications skills;

Whereas studies of mentoring further show that a quality mentoring relationship successfully reduces the incidence of risky behaviors, delinquency, absenteeism, and academic failure;

Whereas mentoring is a frequently used term and a well-accepted practice in many sectors of our society;

Whereas thanks to the remarkable creativity, vigor, and resourcefulness of the thousands of mentoring programs and millions of volunteer mentors in communities throughout the Nation, quality mentoring has grown dramatically in the past 15 years, and there are now 3,000,000 young people in the United States who are being mentored;

Whereas in spite of the strides made in the mentoring field, the Nation has a serious ''mentoring gap,'' with nearly 15,000,000 young people currently in need of mentors;

Whereas a recent study confirmed that one of the most critical challenges that mentoring programs face is recruiting enough mentors to help close the mentoring gap;

Whereas the designation of January 2007 as National Mentoring Month will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas the month-long celebration of mentoring will encourage more organizations across the Nation, including schools, businesses, nonprofit organizations and faith institutions, foundations, and individuals to become engaged in mentoring;

Whereas National Mentoring Month will, most importantly, build awareness of mentoring and encourage more individuals to become mentors, helping close the Nation's mentoring gap; and

Whereas the President has issued a proclamation declaring January 2007 to be National Mentoring Month and calling on the people of the United States to recognize the importance of mentoring, to look for opportunities to serve as mentors in their communities, and to observe the month with appropriate activities and programs: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of January 2007 as ''National Mentoring Month'';

(2) recognizes with gratitude the contributions of the millions of caring adults who are already serving as mentors and encourages more adults to volunteer as mentors; and

(3) encourages the people of the United States to observe the month with appropriate ceremonies and activities that promote awareness of, and volunteer involvement with, youth mentoring.

SENATE RESOLUTION 62—RECOGNIZING THE GOALS OF CATHOLIC SCHOOLS WEEK AND HONORING THE VALUABLE CONTRIBUTIONS OF CATHOLIC SCHOOLS IN THE UNITED STATES

Mr. VITTER (for himself and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 62

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,363,220 students and maintain a student-to-teacher ratio of 15 to 1;

Whereas the faculty members of Catholic schools teach a highly diverse body of students;

Whereas the graduation rate for all Catholic school students is 95 percent;

Whereas 83 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

SENATE RESOLUTION 63—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 63

Resolved, That in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and, October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $1,461,012, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $6,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $2,561,183, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $1,087,981, of which amount (1) not to exceed $21,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE CONCURRENT RESOLUTION 5—HONORING THE LIFE OF PERCY LAVON JULIAN, A PIONEER IN THE FIELD OF ORGANIC CHEMISTRY AND THE FIRST AND ONLY AFRICAN-AMERICAN CHEMIST TO BE INDUCTED INTO THE NATIONAL ACADEMY OF SCIENCES

Mr. OBAMA (for himself, Mr. DURBIN, Mr. DODD, Mr. LUGAR, Mr. LIEBERMAN, and Mr. BAYH) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 5

Whereas Percy Julian was born on April 11, 1899 in Montgomery, Alabama, the son of a railway clerk and the first member of his family to attend college;

Whereas Percy Julian graduated from DePauw University in 1920 and received a M.S. degree from Harvard University in 1923 and a Ph.D. from the University of Vienna in 1931;

Whereas, in 1935, Dr. Julian became the first to discover a process to synthesize physostigmine, the drug used in the treatment of glaucoma;

Whereas Dr. Julian later pioneered a commercial process to synthesize cortisone from soy beans, enabling the widespread use of cortisone as an affordable treatment for arthritis;

Whereas Dr. Julian was the first African-American chemist elected to the National Academy of Sciences in 1973 for his lifetime of scientific accomplishments, held over 130 patents at the time of his death in 1975, and dedicated much of his life to the advancement of African Americans in the sciences; and

Whereas Dr. Julian's life story has been documented in the Public Broadcasting Service NOVA film ''Forgotten Genius'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress honors the life of Percy Lavon Julian, a pioneer in the field of organic chemistry and the first and only African-American chemist to be inducted into the National Academy of Sciences.

SENATE CONCURRENT RESOLUTION 6—EXPRESSING THE SENSE OF CONGRESS THAT THE NATIONAL MUSEUM OF WILDLIFE ART, LOCATED IN JACKSON, WYOMING, SHOULD BE DESIGNATED AS THE ''NATIONAL MUSEUM OF WILDLIFE ART OF THE UNITED STATES''

Mr. ENZI (for himself and Mr. THOMAS) sumbitted the following concurrent

resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 6

Whereas the National Museum of Wildlife Art in Jackson, Wyoming, is devoted to inspiring global recognition of fine art related to nature and wildlife;

Whereas the National Museum of Wildlife Art is an excellent example of a thematic museum that strives to unify the humanities and sciences into a coherent body of knowledge through art;

Whereas the National Museum of Wildlife Art, which was founded in 1987 with a private gift of a collection of art, has grown in stature and importance and is recognized today as the world's premier museum of wildlife art;

Whereas the National Museum of Wildlife Art is the only public museum in the United States with the mission of enriching and inspiring public appreciation and knowledge of fine art, while exploring the relationship between humanity and nature by collecting fine art focused on wildlife;

Whereas the National Museum of Wildlife Art is housed in an architecturally significant and award-winning 51,000–square foot facility that overlooks the 28,000–acre National Elk Refuge and is adjacent to the Grand Teton National Park;

Whereas the National Museum of Wildlife Art is accredited with the American Association of Museums, continues to grow in national recognition and importance with members from every State, and has a Board of Trustees and a National Advisory Board composed of major benefactors and leaders in the arts and sciences from throughout the United States;

Whereas the permanent collection of the National Museum of Wildlife Art has grown to more than 3,000 works by important historic American artists including Edward Hicks, Anna Hyatt Huntington, Charles M. Russell, William Merritt Chase, and Alexander Calder, and contemporary American artists, including Steve Kestrel, Bart Walter, Nancy Howe, John Nieto, and Jamie Wyeth;

Whereas the National Museum of Wildlife Art is a destination attraction in the Western United States with annual attendance of 92,000 visitors from all over the world and an award-winning website that receives more than 10,000 visits per week;

Whereas the National Museum of Wildlife Art seeks to educate a diverse audience through collecting fine art focused on wildlife, presenting exceptional exhibitions, providing community, regional, national, and international outreach, and presenting extensive educational programming for adults and children; and

Whereas a great opportunity exists to use the invaluable resources of the National Museum of Wildlife Art to teach the schoolchildren of the United States, through onsite visits, traveling exhibits, classroom curriculum, online distance learning, and other educational initiatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, should be designated as the ''National Museum of Wildlife Art of the United States''.

SENATE CONCURRENT RESOLUTION 7—EXPRESSING THE SENSE OF CONGRESS ON IRAQ

Mr. WARNER (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. LEVIN, and Ms. SNOWE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 7

Whereas, we respect the Constitutional authorities given a President in Article II, Section 2, which states that ''The President shall be commander in chief of the Army and Navy of the United States;'' it is not the intent of this resolution to question or contravene such authority, but to accept the offer to Congress made by the President on January 10, 2007 that, ''if members have improvements that can be made, we will make them. If circumstances change, we will adjust;''

Whereas, the United States' strategy and operations in Iraq can only be sustained and achieved with support from the American people and with a level of bipartisanship;

Whereas, over 137,000 American military personnel are current1y serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States armed forces, and are deserving of the support of all Americans, which they have strongly;

Whereas, many American service personnel have lost their lives, and many more have.been wounded, in Iraq, and the American people will always honor their sacrifices and honor their families;

Whereas, the U.S. Army and Marine Corps, including their Reserve and National Guard organizations, together with components of the other branches of the military, are under enormous strain from multiple, extended deployments to Iraq and Afghanistan;

Whereas, these deployments, and those that will follow, will have lasting impacts on the future recruiting, retention and readiness of our nation's all volunteer force;

Whereas in the National Defense Authorization Act for Fiscal Year 2006, the Congress stated that ''calendar year 2006 should be a period of significant transition to full sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq;''

Whereas, United Nations Security Council Resolution 1723, approved November 28, 2006, ''determin[ed] that the situation in Iraq continues to constitute a threat to international peace and security;''

Whereas, Iraq is experiencing a deteriorating and ever-widening problem of sectarian and intra-sectarian violence based upon political distrust and cultural differences between some Sunni and Shia Muslims;

Whereas, Iraqis must reach political settlements in order to achieve reconciliation, and the failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq;

Whereas, the responsibility for Iraq's internal security and halting sectarian violence must rest primarily with the Government of Iraq and Iraqi Security Forces;

Whereas, U.S. Central Command Commander General John Abizaid testified to Congress on November 15, 2006, ''I met with every divisional commander, General Casey, the Corps Commander, [and] General Dempsey. We all talked together. And I said, in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no. And the reason is, because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future;''

Whereas, Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006 that ''The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians;''

Whereas, there is growing evidence that Iraqi public sentiment opposes the continued U.S. troop presence in Iraq, much less increasing the troop level;

Whereas, in the fall of 2006, leaders in the Administration and Congress, as well as recognized experts in the private sector, began to express concern that the situation in Iraq was deteriorating and required a change in strategy; and, as a consequence, the Administration began an intensive, comprehensive review by all components of the Executive Branch to devise a new strategy;

Whereas, in December 2006, the bipartisan Iraq Study Group issued a valuable report, suggesting a comprehensive strategy that includes ''new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly;''

Whereas, on January 10, 2007, following consultations with the Iraqi Prime Minister, the President announced a new strategy (hereinafter referred to as the ''plan''), which consists of three basic elements: diplomatic, economic, and military; the central component of the military element is an augmentation of the present level of the U.S. military forces through additional deployments of approximately 21,500 US. military troops to Iraq;

Whereas, on January 10, 2007, the President said that the ''Iraqi government will appoint a military commander and two deputy commanders for their capital'' and that U.S. forces will ''be embedded in their formations;'' and in subsequent testimony before the Armed Services Committee on January 25, 2007, by the retired former Vice Chief of the Army it was learned that there will also be a comparable US. command in Baghdad, and that this dual chain of command may be problematic because ''the Iraqis are going to be able to move their forces around at times where we will disagree with that movement,'' and called for clarification;

Whereas, this proposed level of troop augmentation far exceeds the expectations of many of us as to the reinforcements that would be necessary to implement the various options for a new strategy, and led many members of Congress to express outright opposition to augmenting our troops by 21,500;

Whereas, the Government of Iraq has promised repeatedly to assume a greater share of security responsibilities, disband militias, consider Constitutional amendments and enact laws to reconcile sectarian differences, and improve the quality of essential services for the Iraqi people; yet, despite those promises, little has been achieved;

Whereas, the President said on January 10, 2007 that ''I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not openended'' so as to dispel the contrary impression that exists;

Whereas, the recommendations in this resolution should not be interpreted as precipitating any immediate reduction in, or withdrawal of, the present level of forces: Now therefore be it—

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Senate disagrees with the ''plan'' to augment our forces by 21,500, and urges the President instead to consider all options and alternatives for achieving the strategic goals set forth below;

(2) the Senate believes the United States should continue vigorous operations in

Anbar province, specifically for the purpose of combating an insurgency, including elements associated with the Al Qaeda movement, and denying terrorists a safe haven;

(3) the Senate believes a failed state in Iraq would present a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that can sustain, govern, and defend itself, and serve as an ally in the war against extremists;

(4) the Congress should not take any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field, as such an action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions;

(5) the primary objective of the overall U.S. strategy in Iraq should be to encourage Iraqi leaders to make political compromises that will foster reconciliation and strengthen the unity government, ultimately leading to improvements in the security situation;

(6) the military part of this strategy should focus on maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, conducting counterterrorism operations, promoting regional stability, supporting Iraqi efforts to bring greater security to Baghdad, and training and equipping Iraqi forces to take full responsibility for their own security;

(7) United States military operations should, as much as possible, be confined to these goals, and should charge the Iraqi military with the primary mission of combating sectarian violence;

(8) the military Rules of Engagement for this plan should reflect this delineation of responsibilities, and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff should clarify the command and control arrangements in Baghdad;

(9) the United States Government should transfer to the Iraqi military, in an expeditious manner, such equipment as is necessary;

(10) the United States Government should engage selected nations in the Middle East to develop a regional, internationally sponsored peace-and-reconciliation process for Iraq;

(11) the Administration should provide regular updates to the Congress, produced by the Commander of United States Central Command and his subordinate commanders, about the progress or lack of progress the Iraqis are making toward this end.

(12) our overall military, diplomatic and economic strategy should not be regarded as an ''open-ended'' or unconditional commitment, but rather as a new strategy that hereafter should be conditioned upon the Iraqi government's meeting benchmarks that must be delineated in writing and agreed to by the Iraqi Prime Minister. Such benchmarks should include, but not be limited to, the deployment of that number of additional Iraqi security forces as specified in the plan in Baghdad, ensuring equitable distribution of the resources of the Government of Iraq without regard to the sect or ethnicity of recipients, enacting and implementing legislation to ensure that the oil resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner, and the authority of Iraqi commanders to make tactical.and operational decisions without political intervention:

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, January 31, 2007 at 9:45 AM in 328A, Senate Russell Office Building. The purpose of this committee hearing will be to discuss ''The Role of Federal Food Assistance Programs in Family Economic Security and Nutrition''.

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

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, January 31, 2007, at 10 a.m., in closed session to receive a briefing regarding the Iraq ''SURGE'' Plan.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 31, 2007, at 10 a.m., to conduct a vote on the Committee Budget Resolution, rules of procedure, and subcommittee organization for the 110th Congress; immediately following the executive session, the committee will meet in open session to conduct a hearing on ''The Treasury Department's Report to Congress on International Economic and Exchange Rate Policy (IEERP) and the U.S.-China Strategic Economic Dialogue.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting and hearing during the sessions of the Senate on Wednesday, January 31, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The purpose of the business meeting is to adopt the budget resolution for the Committee for the 110th Congress. The purpose of the hearing is to promote travel to America, and to examine related economic and security concerns.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a Business Meeting during the session of the Senate on Wednesday, January 31, 2007, at 11:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending calendar business.

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

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, January 31, 2007, at 10 a.m. in 215 Dirksen Senate Office Building, to organize for the 110th Congress. The Committee will also consider favorably reporting the following nominations: Michael J. Astrue, to be Commissioner of Social Security, Social Security Administration; Dean A. Pinkert, to be Member of the United States International Trade Commission; and Irving A. Williamson, to be Member of the United States International Trade Commission.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 31, 2007, at 9:15 a.m. to hold a hearing on Iraq.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, January 31, 2007 at 10 a.m. SD–430.

PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Examining the Iraq Study Group's Recommendations for Improvements to Iraq's Police and Criminal Justice System'' for Wednesday, January 31, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Witnesses

The Honorable Lee H. Hamilton, Former Member of Congress, Director, The Woodrow Wilson International Center for Scholars, Co-Chair, Iraq Study Group Washington, DC.

The Honorable Edwin Meese III, Former U.S. Attorney General, Ronald Reagan Chair in Public Policy, The Heritage Foundation, Member Iraq Study Group Washington, DC.

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''US–

VISIT Challenges and Strategies for Securing the U.S. Border'' for Wednesday, January 31, 2007, at 2:30 p.m. in Dirksen Senate Office Building Room 226.

Witnesses

Panel I. The Honorable Richard Barth, Ph.D., Assistant Secretary, Office of Policy Development, Department of Homeland Security, Washington, DC.

Robert A. Mocny, Acting Director, US–VISIT, Department of Homeland Security Washington, DC.

Panel II. Richard Stana, Director, Homeland Security and Justice, Government Accountability Office, Washington, DC.

Phillip J. Bond, President and CEO, Information Technology Association of America, Arlington, VA.

C. Stewart Verdery, Jr., President, Monument Policy Group, Washington, DC.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, January 31, 2007, at 9:30 a.m., to conduct its organizational meeting for the 110th Congress.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled ''Assessing Federal Small Business Assistance Programs for Veterans and Reservists,'' on Wednesday, January 31, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

JOINT ECONOMIC COMMITTEE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in room 106 of the Dirksen Senate Office Building, Wednesday, January 31, from 9:30 a.m. to 1 p.m.

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

SPECIAL COMMITTEE ON AGING

Mr. DURBIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Wednesday, January 31, 2007 from 10:30 a.m.–12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on Wednesday, January 31, 2007, at 2:30 p.m., to continue to receive testimony on abusive practices in Department of Defense contracting for services and inter-agency contracting.

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

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Madam President, I ask unanimous consent for Stanford Swinton, Anne Freeman, Lynda Simmons, Bess Ullman, Ann Thomas, and Eric Slack of my staff to be given privileges of the floor during the deliberation of H.R. 2, the Fair Minimum Wage Act of 2007.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDER

Mr. REID. Mr. President, if I could now move to the more mundane, I ask unanimous consent that at 11:45 tomorrow, the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 8 through 10; that there be 10 minutes for debate on the nominations equally divided between Senators LEAHY and SPECTER or their designees; that at the conclusion of the yielding back of time, the Senate vote on nomination No. 8, Lawrence Joseph O'Neill to be a U.S. district judge; that following that vote, the Senate vote on nomination No. 9, Valerie Baker, to be a U.S. district judge; that following that vote, the Senate vote on nomination No. 10, Gregory Frizzell, to be a U.S. district judge; that there be 2 minutes for debate between the votes; that the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action; that the Senate then return to legislative session, and that all time consumed in executive session, including the votes, count toward cloture on H.R. 2.

I would say, before the Chair rules on this unanimous consent request, how much we can count on staff. One number was missing, and I am just here trying to figure out what to do without staff, and as usual, they come through.

The PRESIDING OFFICER. The majority leader quickly got to the correction. Is there objection?

Without objection, it is so ordered.

NATIONAL MENTORING MONTH

Mr. REID. Mr. President, I ask consent that the Senate proceed to the consideration of S. Res. 61.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 61) designating January 2007 as ''National Mentoring Month.''

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 61) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 61

Whereas mentoring is a long-standing tradition with modern applications in which an adult provides guidance, support, and encouragement to help with a young person's social, emotional, and cognitive development;

Whereas research provides strong evidence that mentoring can promote positive outcomes for young people, such as an increased sense of industry and competency, a boost in academic performance and self-esteem, and improved social and communications skills;

Whereas studies of mentoring further show that a quality mentoring relationship successfully reduces the incidence of risky behaviors, delinquency, absenteeism, and academic failure;

Whereas mentoring is a frequently used term and a well-accepted practice in many sectors of our society;

Whereas thanks to the remarkable creativity, vigor, and resourcefulness of the thousands of mentoring programs and millions of volunteer mentors in communities throughout the Nation, quality mentoring has grown dramatically in the past 15 years, and there are now 3,000,000 young people in the United States who are being mentored;

Whereas in spite of the strides made in the mentoring field, the Nation has a serious ''mentoring gap,'' with nearly 15,000,000 young people currently in need of mentors;

Whereas a recent study confirmed that one of the most critical challenges that mentoring programs face is recruiting enough mentors to help close the mentoring gap;

Whereas the designation of January 2007 as National Mentoring Month will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas the month-long celebration of mentoring will encourage more organizations across the Nation, including schools, businesses, nonprofit organizations and faith institutions, foundations, and individuals to become engaged in mentoring;

Whereas National Mentoring Month will, most importantly, build awareness of mentoring and encourage more individuals to become mentors, helping close the Nation's mentoring gap; and

Whereas the President has issued a proclamation declaring January 2007 to be National Mentoring Month and calling on the people of the United States to recognize the importance of mentoring, to look for opportunities to serve as mentors in their communities, and to observe the month with appropriate activities and programs: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of January 2007 as ''National Mentoring Month'';

(2) recognizes with gratitude the contributions of the millions of caring adults who are already serving as mentors and encourages more adults to volunteer as mentors; and

(3) encourages the people of the United States to observe the month with appropriate ceremonies and activities that promote awareness of, and volunteer involvement with, youth mentoring.

CATHOLIC SCHOOLS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 62.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 62) recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States.

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

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

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

The resolution (S. Res. 62) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 62

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,363,220 students and maintain a student-to-teacher ratio of 15 to 1;

Whereas the faculty members of Catholic schools teach a highly diverse body of students;

Whereas the graduation rate for all Catholic school students is 95 percent;

Whereas 83 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

MEASURE READ THE FIRST TIME—H.J. RES. 20

Mr. REID. Mr. President, I understand that H.J. Res. 20 has been received from the House and is now at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 20) making further continuing appropriations for the fiscal year 2007, and for other purposes.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

Mr. REID. Mr. President, this is the continuing resolution, which is so important to continuing the functions of this Government, but I am objecting to my own request for its second reading.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

MEASURE READ THE FIRST TIME—S. 470

Mr. REID. Mr. President, it is my understanding that S. 470, introduced by Senator LEVIN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 470) to express the sense of Congress on Iraq.

Mr. REID. Mr. President, 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. 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.

ORDERS FOR THURSDAY, FEBRUARY 1, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Thursday, February 1; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 11:45 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the next 30 minutes under the control of the majority; that following morning business, the Senate proceed to executive session as under the previous order; that upon resuming legislative session, the Senate resume consideration of H.R. 2, the minimum wage bill; that all time during the adjournment and morning business count against the postcloture time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, today, the Senate has completed the amendment process on H.R. 2, and the Senate also invoked cloture on the bill by a vote of 88 to 8. Tomorrow, we will anticipate concluding action on the bill in the afternoon. Once the bill has been completed, there will then be a cloture vote on the motion to proceed to S. Con. Res. 2, the bipartisan Iraq resolution, unless we work something out, as we expressed here at some length tonight.

To remind Members, we will be voting tomorrow prior to noon on three judicial nominations. Those votes are expected to begin at about 11:55 a.m.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that following the remarks of Senator SNOWE of Maine, the Senate stand adjourned under the previous order.

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

The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I know the hour is late. I want to speak briefly to the resolution that has been introduced by our most respected Member of the Senate, Senator WARNER, regarding Iraq.

I first ask unanimous consent to be added as a cosponsor.

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

Ms. SNOWE. For the record, I know the Senator from Virginia and the Senator from Michigan have had numerous conversations. The proposed changes in the resolution that was introduced this evening by the Senator from Virginia certainly reflect many of the concerns of those of us who are the cosponsors of the Biden-Hagel-Levin resolution regarding the troop surge. The changes in the proposed resolution now reinforce the opposition to troop increases. It does enhance the position. It solidifies the unified view of those of us who have adopted a position in opposition to the troop surge. It also helps to advance this debate. Now we can begin on a course of deliberation within the Senate.

I join the concerns of Senator WARNER and our Republican leader that we should proceed in consideration of a resolution and not proceed out of order on the Warner resolution. It was introduced as a resolution. It should be debated and voted upon as a resolution here in the Senate. I am pleased, because I think it does unite us now that we have had these types of changes that I think go a long way to making a strong statement with respect to the President's proposed strategy of increasing troops in Iraq.

I thank the Senator from Virginia for offering this resolution as modified so we can proceed and embark on the deliberations that not only consistently are the traditions of this institution but also are consistent with the views of the people of this country that this issue, which is the preeminent one of our time, deserves a full and open debate.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank our distinguished colleague from Maine. I share her views, as I expressed them with our leader here, that it was certainly always the intention of the Senator from Virginia that this matter should be kept in a resolution status, thereby precluding any necessity for the President to become involved in the sense of a legislative process. I feel confident that what we have put forth are recommendations—not orders to the President, not contravening the President's constitutional authority in any way, but they are the heartfelt thoughts of Senators as to how there could be further modifications in the new strategy in such a way as to hopefully lower the profile of the United States Armed Forces in the Baghdad operation and, thereby, hopefully, wherever possible, not inject them into this sectarian violence which can be better handled by the Iraqis, who understand the Iraqis, who have a far better understanding of the cultural differences that give rise to so much of this sectarian strife today. I am optimistic that can come to pass and we can treat this in the resolution status and that Senators can work their free will. There may be ideas far better than what I have embraced in this resolution, together with my colleagues, Senator COLLINS and Senator BEN NELSON. We are open to ideas. It is best that those ideas be exhibited right here on the Senate floor in full view of all to determine their merit.

I thank my colleague. I am honored the Senator sees fit to join us as a cosponsor.

Ms. SNOWE. I want to express my appreciation to the Senator from Virginia, because I do think this resolution reinforces the position of those of us who oppose the troop surge. I couldn't agree with the Senator more about the concerns we have involving the sectarian strife, particularly at a time in which the Iraqi Government has not demonstrated the political resoluteness to confront its own militias, to disarm and demobilize them, to proceed with a political process that would advance in unifying the country. That is long overdue. The time has come for the Iraqi Government and its people to step up and assume those responsibilities. That is why I had for the last few months the deep concern about the increase in the level of troops at a time in which sectarian strife has enveloped the country.

It is time for the Iraqi Government, the Iraqi Army to begin to proceed to take responsibility for the internal problems that are developing. We obviously should move in a different direction and place the pressure on them to do what is right.

Mr. WARNER. I thank our colleague. I also note the Senator from Maine was present on the floor in the course of the colloquy between the distinguished Senator from Nevada, Mr. REID, and our distinguished leader, Mr. MCCONNELL. I think they are both working toward trying to find the basis on which this matter can be treated as a resolution, which has been my desire from the first. I believe the Senator shares that view very strongly.

Ms. SNOWE. Absolutely. And I have indicated that concern about introducing this resolution in the form of a bill. I also understand that at some point that bill would obviously be converted to a resolution. But I think we should proceed in regular order and have a full and open debate, as the Senator from Virginia has recommended. I think that is consistent with the traditions and practices of the Senate. And certainly this issue is deserving of open debate for the American people.

Mr. WARNER. I thank the Senator. I am glad she, once again, pointed out that if it were to go into bill status, there is a point in time when I—and I presume you would join me—and others would move to try and have that bill status once again returned to the resolution status before any final action on this or other measures that may come before the Senate in this debate. Senator MCCONNELL all along to all his colleagues has said, me included, that he wanted to try to provide an opportunity for as many viewpoints to be heard, either by resolution or by amendment, as possible.

I also note the Presiding Officer was an original cosponsor on the resolution that I and Senator NELSON and Senator COLLINS put forward.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. on Thursday, February 1, 2007.

Thereupon, the Senate, at 8:27 p.m., adjourned until Thursday, February 1, 2007, at 10 a.m.

EXTENSIONS OF REMARKS

REMARKS OF FATHER ROBERT J. DRINAN, S.J.

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Ms. PELOSI. Madam Speaker, I request that the remarks of a former Member of this body, Father Robert Drinan, at a Mass at Trinity University prior to my swearing-in as Speaker, be included in the CONGRESSIONAL RECORD.

REMARKS OF ROBERT F. DRINAN, S.J., PROFESSOR, GEORGETOWN UNIVERSITY LAW CENTER, AT A MASS HONORING SPEAKER-ELECT NANCY PELOSI AT THE CHAPEL OF TRINITY UNIVERSITY IN WASHINGTON, DC—WEDNESDAY, JANUARY 3, 2007

Today is a new epiphany for all us, for our country and for the world.

Epiphany brought the three Magi to worship the new born child. We are here to venerate that child and to pledge that the message of this infant Jesus will be followed in our country and throughout the universe.

This is a new and wonderful moment for all of us.

The new Congress has 16 percent women and for the first time the Speaker is a mother.

We re-pledge our lives to the love of children. In this regard the Holy See has shown us the way. In 1981 the Vatican was the fifth nation of the Earth to ratify the United Nations Covenant on the Rights of the Child. That magnificent treaty has now been ratified by all of the 192 nations in the world—except Somalia and, we say it with shame, the United States.

The children protected by the U.N. Covenant now number some three billion—almost one-half of the 6.4 billion in the world. Today we re-pledge ours elves to pray and work for those children. We must continue to be shocked that 31,000 of those children will die today and every day—from diseases and malnutrition that are clearly preventable.

Imagine what the world would think of the United States if the health and welfare of children everywhere became the top objective of America's foreign policy! It could happen—and it could happen soon—if enough people cared.

Today at this moving and unforgettable Mass we gather to pray, to reflect and once again to commit our lives to carrying out the faith we have that the needs of every child are the needs of Jesus Christ himself. The tragedies of the children of Darfur and the victims of Katrina have made us feel guilty for the neglect of the young people in these nations. That guilt has to be developed so that the United States and other developed countries will use their resources to help the 800 million people in the world who are chronically malnourished. We must also remember the 100 million children who are not enrolled in any school—and that 70 percent of these children are girls. In addition, children are still being injured by land mines placed by the United States in Nicaragua, El Salvador, Vietnam, Kuwait and elsewhere.

We have come to this beautiful place to pray for our new leaders and for ourselves. We are ashamed that we have been so careless and thoughtless about the rights of children. We cannot forget Christ's personal love of children and his affirmation that ''whatsoever you do for the least of my brethren you do for me''

We are increasingly aware that the world—especially the 48 Islamic nations—have the deepest doubts about the intentions and activities of the United States. They know that the United States has less than five percent of the world's total population but consumes 40 percent of its resources.

We pledge again before the Blessed Sacrament that we will deepen our love for all children. It is depressing to realize that only 18 percent of America's children are registered in Head Start and that an appalling number do not graduate from high school. We are aware at this holy place of the weakness of our faith and the fragility of our love.

Let us reexamine our convictions, our commitments and our courage. Our convictions and our commitments are clear and certain to us. But do we have the courage to carry them out?

God has great hopes for what this nation will do in the near future. We are here to ask for the courage to carry out God's hopes and aspirations.

Let us not disappoint our Redeemer.

We learn things in prayer that we otherwise would never know. Let us pray now and always.

If a plane crashed this afternoon at Dulles with 310 children aboard the whole world would cry and cry and cry. But a tragedy like that happens 100 times each day—31,000 children every day—needlessly—die because the heedlessness of all of us. President Kennedy once said that those who ''make peaceful revolution impossible make violent revolution inevitable.'' We pray here today and ask God's help in our ardent desires to ''make peaceful revolution possible.''

HONORING COACH DONNA WISE

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay public tribute to a remarkable individual from my home district. Donna Wise, head coach of the women's basketball team at Campbellsville University, is retiring at the end of this season, drawing her legendary 32-year coaching career to a close.

Most people know about Kentucky's love of basketball and the commitment many make every season to win. Coach Wise's athletic achievements epitomize a work ethic and competitive spirit that makes Kentucky proud. But it's the lessons Donna Wise instills in her players about life's priorities, impressions countless young women continue to take far off the court and apply many years after college, that mark the true measure of her legacy.

A master of the sport, Coach Wise has always conducted herself in the highest standard, expecting both athletic and personal excellence from those she led. Her consistent focus on team work, sportsmanship, and persistence has been the foundation of the Lady Tigers' remarkable success.

To date, Coach Wise has won an impressive 653 games, ranking 1st in the NAIA Division 1 and 12th nationally among all NCAA and NAIA women's coaches in total wins. Throughout three decades of coaching, she has led 16 teams to NAIA Conference titles, 4 to Kentucky Intercollegiate Conference titles, and numerous others to national tournament and title game appearances. She has been recipient to dozens of coaching awards including induction into the National Association of Intercollegiate Athletics Hall of Fame in 2000.

In addition to her athletic accomplishments, Donna Wise has remained actively involved in numerous community and charitable organizations. She has been recognized as Woman of the Year by the Business and Professional Women's Foundation in 1994; Campbellsville Citizen of the Year in 1995; and Educator of the Year by the Campbellsville Chamber of Congress in 2000.

I would like to recognize Donna Wise today for her many achievements as a coach, teacher, and citizen. Her unique dedication to the development and well-being of student-athletes and the communities they now serve make her an outstanding American worthy of our collective honor and appreciation.

STRENGTHENING AMERICA'S MIDDLE CLASS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. KUCINICH. Madam Speaker, during a hearing today in the Committee on Education and Labor entitled ''Strengthening America's Middle Class: Evaluating the Economic Squeeze on America's Families,'' I offered the following statement on the economic issues facing workers and families in America.

As we will hear from today's witnesses, families across the Nation are experiencing increased financial pressures and too often failing to reap the rewards of their own productivity. Many middle class workers who have labored tirelessly to support their family are now faced with job insecurity and financial concerns. Too often, the overriding themes of many workers' lives have become themes of increasing debts and diminishing protections. The pressure they now face largely stems from circumstances beyond their control, circumstances that we as Members of Congress must work to rectify.

Many families of middle class workers now teeter on the edge of economic stability. Every American can attest to the growing costs of necessities such as home heating oil, child care, and healthcare. As wages have failed to keep pace, many workers are placed in a precarious financial situation. Forced increasingly

to rely upon loans and credit cards to make ends meet, families can find themselves one extended hospital stay or temporary job loss away from bankruptcy. The system designed to protect families in these situations is broken, and must be mended by this Congress.

Outsourcing, once primarily a concern for manufacturing jobs, is now a growing concern for white collar jobs as well. Workers in my home state of Ohio have long known the consequences for workers when jobs are shipped overseas. The effects of trade policies such as NAFTA have led Ohio to post the sixth highest unemployment rate in the Nation in the most recent numbers reported by the Bureau of Labor Statistics. Workers and their families are left in an insecure world, with diminishing protections and in need of a helping hand.

No longer can our Nation turn a blind eye to the effects of lax enforcement of labor laws, inadequate social support systems and faulty trade policies. This Congress must take the necessary steps to ensure that workers and their families are on stable economic ground. We have the ability to better protect and aid our constituents, and we must move towards the goal of security for workers as we begin this new Congress.

COMMENDING E. STEVEN COLLINS AND RADIO ONE FOR CONTRIBUTING TO THE SAFETY AND WELLBEING OF PHILADELPHIA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. FATTAH. Madam Speaker, I rise today to commend Radio One in Philadelphia and E. Steven Collins, National Sales Manager, for their extraordinary civic-minded efforts in support of the ''Groceries for Guns Initiative'' during the 2007 Martin Luther King's birthday celebration.

Creative and determined promotion by Radio One through its three FM outlets in the Philadelphia market, under the direction of Mr. Collins, led directly to a successful outcome beyond anyone's expectations.

The initiative, spearheaded by Philadelphia City Councilwoman Blondell Reynolds Brown in cooperation with my Congressional office and Business Manager John Dougherty of Local 98, International Brotherhood of Electrical Workers, produced the surrender of 252 weapons to the Philadelphia Police Department, including 177 handguns and several sawed off shotguns.

What better way to pay tribute to Dr. King's message and legacy of non-violence than to remove these potential instruments of crime from our streets?

And it occurred shortly after the city experienced one of its deadliest years in recent history. In 2006, the toll of homicide victims in Philadelphia was 406. Eighty five percent of these victims were killed by firearms.

This extraordinary outpouring by the citizens of Philadelphia and the Delaware Valley would not have reached such dramatic numbers without the efforts of Radio One and its stations—100.3 The Beat, 103.9 Praise, and 107.9 R&B. Radio One and its personalities promoted an ongoing anti-violence, anti-gun, anti-drug campaign of personal responsibility on the theme, ''It Starts With Me, It Starts With You.''

For a week in advance of the ''no questions asked'' gun surrender, Radio One air personalities promoted ''Groceries for Guns'' through public service announcements, interviews with Councilwoman Reynolds Brown and myself and numerous appeals. Mr. Collins, a longtime respected voice in Philadelphia radio, conducted some of these interviews on his own show.

On the day of the initiative, January 15, 2007, Pooch and Laiya and other Radio One personalities provided live interviews from outside the Columbia YMCA in North Philadelphia as hundreds of Philadelphians, young and old, lined up to exchange weapons for certificates worth $200 in groceries at The Fresh Grocer outlets.

Police officials expressed gratitude—and surprise—at the large number of weapons that were taken off the streets of Philadelphia and hauled away in the department's mobile ministation in a single day's effort.

I thank all the participants and especially Radio One and E. Steven Collins for their efforts to bring about a ''Gun Safe Philadelphia.''

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 1, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 5

3 p.m.
Judiciary
Human Rights and the Law Subcommittee
To hold hearings to examine genocide and the rule of law.
SD–226

FEBRUARY 6

9:30 a.m.
Armed Services
To hold hearings to examine the President's budget request for fiscal year 2008 and the fiscal years 2007 and 2008 war supplemental requests in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.
SH–216

Judiciary
To hold hearings to examine if the Department of Justice is politicizing the hiring and firing of U.S. attorneys relating to preserving prosecutorial independence.
SD–226

10 a.m.
Budget
To hold hearings to examine war costs.
SD–608

Environment and Public Works
To hold an oversight hearing to examine recent Environmental Protection Agency decisions, focusing on EPA actions and documents, including monitoring regulations related to perchlorate, the process for setting National Ambient Air Quality Standards (NAAQS), the lead NAAQS process, air toxics control (the ''once in always in'' policy), the Toxic Release Inventory, and EPA library closures.
SD–406

2:30 p.m.
Judiciary
To hold hearings to examine the nominations of John Preston Bailey, to be United States District Judge for the Northern District of West Virginia, and Otis D. Wright II, and George H. Wu, each to be United States District Judge for the Central District of California.
SD–226

2:45 p.m.
Finance
To hold hearings to examine the President's Fiscal Year 2008 budget proposal.
SD–215

FEBRUARY 7

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of Energy.
SD–366

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine predatory lending practices and home foreclosures.
SD–538

Budget
To hold hearings to examine the President's Fiscal Year 2008 budget proposal.
SD–608

Commerce, Science, and Transportation
To hold hearings to examine climate change research and scientific integrity.
SR–253

Rules and Administration
To hold hearings to examine the hazards of electronic voting, focusing on the machinery of democracy.
SR–301

FEBRUARY 8

9 a.m.
Foreign Relations
To hold hearings to examine the President's foreign affairs budget.
SD–106

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine issues relating to labor, immigration, law enforcement, and economic conditions in the Commonwealth of the Northern Mariana Islands.
SD–366

10 a.m.
Budget
To hold hearings to examine the President's Fiscal Year 2008 budget and revenue proposals.
SD–608

Commerce, Science, and Transportation
To hold hearings to examine the present and future of public safety communications.
SR–253

Judiciary
Business meeting to consider pending calendar business.
SD–226

FEBRUARY 13

10 a.m.
Energy and Natural Resources
To hold hearings to examine the ''Stern Review of the Economics of Climate Change'' examining the economic impacts of climate change and stabilizing greenhouse gases in the atmosphere.
SD–106

FEBRUARY 14

10 a.m.
Judiciary
To hold hearings to examine judicial security and independence.
SD–226

FEBRUARY 15

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of the Interior.
SD–366

Daily Digest

HIGHLIGHTS

The House agreed to H.J. Res. 20, making further continuing appropriations for the fiscal year 2007.

Senate

Chamber Action

Routine Proceedings, pages S1359–S1468

Measures Introduced: Thirty-two bills and fifteen resolutions were introduced, as follows: S. 439–470, S. Res. 52–63, and S. Con. Res. 5–7. **Pages S1409–11**

Measures Reported:

S. Res. 52, authorizing expenditures by the Committee on the Budget.

S. Res. 54, authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

S. Res. 55, authorizing expenditures by the Committee on Veterans' Affairs.

S. Res. 56, authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

S. Res. 57, authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

S. Res. 58, authorizing expenditures by the Committee on Commerce, Science, and Transportation.

S. Res. 59, authorizing expenditures by the Committee on Finance.

S. Res. 60, authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

S. Res. 63, authorizing expenditures by the Committee on Rules and Administration. **Page S1409**

Measures Passed:

National Mentoring Month: Senate agreed to S. Res. 61, designating January 2007 as "National Mentoring Month". **Page S1466**

Catholic Schools Week: Senate agreed to S. Res. 62, recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic Schools in the United States. **Page S1467**

Fair Minimum Wage: Senate continued consideration of H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, taking action on the following amendments proposed thereto: **Pages S1364–80**

Adopted:

Reid (for Baucus) Amendment No. 100, in the nature of a substitute. **Page S1364**

Rejected:

Sessions (for Kyl) Amendment No. 209 (to Amendment No. 100), to extend through December 31, 2012, the increased expensing for small businesses. (By 49 yeas to 48 nays (Vote No. 37), Senate tabled the amendment.) **Pages S1373–75**

Withdrawn:

McConnell (for Gregg) Amendment No. 101 (to Amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures. **Page S1364**

Enzi (for Ensign/Inhofe) Amendment No. 152 (to Amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system. **Page S1364**

Enzi (for Ensign) Amendment No. 153 (to Amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater Congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement giving foreign workers Social Security benefits, can go into effect. **Page S1364**

Vitter/Voinovich Amendment No. 110 (to Amendment No. 100), 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. **Page S1364**

DeMint Amendment No. 155 (to Amendment No. 100), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce, and to amend the Internal Revenue Code of 1986 regarding the disposition of unused health

benefits in cafeteria plans and flexible spending arrangements and the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market. **Page S1364**

DeMint Amendment No. 156 (to Amendment No. 100), to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements. **Page S1364**

DeMint Amendment No. 157 (to the language proposed to be stricken by Amendment No. 100), to increase the Federal minimum wage by an amount that is based on applicable State minimum wages. **Page S1364**

DeMint Amendment No. 159 (to Amendment No. 100), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization. **Page S1364**

DeMint Amendment No. 160 (to Amendment No. 100), to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax. **Page S1364**

DeMint Amendment No. 161 (to Amendment No. 100), to prohibit the use of flexible schedules by Federal employees unless such flexible schedule benefits are made available to private sector employees not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007. **Page S1364**

DeMint Amendment No. 162 (to Amendment No. 100), to amend the Fair Labor Standards Act of 1938 regarding the minimum wage. **Page S1364**

Kennedy (for Kerry) Amendment No. 128 (to Amendment No. 100), to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns. **Page S1364**

Martinez Amendment No. 105 (to Amendment No. 100), to clarify the house parent exemption to certain wage and hour requirements. **Page S1364**

Sanders Amendment No. 201 (to Amendment No. 100), to express the sense of the Senate concerning poverty. **Page S1364**

Gregg Amendment No. 203 (to Amendment No. 100), to enable employees to use employee option time. **Page S1364**

Burr Amendment No. 195 (to Amendment No. 100), to provide for an exemption to a minimum wage increase for certain employers who contribute to their employees health benefit expenses. **Page S1364**

Kennedy (for Feinstein) Amendment No. 167 (to Amendment No. 118), to improve agricultural job opportunities, benefits, and security for aliens in the United States. **Page S1364**

Enzi (for Allard) Amendment No. 169 (to Amendment No. 100), to prevent identity theft by allowing the sharing of social security data among government agencies for immigration enforcement purposes. **Pages S1364–65**

Enzi (for Cornyn) Amendment No. 135 (to Amendment No. 100), to amend the Internal Revenue Code of 1986 to repeal the Federal unemployment surtax. **Page S1365**

Enzi (for Cornyn) Amendment No. 138 (to Amendment No. 100), to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use. **Page S1365**

Division I of Sessions (for Kyl) Amendment No. 210 (to Amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit. **Page S1365**

Division II of Sessions (for Kyl) Amendment No. 210 (to Amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit. **Page S1365**

Division III of Sessions (for Kyl) Amendment No. 210 (to Amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit. **Page S1365**

Division IV of Sessions (for Kyl) Amendment No. 210 (to Amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit. **Page S1365**

Division V of Sessions (for Kyl) Amendment No. 210 (to Amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit. **Page S1365**

Durbin Amendment No. 221 (to Amendment No. 157), to change the enactment date. **Page S1365**

During consideration of this measure today, the Senate also took the following action:

By 46 yeas to 50 nays (Vote No. 38), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 505(a) of H. Con. Res. 95, Congressional Budget Resolution, with respect to Kyl Amendment No. 115 (to Amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space

improvements. Subsequently, the point of order that the amendment increases mandatory spending and would cause an increase in the deficit in excess of levels permitted by H. Con. Res. 95, was sustained, and the amendment thus fell. **Pages S1376–79**

By 88 yeas to 8 nays (Vote No. 39), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Page S1380**

A unanimous-consent agreement was reached providing that on Tuesday, February 1, 2007, following the votes on the confirmations of Lawrence Joseph O'Neill, of California, to be United States District Judge for the Eastern District of California, Valerie L. Baker, of California, to be United States District Judge for the Central District of California, and Gregory Kent Frizzell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma, Senate continue consideration of the bill; provided further that the time consumed during the adjournment of the Senate on Wednesday, January 31, 2007, and during the period of morning business on Thursday, February 1, 2007, be counted against the time for debate on the bill, pursuant to Rule XXII of the Standing Rules of the Senate. **Page S1466**

Nominations—Agreement: A unanimous-consent-time agreement was reached providing that at 11:45 a.m., on Thursday, February 1, 2007, Senate begin consideration of the following nominations en bloc: Lawrence Joseph O'Neill, of California, to be United States District Judge for the Eastern District of California, Valerie L. Baker, of California, to be United States District Judge for the Central District of California, and Gregory Kent Frizzell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma; that there be 10 minutes for debate on the nominations, equally divided between the Chairman and Ranking Member of the Committee on the Judiciary, or their designees; that at the conclusion, or yielding back of time, Senate vote on the confirmation of the nomination of Lawrence Joseph O'Neill, of California, to be United States District Judge for the Eastern District of California; that following that vote Senate vote on the confirmation of the nomination of Valerie L. Baker, of California, to be United States District Judge for the Central District of California; that following that vote Senate vote on the confirmation of the nomination of Gregory Kent Frizzell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma; that there be 2 minutes for debate between the second and third votes; that the Senate then return to legislative session and that all time consumed in executive session, including the time consumed during votes, count against the time post-cloture on H.R. 2. **Page S1466**

Messages From the House: **Page S1408**

Messages Referred: **Page S1408**

Measures Read the First Time: **Pages S1408, S1467**

Executive Communications: **Pages S1408–09**

Executive Reports of Committees: **Page S1409**

Additional Cosponsors: **Page S1411**

Statements on Introduced Bills/Resolutions: **Pages S1411–65**

Additional Statements: **Pages S1406–08**

Authorities for Committees to Meet: **Pages S1465–66**

Privileges of the Floor: **Page S1466**

Record Votes: Three record votes were taken today. (Total—39) **Pages S1375, S1379, S1380**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:27 p.m., until 10 a.m., on Thursday, February 1, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1467.)

Committee Meetings

(Committees not listed did not meet)

FEDERAL FOOD ASSISTANCE PROGRAM

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the roles of Federal food assistance programs in family economic security and nutrition, focusing on payment errors and trafficking that have declined despite increased program participation, after receiving testimony from Sigurd R. Nilsen, Director, Education, Workforce, and Income Security Issues, Government Accountability Office; Robert Greenstein, Center on Budget and Policy Priorities, Washington, D.C.; Robert Dostis, Vermont Campaign to End Childhood Hunger, Burlington; Bill Bolling, Atlanta Community Food Bank, Atlanta, Georgia; Luanne Francis, Kingsley House, New Orleans, Louisiana; Melinda Newport, Chickasaw Nation, Ada, Oklahoma; Frank Kubik, Focus: Hope, Detroit, Michigan; and Rhonda Stewart, Hamilton, Ohio.

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported an original resolution (S. Res. 57) authorizing expenditures by the Committee and adopted its rules of procedure for the 110th Congress.

IRAQ

Committee on Armed Services: Committee met in closed session to receive a briefing regarding the Iraq ''surge'' plan from Eric S. Edelman, Under Secretary of Defense for Policy; Barbara J. Stephenson, Deputy Senior Advisor to the Secretary and Deputy Coordinator for Iraq, Department of State; and Lieutenant General Douglas E. Lute, USA, Director for Operations, J–3, and Rear Admiral David J. Dorsett, USN, Director for Intelligence, J–2, both of The Joint Staff.

CONTRACTING

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded hearings to examine abusive practices in Department of Defense contracting for services and inter-agency contracting, after receiving testimony from Marcia G. Madsen, Chair, Jonathan L. Etherton, and James A. (Ty) Hughes, both a Member, all of the Acquisition Advisory Panel; Paul A. Denett, Administrator, Office of Federal Procurement Policy, Office of Management and Budget; and Shay Assad, Director, Defense Procurement and Acquisition Policy, Office of the Under Secretary of Defense for Acquisition, Technology and Logistics.

U.S.-CHINA

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the Department of the Treasury's report to Congress on International Economic and Exchange Rate Policy (IEERP) and the U.S.-China strategic economic dialogue, after receiving testimony from Henry M. Paulson, Secretary of the Treasury; and Richard L. Trumka, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), Michael Campbell, Arch Chemicals, Inc., National Association of Manufacturers, Albert Keidel, Carnegie Endowment for International Peace, and C. Fred Bergsten, Peterson Institute for International Economics, all of Washington, D.C.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported an original resolution (S. Res. 56) authorizing expenditures by the Committee.

Also, committee adopted its rules of procedure for the 110th Congress and announced the following subcommittee assignments:

Subcommittee on Financial Institutions: Senators Johnson (Chairman), Tester, Menendez, Akaka, Reed, Schumer, Bayh, Carper, Hagel, Bennett, Allard, Sununu, Bunning, Crapo, and Dole.

Subcommittee on Housing, Transportation, and Community Development: Senators Schumer (Chairman), Akaka, Casey, Reed, Carper, Brown, Tester, Menendez, Crapo, Dole, Martinez, Allard, Enzi, Hagel, and Sununu.

Subcommittee on Securities, Insurance and Investment: Senators Reed (Chairman), Menendez, Johnson, Schumer, Bayh, Casey, Akaka, Tester, Allard, Enzi, Sununu, Bennett, Hagel, Bunning, and Crapo.

Subcommittee on Security and International Trade and Finance: Senators Bayh (Chairman), Brown, Johnson, Casey, Dodd, Martinez, Enzi, Dole, and Bennett.

Subcommittee on Economic Policy: Senators Carper (Chairman), Brown, and Bunning.

FISCAL CHALLENGES

Committee on the Budget: Committee concluded a hearing to examine solutions to long-term fiscal challenges, after receiving testimony from Robert L. Bixby, The Concord Coalition, Arlington, Virginia; and Joseph J. Minarik, The Committee for Economic Development, Jason Furman, The Brookings Institution, and Stuart M. Butler, The Heritage Foundation, all of Washington, D.C.

PROMOTING TRAVEL TO THE UNITED STATES

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine economic and security concerns relating to promoting travel to America, after receiving testimony from Stevan Porter, InterContinental Hotels Group, Atlanta, Georgia, on behalf of the Discover America Partnership; Jay Rasulo, Walt Disney Parks and Resorts, Burbank, California, on behalf of the Travel Industry Association and the U.S. Travel and Tourism Advisory Board; Jonathan M. Tisch, Loews Hotels, New York, New York, on behalf of the Travel Business Roundtable and the Travel Industry Association; and James C. May, Air Transport Association, Washington, D.C.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following bills:

S. 202, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska;

S. 216, to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico;

S. 220, to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho;

S. 232, to make permanent the authorization for watershed restoration and enhancement agreements;

S. 235, to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima

Project, Washington, to the Yakima-Tieton Irrigation District;

S. 240, to reauthorize and amend the National Geologic Mapping Act of 1992;

S. 241, to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System;

S. 245, to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System;

S. 255, to provide assistance to the State of New Mexico for the development of comprehensive State water plans;

S. 260, to establish the Fort Stanton-Snowy River Cave National Conservation Area, with an amendment;

S. 262, to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area;

S. 263, to amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy;

S. 264, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, with an amendment in the nature of a substitute;

S. 265, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Subbasins in Oregon;

S. 266, to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District;

S. 268, to designate the Ice Age Floods National Geologic Trail;

S. 275, to establish the Prehistoric Trackways National Monument in the State of New Mexico, with amendments;

S. 277, to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision;

S. 283, to amend the Compact of Free Association Amendments Act of 2003;

S. 320, to provide for the protection of paleontological resources on Federal lands;

H.R. 57, to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; and

S. 200, to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska.

BUSINESS MEETING

Committee on Environment and Public Works: On January 17, 2007, Committee announced the following subcommittee assignments:

Subcommittee on Public Sector Solutions to Global Warming, Oversight, and Children's Health Protection: Senators Boxer (Chairman), Lieberman, Carper, Klobuchar, Whitehouse, Alexander, Craig, Bond, and Thomas.

Subcommittee on Transportation and Infrastructure: Senators Baucus (Chairman), Carper, Clinton, Cardin, Sanders, Isakson, Warner, Voinovich, and Vitter.

Subcommittee on Private Sector and Consumer Solutions to Global Warming and Wildlife Protection: Senators Lieberman (Chairman), Baucus, Lautenberg, Sanders, Warner, Thomas, and Isakson.

Subcommittee on Clean Air and Nuclear Safety: Senators Carpers (Chairman), Lieberman, Clinton, Sanders, Voinovich, Isakson, and Alexander.

Subcommittee on Superfund and Environmental Health: Senators Clinton (Chairman), Baucus, Lautenberg, Cardin, Craig, Vitter, and Bond.

Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality: Senators Lautenberg (Chairman), Cardin, Klobuchar, Whitehouse, Vitter, Bond, and Voinovich.

Senators Boxer and Inhofe are ex officio members of each of the Subcommittees.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported an original resolution (S. Res. 59) authorizing expenditures by the Committee.

Also, committee ordered favorably reported the nominations of Michael J. Astrue, of Massachusetts, to be Commissioner of Social Security, and Dean A. Pinkert, of Virginia, and Irving A. Williamson, of New York, each to be a Member of the United States International Trade Commission.

IRAQ

Committee on Foreign Relations: Committee continued hearings to examine securing America's interests in Iraq, focusing on the remaining options in Iraq in the strategic context, receiving testimony from Henry A. Kissinger, Kissinger McLarty Associates, New York, New York, and Madeleine K. Albright, The Albright Group LLC, Washington, D.C., both a former Secretary of State.

Hearings to continue on Thursday, February 1.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 358, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, with an amendment in the nature of a substitute; and

An original resolution (S. Res. 54) authorizing expenditures by the Committee.

Also, committee adopted its rules of procedure for the 110th Congress and announced the following subcommittee assignments:

Subcommittee on Children and Families: Senators Dodd (Chairman), Bingaman, Murray, Reed, Clinton, Obama, Sanders, Alexander, Gregg, Murkowski, Hatch, Roberts, and Allard.

Subcommittee on Employment and Workplace Safety: Senators Murray (Chairman), Dodd, Harkin, Mikulski, Clinton, Obama, Brown, Isakson, Burr, Murkowski, Roberts, Allard, and Coburn.

Subcommittee on Retirement and Aging: Mikulski (Chairman), Harkin, Bingaman, Reed, Sanders, Brown, Burr, Gregg, Alexander, Isakson, and Hatch.

Senators Kennedy and Enzi are ex officio members of each of the Subcommittees.

IRAQ STUDY GROUP REPORT

Committee on the Judiciary: Committee concluded a hearing to examine the Iraq Study Group report, focusing on recommendations for improvements to Iraq's police and criminal justice system, including S. 119, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, after receiving testimony from former Representative Lee H. Hamilton, Co-Chair, and Edwin Meese III, Member, both of the Iraq Study Group.

US-VISIT PROGRAM

Committee on the Judiciary: Subcommittee on Terrorism, Technology and Homeland Security concluded a hearing to examine challenges and strategies for securing the border of the United States, focusing on the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program, and strategic, operational, and technological challenges at land ports of entry, after receiving testimony from Richard C. Barth, Assistant Secretary for Policy Development, and Robert A. Mocny, Acting Director, US-VISIT, both of the Department of Homeland Security; Richard M. Stana, Director, Homeland Security and Justice Issues, Government Accountability Office; Phillip J. Bond, Information Technology Association of America, Arlington, Virginia; and C. Stewart Verdery, Jr., Monument Policy Group, LLC, Washington, D.C.

BUSINESS MEETING

Committee on Rules and Administration: Committee ordered favorably reported an original resolution (S. Res. 63) authorizing expenditures by the Committee and adopted its rules of procedure for the 110th Congress.

SERVICE-DISABLED VETERANS FEDERAL PROCUREMENT AND ASSISTANCE

Committee on Small Business and Entrepreneurship: Committee concluded an oversight hearing to examine Federal small business assistance programs for veterans and reservists, after receiving testimony from Linda Bithell Oliver, Acting Director, Office of Small Business Programs, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; Scott F. Denniston, Director, Office of Small and Disadvantaged Business Utilization and the Center for Veterans Enterprise, Department of Veterans Affairs; William D. Elmore, Associate Administrator for Veterans Business Development, U.S. Small Business Administration; Louis J. Celli, Jr., Northeast Veteran's Business Resource Center, Inc., Boston, Massachusetts; Captain Ann S. Yahner, USN (Ret.), Penobscot Bay Media, LLC, Camden, Maine; Bob Hesser, HI Tech Services, Inc., and Allied Technical Services Group, LLC, Herndon, Virginia; and Ted Daywalt, VetJobs, Marietta, Georgia.

MEDICARE PART D

Special Committee on Aging: Committee concluded a hearing to examine if Medicare Part D is working for Low Income Subsidy (LIS) eligible beneficiaries, after receiving testimony from S. Lawrence Kocot, Senior Advisor to the Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Beatrice Disman, New York Regional Commissioner of Social Security, Social Security Administration; and Howard Bedlin, National Council on Aging, and Ellen Leitzer, Health Assistance Partnership, both of Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 55 public bills, H.R. 740–794; 2 private bills, H.R. 795–796; and 12 resolutions, H.J. Res. 21; H. Con. Res. 48–52; and H. Res. 117–123 were introduced. **Pages H1149–52**

Additional Cosponsors: **Pages H1152–54**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Pomeroy to act as Speaker Pro Tempore for today. **Page H1057**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Dr. John F. Ross, Pastor, Wayzata Community Church, Wayzata, Minnesota. **Page H1057**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, January 30:

Supporting the goals and ideals of National Engineers Week: H. Res. 59, to support the goals and ideals of National Engineers Week, by a ⅔ yea-and-nay vote of 417 yeas with none voting "nay," Roll No. 64; **Pages H1068–69**

Honoring the life of Percy Lavon Julian, a pioneer in the field of organic chemistry research and development and the first and only African American chemist to be inducted into the National Academy of Sciences: H. Con. Res. 34, to honor the life of Percy Lavon Julian, a pioneer in the field of organic chemistry research and development and the first and only African American chemist to be inducted into the National Academy of Sciences, by a ⅔ yea-and-nay vote of 418 yeas with none voting "nay," Roll No. 65; and **Pages H1069–70**

Expressing support for the designation and goals of "Hire a Veteran Week" and encouraging the President to issue a proclamation supporting those goals: H. Con. Res. 5, to express support for the designation and goals of "Hire a Veteran Week" and encourage the President to issue a proclamation supporting those goals, by a ⅔ yea-and-nay vote of 411 yeas with none voting "nay," Roll No. 73. **Page H1113**

Congressional Advisers on Trade Policy and Negotiations: The Chair announced the Speaker's appointment of the following Members of the House of Representatives as Congressional Advisers on Trade Policy and Negotiations: Representatives Rangel, Levin, Tanner, McCrery, and Herger. **Page H1071**

Committee on Ways and Means Recommendations: Read a letter from Chairman Rangel of the Committee on Ways and Means wherein he forwarded the Committee's recommendations for certain positions for the 110th Congress. **Page H1071**

Question of Consideration: The House agreed to consider H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, by a recorded vote of 222 ayes to 179 noes, Roll No. 68. The House further agreed to the Obey motion to table the motion to reconsider the vote, by a recorded vote of 226 ayes to 180 noes, Roll No. 69. **Pages H1071–88**

Making further continuing appropriations for the fiscal year 2007: The House agreed to H.J. Res. 20, to make further continuing appropriations for the fiscal year 2007, by a recorded vote of 286 ayes to 140 noes, Roll No. 72. **Pages H1059–68, H1070–H1113**

Agreed to the Obey motion to table the appeal of the ruling of the chair on a point of order raised by Mr. McHenry, by a yea-and-nay vote of 226 yeas to 184 nays, Roll No. 70. **Pages H1088–89**

Rejected the Lewis (CA) motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with amendments, by a yea-and-nay vote of 196 yeas to 228 nays, Roll No. 71. **Pages H1110–12**

H. Res. 116, the rule providing for consideration of the resolution, was agreed to by a recorded vote of 225 ayes to 191 noes, Roll No. 67, after agreeing to order the previous question by a yea-and-nay vote of 227 yeas to 192 nays, Roll No. 66. **Pages H1070–71**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, February 7. **Page H1116**

Speaker Pro Tempore: Read a letter from the speaker wherein she appointed Representative Hoyer and Representative Van Hollen to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 5, 2007. **Page H1143**

Quorum Calls—Votes: Six yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H1068–69, H1069–70, H1070, H1070–71, H1087, H1088, H1089, H1111–12, H1112–13 and H1113. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 7:59 p.m., pursuant to the provisions of H. Con.

Res. 41, stands adjourned until 2 p.m. on Monday, February 5, 2007.

Committee Meetings

ARMY EQUIPMENT RESET

Committee on Armed Services: Subcommittee on Air and Land Forces and the Subcommittee on Readiness held a joint hearing on Army equipment reset. Testimony was heard from the following officials of the Department of Defense: MG Vincent E. Boles, USA, Assistant Deputy Chief of Staff, G–4; BG Charles A. Anderson, USA, Director, Force Development, Office of the Chief of Staff, G–8; BG Robert M. Radin, USA, Deputy Chief of Staff, Logistics and Operations, U.S. Army Materiel Command; and Thomas E. Mullins, Deputy Assistant Secretary of the Army, Plans, Programs, and Resources; and William M. Solis, Director, Defense Capabilities and Management Team, GAO.

NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT IMPLEMENTATION

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on the Department of Energy's implementation of the National Nuclear Security Administration Act of 2000. Testimony was heard from Samuel W. Bodman, Secretary of Energy; and the following officials of the Natural Resources and Environment Division, GAO: Gene Aloise, Director; and James Noel, Assistant Director.

SPECIAL OPERATIONS FORCES

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on current manning, equipping and readiness challenges facing Special Operations Forces. Testimony was heard from the following officials of the Department of Defense: GEN Doug Brown, USA, Commander, U.S. Special Operations Command; LTG Robert W. Wagner, USA, Commander, U.S. Army Special Operations Command; RADM Joseph Maguire, USN, Commander, U.S. Naval Special Warfare Command; LTG Michael M. Wooley, USAF, Commander, U.S. Air Force Special Operations Command; and MG Dennis J. Hejlik, USMC, Commander, U.S. Marine Corps Special Operations Command.

STRENGTHENING THE MIDDLE CLASS

Committee on Education and Labor: Held a hearing on Strengthening America's Middle Class: Evaluating the Economic Squeeze on America's Families. Testimony was heard from public witnesses.

COMMITTEE ORGANIZATION

Committee on Financial Services: Met for organizational purposes.

IRAN CRISIS

Committee on Foreign Affairs: Held a hearing on Understanding the Iran Crisis. Testimony was heard from public witnesses.

OVERSIGHT—PRESIDENTIAL SIGNING STATEMENTS

Committee on the Judiciary: Held an oversight hearing entitled "Presidential Signing Statements under the Bush Administration: A Threat to Checks and Balances and the Rule of Law?" Testimony was heard from John Elwood, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice; former Representative Mickey Edwards of Oklahoma; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Science and Technology: Ordered reported the following measures: H.R. 547, as amended, Advanced Fuels Infrastructure Research and Development Act; and H. Res. 72, Recognizing the work and accomplishments of Mr. Britt "Max" Mayfield, Director of the National Hurricane Center's Tropical Prediction Center upon his retirement.

COMMITTEE ORGANIZATION; OVERSIGHT PLAN

Committee on Small Business: Met for organizational purposes.

The Committee also approved an Oversight Plan for the 110th Congress.

FEDERAL RAILROAD SAFETY PROGRAM REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Railroads, Pipelines, and Hazardous Materials concluded hearings on Reauthorization of the Federal Rail Safety Program. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment approved for full Committee action the following bills: H.R. 720, Healthy Communities Water Supply Act of 2007; H.R. 569, as amended, Water Quality Investment Act of 2007; and H.R. 700, as amended, Water Quality Financing Act of 2007.

MIDDLE CLASS ECONOMIC CHALLENGES

Committee on Ways and Means: Held a hearing on the Economic Challenges Facing Middle Class Families. Testimony was heard from Peter R. Orszag, Director, CBO; and public witnesses.

Joint Meetings

MIDDLE-CLASS PROSPERITY

Joint Economic Committee: Committee concluded a hearing to examine ensuring the economic future by promoting middle-class prosperity, after receiving testimony from Robert E. Rubin, Citigroup, New York, New York, and Lawrence H. Summers, Harvard University, Cambridge, Massachusetts, both a former Secretary of the Treasury; Alan S. Blinder, Princeton University, Princeton, New Jersey; and Richard Vedder, Ohio University, Athens, American Enterprise Institute.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 1, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the nomination of Gen. George W. Casey Jr., USA, for reappointment to the grade of general and to be Chief of Staff, United States Army, 9:30 a.m., SR–325.

Committee on the Budget: to hold hearings to examine the current account deficit and the foreign debt of the United States, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: to hold hearings to examine a view from the Federal Communications Commission relating to assessing the communications marketplace, 10 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine accelerated biofuels diversity, focusing on how home-grown, biologically derived fuels can blend into the nation's transportation fuel mix, 9:30 a.m., SDG–50.

Committee on Finance: to hold hearings to examine improving the health of America's children relating to the future of Children's Health Insurance Program (CHIP), 10 a.m., SD–215.

Committee on Foreign Relations: business meeting to consider an original resolution authorizing expenditures by the committee during the 110th Congress; to be followed by a hearing to examine securing America's interests in Iraq, focusing on the remaining options in Iraq in the strategic context, 9:15 a.m., SH–216.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine privacy implications of the Federal government's health information technology initiative relating to private health records, focusing on the efforts of Department of Health and Human Services to integrate privacy into the Health Information Technology national infrastructure and Office of Personnel Management's efforts to expand the use of Health Information Technology through the Federal Employees Health Benefits Program and the impact such actions have on Federal employees' health information privacy, 2:30 p.m., SD–342.

Committee on Indian Affairs: to hold hearings to examine the nomination of Carl Joseph Artman, of Colorado, to be an Assistant Secretary of the Interior for Indian Affairs; to be followed by a business meeting to consider the nomination, 9:30 a.m., SR–485.

Select Committee on Intelligence: to hold hearings to examine the nomination of J. Michael McConnell, of Virginia, to be Director of National Intelligence, 2:30 p.m., SD–106.

Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

No Committee meetings are scheduled.

Next Meeting of the SENATE

10 a.m., Thursday, February 1

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 11:45 a.m.), Senate will begin consideration of the nominations of Lawrence Joseph O'Neill, of California, to be United States District Judge for the Eastern District of California, Valerie L. Baker, of California, to be United States District Judge for the Central District of California, and Gregory Kent Frizzell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma, and after a period of debate vote on confirmation of the nominations; following which, Senate will continue consideration of H.R. 2, Fair Minimum Wage.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, February 5

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Fattah, Chaka, Pa., E224
Kucinich, Dennis J., Ohio, E223
Lewis, Ron, Ky., E223
Pelosi, Nancy, Calif., E223

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